

PENN TOWNSHIP  
CHESTER COUNTY, PENNSYLVANIA  
ORDINANCE NO. 2019-1

An Ordinance of the Board of Supervisors of Penn Township, Chester County, Pennsylvania, repealing and replacing the Penn Township Zoning Ordinance of 1968, as amended, in its entirety, and repealing and replacing the Penn Township Zoning Map, as amended, establishing the following: Article I: Introduction; Article II: Terminology; Article III: Establishment of Districts; Article IV: RA Residential Agricultural District; Article V: RS Residential Suburban District; Article VI: RHD Residential High Density District; Article VII: IOS Institutional Open Space District; Article VIII: MHP Mobile Home Park District; Article IX: IR-Institutional Residential District; Article X: VC Village Commercial District; Article XI: C Commercial District; Article XII: LI Limited Industrial District; Article XIII: Natural Resource Standards; Article XIV: Historic Resource Standards; Article XV: Supplemental Use Standards; Article XVI: General Standards; Article XVII: Sign Standards; Article XVIII: Nonconforming Buildings, Structures, Uses, and Lots; Article XIX: Administration and Enforcement; Article XX: Zoning Hearing Board; Article XXI: Amendments; Appendix: Zoning Map, Public Water Service Area Map

Be it ordained by the Board of Supervisors of Penn Township, Chester County, Pennsylvania, does hereby **ENACT** and **ORDAIN**:

**SECTION I: Amendment to the Penn Township Zoning Ordinance of 1968, as Amended**

The Penn Township Zoning Ordinance of 1968, as amended, shall be repealed in its entirety and replaced with the Penn Township Zoning Ordinance of 2019, attached hereto as Exhibit "A".

**SECTION 2: Amendment to the Penn Township Zoning Map, as Amended**

The Penn Township Zoning Map, as amended, which is attached to the Penn Township Zoning Ordinance of 1968, as amended, is hereby repealed and replaced with the Penn Township Municipal Zoning Map, attached hereto as Exhibit "B".

**SECTION 3. Severability**

If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, section or part hereof. It is hereby declared as the intent of the Board of the Supervisors of Penn Township that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

**SECTION 4. Repealer**

All Ordinances or part of Ordinances conflicting with any provision of this Ordinance are hereby repealed insofar as the same affects this Ordinance.

**SECTION 5. Effective Date**

The Ordinance shall become effective in five (5) days from the date of enactment.

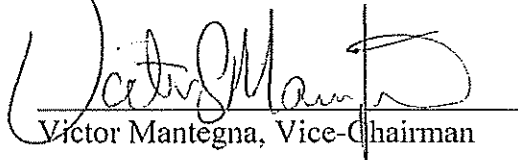
**ENACTED AND ORDAINED** this 1<sup>st</sup> day of May, 2019 by the Board of Supervisors of Penn Township.

**BOARD OF SUPERVISORS  
PENN TOWNSHIP**

By:



Curtis A. Mason, Sr. Chairman



Victor Mantegna, Vice-Chairman

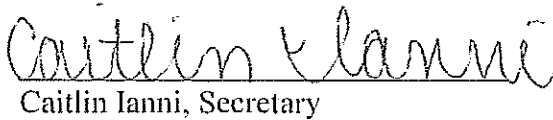


William O'Connell, Member

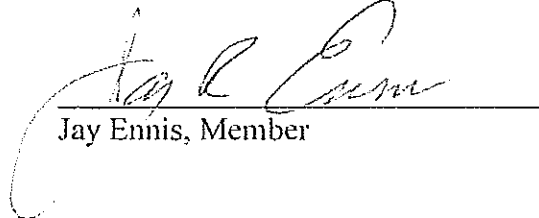
ATTEST:



William K. Bryson, Member



Caitlin Ianni, Secretary



Jay Ennis, Member

## **NOTICE OF ORDINANCE ADOPTION – CHALLENGE OPPORTUNITY**

The Board of Supervisors of Penn Township is providing public notice of the opportunity to challenge the validity of the herein described Ordinance on the basis that a defect in procedure, as permitted under Section 1002-A(b) or 1002.1-A, of the PA Municipalities Planning Code, resulted in a deprivation of constitutional rights, and to provide a period of limitation to raise such challenges.

The Board of Supervisors of Penn Township is providing this Notice for Adoption of Ordinance No. 2019-01, adopted on May 15, 2019, which includes the following:

An Ordinance of the Board of Supervisors of Penn Township, Chester County, Pennsylvania, repealing and replacing the Penn Township Zoning Ordinance of 1968, as amended, in its entirety, and repealing and replacing the Penn Township Zoning Map, as amended, establishing the following: Article I: Introduction; Article II: Terminology; Article III: Establishment of Districts; Article IV: RA Residential Agricultural District; Article V: RS Residential Suburban District; Article VI: RHD Residential High Density District; Article VII: IOS Institutional Open Space District; Article VIII: MHP Mobile Home Park District; Article IX: IR-Institutional Residential District; Article X: VC Village Commercial District; Article XI: C Commercial District; Article XII: LI Limited Industrial District; Article XIII: Natural Resource Standards; Article XIV: Historic Resource Standards; Article XV: Supplemental Use Standards; Article XVI: General Standards; Article XVII: Sign Standards; Article XVIII: Nonconforming Buildings, Structures, Uses, and Lots; Article XIX: Administration and Enforcement; Article XX: Zoning Hearing Board; Article XXI: Amendments; Appendix: Zoning Map, Public Water Service Area Map.

This publication is intended to provide notification of ordinance enactment. Any person claiming a right to challenge the validity of the ordinance must bring legal action within 30 days of the publication of the second notice described herein.

The full text of the ordinance and the map are available for review at no charge, and copies may be obtained for a charge not greater than the cost thereof, at the Penn Township Municipal Building, 260 Lewis Road, West Grove, PA during their normal business hours. If you are a person with a disability or need special services or facilities, contact Penn Township at 610-869-9620.

R. Samuel McMichael, Esquire  
Solicitor for Penn Township

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## **APPENDIX**

**PENN TOWNSHIP ZONING MAP**

**PUBLIC WATERLAY OVERLAY DISTRICT MAP**

## *Article 1: Introduction*

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### **SECTION 100. TITLE**

This ordinance shall be known and may be cited as the “Penn Township Zoning Ordinance of 2019”.

### **SECTION 101. AUTHORITY AND PURPOSE**

- A. Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended, grants municipalities the power to enact, amend and repeal zoning ordinances to implement comprehensive plans and to accomplish the purposes and community development objectives set forth herein.
- B. Penn Township has enacted this Ordinance under and pursuant to Act 247 and in accordance with the Township Comprehensive Plan and an overall program to maintain and enhance the character of the Township and the suitability of its various parts for particular uses, buildings, and structures, in order to promote, protect, and facilitate general public health, safety, and welfare, coordinated and practical community development through a balance of development and facilities, and proper density of population through standards including, but not limited to, provision of: adequate light and air; suitable vehicle parking and loading; safe and efficient vehicle, bicycle, and pedestrian travel; safe, reliable, and adequate water and sewer facilities; adequate recreation, open space, and other public facilities; protection of prime agricultural areas and farmland; preservation of natural, scenic, and historic resources; and opportunities for development of a variety of residential dwelling types and non-residential uses.

### **SECTION 102. COMMUNITY DEVELOPMENT OBJECTIVES**

This Ordinance is enacted to implement the spirit and intent of the Township Comprehensive Plan, as amended, the purpose set forth in Section 101, and other applicable codes, ordinances, or studies, based on the following goals of the Township Comprehensive Plan:

- A. Strengthen the community by planning for, accommodating, and managing the use of land in a manner that provides for a balance and range of uses, meets the needs of current and future residents, and establishes a balance between growth, protection of resources, and preservation of community character.
- B. Provide for adequate, safe, and diverse housing to accommodate current and future residents in a manner compatible with existing development and which is supported with the necessary infrastructure.
- C. Protect, restore, and maintain natural resource features, landscapes, and functions to sustain ecosystems, public health, and quality of life.

- D. Acknowledge the value and importance of the historic and scenic resources of the community and protect these resources from destruction and encroachment of incompatible development.
- E. Promote a safe, effective, and diversified circulation system that addresses current and future needs in coordination with land use planning.
- F. Provide community facilities and services, within the constraints of available fiscal resources, which are commensurate with current and future needs of the community.
- G. Promote the establishment and maintenance of, and programming for, a network of park and recreation facilities, and permanently protect open space to provide public health, ecological, economic, and quality of life benefits.
- H. Encourage energy conservation and the effective utilization of renewable energy resources to reduce energy costs and environmental impacts.
- I. Encourage communication and cooperative planning efforts with adjacent communities and other public or private entities.

### **SECTION 103. SCOPE, INTERPRETATION, AND EFFECTIVE DATE**

- A. This Ordinance shall establish the following controls:
  - 1. Land shall be developed, used, or occupied, and structures shall be constructed, altered, used, occupied, or demolished in accordance with provisions of this Ordinance.
  - 2. Uniform regulations. The provisions established by this Ordinance within each zoning district shall apply uniformly to each class or type of structure or land.
  - 3. New uses and structures. As of the effective date of this Ordinance, any new structure or land shall be constructed, developed, occupied, and used in accordance with the provisions of this Ordinance and other ordinances as applicable.
  - 4. Existing uses, structures, lots, or signs. As of the effective date of this Ordinance, any existing use, structure, lot, or sign that is not in conformity with applicable provisions of this Ordinance shall be deemed nonconforming and subject to Article XVIII.
- B. Ordinance provisions shall be interpreted, applied, and administered in such a manner as to facilitate attainment of the purpose of this Ordinance in Section 101 and objectives of this Ordinance in Section 102.
- C. This Ordinance shall become effective five (5) days after its adoption, after which any use, improvement, and development of all structures and land, or portions thereof, shall be subject to the provisions of this Ordinance. Any existing building, structure, use, lot, or sign that is not in conformance with this Ordinance shall meet Subsection A.4.

### **SECTION 104. CONFLICT**

It is not intended by this Ordinance to repeal, abrogate, annul, or interfere with any existing ordinance or enactment, or with any rule, regulation or permit adopted or issued thereunder except insofar as the same may be inconsistent or in conflict with any of the provisions of this Ordinance.



Where this Ordinance imposes greater restrictions on the use of structures or land, height or bulk of structures, prescribes larger open spaces or parklands, or other applicable provisions then the provisions of this Ordinance shall control.

**SECTION 105.      VALIDITY AND SEVERABILITY**

Should any section or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of this Ordinance as a whole or in part.

**SECTION 106.      REPEALER**

All other Township ordinances or parts thereof that are in conflict herewith are hereby repealed.

## *Article 99: Terminology*

### **SECTION 200. GENERAL INTERPRETATION OF TERMS**

Unless otherwise expressly stated, the following words and phrases shall be construed throughout this Ordinance to have the meaning indicated herein, and the following shall apply:

- A. The present tense shall include the future, the singular shall include the plural and plural the singular, the masculine gender shall include the feminine and neuter.
- B. The word "Township" shall mean Penn Township, Chester County, Pennsylvania.
- C. The term "Board of Supervisors" or "Supervisors" shall mean Penn Township Board of Supervisors.
- D. The term "Zoning Hearing Board" shall mean Penn Township Zoning Hearing Board.
- E. The words "person", "party", and "entity" shall be interchangeable and include any individual, partnership, association, organization, limited liability company, firm, or corporation.
- F. The word "used" shall include the words "designed, arranged, or intended to be used".
- G. The word "occupied" shall include the words "designed, or intended to be occupied".
- H. The words "shall" or "must" indicate a mandatory requirement.
- I. The word "herein" shall refer to the regulations of the full Zoning Ordinance.
- J. The word "Ordinance" shall refer to Penn Township Zoning Ordinance, as amended, unless otherwise specified.

### **SECTION 201. DEFINITION OF TERMS**

Undefined terms. In cases where definitions do not appear for terms and disagreement arises as to meaning of terms, the definition that shall govern shall be that derived from the American Heritage Dictionary of the English Language, 5th Edition.

Illustrations. Illustrations referenced herein so far, they are within this Article and are intended as visual examples only.

Terminology in this Ordinance shall be defined as follows:

**ABANDONMENT:** The voluntary or involuntary relinquishment of a use, property, or structure for a contiguous period of one (1) year or more. Commercial or Industrial abandonment shall be measured from the date of the last recorded sale or regular occupancy, whichever occurs first. Residential abandonment shall be measured from the last date of regular occupancy.

**ACCESSORY DWELLING UNIT:** A self-contained dwelling unit that results from either the conversion of an existing accessory structure into a dwelling unit, the creation of a separate dwelling unit within part of an existing single-family detached dwelling unit, or the construction of a new dwelling unit in a new accessory structure. An accessory dwelling unit shall be complete with food preparation and bathroom facilities, have direct access to the outdoors, be accessory to the existing primary use on the property, and have a permanent foundation. Either the accessory dwelling unit or the principal use shall be occupied by the owner of the property. The term accessory dwelling unit shall not include a mobile home as defined in this Article.

**ACCESSORY USE or STRUCTURE:** A use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure. An accessory structure shall not be permitted to become an additional principal use or structure on the lot.

**ACRE or ACRE, GROSS:** A unit of land equaling forty three thousand five hundred sixty (43,560) square feet.

**ACRE, NET:** See LOT AREA, NET

**ACT 167 of 1961:** The Pennsylvania "Historic District Act" of 1961, as amended.

**ACT 167 of 1978:** The Pennsylvania "Storm Water Management Act" of 1978, as amended.

**ACT 247:** The Pennsylvania "Municipalities Planning Code" of 1968, as amended.

**ADAPTIVE REUSE:** A historic resource which undergoes a process of rehabilitation, thus making possible a compatible new use for the property, (through repair, alteration, and additions) and retaining the historic character of the property by retention of distinctive material, features, spaces and spatial relationships of the structure that convey its historical, cultural, or architectural value.

**ADULT USE:** An enterprise operated for profit, whether direct or indirect, that is distinguished or characterized by its emphasis on matters or activities depicting, describing or relating to sexual activities or sexual anatomical areas and, in conjunction therewith, may have facilities for the presentation of sexual entertainment for observation by patrons. This enterprise may include such activities as observation by patrons; adult bookstores; adult motion-picture theaters; adult mini-motion picture theaters; premises with booths, cubicles, or rooms. Also included are studios and the like for patrons to individually view motion pictures or live adult entertainers; and any premises used or represented as an adult entertainment studio, music studio, exotic dance studio, encounter studio, sensitivity studio, modeling studio or any other term of like import.

**ADVERSE IMPACTS:** Impacts which result from development, construction activity, or actions which result in degraded settings or other physical changes in appearance that diminish or destroy the physical nature or scenic quality of an area or view, or materially increase levels or alter the character of traffic, noise, glare, fumes, or odor on or emanating from a property or use.

**AGRICULTURAL BUILDING:** An accessory building used for an agricultural use, including but not limited to storing agricultural equipment, farm produce or products, housing livestock or poultry, or processing dairy products.

**AGRICULTURAL OPERATION:** An enterprise that is actively engaged in the commercial production and preparation for market of crops, livestock, and livestock products and in the production, harvesting, and preparation for market or use of agricultural, agronomic, horticultural,

silvicultural, and aquacultural crops and commodities. The term includes an enterprise that implements changes in production practices and procedures or types of crops, livestock, livestock products, or commodities produced consistent with practices and procedures that are normally engaged by farmers or are consistent with technological development in the agricultural industry.

**AGRICULTURE:** Activities involving the raising of food and plants and management of poultry, equine, and livestock. The right to conserve protect and encourage the development and improvement of agricultural land for the production of food and other agricultural products is recognized. Intensive and non-intensive agriculture may coexist upon the same tract of land. Those portions of a tract dedicated to intensive agriculture shall be addressed separately and deemed a separate and distinct use

- A. **AGRICULTURE, NON-INTENSIVE:** The customary growing and harvesting of agricultural, agronomic, horticultural, silvicultural, and aquacultural crops, including nurseries, horticulture, commercial greenhouses, forestry, the raising of livestock, and equine activities, excluding intensive agriculture as defined herein. Non-Intensive agriculture envisions a demand for substantial areas of land and, by reason of disbursed activity, generally will present few environmental problems, such as water runoff, animal waste concentrations, and the like.
- B. **AGRICULTURE, INTENSIVE:** Agriculture uses involving, but not to limited to: raising poultry, mushroom production, fattening pens, enclosed feed lots, slaughterhouses, pig/hog facilities, or agricultural production having a density that meets either of the Environmental Protection Agency's definition for Concentrated Animal Feeding Operations (CAFOs) or the Commonwealth of Pennsylvania's definition for Concentrated Animal Operations (CAOs). The hallmarks of intensive agriculture may include one (1) or more of the following: relatively small lot areas, strong offensive odors, substantial water runoff, large concentrations of animal waste, substantial noise, or extensive use of chemical, compost and manure piles, as well as the land application of sewage sludge.

**ALLEY:** A minor right-of-way providing secondary vehicular service access to the rear or side of two (2) or more properties that otherwise abut a street.

**ALLUVIAL SOILS:** Soils transported and deposited by flowing water, which consist of or are formed by material such as gravel, sand, silt, or clay, show little or no modification of the original material by soil-forming processes, and are identified by the U.S. Natural Resources Conservation Service (NRCS).

**ANIMAL RESCUE:** The keeping of more than six (6) dogs or more than (6) cats or other domestic animals, or a combination thereof equaling more than ten (10) domestic animals, this includes those which are lost, stray, unwanted, unlicensed, or unowned, whether or not the use is for the purpose of eventual adoption of the animals or is run as a person, for-profit, or non-profit operation. Animal Rescue uses shall be operated in accordance with procedures accepted by animal rights groups such as the Society for the Prevention of Cruelty to Animals (SPCA) and the applicable State Laws concerning such.

**ANTENNA:** Any system of wires, rods, discs, panels, flat panels, dishes, whips, or other similar devices used for the transmission or reception of wireless signals, which may include an omnidirectional antenna (rod), directional antenna (panel), parabolic antenna (disc), or any other wireless antenna.

**ANTENNA, COMMUNICATION:** An antenna, its support structure (see ANTENNA SUPPORT STRUCTURE), related communication equipment, and accessory buildings, to transmit, receive, or relay communication signals, which is licensed by the Federal Communications Commission (FCC) for the purpose of television, radio, or telephone communication. Such use includes digital, cellular, television, radio, microwave, wireless, or similar technology.

**ANTENNA HEIGHT:** The vertical distance measured from grade to the highest point of the antenna and its support structure. If the antenna support structure is on a sloped grade, the lowest grade shall be used in calculating antenna height.

**ANTENNA, PERSONAL:** An antenna, and its support structure (see ANTENNA SUPPORT STRUCTURE), to receive television and radio frequency signals for personal use and that is not used for commercial broadcasting or communication purposes, but which shall include ham and citizen band radio antennae used by an amateur radio operator.

**ANTENNA SUPPORT STRUCTURE:** Any pole, telescoping mast, tower, tripod, building, or other structure that provides support for an antenna.

**ANTENNA and ANTENNA SUPPORT STRUCTURE STEALTH TECHNOLOGY:** Camouflaging methods applied to antennas and antenna support structures, and related facilities that render them more compatible in blending with the existing visual backdrop in such manner as to make them minimally visible to the casual observer. Such methods include, but are not limited to, architecturally screened roof-mounted Antennae, building-mounted Antennae painted to match the existing structure, and Antenna and support structures constructed to resemble trees, shrubs, lights, and flag poles.

**APARTMENT:** See DWELLING, MULTI-FAMILY.

**APPLICANT:** A landowner, developer, or authorized agent, including heirs, executors, administrators, successors, and assigns, who has filed an application to the Township for zoning, subdivision, land development, or like items under the Township Code, Act 247, or other standard.

**APPLICATION FOR DEVELOPMENT:** Every application, whether preliminary, tentative or final, required to be filed and approved before the start of construction or development, including but not limited to an application for a building permit, demolition, permit, subdivision plot plan, or land development plan.

**APPLICATION:** The term includes the application form and such plans, documents, and information as required per and in association with such form, as well as related fees and financial securities. All applications shall be endorsed by the legal owner and equitable owner of the site or property in question.

**AQUIFER:** A geological formation, part thereof, or group of formations that contains sufficient saturated, permeable material to yield useful quantities of groundwater to wells and springs.

**AREA AND BULK REGULATIONS:** Standards pertaining to the height, density, intensity, and location of structures, including, but not limited to lot area, yard setback, and building coverage.

**ASSISTED-LIVING COMMUNITY:** A facility, or dwelling unit within such facility or community supervised by full-time staff in which around-the-clock services are provided to residents as intermittent assistance in maintaining daily living needs of hygiene, cooking, cleaning, mobility,

recreation, general safety, and the like. This use does not include drug or alcohol rehabilitation, medical, long-term, or nursing care.

**AUTHORITY:** A political body and corporate policy created pursuant to the Municipality Authority's Act of 1945, as amended (P.L. 382, No. 164).

**AUTOMOTIVE REPAIR:** Any property used for auto repair services, which may also include, assembly, painting, body, and fender work, customizing, and detailing, but shall not include the sale of junked vehicles or equipment, or parts thereof, or the storage for sale of new or used automobiles and other motor vehicles.

**AUTOMOTIVE SALES:** Any property used for the principal use of the display, sale, lease, or rental of new or used automobiles, panel trucks, vans, trailers, recreational vehicles or equipment, or automotive accessories. Such use may include warranty repair work or other repair service as an accessory use, but shall not include the sale of junked vehicles, used vehicle parts, or equipment or parts thereof, auto painting, body and fender work, customizing, and detailing.

**AUTOMOTIVE FUELING STATION:** Any property used for the principal use of retail sale of vehicular fuels. Such use may also involve as an accessory use the sale of related automotive products and parts, servicing of vehicles, vehicle washing facility, a CONVENIENCE STORE, or vehicle leasing, but shall not include the sale of junked vehicles or equipment or parts thereof, auto painting, body and fender work, customizing, and detailing, or the storage for sale of new or used motor vehicles. Any business or industry dispensing gasoline for its own use and vehicles are not deemed to be an automotive service station.

**AWNING:** A permanent roof-like structure, supported by a wall of a building generally above an entrance or window, but having no relationship to the building's roof, generally designed and constructed for protection against the weather.

**BANK OR FINANCIAL INSTITUTION.** Any building wherein the primary occupation and use is concerned with such regulated businesses as banking, savings, loaning, mortgages, and investing.

**BASEFLOW:** The portion of stream flow derived from groundwater charge. The sustained stream flow that does not result from direct water runoff or from water diversions, reservoir releases, piped discharges, or other human activities.

**BASEMENT:** Any enclosed area of a building having its floor, completely or partly, below ground level on all sides. A basement shall be considered a building story if the height of at least two (2) perimeter walls is five (5) feet or more above grade.

**BED AND BREAKFAST HOME/GUEST HOUSE:** An owner-operated Dwelling that is an identified historic resource providing not more than three (3) guest rooms in existing rooms in the historic resource for temporary overnight lodging, breakfast, and afternoon tea.

**BED AND BREAKFAST INN:** An identified historic resource providing not more than ten (10) guest rooms in existing rooms in the historic resource for temporary overnight lodging, breakfast, and afternoon tea/snacks. The tract on which such use is located shall be also occupied by such use's owner/lessee. Facilities having more than ten (10) guest rooms are deemed Hotels or Motels and are regulated as such.

**BEER GARDEN OR SPECIAL EVENT:** Any activity and/or use at or on a property for which a special class “B” licensee is obtained or any other license permitted by the PA Liquor Control Board not within the primary and ordinary course of a licensee’s business location, including but not limited to promotions days, celebrations, festivals and/or any other activity open to the general public and/or other similar events. This use is limited to not more than one such activity quarterly, not to exceed forty-eight (48) hours.

**BEST MANAGEMENT PRACTICES (BMPS):** Methods, measures, facilities, or practices to manage surface water runoff, water pollution, and groundwater recharge, including but not limited to, structural and nonstructural controls and operation and maintenance procedures.

**BEST MANAGEMENT PRACTICES, GREEN TECHNOLOGY:** Practices that combine biological and ecological concepts for the management of stormwater, and that are landscape-based and integrated into the natural environment and/or that incorporate natural site features. Such practices include, but are not limited to, filter strips or stormwater filtering systems (e.g., bioretention facilities, sand filters), open vegetated channels (dry or wet swales), riparian forested buffers, natural retention ponds, and rain gardens.

**BILLBOARDS:** See SIGNS

**BIORETENTION:** A practice whereby planted open space is utilized as a stormwater management technique for holding, infiltrating, evaporating, and transpiring water.

**BLOCK:** An area of land bounded on all sides by any combination of streets, public lands, railroad rights-of-way, waterways, municipal boundaries, or other barrier to the continuity of development.

**BOARDING OR ROOMING HOUSE:** A dwelling in which lodging for rent is offered for no less than two (2) and no more than six (6) rooms, whether or not meals or kitchen access is furnished to lodgers, and in which no transient guests (e.g. guests staying at the Dwelling for a period of less than thirty (30) consecutive days) are accommodated and no public restaurant is maintained.

**BREWERY:** A facility in which beer, wine or other alcoholic beverages are brewed, fermented, or distilled for distribution and consumption, and which possesses the appropriate license from the Pennsylvania Liquor Control Board. Onsite consumption of the beverage may occur in a tasting room. No preparation or service of food and/or entertainment is permitted within any structure or on any property on which a brewery is located. The licensee may sell only alcoholic beverages produced onsite and/or beverages produced by other licensees for the production of alcoholic beverage produced in Pennsylvania. For purposes of this Ordinance, the term “Brewery” shall include wineries, distilleries, cideries, meaderies and other producers of alcoholic beverages for sale and distribution. A brewery shall not warehouse any not alcoholic beverages produced in the Commonwealth of Pennsylvania. Any use not meeting the requirements of a brewery pub or brew-pub shall be considered a brewery

**BREWERY, CRAFT:** A small, independent, and traditional brewery with an annual production of less than six million U.S. beer barrels as defined by the American Brewers Association.

**BREWERY, MICRO:** A brewery that produces less than fifteen thousand barrels of beer per year with seventy-five (75%) percent or more of its beer sold off-site.

**BREWERY, NANO:** A very small brewery, defined by having a less than four U.S. beer barrels (470 L) brew system.

**BREW PUB:** A combined brewery and restaurant that sells twenty-five (25%) percent or more of its brewed beer onsite. The beer is brewed primarily for sale in the restaurant. The beer is often dispensed directly from the brewers' storage tanks. Beer may be sold to go.

**BUFFER:** A designated area of land between two uses or between a use and lot line on which is located a visual barrier of sufficient height and density as to appropriately limit views of a property or use by some combination of construction design, introduction of landscape buffer, planting strip, and/or maintenance practices that shall be permanently maintained. This may also be known as "Buffer Area", "Landscape Buffer" or "Landscape Buffer Area".

**BUFFER, RIPARIAN:** See RIPARIAN BUFFER

**BUILDING:** A combination of materials to form a permanent structure having walls and a roof, and intended for housing, sheltering, or enclosure of persons, animals, or property. Included shall be all manufactured or mobile homes to be used for human habitation.

**BUILDING COVERAGE:** The relation of the total ground floor area of all buildings on a lot to the total area of the lot on which they are located.

**BUILDING ELEVATION:** Any exterior wall of a building

**BUILDING FAÇADE:** The front exterior wall of a building where the main entrance is located.

**BUILDING HEIGHT:** The vertical distance measured from the mean level of the finished grade surrounding the building to the highest flat surface of a flat roof, or the mean level of a sloped roof, provided that chimneys and spires shall not be included in measuring the height. Elevators, stairs and equipment, penthouses, tanks, and air conditioning towers shall not be included. The height shall be measured from finished grade but such measurements shall not be made from a point higher than five (5) feet above original grade.

**BUILDING SETBACK LINE:** A line established within a property defining the minimum required distance between the front of any structure and the adjacent right-of-way or street line. This may also be referred to as "Building Setback", "Setback", "Yard", or "Yard Setback".

**BULK:** A term used to describe relationship of buildings or structures on a lot or yard or to other structures within the lot or yard and includes:

- A. The height and floor area of buildings and other structures.
- B. The relation of the number of dwelling units in a residential building to the size of the lot.
- C. All open areas in yard space relating to buildings or other structures.

**CALIPER:** The diameter of a tree trunk measured at a point six (6) inches above ground level.

**CAREGIVERS :** Unrelated individuals whose employment is required to assist the resident in performing most of the normal daily living activities such as hygienics, dressing, eating, and walking, and who are professionally licensed by the Commonwealth of Pennsylvania or employed by or operating under the supervision of a professionally licensed individual or organization.

**CARTWAY:** The portion of a street right-of-way, paved or unpaved, intended for vehicular use, including but not limited to travel lanes and acceleration or deceleration lanes.



**CATERING:** An establishment used for the preparation and delivery of food and beverages for off-site consumption. This establishment may provide for on-site pickup but may not provide for on-site consumption.

**CEMETERY:** A burial place or graveyard including a mausoleum, crematory, or columbarium, in which human or animal remains are buried, not applicable to cremated human remains. A cemetery may be operated, in accordance with the terms of this ordinance, as a principal use or a use accessory to agriculture, a church or a dwelling.

**CLEAR-CUTTING:** The removal of trees on a site, or in any contiguous one-acre portion of larger woodland, during a timber harvesting operation.

**CLEAR SIGHT TRIANGLE:** An area of unobstructed vision at street intersections defined as lines of sight between points at a given distance from the intersection of the street rights-of-way, cartways, or centerlines.

**COMMERCIAL SERVICE/RETAIL CENTER:** The multiple use of a single property for the retail sale of merchandise, provision of personal services, offices, and for such recreation purposes as theaters, bowling alleys, and fitness centers.

**COMMERCIAL USE:** A use of land, or improvements thereto, for the purpose or engaging in retail and/or wholesale activities and/ or services.

**COMMERCIAL USE, LARGE SCALE:** See Article XV, Section 1511

**COMMERCIAL SERVICES:** The use of a building for the exchange of information or activity for a fee or price, excluding the sale of any personal property.

**COMMERCIAL USE NON-STRUCTURAL:** A use of vehicles, tents and/or nonstructural facility for the purpose of engaging in retail or wholesale activities or services.

**COMMUNICATIONS FACILITY:** Any communication antenna or communications tower, as defined herein, which is operated by any agency or corporation, including a public utility regulated by the Public Utility Commission (PUC) or any agency or franchisee of Penn Township, or any police, fire, emergency medical or emergency management agency, but not including satellite dish antennae, defined as parabolic dishes designed for "receive-only" viewing of satellite programs for private viewing, or radio and TV antennae, defined as freestanding or building-mounted antennae located on residential property designed to enhance radio or television reception for the residents of the dwelling thirty-five (35) foot maximum height.

**COMMUNITY CENTER:** A place where residents can meet for social or educational activities.

**COMPLETELY DRY SPACE:** A space which will remain totally dry during flooding; the structure is designed and constructed to prevent the passage of water and water vapor.

**COMPOST:** A mixture of decayed or decaying organic matter used to fertilize soil for crop, herb, vegetable, or other plant growing purposes, and made by gathering plant and other organic matter, including leaves, grass clippings, and vegetable peels, into a pile or bin and letting it decompose as a result of the action of aerobic bacteria, fungi, and other organisms.

**COMPOSTING MATERIALS:** Any organic waste material, including, but not limited to, the manure or any animal or organic material produced or reclaimed from the cleaning of any barn, building or structure used for raising, housing or retention of livestock, poultry, horses; any other organic material from all sources which is stored, combined, processed, aerated, packaged, shipping as COMPOST, or for reuse or application on any property or any additional packaging.

**COMPOSTING PROCESSING OPERATIONS:** This use shall include the following:

- A. **COMMERCIAL COMPOSTING OPERATIONS:** Any mixing, combining, processing, aerating, packaging, shipping, or similar use of any composting materials or storing processed compost for the purpose of sale or distribution. This term shall include all compost and/manure storage operations and land application of any composting materials, but shall not include manure resulting from an on-site agriculture use, nor manure product being spread on fields as fertilizer for agriculture. The term shall include spent mushroom growing substrate, as well as materials being processed to be used as fresh mushroom compost.
- B. **AGRICULTURAL COMPOSTING OPERATIONS:** Any mixture, combining, processing, aerating, packaging, shipping, or similar use of any composting materials or storing processed compost by and for an agricultural use. All product generated as a result of this Operation shall be used in the primary agricultural use on the property where the Composting Operation occurs. The term Agricultural Composting Operations shall include all compost and/or manure storage operations and land application of any composting of any composting materials, but shall not include the manure resulting from an on-site agricultural operation, nor manure product being spread on fields as fertilizer for agriculture. The term shall include spent mushroom growing substrate, as well as materials being processed to use as fresh mushroom compost.
- C. **SPENT MUSHROOM GROWING SUBSTRATE** (commonly referred to as "Spent Mushroom Compost"): Any material or substance, which remains, or is no longer required in the mushroom growing process, after the production and/or mushroom growing cycle is complete, which means that no fresh mushrooms remain ready for harvest. The material generally consists of organic material, such as straw, manure, hay, cobs, peat moss, and/or soil used in the facility/structure for the production or growing of mushrooms. This definition shall be deemed to include "Aged Spent Mushroom Compost"; which is the material remaining after the spent mushroom compost is exposed to natural elements and the fibrous constituents of it are naturally conditioned by the weather and elements, and the remaining substance is primarily a humus-type material.

**COMPOSTING RESIDENTIAL:** The collection and/or containment of normal waste materials generated on a residential property for use by the resident(s). The collection and/or containment must meet all setback regulations in that district for accessory buildings. Such use shall not be considered a composting processing operation.

**COMPREHENSIVE PLAN:** The Comprehensive Plan of Penn Township, as adopted and amended from time to time.

**CONDITIONAL USE :** A use that is not appropriate to a particular zoning district as a whole, but that may be suitable in certain locations within the district only when specific conditions and factors prescribed for such cases within this Ordinance are present and pursuant to the regulations herein.

**CONSERVATION:** The planned management of a natural feature and/or natural or historic landscape to prevent its exploitation, destruction, or neglect.

**CONTINUING CARE COMMUNITY:** An operation licensed by the State in which around-the-clock food, shelter, personal, and medical care are available and provided by full-time staff for residents who require hands-on assistance for the basic activities of daily living, administration of medications, medical treatment, and/or skilled nursing care. The use may also be referred to as "Nursing Home", "Long Term Care Facility", or "Convalescent Care or Home", however shall not be construed to include drug or alcohol rehabilitation.

**CONTINUOUS VISUAL BUFFER:** A visually impenetrable screen, when planted or constructed, created through the effective use of perennial plant materials, fencing, walls, and/or earth sculpting or berms.

**CONTRIBUTING RESOURCE(S):** A resource in a historic district or historic property or complex which supports or adds to the historic significance through location, design, setting, materials, workmanship, feeling, and association.

**CONVENIENCE STORE:** Any retail property offering for sale prepackaged food products, household items, newspapers and magazines, and sandwiches and other freshly prepared foods, such as salads, for off-site consumption, or other like products. These uses may also be accompanied by an AUTOMOTIVE FUELING STATION.

**CONVENTIONAL RESIDENTIAL DEVELOPMENT:** An arrangement of residential lots that encompass the entire development tract without retaining common open space.

**COTTAGE BREWING, DISTILLING, OR WINEMAKING INDUSTRY:** Any property used for growing, creating, processing, and/or producing materials for developing alcoholic beverages. This use shall be considered an industrial agricultural use. Applicable definitions and regulations for each type of use under this use, including brewing, distilling, and winemaking, shall apply.

**CREMATORY or CREMATION SERVICE:** A place that may be an independent use or accessory to a funeral home or cemetery and which has been certified by the Commonwealth of Pennsylvania for the cremation of deceased persons or animals.

**DAY CARE:**

- A. **ADULT DAY CARE CENTER:** A facility in which adult daily living services are simultaneously provided for four (4) or more non-resident clients who are not relatives of the operator for part of a twenty-four (24)-hour day. Services provided to clients may include nursing, personal care, nutrition, social services, activities, and emergency care.
- B. **CHILD DAY CARE CENTER:** A facility in which in whole or in part care is provided for compensation for seven (7) or more children under the age of sixteen (16) years with or without stated educational purposes by a caregiver not related to the children, which is licensed or approved to provide child care by the Commonwealth of Pennsylvania and where the center is not a "Day Care Home" nor a "School or Educational Use". If on-site water supply is provided, written annual confirmation of potable water that meets acceptable levels of lead by Chester County Health Department standards shall be provided to the Township.
- C. **DAY CARE HOME:** A single-family dwelling where day care services are provided for not more than six (6) children including children of the caregiver.

**DBH (DIAMETER AT BREAST HEIGHT):** The diameter of a tree at breast height, measured 4.5 feet from the ground surface.

**DECISION:** Final adjudication of the Board of Supervisors or Zoning Hearing Board, or other board or body granted jurisdiction under this Ordinance or Act 247 to do so, either by reason of the grant of exclusive jurisdiction or by reason of appeals from determinations. All decisions shall be appealable to the applicable court.

**DEMOLITION:** The removal of any use upon a lot and/or dismantling or tearing down of all or part of the exterior portion of a building or structure.

**DEMOLITION OF HISTORIC RESOURCE:** The razing, destruction or removal, whether deliberately or by neglect of any historical resource in its entirety or in part, including the removal of significant exterior architectural features.

**DENSITY or GROSS DENSITY:** The total land area of a tract divided by the total number of dwelling units or other non-residential buildings or units to be housed thereon.

**DETENTION BASIN:** An impoundment designed to collect and retard stormwater runoff by temporarily storing the runoff and releasing it at a predetermined rate. Such use is designed to drain completely shortly after any given rainfall event.

**DETERMINATION:** Any final action of the Zoning or Code Enforcement Officer, Township Engineer, Planning Commission, or other authorized Township officer relative to the provisions of this Ordinance, as specified within.

**DETERMINATION OF ELIGIBILITY (DOE):** A historic resource determined by Pennsylvania Historical and Museum Commission or Secretary of the Interior as having the potential to meet National Register criteria, but not yet listed in the National Register of Historic Places.

**DEVELOPER:** Any landowner, agent of such landowner, or tenant with the permission from a landowner, who makes or causes to be made subdivision of land or land development.

**DEVELOPMENT:** Any man made change to improved or unimproved real estate, including but not limited to the construction, reconstruction, renovation, repair, expansion, or alterations of buildings or other structures; the placement of manufactured homes, streets, and other paving; utilities, filling, grading, and excavation; mining; dredging; drilling operations; storage of equipment or materials; and the subdivision of land.

**(LAND) DEVELOPMENT PLAN:** The provisions for development, including a plat of subdivision, all covenants relating to use, location and bulk of buildings and other structures, intensity of use or density of development, streets, access ways, and parking facilities, green areas, common open space, public facilities, and utilities. The phrase "provisions of the development plan" when used under Act 247 shall mean written and graphic materials referred to in this definition.

**DRIP LINE:** A generally circular line, the circumference of which is determined by the outer reaches of a tree's widest branching points.

**DRIVE-THROUGH SERVICE:** Any property which includes service to customers who remain seated in automobiles, said service being provided through an exterior window or service area.

**DRIVEWAY:** A private vehicular access to a public or private street, that may be shared however any driveway serving more than three (3) lots shall be deemed a private street.

**DUMP:** A lot or portion of a lot containing refuse, discarded or stored materials including, but not limited to, garbage, ashes, and rubbish. The definition of dump does not include a JUNK YARD or LANDFILL and when operated in accordance with standards established by the Pennsylvania Department of Health.

**DWELLING UNIT:** A building designed for, and occupied exclusively for residential purposes having independent kitchen, bathroom, and bedroom facilities for occupancy by one (1) family (including domestic help living or employed on the premises) and not more than two (2) persons per bedroom, with no enclosed living space in common with any other dwelling unit, however which may have common access areas such as vestibules, entrances, hallways, or porches. The maximum number of residents may not exceed the total number of bedrooms and a multiple of two (2). Dwelling types include the following:

- A. **SINGLE-FAMILY DETACHED:** A building having one (1) dwelling unit from ground to roof, and having no common or party wall with an adjacent dwelling, and having yards on all sides.
- B. **TWO-FAMILY:** A building containing two (2) dwelling units (detached or semi-detached), including but not limited to twin or duplex:
  - 1. **Twin:** A building containing two dwelling units, separated by a party wall, each having independent outside access and yards on three (3) sides.
  - 2. **Duplex:** A building containing two dwelling units from ground to roof, each of which has independent outside access and yards on all sides.
- C. **MULTI-FAMILY:** A building containing three (3) or more dwelling units, including:
  - 1. **FOUR-FAMILY:** A building containing four (4) dwelling units, each of which has independent outside access, two (2) non-parallel walls in common with adjacent dwelling units, and yards on two non-parallel sides.
  - 2. **TOWNHOUSE or SINGLE-FAMILY, ATTACHED:** A building containing three (3) or more dwelling units separated by parallel party walls, and each of which has only one dwelling unit from ground to roof, independent outside access, not more than two (2) walls in common with adjoining units, and yards to the front and rear (internal units) or front, rear, and one side (end units).
  - 3. **APARTMENT:** A building containing three (3) or more dwelling units separated by party walls, and which may have more than one (1) dwelling unit from ground to roof, and common outside accesses and hallways.

**EASEMENT:** An interest in land owned by another that entitles the holder of the easement to a dominant right of a described area on, below or above the land.

**EATING/DRINKING ESTABLISHMENT:** See RESTAURANT (TEMPORARY AND EAT IN)

**EDUCATIONAL USE :** Land or buildings specifically designed, arranged and intended for the purpose of instruction and learning, including preschool, elementary and secondary schools, either public or private; colleges, universities, and vocational schools; and including schools related to religious organizations. Such use requires certification, licensing, or review by the Pennsylvania Department of Education.

**ENLARGEMENT or EXPANSION:** An addition to the floor area or increased volume of an existing building or structure or an increase in that portion of a lot occupied by an existing use.

**EQUESTRIAN TRAINING FACILITY:** A facility at which riding lessons, training of equine animals and/or boarding of equine animals takes place for compensation, and where more than ten (10) equine animals or more than ten (10) riders, other than the owner or operator of the facility, arrive and depart on a daily basis.

**EQUESTRIAN USES:** Activities such as Animal Husbandry, boarding, riding, training, and instruction of horses and riders, livery, outdoor equestrian competitions and recreational activities, whether for private or commercial purposes. Where applicable, Equestrian Uses shall comply with the Township's Temporary Outdoor Activities Ordinance or any similar successor ordinance.

**EQUIPMENT FACILITY:** Any structure or enclosure used to contain ancillary equipment as a component of a Communication Facility, including a cabinet, shelter, a build-out of an existing structure, or a pedestal.

**FAMILY:** A family is:

- A. One (1) person occupying a dwelling unit, or
- B. Two (2) or more persons related by blood, adoption, or marriage occupying a dwelling unit, and including not more than two (2) other persons, e.g. a boarder or au pair, or
- C. Not more than four (4) unrelated persons occupying a dwelling unit, living together as a single cooperative household unit, or
- D. A group of individuals with disabilities living together as the functional equivalent of a family and entitled to a reasonable accommodation to allow them adequate housing choices pursuant to the Federal Fair Housing Amendments Act of 1988 (42 U.S.C. §§ 601 et. seq.) and the Pennsylvania Human Relations Act (43 P.S. §§ 951-963)

**FEMA:** Federal Emergency Management Agency.

**FENCE OR FENCING:** Any freestanding structure consisting of wood, glass, metal, plastic, wire, wire mesh, or masonry, singly or in combination with other materials, standing two and one-half feet high or higher, erected to secure or divide one property from another or part of a property from a remaining part; a freestanding masonry wall is considered a fence.

**FILL:** Material, exclusive of structures, placed or deposited to form an embankment or raise the surface elevation of the land. Clean fill shall be defined by standards set forth by the Pennsylvania Department of Environmental Protection (PaDEP).

**FIRE LANE EASEMENT:** A right-of-way for emergency vehicle access, within which no parking spaces shall be permitted.

**FLOOD:** A temporary inundation of normally dry land areas.

**FLOOD, BASE** (also known as the "100-year flood" and "one (1%) percent annual chance flood"). A flood having a one (1%) percent chance of being equaled or exceeded in any given year.

**FLOOD FRINGE AREA:** The remaining portions of the one-hundred-year-floodplain outside the floodway as delineated in the most recent Chester County Flood Insurance Study and accompanying maps (digital and paper) as prepared for the Federal Emergency Management Agency (FEMA).

**(IDENTIFIED) FLOODPLAIN AREA:** An umbrella term that includes the area identified as the Special Flood Hazard Area on the Flood Insurance Rate Maps (FIRM) and Flood Insurance Study (FIS), and other areas identified by the Township. Generally, a relatively flat or low land area which is subject to partial or complete inundation from an adjoining or nearby watercourse; and/or any area subject to the unusual and rapid accumulation of surface waters from any source.

**FLOODWAY:** The channel of a watercourse and adjacent land areas that must be reserved in order to have an area carry and discharge the base flood water without cumulatively increasing the water surface elevation more than one (1) foot.

**FLOOR AREA:** The sum of the area of the floors in a building or buildings measured from the 1) face of exterior wall to exterior wall, or 2) center lines of walls shared by and separating two (2) or more buildings. In particular, floor area includes but is not limited to the following:

- A. Basement space if it meets the requirement of a building story under BASEMENT definition.
- B. Elevator shafts, stairwells, and attic space (whether or not a floor has been laid) providing structural headroom of eight (8) feet or more.
- C. Roofed terraces, exterior balconies, breezeways or porches, provided that over fifty percent (50%) of the perimeter of these is enclosed.
- D. Any other floor space used for dwelling purposes, no matter where located within the building.
- E. The area of accessory buildings.

**FLOOR AREA RATIO:** Floor area of a building(s) on a lot divided by the area of that lot.

**FOOT-CANDLE:** A unit of light intensity stated in lumens per square foot and measurable with illuminant meter, or light meter.

**FORESTRY:** The management of forests and timberlands when practiced in accordance with accepted silvicultural principles, through developing, cultivating, harvesting, transporting and selling trees for commercial purposes, which does not involve any land development.

**FRONTAGE:** The length of a front lot line coinciding with a street line.

**FULL-CUTOFF:** Attribute of a lighting fixture from which no light is emitted at or above a horizontal plane drawn through the bottom of the fixture and no more than 10% of the lamp's intensity is emitted at or above an angle of ten (10) degrees below that horizontal plane, at all lateral angles around the fixture.

**FUNERAL HOME:** A building or part thereof used for human funeral services. Such building may contain space and facilities for; (a) embalming and the performance of other services used in preparation of the dead for burial; (b) the performance of autopsies and other surgical procedures;

(c) the storage of caskets, funeral urns and other related funeral supplies and (d) the storage of funeral vehicles, and (e) cremation services.

**GARAGE, PRIVATE:** An accessory building or part of a principal building used for the storage of motor vehicles which may not be used for any commercial activities.

**GARAGE/YARD SALE:** An accessory use for the temporary display and sale of goods and craft items on a residentially used property. No personal property may be transported from any source other than the onsite residential use.

**GEOHERMAL ENERGY SYSTEM:** An energy generating system that uses the earth's thermal properties in conjunction with electricity to provide heating and cooling of buildings.

**GLARE:** The sensation of brightness within the visual field that causes an annoyance, discomfort, or loss in visual performance, visibility, and/or the ability to focus to the eye.

**GOVERNMENT USE :** Any building, structure, facility, complex, or area used by the general public or which provides a service to the public, whether constructed by a state, county, federal, municipal, or governmental agency or authority.

**GRADE:** A reference plane representing the average of finished ground level adjoining a building at exterior walls or other structure Where the finished ground level slopes away from the exterior walls of a building or base of a structure, the reference plane shall be established by the lowest points two (2) feet from the base of such building or structure.

**GREEN AREA:** An area of land and/or water within a development that is designed and intended for the use and enjoyment of residents of the development or Township residents in general, excluding streets, off-street parking areas, areas set aside for community facilities and utilities, private yards, and like areas.

**GROUNDWATER:** The supply of water contained in interconnected pores located below the water table in an aquifer or geologic formation that forms the natural reservoir for potable water. Groundwater sources include: infiltration of precipitation, streams, lakes, or other water sources.

#### **HEALTH CARE RELATED USES:**

**HOSPITAL:** An accredited and licensed inpatient medical facility providing care to persons having physical or mental illness, by physicians, diagnostic, therapeutic, treatment, or rehabilitation practitioners, and which may include surgical, obstetrics, emergency, and outpatient services.

**HOSPITAL COMPLEX:** A HOSPITAL along with other buildings used for medical services and facilities, which may include medical arts office building(s), health care services facilities, hospice care, physical and occupational therapy facilities, cafeterias or cafés, hospital heliports, staff exercise facilities, temporary inpatient family housing, and shops for medical equipment, pharmaceutical supplies, or gifts, provided any service or facility shall be intended for patient, staff, and/or visitor use.

**AMBULATORY SURGERY CENTER (ASC) or SURGICENTER:** A licensed outpatient medical facility providing same-day surgical procedures that shall not entail any in-patient care or overnight patient stay, or emergency or urgent care.



**MEDICAL CLINIC:** A licensed medical care facility for diagnosis and treatment of specialized fields that may due to their inherent nature specifically require overnight patient stay, such as a sleep study center, methadone clinic, and substance abuse rehabilitation center. Such use shall not house the criminally insane nor provide treatment to persons serving a criminal sentence.

**URGENT CARE FACILITY:** Professional office space designed and used for the immediate diagnosis, treatment, and out-patient care of human patients, excluding operating rooms for surgery, overnight beds, or other services which a hospital customarily provides for overnight stays. Such uses may be open twenty-four (24) per day and seven (7) days per week for urgent outpatient medical care purposes.

**MEDICAL OFFICE:** Professional office space designed and used exclusively by physicians, optometrists, chiropractors, dentists, physical therapists, massage therapists, or other like medical practitioners involving non-surgical outpatients treatment, care, examination, and diagnosis, and preventative health services, including inoculation and educational services. This definition includes blood donor stations and medical laboratories, or other facilities providing medical analysis services including the taking, analyzing and testing of physical samples and specimens for the diagnosis and treatment of patients. Care, except surgery, may be provided by an individual practitioner or an association or group of licensed physicians or similar professional health care practitioners. This definition does not include veterinarian offices.

**HISTORIC DISTRICT:** A geographically definable area which possesses a significant concentration, linkage, or continuity of sites, buildings, structures, or objects united by past events or aesthetically by plan or physical development and may be National Register listed or eligible.

**HISTORIC RESOURCES INVENTORY:** An official inventory, appropriately documented, of historic resources in the Township. This may also be termed the "Historic Resource Atlas".

**HISTORIC RESOURCES MAP:** The map showing historic properties identified in the Township and their respective classifications and supporting materials.

**HISTORIC RESOURCE:** Any building, structure, site, or object that is:

- A. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior)
- B. Received an individual Determination of Eligibility (DOE)
- C. Certified or contributing to the historical significance of a National Register historic district or historic district that has received a Determination of Eligibility (DOE) .
- D. A resource that is deemed by the Chester County Historic Preservation Officer to meet substantially the National Register criteria under the Chester County Certification Program.
- E. Any other site or structure included in the Township historic resources identification list.

**HOME OCCUPATION, MINOR or HOME-BASED BUSINESS, NO-IMPACT:** An accessory use constituting a business or commercial activity by person residing on the premises, which is secondary to the existing primary residential use of the property and complies with Section 1503.

**HOTEL/MOTEL:** A facility offering temporary lodging accommodations on a daily rate to the general public and that may provide additional services, such as restaurants, meeting rooms and recreational facilities.

**HOMEOWNER AGREEMENT or HOMEOWNER ASSOCIATION AGREEMENT:** A contract and/or instrument created at the time of an approval for land development requiring membership, participation and regulation by all users of the improvements or land in that development, which may include but is not limited to financial obligations for each owner or user of the land or structures identified in the agreement.

**HOUSEHOLD PETS:** Domesticated animals normally considered to be kept in or in conjunction with a dwelling unit for the pleasures of the resident family, such as dogs, cats, small birds, gerbils and other similar pets normally sold by retail pet stores.

**HYDRIC SOILS:** Any soil inventoried or described as hydric or having hydric inclusions for Chester County by the U.S. Natural Resources Conservation Service.

**ILLUMINANCE:** Quantity of light, measured in foot-candles.

**ILLUMINATION:** The density of luminous flux on a surface.

**IMPERVIOUS COVER:** Land which is occupied by principal and accessory structures, streets, driveways, parking areas, and other similar surfaces that prohibit, or slow the percolation and infiltration, or do not absorb water.

**INDUSTRIAL or OFFICE PARK:** A grouping of two (2) uses and/or activities permitted in the Industrial or Commercial Districts developed according to a master site plan that includes the common use of streets and utilities.

**INSTITUTIONAL USE:** A property involving buildings and grounds, whose use includes but is not limited to, schools, service clubs, museums, places of worship, hospitals, treatment facilities for the mental and behavioral health, and prisons.

**INVASIVE (NOXIOUS) PLANT SPECIES or VEGETATION:** A species that has become a weed pest via uncontrollable growth and/or a threat to public health, grows aggressively, spreads, and displaces other plants.

**JUNK:** Any discarded or unusable personal property, material or article, including metal, building materials, house furnishings, machinery, boats, garbage, paper, batteries, tires, or unregistered vehicles or parts thereof, but excluding other organic waste or hazardous waste.

**JUNK YARD:** An area of land, with or without buildings, used for collecting, storage, and/or sale used and discarded materials including, but not limited to: wastepaper, rags, metal, building materials, house furnishings, machinery, vehicles or parts thereof, with or without the dismantling, processing, or salvage of the same. The deposit or storage on a lot of two (2) or more unlicensed, wrecked, or disabled vehicles or the major part thereof, is a junkyard.

**KEEPING OF ANIMALS:** Any activity involving the breeding, raising, caring for, housing, and personal use of animals, e.g. chickens or goats, and/or products derived from those animals, e.g. eggs or milk, for use by the occupant, owner, or lessee of the lot where such use is located. Such use shall be considered an accessory use.

**KENNEL:** The use of land, buildings or structures for the purpose of breeding, selling, boarding, training, or grooming household or domestic pets for compensation including but not limited to keeping of more than six (6) dogs or more than (6) cats or other domestic animals, or a combination thereof equaling more than ten (10) domestic animals.

**LAND DEVELOPMENT:** Any of the following activities:

- A. The improvement of one (1) lot or two (2) or more contiguous lots, tracts, or parcels of land for any purpose involving:
  - 1. A group of two (2) or more residential or nonresidential buildings or structures, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or
  - 2. The division or allocation of land or space, whether initially or cumulatively, between or among two (2) or more existing or prospective occupants by means of or for the purpose of streets, common areas, leaseholds, condominiums, building groups, or other features.
- B. A subdivision of land.

**LAND DISTURBANCE:** Any activity, which exposes soils, alters topography, and/or alters vegetation, except for the removal of hazardous or invasive vegetation. Customary agricultural practices such as tilling, plowing, mowing, and harvesting are not included under this definition.

**LANDOWNER:** The legal or beneficial owner or owners of land including the holder of an option or contract to purchase (whether or not such option or contract is subject to any condition), a lessee if he is authorized under the lease to exercise the rights of the landowner, or other person having proprietary interest in the land.

**LANDFILL:** A lot or portion of a lot used for deposit and storage of refuse in which all exposed refuse is covered daily with a minimum of six (6) inches of earth. A landfill shall be operated in accordance with standards established by and shall be subject to inspection by the Pennsylvania Department of Health or it shall be considered a dump.

**LICENSE:** Any interest or right to use real or personal property for a specific period of time, terminable by the terms of the agreement. Not an easement.

**LIGHT INDUSTRIAL USE:** A moderate-scale industrial operation free of objectionable impacts to neighboring properties and the general community.

**LIMITED LODGING:** An accessory use of a dwelling for temporary rental, not to exceed a total of thirty days annually.

**LIVESTOCK:** Animals of any size kept or raised for agricultural purposes, including but not limited to cattle, horses, sheep, hogs, goats, poultry, furbearers, and fish.

**LOT:** A parcel of land, undivided by any street or dedicated future street right-of-way and used as a unit described by metes and bounds, the description of which is recorded in the Chester County Recorder of Deeds by deed description.

**LOT AREA or LOT AREA, GROSS:** The total acreage of a lot lying within existing property lines prior to subdivision.

**LOT AREA, NET:** An area of land contained within the legal limits of property lines bounding a lot, excluding any portions within a street right-of-way, utility easement, stormwater management facility, or access strip to an interior flag-shaped lot, as specifically follows.

A. LOT AREA or GROSS LOT AREA excluding the following:

1. Any area of permanent right-of-way;
2. Easements/rights-of-way or other community facilities.

B. In addition, no area meeting minimum net lot area requirements shall be divided completely by an area delineated in Subsections A.1-A.3 above.

**LOT, CORNER:** A lot at the junction of and bounded on at least two (2) sides by streets where the interior angle of the street intersection is one-hundred thirty five (135) degrees or less. Yards adjacent to streets shall be considered front yards. The remaining two (2) yards shall be side yards. A lot abutting a curved street shall be deemed a corner lot if the tangents to the curve at the points of intersection on the side lot lines within the street lines intersect at an interior angle of less than one-hundred thirty five (135) degrees.

**LOT COVERAGE:** The ratio of the total area of all impervious surfaces to the total area of the lot on which they are located.

**LOT LINE, FRONT:** The front lot line is the line separating the lot from the street line.

**LOT LINE, SIDE:** A side lot line is any lot line which is not a front lot line or a rear lot line.

**LOT WIDTH:** Horizontal distance between side lot lines measured at right angles to the lot depth.

**LUMBERYARD/WOODWORKING MILL:** The principal use of land and structures involving the loading and unloading, storage and sales of lumber and millwork materials.

**LUMINAIRE:** A complete lighting unit, lighting unit assembly, (including reflectors, bulb, glassware, socket, etc.) and accessories for mounting. Used synonymously with "fixture".

**MALT:** Germinated grain including, but not limited to, barley, wheat, and rye.

**MALT PRODUCTION:** An agricultural use that produces malt and malt products such as food and beverages that contain malt.

**MANUFACTURING:** Any property is engaged in mechanical or chemical transformation of materials or substances into new products, including assembling component parts, creating products, and blending materials, such as lubricating oils, plastics, resins, or liquid.

**MOBILE or MANUFACTURED HOME:** A transportable, single family dwelling intended for permanent occupancy, contained in one (1) unit, or in two (2) or more units designed to be joined into a single integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation.

**MOBILE or MANUFACTURED HOME LOT:** A parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erections thereon of a single mobile home.

**MOBILE or MANUFACTURED HOME PARK:** A parcel (or contiguous parcels) of land under single ownership, which has been planned and improved for the placement of two (2) or more mobile homes for non-transient use.

**MECHANICAL REPAIR OR FABRICATION SHOP:** A structure, building or area of land or any portion thereof that is used principally for mechanical repairs or fabrication. Such use may include auto body repair shops.

**MEDICAL MARIJUANA:** Marijuana for certified medical use as set forth in the Medical Marijuana Act - Enactment Act of Apr. 17, 2016, P.L. 84, No. 16.

**MEDICAL MARIJUANA DISPENSARY (SEE ALSO DISPENSARY):** A PERSON, including a natural PERSON, corporation, partnership, association, trust or other entity, or any combination thereof, which holds a permit issued by the Pennsylvania Department of Health to dispense medical marijuana. The term does not include a health care medical marijuana organization under Chapter 19.4 of the Medical Marijuana Act.

**MEDICAL MARIJUANA GROWER/PROCESSOR:** A person, including a natural person, corporation, partnership, association, trust or other entity, or any combination thereof, who holds a permit from the department, under the Act defined in the definition of "Medical Marijuana's to grow and process medical marijuana. The term does not include a health care medical marijuana organization.

**MINERALS:** Any aggregate or mass of mineral matter, whether or not coherent. The term includes, but is not limited to, limestone and dolomite, sand and gravel, rock and stone, earth, fill, slag, iron ore, zinc ore, vermiculite and clay, anthracite and bituminous coal, coal refuse, peat and crude oil and natural gas.

**MINERAL EXTRACTION:** The excavation, harvesting or removal by any means of any type of minerals for commercial purposes, which does not involve any land development.

**MINIMUM BUILDABLE AREA:** That area of a lot that has no development restrictions, and which shall not include the area of any required setbacks (except driveways which cross yards to access streets), buffer yards, natural features that may not be developed or intruded upon as specified in under Article XIII, and other features protected or with limited permitted development under this Ordinance.

**MINOR REPAIR:** The replacement of existing work with equivalent materials for the purpose of its routine maintenance and upkeep, but not including the cutting away of any wall, partition or portions thereof, the removal or cutting of any structural beam or bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the exit way requirements, nor shall minor repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer drainage, drain leader, gas, soil, waste, vent, or similar piping, electric wiring or mechanical or mechanical other work affecting public health or general safety.

**MITIGATION:** Any action taken to lessen the specified adverse or otherwise undesirable impacts of a proposed land use or and disturbance activity, including those which would adversely affect the health or longevity of a natural feature, pose a visual intrusion or conflict, or otherwise be deemed incompatible with surrounding properties.

**MIXED USE:** A use that entails the combination of residential and commercial uses on a single property or in a single building. The use can involve a single building with a commercial use on the lower floor and the residential use on the upper floor(s). This use can also entail a combination of commercial uses situated on the same property within proximity to residential uses. For this use, applicable standards in this Ordinance for the individual commercial and residential uses involved in this use shall apply.

**MUNICIPALITIES PLANNING CODE:** See ACT 247

**MUSHROOM HOUSE:** A structure designed and used for the cultivation of mushrooms, including growing houses, breezeways, clean-out space and paved wharf areas. Any alternative means of growing or producing mushrooms shall comply, on a per acre basis, with the square footage in impervious cover limits applicable to a mushroom house.

**NATIONAL REGISTER OF HISTORIC PLACES:** A list maintained by the Secretary of the Interior composed of buildings, sites, structures, objects, and districts of national, state, or local significance in American history, architecture, archaeology, engineering, and culture.

**NATURAL DIVERSITY:** In general terms, it is the variety of plants and animals in a given habitat, or the variety of features found in a given population of one type of plant or animal. More technically it is the variety of species, the genetic variation within them, and the spectrum of ecological communities in which they occur. It is the sum total of compositional, structural and functional diversity of genes, species, and ecological communities. It can be described on a continuum of spatial and temporal scales; from local to global; from days to millennia.

**NATURAL RESOURCES:** For the purposes of this Ordinance, these include floodplains, moderately and prohibitively steep slopes, woodlands, hedgerows, specimen vegetation, watercourses, riparian buffers, wetlands, wetland margins, and carbonate geologic formations.

**NATIVE PLANT SPECIES:** A species of plant that currently or previously inhabited or grew in a specified location, and which was not introduced to that location as a result of human activity, either intentional or accidental.

**NONCONFORMING:** A building, use, or lot which by reason of design, size, or use does not comply with the applicable requirement of the district(s) where it is located on the effective date of this Ordinance, and as amended.

**NURSERY:** Tract of land on which trees or trees and other plants are raised or stored for transplanting or sale.

**OFFICIAL MAP:** A Map and related ordinance adopted pursuant to Article IV of the MPC.

**OFFICE, PROFESSIONAL:** A place in which business, clerical, or professional activities are conducted, excluding the exchange of goods or performance of surgical services or those services customarily provided by a hospital.

**OPEN SPACE, COMMON or RESTRICTED:** Areas of land and/or water within a development, which is permanently protected from further development and designed and intended for the use and enjoyment of residents of the development, excluding streets, off-street parking areas, areas set aside for community facilities and utilities, private yards, and like areas.

**OPEN SPACE DEVELOPMENT:** An arrangement of dwellings that permits grouping of dwellings on a development tract by reducing lot and yard requirements and incorporating the remaining tract area as common open space.

**OUTDOOR CAFÉ:** An outdoor patio area of an associated eating or drinking establishment used for the express purpose of furnishing food and beverages to the public to be consumed on the premises and directly abutting and on the same lot as the principal use which is licensed by the Pennsylvania Liquor Control Board and Chester County Health Department, as applicable.

**OWNER:** An individual who owns an interest in a property, whether as a joint tenant, tenant in common, copartner, or shareholder.

**OWNER-OCCUPIED DWELLING:** A dwelling which is the principal place of residence and legal domicile of an individual who owns the lot and the residence.

**PA:** The Commonwealth of Pennsylvania.

**PARCEL:** See LOT.

**PARKING LOT:** An off-street area for parking motor vehicles, usually uncovered, to which there is access by vehicles from a street, road or driveway.

**PARKING SPACE:** A parking space consists of:

- A. Space with a dustless, all-weather surface, or
- B. Space in a private garage or other structure; and
- C. An area at least nine (9) feet by eighteen (18) feet in size for the storage of one (1) automobile, accessible from a public way.

**PARKING SPACES (MULTIPLE USES):** The total number of spaces required and identified by for a multiples use plan or permit containing/proposing more than one use from time to time after approval shall remain as approved. No subsequent use is permitted which will result in a greater number of parking spaces than the approved for the multiple sites initially. The number of spaces is determined required by terms of this Ordinance for each use as specified in Articles XV and XVI as compared to the number of approved total existing spaces. No change in use after the initial approval a multiple use application may result in a then total as approved initially.

**PARTY WALL:** A common shared wall between two (2) separate structures, buildings, or dwelling units.

**PATIO:** An open paved area usually adjacent to and directly accessible to or from a building.

**PENAL/CORRECTIONAL FACILITIES:** A property providing for the incarceration, confinement, or detention of individuals arrested for or convicted of a crime, or for the punishment, correction and/or rehabilitation of individuals convicted of crimes whose freedom is restricted.

**PERMIT:** (also Building Permit, Occupancy Permit, Sign Permit, Demolition Permit, Zoning Permit, Use Permit, or other similar permit). A statement issued and signed by a Township Official authorizing a proposed erection, alteration, or enlargement and/or use (including a change of use) of a structure or occupancy of said structure and/or land. A permit for each change of property or structure use. There permits include, but are not limited to a statement issued and signed by a Township Official authorizing erection, alteration or enlargement of a sign (Sign Permit), demolition of any structure or portion thereof (Demolition Permit), or occupancy of any structure for which the use has changed (Change in Use Permit). Also, a statement issued and signed by a Township Official authorizing work in the right-of-way of any Township road (Road Occupancy Permit) or construction of any driveway accessing any Township Road (Driveway Permit).

**PERVIOUS SURFACE:** Any area not defined as impervious surface.

**PHASE:** A geographical area, tract or section that is part of a proposed Development which will be developed in accordance with a timetable for development over a period of years, which is included by the Applicant in the Development Plan.

**PIPELINE, TRANSMISSION:** An underground tube used to transport large quantities of natural gas or other energy source over long distances to major markets. This term shall not include local lines that service a neighborhood or property.

**PLACE OF WORSHIP:** A building or group of buildings, including customary accessory buildings, designed or intended for public worship. The term shall include church, temple, synagogue, mosque, rectory of parish house, and other similar places of worship.

**PLANNING COMMISSION:** Planning Commission of Penn Township.

**PNDI:** Pennsylvania Natural Diversity Inventory.

**PORCH:** A roofed open area, which may be screened, usually attached to, or part of, and directly accessible to or from a building.

**PRESERVATION OR PROTECTION:** When used in connection with natural and/or historic resources, shall include means to conserve and safeguard these resources from wasteful or destructive use but shall not be interpreted to authorize the unreasonable restriction of forestry, mining or other lawful uses of natural resources.

**PRINCIPAL USE:** The single dominant use or single main use on a lot.

**PRIME AGRICULTURAL SOILS or LAND:** Those soils possessing the greatest production capability for crops. The capability Class I, Class II, and Class III soils, as defined by the U. S. Department of Agriculture, Natural Resources Conservation Service, are considered as such.

**PUBLIC HEARING or HEARING:** A formal meeting held pursuant to public notice by the Board of Supervisors or Zoning Hearing Board, intended to inform and obtain public comment, prior to taking action in accordance with ACT 247.

**PUBLIC MEETING:** A forum held pursuant to notice under Act 247 or 65 PA. C.S.A. Ch. 7 (pertaining to open meetings), whichever is applicable.

**PUBLIC NOTICE:** Notice given pursuant to requirements under ACT 247.



**PUBLIC UTILITY FACILITY:** A facility designed to provide limited utility services to the a community or part thereof, and operated by a local municipality, a municipal authority organized by such municipality, a public corporation or association, or an entity subject to the jurisdiction of the Pennsylvania Public Utility Commission. This definition includes electrical substations and transformers serving a single development or a limited area of the Township, water and sewage pumping stations, community on-site sewage systems commonly referred to as a COLDS (Community On Lot Disposal System), and communications systems, but excluding cellular communications towers and facilities.

**RECHARGE:** The replenishment of groundwater through the infiltration of rainfall, other surface waters, or land application of water or treated wastewater.

**RECREATION:** Recreational uses can occur indoors or outdoors and are defined based on their level of site intensity and or impact as follows.

- A. **ACTIVE RECREATION:** Recreational pursuits that require physical alteration to the area in which they are performed. Such areas are intensively used and include, but are not limited to, playgrounds, ball courts, ball fields, swimming pools, miniature golf courses, golf driving ranges, and paved trails.
- B. **PASSIVE RECREATION:** Recreational pursuits that can be carried out with little alteration or disruption of the area in which they are performed. Such uses include, but are not limited to, hiking, environmental education activity, unpaved trails, and picnicking.

**RECREATIONAL VEHICLE:** A vehicle which is built on a single chassis; measured at the largest horizontal projections; designed to be self-propelled or permanently towable by a light-duty truck; but not designed for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

**RECYCLING FACILITY:** A facility established and/or operated by the Township, or a nonprofit or citizens' organization for the collection and/or processing of recyclable materials such as glass, paper, aluminum, or plastic; such facility may accept recyclables by donation, redemption, or purchase, and may separate or process such materials for reuse or for sale as raw material for use in the manufacture of a new product.

**REDEVELOPMENT:** Any activity that involves demolition, removal, reconstruction, or replacement of existing surfaces, building, and structures.

**REFLECTOR:** A surface or element of a luminaire designed to direct light in a desired direction.

**REFORESTATION:** The restocking of an area with forest trees, including natural regeneration as well as tree planting.

**REHABILITATION of HISTORIC RESOURCES :** The process of returning a historic resource to a state of utility through repair or alteration, which makes possible an efficient contemporary use while preserving those portions and features of the resource which are significant to its historical, architectural and cultural values.

**RENEWABLE ENERGY:** Any method, process, or substance whose supply is rejuvenated through natural processes and, subject to those natural processes, remains relatively constant, including, but

not limited to, biomass conversion, geothermal energy, solar energy, wind energy, and hydroelectric energy and excluding those sources of energy used in the fission and fusion processes.

**RESIDENTIAL USE:** A use of land, or improvements thereto by a family, for a non-transient home, abode, or place where an individual resides at a specific point in time lasting thirty (30) consecutive days or more. A residential use may include, as a limited lodging, for the rental of one room used as a bedroom prior to such rental so long as the remainder is occupied by a family

**RESIDENTIAL USE, TEMPORARY:** A use of land, the entire or part of the improvement for a home, abode, or place of residence by non-family occupants for less than thirty (30) consecutive days, not including leasing one (1) bedroom in an otherwise owner occupied dwelling. The duration and/or frequency of this use may be limited as defined in this Ordinance.

**RESTAURANT or EATING/DRINKING ESTABLISHMENT:** An establishment which provides for the sale and consumption of food and beverages and which contains inside seating facilities, including brewpub, winery, distillery and similar uses.

**RESTAURANT MOBILE:** A movable or non-structural commercial use, including but not limited to eating establishment that provides for the sale and consumption of food and beverages and that shall be considered a temporary use.

**RETAIL STORE OR USE:** A commercial activity comprising the sale of personal property directly to the consumers within a structure.

**RETAIL SALES, TEMPORARY:** Commercial activity conducted by vehicle or in a nonstructural facility, such as tents, yard sales or any commercial use not located within a building.

**RETENTION BASIN:** An impoundment that is designed to temporarily detain a certain amount of stormwater from a catchment areas which may be designed to permanently retain stormwater runoff from the catchment area; retention basins always contain water.

**RETIREMENT or AGE-RESTRICTED COMMUNITY:** A planned senior residential community offering a mix of senior housing types and essential ancillary non-residential uses intended to serve the residential, health care and recreational needs of persons age fifty-five (55) years and older. Retirement Communities, including Assisted Living and Continuing Care Communities, may provide such uses as independent, assisted, and personal care dwelling units, and rehabilitative and nursing care facilities. Also see **ASSISTED-LIVING COMMUNITY** and **CONTINUING CARE COMMUNITY**.

**RIDING STABLE:** The use of a structure for commercial purposes for the stabling and/or riding of animals such as horses, and/or use of stables for individuals not residing at that property; or for which payment is received for the participation and/or viewing of such activities in a structure or on the land.

**RIGHT-OF-WAY:** The total width of any land reserved or dedicated as a street, alley, or crosswalk or for any other public or private purposes.

**RIPARIAN BUFFER:** An area of trees and other vegetation adjacent to a water body that forms a transition area between the aquatic and terrestrial environment, designed and managed to maintain vegetation to reduce the impact of upland sources of pollution from entry into surface waters by trapping, filtering, and converting sediments, nutrients, pesticides, and matter, and to supply food,

cover, and thermal protection to fish and other aquatic species and wildlife. The riparian buffer is further divided into two zones: Zone One: Inner Riparian Buffer immediately adjacent to the water body; and Zone Two: Outer Riparian Buffer adjacent to the outer edge of the Zone One buffer. Article XIII shall determine the specific widths of the riparian buffer zones.

ROAD or ROADWAY: See STREET.

ROOFTOP ARRAY FOR RENEWABLE ENERGY: An arrangement of solar panels or solar energy system including frames mounted on a roof, whether pitched or flat.

ROTOR DIAMETER FOR RENEWABLE ENERGY: The cross sectional dimension of the circle swept by the rotating blades.

SCENIC VIEWSHED or VIEWSHED: A physiographic area composed of land, water, biotic, and cultural elements which may be viewed and mapped from one (1) or more viewpoints and which has inherent scenic qualities and/or aesthetic values as determined by those who view it.

SCREENING: The creation of a visual barrier or impediment to an undesirable view through some combination of plantings and/or other landscape improvements, and maintenance practices.

SECONDARY AGRICULTURAL USE: An accessory use of land used for agricultural purposes.

SEDIMENT: Soil or other materials transported by, suspended in, or deposited by surface water as a product of erosion.

SELECTIVE CUTTING: The felling of certain, but not all, trees in an area for the purpose of removing dead, damaged, mature, or marketable timber; improving the quality of a tree stand or species; or for personal domestic needs.

SELF-STORAGE/MINI-WAREHOUSE: Any structure provided for lease to the public for the purpose of storage of personal property, excluding industrial, commercial and/or hazardous materials and/or services conducted within or at any structure. All materials and personal property must be stored within the structure(s).

SETBACK: See YARD.

SEWAGE FACILITIES: A sanitary sewage collection and treatment system in which sewage is carried from individual discharge(s) by a system of pipes to one (1) or more common treatment and disposal facilities approved by applicable agencies. Such system may be located on-site and/or off-site and may be public, community, or individual on-lot and publicly or privately owned.

A. INDIVIDUAL OR ON-SITE SEWAGE SYSTEM: The disposal of sewage via septic tanks or other means, approved by Chester County Health Department, and generally within the confines of the lot or nearby the lot where the use is located.

B. PUBLIC OR COMMUNITY SEWAGE SYSTEM: A shared system for the treatment and disposal of sewage in which sewage is conveyed by interceptor to a publicly operated treatment plant and disposed of through means approved by the Pennsylvania Department of Environmental Resources.

SHADE TREE: A tree in a public place, street, special easement, or right-of-way adjoining a street,

**SIDEWALK:** The area, whether paved or not, adjacent to the cartway of a street, which is or has been set aside, with by dedication or usage, for pedestrian passage.

**SIGHT DISTANCE:** The unobstructed area (in a vertical or horizontal plane) of roadway visible to the driver of a vehicle at any given point on the roadway.

**SIGN:** Any permanent or temporary structure or part thereof or any device attached, painted or represented on a structure or other surface (including windows) that displays or includes any letter, word, model, devise, symbol, or representation intended as an announcement, direction, or advertisement and may be either freestanding or attached to another structure, or painted on the exterior wall of a building or other structure.

**SIGN AREA or SIZE:** The entire area within a single continuous perimeter enclosing the extreme limits of a sign, together with all moldings, battens, cappings, nailing strips, latticing and platforms which are attached and are part of the sign proper and/or forming an integral part of the display. Signs which are composed of letters, words or representations only and which do not form a square or rectangular pattern shall be considered to include in the sign area a square or rectangle as drawn at the outer limits of the letters, words or representations. In computing the area of a double-face sign, only one (1) side shall be considered provided that both faces are identical, and both sides shall be considered when each face is different. (see Figure 2-2).

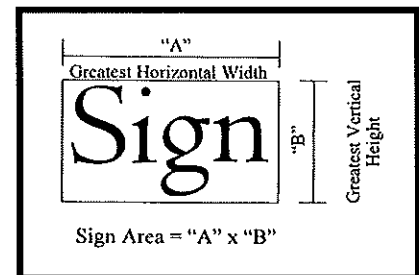


Figure 2-1: Sign Area

**SIGN HEIGHT:** The distance from the existing ground elevation at the base of, or immediately below the sign, to the highest point of the sign structure. (See Figure 2-2)

**SIGN TYPES** (see Figure 2-3): The following provide types of signs under this Ordinance. Unless otherwise noted, the following definitions assume the sign is maintained on the same premises where the services or products such sign advertises are located.

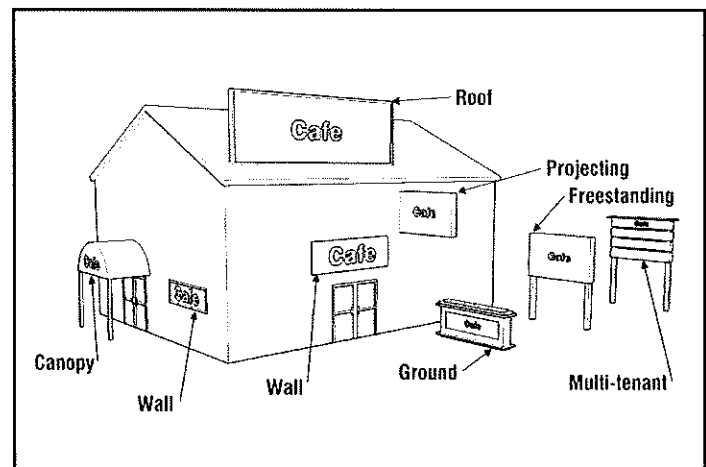


Figure 2-3: Sign Types

- A. **ABANDONED SIGN:** A sign erected on, or related to, the use of a property that becomes vacant and unoccupied for a period of sixty (60) days or more, or any sign that relates to a time, event, or purpose that is past.
- B. **ACCESSORY USE SIGN:** A sign that identifies or advertises accessory uses as defined by this Ordinance including, but not limited to, Home Occupations.
- C. **ARTISAN SIGN:** A temporary advertising sign of contractors performing services at or providing alterations to a building, structure, or premises.
- D. **BANNER SIGN:** A temporary sign hung in the air across a lot or a right-of way, possessing characters or letters applied to a flexible, durable, and water-resistant material, such as plastic or fabric. National flags, flags of political subdivisions, and symbolic flags of any business or institution shall not be considered banner signs for the purposes of this Ordinance.

- E. **BILLBOARD SIGN:** A type of freestanding sign located off-premises from the use(s) with which it is associated that conveys a message directing attention to a business, commodity, service, or attraction sold or offered at another location.
- F. **BUILDING MOUNTED SIGN:** A sign that includes the following sign types: projecting, wall, canopy, marquee, or awning.
- G. **BULLETIN BOARD:** A sign of permanent character, but with movable letters, words, or numerals not controlled electronically, indicating such items as the names of persons associated with, or dates of events conducted upon, or products or services offered on the premises.
- H. **BUSINESS SIGN:** A sign directing attention to a business, commodity, or service conducted, sold, or offered on the premises, including signs affixed to vehicles denoting a business-related activity.
- I. **CANOPY, MARQUEE, or AWNING SIGN:** Any sign that is part of or attached to an awning, canopy, marquee, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service or retail area. An awning, marquee, or canopy without lettering shall not be considered a sign.
- J. **DIGITAL SIGN:** An advertising sign that utilizes digital or video light emitting diodes (LEDs) or similar electronic methods to create a changeable image display area.
- K. **DIRECTIONAL SIGN:** A sign designed to provide guidance on how to reach a destination.
- L. **DOUBLE-FACED SIGN:** A sign that displays a message, information, or advertising on both faces (sides) of the sign.
- M. **ELECTRONICALLY CHANGING MESSAGE SIGN:** A freestanding or ground sign or portion thereof designed to accommodate frequent message changes composed of characters or letters that can be changed or rearranged electronically.
- N. **FLASHING SIGN:** Any illuminated sign which the artificial light is not maintained stationary and/or constant in intensity of color at all times when such sign is in use including but not limited to, moving, rotating, flashing, oscillating, twinkling, shuttered or other similar sign.
- O. **FREESTANDING SIGN:** A sign supported by structures or support that are placed on, or anchored in, the ground and that are independent from any building or structure.
- P. **GROUND SIGN:** A type of freestanding sign placed directly on the ground or which emerges directly from the ground where the bottom edge is no more than two (2) feet from the proposed finished grade on which it is placed and which may use supports or pylons, independent from any building or structure.
- Q. **IDENTIFICATION SIGN:** A sign, other than a bulletin board or name plate sign, indicating the name of a permitted use, name or address of a building, or name of the management entity thereof.

- R. **ILLUMINATED SIGN:** A sign which has characters, letters, figures, designs or outlines illuminated by direct or indirect electric lighting or luminous tubes as part of the sign.
- S. **LAND DEVELOPMENT SIGN:** A sign indicating that the premise is in the process of being subdivided and/or developed for the construction of dwellings or other buildings.
- T. **NAMEPLATE SIGN:** A sign which designates the name and/or address of an occupant or group of occupants.
- U. **OFFICIAL TRAFFIC SIGN:** Signs erected by the Commonwealth of Pennsylvania Department of Transportation or the Township that regulate traffic, describe road conditions, supply directions, or provide information.
- V. **OFF-SITE SIGN :** A type of freestanding sign located off-premises from the commercial or industrial use with which it is associated that conveys a commercial message directing attention to a business, commodity, service, or attraction sold or offered at another location.
- W. **PORTABLE SIGN:** A type of temporary sign, that is self-supporting without being firmly embedded in the ground, designed to be movable, and fixed on a movable stand, mounted on wheels or movable vehicles, or made easily movable in some other manner. Portable sign shall also include searchlights and hot air or gas filled balloons.
- X. **PROJECTING SIGN:** A sign attached to a wall or other vertical building surface and which extends more than six (6) inches beyond the surface of such wall or building.
- Y. **REAL ESTATE SIGN:** A sign indicating the sale, rental or lease of the premises on which the sign is located.
- Z. **ROOF SIGN:** A building mounted sign erected upon the roof of the building.
- AA. **TEMPORARY SIGN:** A sign intended for short-term use and not permanently mounted, notifying of or advertising a special event, such as festivals, concerts or exhibits, being displayed for not more than forty-five (45) days in duration.
- BB. **WALL SIGNS:** Any sign erected against the wall of any building, or displayed on windows or doors, or displayed with the exposed face thereof in a plane parallel to the face of said wall, window or door.

**SINGLE AND SEPARATE OWNERSHIP:** The ownership of a lot by one (1) or more persons, which ownership is separate and distinct from that of any adjoining property.

**SITE DISTURBANCE:** An activity which causes land on a given site to be exposed to the danger of erosion, including removal of vegetation, clearing, grading, filling, and other types of earthmoving, excluding customary agricultural practices.

**SLOPE:** The ratio of the change in elevation over the horizontal distance as measured between consecutive contour lines, expressed as a percent.

**SMALL WIND ENERGY SYSTEM:** Equipment that converts and then stores or transfers energy from the wind into usable forms of energy, including any base, blade, foundation, generator,

nacelle, rotor, transformer, vane, wire, inverter, batteries, or other component in the system, and having a nameplate capacity of one-hundred (100) kilowatts or less.

**SOLAR ENERGY SYSTEM:** An energy collection and conservation system that takes solar energy and converts it into useable electrical energy, heats water, and/or provides other lawful benefit; such a system shall include all panels, wiring, and other equipment, so that the entire set-up is defined as a solar energy system. Solar energy systems do not include small self-contained units that produce less than fifty (50) watts of electricity.

**SOLAR FARMS:** Large collections of interconnected solar panels that work together to capture sunlight and turn it into electricity on a grand scale. They can be government-owned or privately owned. Private solar farms can be large facilities owned by power companies, or small arrays govern extra acreage on private farmland. In either case, the power generated is sold to electric companies for distribution throughout the power grid.

**SOLAR MECHANICAL EQUIPMENT:** Any device associated with a solar energy system, such as an outdoor electrical unit/control box, that transfers the energy from the solar energy system to the intended on-site structure.

**SOLAR PANEL:** That part of portion of a solar energy system containing one (1) or more receptive cells or modules, the purpose of which is to convert solar energy for use in space heating or cooling, for water heating and/or for electricity.

**SPECIAL EXCEPTION:** A use which is not permitted as of right, but which is permitted with or without the imposition of conditions or restrictions under applicable standards by the Zoning Hearing Board after public hearing.

**SPECIMEN TREE:** Any tree meeting the definition of specimen vegetation.

**SPECIMEN VEGETATION:** Any tree or other vegetation determined to be of specimen quality as determined by a registered landscape architect, registered arborist, or horticulturist or which generally falls within the parameters of Penn State Extension

**STANDARDS FOR REHABILITATION:** Standards and guidelines promulgated by the Secretary of the Interior to guide and evaluate the rehabilitation and preservation of historic resources. Also called "Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings".

**STEEP SLOPES:** Those areas of land, whether natural or man-made, which are characterized by a change in elevation of fifteen (15) feet or more within a one-hundred (100) foot horizontal distance and which, because of this slope, are subject to high rates of stormwater runoff and are susceptible to erosion.

**STORAGE:** The keeping of used or new products, merchandise, materials, equipment or vehicles for a continuous period greater than eight (8) hours. Excluded from this definition are the following:

- A. Equipment, vehicles and materials which are used in connection with a construction project during the period of construction.
- B. The unloading or loading of vehicles which are parked against a building so that all activity occurs within the building.

**STORAGE, OUTDOOR:** The keeping of goods or materials for present or future use in an area unprotected from the elements.

**STREAM:** Any watercourse.

**STREAM BANK:** The boundary of a stream channel within which is contained the volume of surface water of the stream under normal flow conditions.

**STORY, BUILDING:** That portion of a building located between the surface of any floor and the surface of the floor or roof directly above it.

**STORMWATER:** Water drainage runoff from the surface of the land resulting from precipitation or snow or ice melt including any manual deviation of its natural course

**STORMWATER MANAGEMENT FACILITY:** Any feature, natural or man-made, that, due to its condition, design, or construction, conveys, stores, or otherwise affects stormwater runoff quality, rate, or quantity. Typical Facilities include, but are not limited to, detention and retention basins, open channels, storm sewers, pipes, and infiltration facilities.

**STORM SEWER SYSTEM:** A conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains) primarily used for collecting and conveying stormwater runoff.

**STREET:** A public or private right-of-way intended to provide means of approach for vehicles and pedestrians. The term may also be referred to as and includes "road," "highway," "thoroughfare," "avenue", "boulevard", "way", "court", "drive", "expressway", "service street", and similar terms.

**STREET, CENTER LINE:** A line of measurement established in the middle of a street, which is an equal distance from and parallel to each street line.

**STREET LINE:** The dividing line between the edge of a lot and street right-of-way and provides the legal limit of the street right-of-way.

**STREET, MAJOR:** Streets identified are expressways, major arterials, or minor arterials in the Township Comprehensive Plan.

**STREET, MINOR:** Streets in the Township other than major streets.

**STREET TREE:** A shade tree within a street right-of-way.

**STREET WALL:** The wall of a building adjoining a sidewalk at the edge of the street right-of-way; or architecture or landscaping elements at least thirty (30) inches but not more than forty-two (42) inches in height, such as walls, pillars, colonnades, fences, and hedges, in lieu of a building wall when an existing building is already set back from the Street Wall line. Such use shall extend the entire length of the edge of the street right-of-way, except where curb cuts, driveways, and/or pedestrian access are provided.

**STREETSCAPE:** The space between buildings on opposite sides of a street that is embellished with such features as sidewalks, street trees, street lights, curbs, on-street parking, and cartways.



A Streetscape is bounded by building facades and/or Street Walls on both sides of a street right-of-way, thereby creating the "outdoor room" character of the street.

**STRUCTURAL ALTERATION:** Any change in the supporting members of a building or structure, such as bearing walls, columns, beams or girders, joists or rafters, or enclosure walls.

**STRUCTURE:** Any man-made object constructed on or attached to the ground including, but not limited to, buildings, sheds, a gas or liquid storage tank that is principally above ground, manufactured homes, and other similar items. A tent or similar enclosure is not a structure. This term includes any man-made object having an ascertainable stationary location on or in land or water whether or not affixed to land.

**SUBDIVISION:** The division or re-division of a lot, tract, or parcel of land by any means into two (2) or more lots, tracts, parcels, or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs, or devisees, transfer of ownership or building, or lot development. Provided, however, that the subdivision by lease of land for agricultural purposes into lots of more than ten (10) acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.

**SUBDIVISION AND LAND DEVELOPMENT ORDINANCE:** The Subdivision and Land Development Ordinance of Penn Township, Chester County, as adopted and amended.

**SURGERY:** A procedure performed by a licensed professional in medical care.

**SWALE:** An artificial or natural waterway or low-lying stretch of land that gathers and conveys stormwater or runoff, and is generally vegetated for soil stabilization, stormwater pollutant removal, and infiltration.

**SWIMMING POOL:** A temporary or permanent structure containing or that could contain a body of water with a minimum depth of two (2) feet.

**TASTING ROOM/AREA:** A designated area on a property for the sale and consumption of malt, wine, and distilled, and related products.

**TEMPORARY STRUCTURE:** A structure without a foundation or footings that is removed when the designated time period, activity, or use for which it was erected and permitted has ceased.

**TEMPORARY USE:** An activity or use, permitted per this Ordinance, which is intended to exist or operate for a limited duration of time. Types of temporary uses may be further classified as follows:

- A. **TEMPORARY EVENT:** A cultural, entertainment, or charitable affair that takes places for a nonpermanent period of time, which may be located on property with a principal use or on vacant property.
- B. **TEMPORARY OFFICE:** A nonpermanent use for business activity, including the short-term expansion of an existing permanent primary use in a portable building.
- C. **TEMPORARY SALES:** Outdoor sales of retail and seasonal products on a nonpermanent basis including temporary food and beverage vendors.

**TIMBER HARVESTING OPERATION:** The disturbance woodlands, and in compliance with an approved timber harvesting plan, of more than one-half (0.5) acre of woodland on any lot, whether during a single timber harvesting operation or cumulatively in successive operations within a three (3) year period. The removal of dead or diseased trees or non-native invasive species, the cutting of trees for personal firewood use or as a part of a Christmas tree farming operation, or the clearing of an area in accordance with an approved subdivision or land development plan or building permit shall not be considered a timber harvesting operation. Forestry shall be considered a tree harvesting operation and require the submittal and approval of a timber harvesting plan. (See FORESTRY, SELECTIVE CUTTING, TIMBER HARVESTING PLAN)

**TIMBER HARVESTING PLAN:** A description, by means of text and maps, of proposed actions involving the removal of trees from a tract of land. Such plan shall have been prepared by a certified<sup>1</sup> forester with demonstrable expertise and experience (e.g., a degree in forestry, natural resource management, environmental sciences, or a related discipline) in forest management and shall be in accordance with the requirements of this Ordinance.

**TOPSOIL:** Natural and friable loam containing sufficient nutrients to support plant growth and extending in depth to the extent of penetration of feeder roots of the prevailing native grasses.

**TOWNHOUSE:** See DWELLING, MULTI-FAMILY.

**TOWNSHIP:** Penn Township, Chester County, Pennsylvania.

**TRACT:** One (1) or more lots assembled and presented as a single property for purposes of subdivision or land development.

**TRACT AREA, NET:** See LOT AREA, NET.

**TRACT AREA or TRACT AREA, GROSS:** The total acreage of a TRACT.

**TRACT COVERAGE:** See LOT COVERAGE.

**TRAIL:** A right-of-way containing a marked or beaten path, whether paved or unpaved, for pedestrians, equestrian, bicycle, or other named use. Generally, a trail is designed for non-motorized travel, except as required to meet American with Disability Act requirements, e.g. via motorized wheelchairs, or as authorized by the Township for maintenance, management, or emergency purposes.

**TRANSITIONAL HOUSING FACILITY:** A property used for the purposes of rehabilitating persons from correctional facilities, mental institutions, and alcohol and drug treatment centers and operated by a public or private agency duly authorized and licensed in PA, which agency houses individuals being cared for by the agency and deemed by the agency to be capable of living and functioning in a community and which provides continuous professional guidance.

**TREE:** A perennial plant usually having one main stem or trunk and a crown, growing to a height of ten (10) feet or more at maturity.

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<sup>1</sup> Pennsylvania does not have a certification requirement, however a forester can choose to be certified through the Society of American Foresters.

**TREE MASS:** Areas, groves, or stands of trees covering an area greater than one-quarter (1/4) acre.

**UNIFORM CONSTRUCTION CODE (UCC):** The statewide building code adopted by the Pennsylvania General Assembly in 1999, as amended, as adopted or revised by the Township Ordinance hereafter; applicable to new construction in municipalities whether administered by the municipality, a third party, or the Pennsylvania Department of Labor and Industry. Applicable to residential and commercial buildings, the UCC adopted the International Residential Code (IRC) and the International Building Code (IBC), by reference, as the construction standard applicable with the Commonwealth floodplain construction. For coordination purposes, references to the above are made specifically to various sections of the IRC and the IBC.

**USE:** Any activity or purpose for which a building or other structure or lot or tract of land may be designed, arranged, intended, maintained or occupied, or any activity or occupation carried on, or intended to be carried on, in a building or other structure or on a lot or tract of land.

**USE, BY-RIGHT:** A use which is permitted in a zoning district without the need for a special exception, variance, or conditional use permit.

**VARIANCE:** A waiver from the strict terms of this Ordinance, by order of the Zoning Hearing Board, after public hearing, when authorized by law.

**VEGETATION MANAGEMENT:** Property owners shall not permit vegetation to become overgrown to the point of creating rodent infestation concerns or in excess of six inches. However, vegetation grown specifically for a useful or ornamental purpose, agriculture, and/or to protect areas of natural value shall not be subjected to excessive, unnecessary, or hindering standards of maintenance. Various types of vegetation are defined as follows:

- A. **Hedgerow:** A line of plants that may occur naturally where seeds collect and are left undisturbed, such as along fence lines or property lines, between fields, or where specially planted to act as windbreaks.
- B. **Herbaceous:** Plants that have no woody parts. Stems and branches remain green and soft, and die down to the ground in winter.
- C. **Marsh:** A low, constantly wet area, often fed by small intermittent streams, which supports unique plant, animal and insect life.
- D. **Meadow:** Open grassland devoid of woody plants. Often a temporary condition when left naturalized, with the meadow reverting to woodland in time.
- E. **Natural Succession:** The process by which landscapes are transformed over time from open, seasonal cover to more permanent vegetation. In the eastern United States, the natural change is typically a progression to forest or wetland vegetation.
- F. **Noxious Vegetation:** Plant material that is undesirable or offensive due to unsightliness, threats to health, or prolific and uncontrollable growth. For purposes of this Ordinance, noxious vegetation shall include, but not be limited to multiflora rose, Canada thistle, Japanese honeysuckle, and oriental bittersweet.

- G. Wildflower: Native or introduced plants, found naturally in the landscape, that are not dependent upon man for their presence.

VETERINARY CLINIC: A facility maintained by or for the use of a licensed veterinarian in the diagnosis, treatment, or prevention of animal diseases wherein the animals are limited to household or domestic pets and wherein the overnight care of said animals is limited to that necessary for the medical treatment of the animals.

VOLUNTARY TERMINATION, DEMOLITION, AND ABANDONMENT: Where a nonconforming building or structure housing a non-conforming use or lot terminates and/or voluntarily demolished or destroyed, except for purposes of restoration and/or modernization, the nonconforming use, as well as the nonconforming structure, shall be deemed to have been abandoned and discontinued, and any use thereafter shall conform to the provisions of this Ordinance.

WAREHOUSE: An enclosed facility or land used for the storage, wholesale and distribution of manufactured products, supplies, services, and equipment.

WATER BODY: Water forming a physiographical feature, e.g. a lake, pond, or reservoir.

WATERCOURSE or WATERWAY: A natural or artificial channel or conveyance of surface water (e.g. stream, river, creek, ditch, run, gully, or ravine) as depicted by the United States Geological Survey (U.S.G.S.) Quadrangle Maps (most current edition) and/or Chester County Water Resources Authority, in which water flows in a definite direction, either continuously or intermittently, and having a defined bed and banks.

WATER SUPPLY SYSTEM: A system for supplying water from a common source or sources to a dwelling(s) and other building(s). Such water source may be located on-site and/or off-site and may be public, community, or individual on-lot and publicly or privately owned.

A. INDIVIDUAL ON-SITE WATER SYSTEM: A supply of water to a single user from a private well on the lot of the user.

B. PUBLIC OR COMMUNITY WATER SUPPLY SYSTEM: A shared system for providing water by a water authority or a licensed water supplier.

WATERSHED: Region or area drained by a river, watercourse, or other body of water, whether natural or artificial.

WATER TABLE: The uppermost level of saturation of pore space or fractures by groundwater, except where that surface is formed by an impermeable body. Seasonal High Water Table refers to a water table that rises and falls with the seasons due either to natural or man-made causes.

WATER ENERGY SYSTEM: A type of geothermal energy system in which water is pumped from a water well or other ground water source into a heat exchanger. A water energy system can be either closed loop (where the pipes are connected to the heat exchanger and heat transfer fluid is circulated through the pipes) or open loop system (where the water-drawn from the earth is pumped into the ground through a different well as "reinjection").

WETLAND: Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of

vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs, and alluvial soils and certain hydric soils, as defined by the Natural Resources Conservation Service. A Wetland includes lands designated as wetlands by the U.S. Army Corps of Engineers and/or Pennsylvania Department of Environmental Protection.

**WETLAND MARGIN:** The transitional area extending a specified distance from the outer limit of the wetland which serves as a buffer to protect the wetland from more intensive land uses.

**WILDLIFE CORRIDOR:** Areas of linear, non-recreational open space that is set aside for wildlife to move from habitat to habitat without possible interaction with human beings or motor vehicles.

**WIND ENERGY SYSTEM:** Any facility, including all associated structures, facilities and equipment, whose purpose is to produce, store and/or distribute electricity from wind, including any base, blade, foundation, nacelle, rotor, tower, transformer, vane, wire, inverter, batteries or other component necessary to fully utilize the wind generator, also referred to as a "Wind Turbine."

**WIND GENERATOR TOTAL HEIGHT:** The vertical distance above grade level to the tip of a wind generator blade when the tip is at its highest point.

**WIND GENERATOR TOWER HEIGHT:** The height above grade level of the fixed portion of the tower excluding the wind turbine itself.

**WIND TURBINE:** A device that converts kinetic energy from the wind into mechanical energy.

**WINERY:** A place where wine is produced and bottled. A brewery, distillery, winery processing grapes and other fruit products, vegetables or honey to produce wine or similar spirits. Processing includes crushing, fermenting, blending, aging, storage, bottling, administrative office functions for the brewery, distillery, and winery, warehousing and wholesale sales, produced on the land and/or structures located on the land.

**WIRELESS:** Transmissions through the airwaves including but not limited to, infrared line of sight, cellular, PCS, microwave, satellite, or radio signals.

**WIRELESS COMMUNICATION SERVICE:** Any personal wireless service as defined by the Telecommunications Act of 1996, which includes FCC licensed commercial wireless telecommunication services including cellular, personal communications services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), paging, and similar services that currently exist or that may in the future be developed.

**WOODLAND:** An area, grove, or stand of mature or largely mature trees (i.e., six (6) inches or greater caliper) covering one-quarter (1/4) acre or more, or a grove or stand of mature trees (i.e., twelve (12) inches or greater caliper) consisting of ten (10) or more individual trees. The extent of any woodland plant community or part thereof shall be measured from the outermost drip line of all the trees in such plant community.

**WOODLAND DISTURBANCE –**

- A. Any activity that alters the existing structure of a woodland or hedgerow. Alterations include the cutting or removal of canopy trees, sub-canopy trees, under-story shrubs and vines and herbaceous woodland floor species.

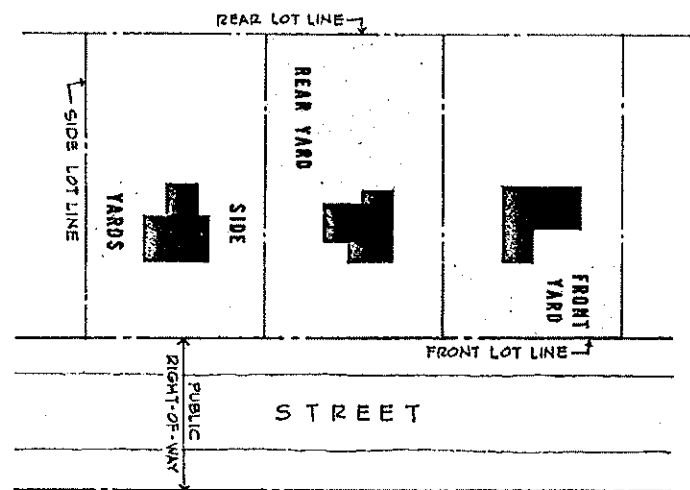
- B. Any activity which constitutes a land disturbance (exposes soils, alters topography) within a woodland or hedgerow.
- C. Woodland disturbance does not include the selective cutting or removal of invasive plant species or the removal of vegetation which constitutes a hazardous condition.

**YARD and/or SETBACK:** A portion of a lot that is unoccupied and open to the sky and extends from the lot line to the building, structure, or use.

**YARD, AREA or SIZE:** The areas or size of yard shall be measured as the shortest distance between the building, structure, or use and lot line or street line.

**YARD and/or SETBACK, FRONT:** An area extending along the full length of the front lot line to the nearest point of any building on the lot.

**YARD and/or SETBACK, REAR:** An area extending the full width of the lot along the rear lot line and extending in depth from the rear lot line to the nearest point of any building on the lot.



**YARD and/or SETBACK, SIDE:** An area extending the full length of the lot along a side lot line and extending in width from such side lot line to the nearest point of any building on the lot.

**ZONING DISTRICT, BASE:** The basic system of zoning, which, under the Township Zoning Ordinance, as amended, divides all land in the Township into separate distinct zoning district districts as shown on the Zoning Map of Penn Township and sets limits and requirements for land use in each of these base zoning districts.

**ZONING DISTRICT OVERLAY:** Regulations which apply in addition to the regulations applicable in base zoning districts. Where conflicts exist between the overlay and base zoning, the most restrictive provision applies.

**ZONING HEARING BOARD:** The Zoning Hearing Board of Penn Township.

**ZONING MAP:** The Official Zoning Map of Penn Township, Chester County, Pennsylvania.

**ZONING OFFICER:** The officer or other designated authority charged with the administration and enforcement of this Ordinance. In Penn Township, the duties of Zoning Officer may be combined with the duties of Building Inspector under the designation of Code Enforcement Officer.

## *Article III: Establishment of Districts*

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### **SECTION 300. ZONING DISTRICTS AND CONTROLS**

- A. Base Districts. For the purposes of this Ordinance, Penn Township is hereby divided into the following zoning districts:

RA- Residential Agriculture District (Article IV)  
RS- Residential Suburban District (Article V)  
RHD- Residential High Density District (Article VI)  
IOS- Institutional Open Space District (Article VII)  
MH- Mobile Home District (Article VIII)  
IR- Institutional-Residential District (Article IX)  
VC- Village Commercial District (Article X)  
C- Commercial District (Article XI)  
LI- Limited Industrial District (Article XII)

- B. Overlay Districts. The Ordinance shall also contain an overlay district:

PW - Public Water Overlay District (Article XVI)

- C. All land areas of the Township shall be deemed by this Ordinance to be within a zoning district, and all buildings, structures, lots, and land in the Township, except as provided herein or in other applicable law, shall be subject to the provisions of the district in which they are located. Buildings or structures may be constructed or used, and lots or land may be developed, used, or occupied only for uses, as uses-by-right or accessory uses, conditional uses when approved by the Board of Supervisors, or uses by special exception or variances when approved by the Zoning Hearing Board, which adhere to certain standards and criteria and are permitted in the zoning district in which such buildings, structures, lots, and land are located.

### **SECTION 301. ZONING MAP**

- A. Names, location(s), and boundaries of zoning districts shall be as shown on the "Penn Township Zoning Map (Zoning Map)" attached hereto as may be amended, and shall be adopted and made as part of this Ordinance including notations, references, or other information shown thereon.
- B. Applicable maps for the Public Water Overlay District shall be as found in the Penn Township Comprehensive Plan, unless other specified in this Ordinance.

### **SECTION 302. DISTRICT BOUNDARIES**

District boundaries shall be property lines or center lines of streets, lanes, watercourses, and rights-of-way of power lines, railroads, or other public utilities existing as of the effective date of this Ordinance, except as follows:

- A. Where a district boundary is indicated as including both sides of a street or lane, watercourse, or right-of-way of a power line, railroad, or other public utility, the district shall be construed to apply to the entire bed of such and the boundary to follow the edge of such.
- B. Where a district boundary divides a lot or runs through undivided property, the location of such boundary, unless otherwise specified on the Zoning Map, shall be determined by use of the scale on the Zoning Map.
- C. Where there is an overlay district, interpretation of boundaries is contained in its respective map and/or Article.
- D. Where questions develop as to the exact location of a district boundary line, the Zoning Officer shall investigate and render a decision. Appeals of this decision may be taken to and shall be decided by the Zoning Hearing Board per provisions of Article XX.

### **SECTION 303. DISTRICT BOUNDARY TOLERANCES**

Where a district boundary divides an individual lot held in single and separate ownership as of the effective date of this Ordinance, uses of the less restrictive district may extend into the area of the lot located in the more restrictive district. Full usage shall first be made of the area of the lot in the less restrictive district before extension of uses into the more restrictive district. Any extension of a use into the more restrictive district shall follow the area and bulk requirement of that district.



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## *Article IV: RA Residential Agricultural District*

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### **SECTION 400. PURPOSE**

In promoting the policies of Article I, the purpose of this district is to perpetuate the rural character of the northern part of the Township by promoting agriculture and low density recreational and residential uses.

### **SECTION 401. USE REGULATIONS**

- A. Uses-by-right. A building and/or a lot may be used by-right for any one (1) of the following principal purposes and no other:
1. Agricultural uses (Non-intensive), per Section 1505.
  2. Single-family detached dwellings.
  3. Clubs, provided all services shall be only for members and their guests, per Section 1510.
  4. Recreational uses, per Section 1533.
  5. Government uses, not including dumps, junkyards, landfills, and penal/correctional uses.
  6. Woodlands, preserves, or other conservation uses.
  7. Forestry/Timber harvesting per Article XIII.
- B. Conditional Uses. A building and/or a lot may be for any one (1) of the following principal purposes and no other when authorized as a conditional use by the Board of Supervisors subject to Article XIX.
1. Educational uses, per Section 1519.
  2. Historic resource conversions, per Section 1525.
  3. Bed and breakfast (Inns), per Section 1508.
  4. Religious uses, per Section 1535.
  5. Agricultural uses (Intensive), per Section 1505
  6. Agricultural uses (Cottage brewing, distilling, or winemaking industries), per Section 1515.
  7. Golf courses, not including driving ranges or miniature golf courses, per Section 1521.
  8. Public utility facilities, per Section 1532.
- C. Accessory Uses. Unless otherwise stated in this Ordinance, accessory uses shall be permitted in the same manner as the primary use in this district with which they are associated.
1. Agricultural accessory uses, per Section 1501.
  2. Residential accessory uses, per Section 1501.
  3. Accessory Dwellings, per Section 1502.
  4. Accessory Minor home occupations, per Section 1503.
  5. Bed and breakfast (Home/guest house), per Section 1508.
  6. Institutional accessory uses, per Section 1501.
  7. Keeping of animals for recreational, educational, and/or residential use, per Section 1615.

**SECTION 402          AREA AND BULK REGULATIONS**

Unless as otherwise specified in this Article, Article XV, or other Article of this Ordinance, uses permitted in this district shall meet the following area and bulk regulations:

- A. Minimum lot area – Two (2) acres
- B. Minimum lot width at street line - Fifty (50) feet
- C. Minimum lot width at building setback line – Two-hundred (200) feet
- D. Minimum building setback line - Fifty (50) feet
- E. Minimum side yard –Fifty (50) feet
- F. Minimum rear yard – Fifty (50) feet, unless the lot is a reverse frontage lot, in which event the requirements of Section 1601 shall apply.
- G. Maximum lot coverage – Fifteen percent (15%)
- H. Maximum building height – Thirty-five (35) feet

**SECTION 403.          DESIGN STANDARDS**

The following design standards as applicable for permitted uses in this district shall include:

- A. Supplemental use standards, per Article XV.
- B. General standards, including Outdoor Storage, Screening, Outdoor Lighting, Off-Street Parking, and Vehicular Access and Traffic Control, per Article XVI.
- C. Sign Standards, per Article XVII.
- D. Natural Resources Standards, per Article XIII.
- E. Historic Resources Standards, per Article XIV.

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**Article V:      RS Residential Suburban District**

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**SECTION 500.      PURPOSE**

In promoting the policies of Article I, the purpose of this district is to provide for similar uses as the RA district but at a medium density.

**SECTION 501.      USE REGULATIONS**

- A.    Uses-by-right. A building and/or a lot may be used by-right for any one (1) of the following principal purposes and no other:
1.    Agricultural uses (Non-intensive), per Section 1505.
  2.    Single-family detached dwellings.
  3.    Clubs, provided all services shall be only for members and their guests, per Section 1510.
  4.    Recreational uses, per Section 1533.
  5.    Government uses, not including dumps, junkyards, landfills, and penal/correctional uses.
  6.    Woodlands, preserves, or other conservation uses.
  7.    Forestry/Timber harvesting per Article XIII.
- B.    Conditional Uses. A building and/or a lot may be for any one (1) of the following principal purposes and no other when authorized as a conditional use by the Board of Supervisors subject to Article XIX.
1.    Educational uses, per Section 1519.
  2.    Historic resource conversions, per Section 1525.
  3.    Bed and Breakfast (Inns), per Section 1508.
  4.    Religious uses, per Section 1535.
  5.    Golf courses, not including driving ranges or miniature golf courses, per Section 1521.
  6.    Public utility facilities, per Section 1532.
- C.    Accessory uses. Unless otherwise stated in this Ordinance, accessory uses shall be permitted in the same manner as the primary use in this district with which they are associated.
1.    Agricultural accessory uses, per Section 1501.
  2.    Residential accessory uses, per Section 1501.
  3.    Accessory Dwellings, per Section 1502.
  4.    Accessory Minor home occupations, per Section 1503.
  5.    Bed and breakfast (Home/guest house), per Section 1508.
  6.    Institutional accessory uses, per Section 1501.
  7.    Keeping of animals for recreational, educational, and/or residential use, per Section 1615.

**SECTION 502      AREA AND BULK REGULATIONS**

Unless as otherwise specified in this Article, Article XV, or other Article of this Ordinance, uses permitted in this district shall meet the following area and bulk regulations:

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- A. Minimum lot area – One (1.25) acres
- B. Minimum lot width at street line - Fifty (50) feet
- C. Minimum lot width at building setback line – One-hundred fifty (150) feet
- D. Minimum building setback line - Forty (40) feet
- E. Minimum side yard – Twenty-five (25) feet
- F. Minimum rear yard – Fifty (50) feet, unless the lot is a reverse frontage lot, in which event the requirements of Section 1601 shall apply.
- G. Maximum lot coverage – Twenty-five percent (25%)
- H. Maximum building height - Thirty-five (35) feet

### **SECTION 503. DESIGN STANDARDS**

The following design standards as applicable for permitted uses in this district shall include:

- A. Supplemental Use Standards, per Article XV.
- B. General Standards, including but not limited to Outdoor Storage, Landscaping, Lighting, Parking, Access and Traffic Control, and Interior Circulation, per Article XVI.
- C. Sign Standards, per Article XVII.
- D. Natural Resources Protection Standards, per Article XIII.
- E. Historic Resources Standards, per Article XIV.

## *Article VI: RHD Residential High Density District*

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### **SECTION 600. PURPOSE**

In promoting the policies of Article I, the purpose of this district is to provide for a variety of residential uses as an alternative to conventional single-family detached lot-by-lot development, including flexibility in lot layout and site design to accommodate such higher-density uses and the conservation of open space.

### **SECTION 601. USE REGULATIONS**

- A. Uses-by-right. A building and/or a lot may be used by-right for any one (1) of the following principal purposes and no other:
1. Single-family detached dwellings.
  2. Two-family dwellings.
  3. Multi-family dwellings, per Section 1531.
  4. Government uses, not including dumps, junkyards, landfills, and penal/correctional uses.
  5. Woodlands, preserves, or other conservation uses.
  6. Forestry/Timber harvesting per Article XIII.
- B. Conditional Uses. A building and/or a lot may be for any one (1) of the following principal purposes and no other when authorized as a conditional use by the Board of Supervisors subject to Article XIX.
1. Public utility facilities, per Section 1532.
- C. Accessory uses. Unless otherwise stated in this Ordinance, accessory uses shall be permitted in the same manner as the primary use in this district with which they are associated.
1. Residential accessory uses, per Section 1501.
  2. Accessory Minor home occupations, per Section 1503.

### **SECTION 602 AREA AND BULK REGULATIONS**

Unless as otherwise specified in this Article, Article XV, or other Article of this Ordinance, uses permitted in this district shall meet the following area and bulk regulations:

- A. Tract regulations for Residential uses.
1. Minimum tract area - Fifty (50) acres
  2. Maximum density – Four (4) dwelling units per acre
  3. Minimum tract width at exterior street line – Three-hundred (300) feet.
  4. Minimum (front, side, rear) yard for principal buildings from any tract boundary - Twenty five (25) feet.

5. Minimum (front, side, rear) yard for principal buildings from any exterior road - Fifty (50) feet.
6. Maximum lot coverage - Fifty percent (50%)
7. Minimum green areas - Forty percent (40%) of tract area, per Section 1612. The Board of Supervisors may require that up to fifty percent (50%) of such green area be suitable and designed for recreational uses.
8. Maximum building height – Thirty-five (35) feet

B. Lot regulations.

1. For uses permitted in this district, unless otherwise stated in this Article or Ordinance:

- a. Minimum lot size – Five-thousand (5,000) sq. ft. per dwelling unit
- b. Minimum lot width at the building setback line – Fifty (50) feet
- c. Minimum building setback line – Thirty (30) feet
- d. Minimum side yard – Five (5) feet each, Twenty (20) feet aggregate
- e. Minimum rear yard – Forty (40) feet

2. Multi-family dwellings.

- a. Townhouses

- 1) Minimum lot size – Five-thousand (5,000) sq. ft. per dwelling unit
- 2) Minimum dwelling unit width – Twenty (20) feet
- 3) Minimum separation distance between principal Townhouse buildings – Twenty (20) feet

- b. Apartments

- 1) Minimum separation distance between principal Apartment buildings – Twenty (20) feet

- c. Additional design standards for Townhouse and Apartment buildings

- 1) Townhouses and Apartment Buildings shall not be arranged so as to form completely enclosed courts.
- 2) Buildings may be connected by covered walkways or similar structures.
- 3) Maximum building length in any direction – One-hundred twenty (120) feet
- 4) Minimum distance between any principal building and any parking or loading area, internal street, or solid waste collection area – Twenty (20) feet
- 5) Minimum landscaped planting area - Twenty (20) feet in depth shall be provided along all areas that abut an existing or new public street.

## SECTION 603. DESIGN STANDARDS

The following design standards as applicable for permitted uses in this district shall include:

A. Supplemental Use Standards, per Article XV.

- B. General Standards, including but not limited to Outdoor Storage, Landscaping, Lighting, Parking, Access and Traffic Control, and Interior Circulation, per Article XVI.
- C. Sign Standards, per Article XVII.
- D. Natural Resources Protection Standards, per Article XIII.
- E. Historic Resources Standards, per Article XIV.

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## *Article VII: IOS Institutional Open Space District*

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### **SECTION 700. PURPOSE**

In promoting the policies of Article I, the purpose of this district is to perpetuate the rural character of the northern part of the Township by promoting agriculture and flexibility in site design for larger scale institutional, open space, and recreational uses, which are non-residential in nature and have specialized characteristics and potential impacts on adjacent properties, including generation of traffic at off-peak hours, adaptation of large tracts of open land, and changes to characteristic landscapes and view sheds.

### **SECTION 701. USE REGULATIONS**

- A. Uses-by-right. A building and/or a lot may be used by-right for any one (1) of the following principal purposes and no other:
1. Agricultural uses (Non-intensive), per Section 1505.
  2. Recreational uses, per Section 1533.
  3. Educational uses, per Section 1519.
  4. Museums, libraries, or other cultural uses of a similar nature.
  5. Government uses, not including dumps, junkyards, landfills, and penal/correctional uses.
  6. Woodlands, preserves, or other conservation uses.
  7. Forestry/Timber harvesting, per Article XIII.
- B. Conditional Uses. A building and/or a lot may be for any one (1) of the following principal purposes and no other when authorized as a conditional use by the Board of Supervisors subject to Article XIX.
1. Historic resource conversions, per Section 1525.
  2. Bed and breakfast (Inns), per Section 1508.
  3. Religious uses, per Section 1535.
  4. Cemeteries, per Section 1509.
  5. Cottage brewing, distilling, or winemaking industries, per Section 1515.
  6. Agricultural uses (Intensive), per Section 1505
  7. Agricultural uses (Cottage brewing, distilling, or winemaking industries), per Section 1515.
  8. Public utility facilities, per Section 1532.
- C. Accessory uses. Unless otherwise stated in this Ordinance, accessory uses shall be permitted in the same manner as the primary use in this district with which they are associated.
1. Institutional accessory uses, per Section 1501.
  2. Agricultural accessory uses, per Section 1501.



**SECTION 702. AREA AND BULK REGULATIONS**

Unless as otherwise specified in Article XV or other Article of this Ordinance, uses permitted in this district shall meet the following area and bulk regulations:

- A. Minimum lot area – Ten (10) acres
- B. Minimum lot width at street line - Fifty (50) feet
- C. Minimum lot width at building setback line - Two-hundred 200 feet
- D. Minimum building setback line - Fifty (50) feet
- E. Minimum side yard – Fifty (50) feet
- F. Minimum rear yard – Fifty (50) feet, unless the lot is a reverse frontage lot, in which event the requirements of Section 1601 shall apply.
- G. Maximum lot coverage – Ten percent (10%)
- H. Minimum green area – Forty percent (40%) of lot area, per Section 1612.
- I. Maximum building height - Thirty-five (35) feet

**SECTION 703. DESIGN STANDARDS**

The following design standards as applicable for permitted uses in this district shall include:

- A. Supplemental Use Standards, per Article XV.
- B. General Standards, including but not limited to Outdoor Storage, Landscaping, Lighting, Parking, Access and Traffic Control, and Interior Circulation, per Article XVI.
- C. Sign Standards, per Article XVII.
- D. Natural Resources Protection Standards, per Article XIII.
- E. Historic Resources Standards, per Article XIV.

## ***Article VVVV: MHP Mobile and Manufactured Home Park District***

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### **SECTION 800. PURPOSE**

In promoting the policies of Article I, the purpose of this district is to provide adequate facilities for mobile and manufactured homes and parks in a neighborhood environment that complements surrounding properties.

### **SECTION 801. USE REGULATIONS**

- A. Uses-by-right. A building and/or a lot may be used by-right for any one (1) of the following principal purposes and no other:
1. Mobile and manufactured home parks, per Section 1530.
  2. Single-family detached dwellings.
  3. Recreational uses (Outdoor), provided that such shall be compatible with the residential purpose of this district, per Section 1533.
  4. Government uses, not including dumps, junkyards, landfills, and penal/correctional uses.
  5. Woodlands, preserves, or other conservation uses.
  6. Forestry/Timber harvesting per Article XIII.
- B. Conditional Uses. A building and/or a lot may be for any one (1) of the following principal purposes and no other when authorized as a conditional use by the Board of Supervisors subject to Article XIX.
1. Public utility facilities, per Section 1532.
- C. Accessory uses. Unless otherwise stated in this Ordinance, accessory uses shall be permitted in the same manner as the primary use in this district with which they are associated.
1. Residential accessory uses, per Section 1501.
  2. Accessory Minor home occupations, per Section 1503.
  3. Accessory uses associated with mobile and manufactured home parks, e.g. office or service buildings.
  4. Institutional accessory uses, per Section 1501.

### **SECTION 802 AREA AND BULK REGULATIONS**

Unless as otherwise specified in Article XV or other Article of this Ordinance, uses permitted in this district shall meet the following area and bulk regulations:

- A. Minimum tract area - Ten (10) acres
- B. Maximum density – Four (4) mobile or manufactured home dwelling units per acre
- C. Minimum green area – Twenty percent (20%) of tract area
- D. Minimum lot width – Fifty (50) feet

- E. Minimum (front, side, rear) yard for principal buildings from any tract boundary and/or exterior road - Twenty five (25) feet.
- F. Minimum front yard for principal buildings from any interior road - Fifteen (15) feet.
- G. Minimum distance between principal buildings - Fifteen (15) feet.
- H. Maximum tract coverage - Forty percent (40%)
- I. Maximum building height – Thirty-five (35) feet.

### **SECTION 803. DESIGN STANDARDS**

The following design standards as applicable for permitted uses in this district shall include:

- A. Supplemental Use Standards, per Article XV.
- B. General Standards, including but not limited to Outdoor Storage, Landscaping, Lighting, Parking, Access and Traffic Control, and Interior Circulation, per Article XVI.
- C. Sign Standards, per Article XVII.
- D. Natural Resources Protection Standards, per Article XIII.
- E. Historic Resources Standards, per Article XIV.
- F. All permitted uses in this district shall be subject to a requirement that connection is made to a public sewage system and public water supply system, unless another system a community sewage disposal system or an on-lot sewage system is permitted via grant of a conditional use.

## *Article IX: IR Institutional-Residential District*

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### **SECTION 900. PURPOSE**

In promoting the policies of Article I, the purpose of this district is to provide for centralized community facilities to serve residents in the Township and region and related support services. This district also provides for residential uses, and particularly those intended to be served by the proximate institutional uses.

### **SECTION 901. USE REGULATIONS**

- A. Uses-by-right. A building and/or a lot may be used by-right for any one (1) of the following principal purposes and no other:
1. Office uses, per Section 1512.
  2. Government uses, not including dumps, junkyards, sanitary landfills, and penal/correctional uses.
  3. Agricultural uses (Non-intensive), per Section 1505.
  4. Woodlands, preserves, or other conservation uses.
  5. Forestry/Timber harvesting, per Article XIII.
- B. Conditional Uses. A building and/or a lot may be for any one (1) of the following principal purposes and no other when authorized by the Board of Supervisors subject to Article XIX.
1. Medical Clinics, per Section 1523.
  2. Religious uses, per Section 1535.
  3. Educational uses, per Section 1519.
  4. Museums, libraries, or other cultural uses of a similar nature.
  5. Recreational uses, per Section 1533.
  6. Hospitals, per Section 1523.
  7. Ambulatory surgery centers, per Section 1523.
  8. Historic resource conversions, per Section 1525.
  9. Bed and breakfast (Inns), per Section 1508.
  10. Transitional housing facilities, per Section 1537.
  11. Medical Marijuana Dispensary, per Section 1528.
  12. Veterinary clinics/offices having no kennels, per Section 1538.
  13. Retirement communities, continuing care communities and/or assisted living communities, per Section 1536.
  14. Public utility facilities, per Section 1532.
- C. Accessory uses. Unless otherwise stated in this Ordinance, accessory uses shall be permitted in the same manner as the primary use in this district with which they are associated.
1. Agricultural accessory uses, per Section 1501.
  2. Residential accessory uses, per Section 1501.
  3. Institutional accessory uses, per Section 1501.

4. Commercial accessory uses, per Section 1501.
5. Minor home occupations, per Section 1503.
6. Helipads, per Section 1524.
7. Bed and breakfast (Home/guest house) per Section 1508.
8. In addition, accessory uses and standards for retirement communities, continuing care communities, assisted living communities, hospitals, and other permitted uses in this district shall be found in sections referenced in Subsections A. and B., as applicable.

## **SECTION 902 AREA AND BULK REGULATIONS**

- A. Unless as otherwise specified in Article XV or other Article of this Ordinance, uses permitted in this district shall meet the following area and bulk regulations:

1. Minimum lot area – One (1) acre.
2. Minimum lot width at street line – One-hundred (100) feet
3. Minimum lot width at building setback line – One-hundred (100) feet
4. Minimum building setback line – Fifty (50) feet
5. Minimum side yard – Thirty (30) feet
6. Minimum rear yard – Fifty (50) feet, unless the lot is a reverse frontage lot, in which event the requirements of Section 1601 shall apply.
7. Maximum lot coverage – Sixty percent (60%)
8. Minimum green area – Forty percent (40%) of lot area, per Section 1612.
9. Maximum building height - Thirty-five (35) feet.

- B. Hospitals, Medical clinics, and Ambulatory surgery centers.

1. Minimum lot area - Five (5) acres
2. Minimum lot width at street line – One-hundred (100) feet
3. Minimum lot width at building setback line – Four-hundred (400) feet
4. Minimum building setback line - One-hundred (100) feet
5. Minimum side yard – Fifty (50) feet
6. Minimum rear yard – Fifty (50) feet, unless the lot is a reverse frontage lot, in which event the requirements of Section 1601 shall apply.
7. Maximum lot coverage – Thirty-three percent (33%)
8. Minimum green area – Forty percent (40%) of lot area, per Section 1612.
9. Maximum building height - Thirty-five (35) feet.
10. Maximum density – Three and one-quarter (3.25) D.U./acre. For this use, two (2) beds shall equal one (1) dwelling unit in calculating density

- C. Building separation distances shall provide for safety and shall be dependent as well on scale and intensity of uses. Buildings may be connected by covered walkways or similar structures.

## **SECTION 903. DESIGN STANDARDS**

The following design standards as applicable for permitted uses in this district shall include:

- A. Supplemental Use Standards, per Article XV.

- B. General Standards, including but not limited to Outdoor Storage, Landscaping, Lighting, Parking, Access and Traffic Control, and Interior Circulation, per Article XVI.
- C. Sign Standards, per Article XVII.
- D. Natural Resources Protection Standards, per Article XIII.
- E. Historic Resources Standards, per Article XIV.
- F. All permitted uses in this district shall be subject to a requirement that connection is made to a public sewage system and public water supply system, unless another system a community sewage disposal system or an on-lot sewage system is permitted via grant of a conditional use.

**SECTION 904. RETIREMENT/AGE-RESTRICTED COMMUNITIES, CONTINUING CARE COMMUNITIES AND/OR ASSISTED LIVING COMMUNITIES**

- A. Retirement/Age-restricted communities shall have residential dwelling units that are restricted to occupancy by households where at least one (1) permanent resident is age fifty-five (55) years or older. Permanent occupancy by persons age eighteen (18) years or younger shall be prohibited. A person age eighteen (18) years or younger may reside in a dwelling unit on a temporary basis for a period of no more than one-hundred (120) days in a calendar year. A household that meets the occupancy requirements at initial occupancy shall not be required to terminate occupancy in the event of death, divorce, placement in nursing care, or similar circumstances of the resident age fifty-five (55) or older.
- B. Uses Permitted.
  - 1. Residential uses. Residential dwelling units shall consist of a mix of at least three (3) of the following dwelling unit types, unless a different mix is permitted by conditional use approval after consideration of site conditions. All dwellings shall be owner occupied, except that up to thirty-five (35%) percent of multi-family units may be renter-occupied.
    - a. Multi-family dwellings.
    - b. Two-family dwellings.
    - c. Single-family detached dwellings.
    - d. Residential accessory uses, per Section 1601.
  - 2. Assisted living facilities.
  - 3. Continuing care communities. When in combination with retirement community and/or assisted living uses, this use shall be limited to a maximum of twenty percent (20%) of the total square feet of all other structures on the tract.
  - 4. Accessory Facilities where the applicant can demonstrate to the satisfaction of the Township that such facilities are clearly intended for use by the residents, staff, and visitors of the primary related, including the following:
    - a. Dining facilities
    - b. Medical offices and/or clinics not operated as the principal location of any medical practice serving the general public
    - c. Retail/service areas limited to twenty percent (20%) of the floor area of the primary use facility.
    - d. Community center

- e. Recreational facilities
  - f. Religious facilities
  - g. Rooms for guests of residents or prospective residents
  - h. Administrative offices
  - i. Maintenance shop, emergency power generation, central laundry, central kitchen
- C. The tract of land to be developed shall be in single ownership or, if in multiple ownerships, shall be developed according to a single plan with common authority and responsibility. For purposes of determining maximum density of development, minimum common protected green area requirements, and bonus density eligibility, both gross tract area and net tract area shall refer to a single tract of land or contiguous tracts of land. While non-contiguous tracts may be incorporated into development plans where necessary for provision of sewer and/or water services or similar purposes, such non-contiguous tracts shall not be included in any calculation of gross tract area or net tract area for purposes of compliance with area and bulk regulations herein.
- D. Residential density in a retirement community shall not exceed three and one-quarter (3.25) dwelling units per gross acre. For purposes of calculating residential density, two (2) beds in a hospital, continuing care, or assisted living community shall be the equivalent of one (1) dwelling unit.
- E. Density and area and bulk requirements.
- 1. For any residential dwelling unit, the following yards areas shall apply:
    - a. Minimum Front yard – Twenty (20) feet
    - b. Minimum Side yard – Ten (10) feet
    - c. Minimum Rear yard – Thirty (30) feet
    - d. For purposes of measuring yard area where private streets or drives provide access without dedicated street rights-of-way, the edge of the cartway shall be considered the front lot line. Where residential structures do not occupy individual lots, yard area shall be measured such that no area meeting the yard requirements for one (1) structure may be used to meet the yard requirements of another.
  - 2. The overall length of any single façade of any structure containing dwelling units shall not exceed one-hundred twenty (120) feet. A façade extending in a single direction shall be considered a single façade where not articulated or broken by a change in façade direction extending at least ten (10) feet perpendicularly. For purposes of façade measurement, unenclosed porches, patios, balconies or similar protrusions shall not be considered part of the façade.
  - 3. Solid waste collection stations and parking areas excepting driveways shall not be located within any minimum yard area and shall be screened from view on all sides by landscaping, solid fences, berms, or any combination thereof.
  - 4. The maximum building height for any structure containing residential dwelling units shall not exceed forty (40) feet or four (4) habitable stories, whichever is less. All residential structures shall not be located less than one-hundred fifty (150) feet from any tract boundary except when approved by conditional use, where the applicant demonstrates to the satisfaction of the Board of Supervisors that the siting of structures relative to topographic conditions mitigates impacts of building height.

5. Maximum impervious coverage.

- a. For apartment dwellings and any other dwelling types not provided with individual lots, maximum impervious coverage shall be forty (40%) percent of the gross area devoted to such dwellings. Any land area used to satisfy this limitation may not also be counted toward meeting minimum common green area requirements or toward meeting yard or set back requirements for any other dwelling units.
- b. For all dwelling units provided with individual lots and any lots for green area or any other permitted use, maximum impervious coverage shall be as follows.

- 1) Lots less than seven-thousand (7,000) square feet in area: Fifty-five percent (55%)
- 2) Lots greater than or equal to seven-thousand (7,000) square feet and less than twelve-thousand (12,000) square feet in area: Forty-five percent (45%)
- 3) Lots greater than or equal to twelve-thousand (12,000) square feet and less than twenty-thousand (20,000) square feet in area: Thirty-five percent (35%)
- 4) Lots greater than or equal to twenty-thousand (20,000) square feet and less than one (1) acre in area: Twenty-five percent (25%)
- 5) Lots greater than or equal to one (1) acre and less than five (5) acres in area: Twenty percent (20%)
- 6) Lots greater than or equal to five (5) acres and less than twenty (20) acres in area: Fifteen percent (15%)
- 7) Lots greater than twenty (20) acres in area: Ten percent (10%)

6. Minimum separation between principal structures, at any point shall not be less than twenty (20) feet, except that minimum separation shall not be less than fifty (50) feet measured perpendicularly from any rear wall to any point on any other principal structure. This provision shall be interpreted in the same manner as yard areas would be defined for standard residential development, whether or not individual yard areas are actually designated.
7. Minimum separation between accessory buildings and any principal structures to which they are not accessory also shall comply with the separation distances for principal structures per Subsection 6, above.
8. Minimum setback from the edge of cartway (or outside edge of curb, if applicable) of any street shall be not less than twenty-five (25) feet, except as provided in Section 704.I.6.b.
9. Maximum building height shall not exceed thirty five (35) feet.
10. No exterior windows, doors, or other openings shall be permitted in any portion of any principal or accessory structure located less than five feet from any lot line.
11. Where any portion of any principal or accessory structure is located less than five feet from any lot line, as perpetual easement providing for maintenance of such structure, and measuring no less than five feet in width from the affected walls, shall be provided on the adjacent lot(s). This provision shall not apply to a lot line(s) where separating two-family or multi-family dwelling units on the interior or the same principal structure.
12. Green areas requirements shall be as specified in Subsection I.9.
13. Dwelling unit or lot density bonus for green area resource conservation. In order to promote conservation of significant resources, the maximum density of number of lots or dwelling units permitted may be increased over the base maximum calculated in Subsection D, where green areas meet the following.



- a. For each percentage point of eligible green area, calculated as a percentage of gross tract area, the maximum number of dwelling units may be increased by two percent (2%). Any applicable density bonus calculation shall be rounded to the nearest whole number; fractions of one-half (0.5) or greater shall be rounded up.
  - b. In order to be eligible for calculation of bonus density, the green area must comprise green area(s) fully in addition to the minimum required restricted green areas, per Subsection I.9.
  - c. Comprise prime agricultural soils, as mapped in the Township Comprehensive Plan.
  - d. Conservation of resource areas used toward calculation of bonus density must be guaranteed through establishment of restrictions and management criteria satisfactory to the Township.
  - e. The applicant is advised that the maximum number of units under this density bonus shall be subject to compliance with all other standards, criteria, and regulations of this Article, Ordinance, and all other applicable statutes and regulations, application of which may result in less dwelling units than the maximum number of units calculated under the provisions of this Subsection.
- F. Any retirement community, continuing care community, and/or assisted living community on a tract of less than one-hundred fifty (150) acres shall meet applicable standards in this Article and the following:
1. The minimum tract size for the continuing care and/or assisted living facility shall be no less than fifty (50) acres.
  2. Not less than fifty (50%) percent of the gross tract area shall be designated as common green area, per Subsection I.9.
  3. Not more than thirty-five percent (35%) of the gross tract area shall be covered by impervious surfaces.
  4. No principal structure shall be located less than one-hundred fifty (150) feet from any tract boundary, except by conditional use approval when the applicant can demonstrate that due to topographic conditions the impacts of height upon abutting properties is mitigated.
  5. Each principal use shall meet the area and bulk requirements herein. Where uses are not located on individual lots, sufficient land area shall be identified meeting the area and bulk requirements for each principal use. Such land area may include permitted accessory uses but shall not be used to satisfy any area and/or bulk requirement for any other principal use nor to satisfy the minimum common green area requirement.
  6. Each continuing care and/or assisted living facility shall meet the area and bulk requirements of Section 902. Where these uses are not located on individual lots, sufficient land area shall be identified meeting the area and bulk requirements for such use. Such land area may include accessory uses but shall not be used to satisfy any area and/or bulk requirement for any other principal use or to satisfy the minimum common green area requirement.
  7. Accessory structure and uses shall be located in conformity with the yard requirements for the particular principal use to which they are accessory. The maximum height of any accessory building shall meet Section 1501.
- G. For any retirement community, continuing care community, and/or assisted living community on a tract of one-hundred fifty (150) acres or more shall meet applicable standards in this Article and the following:

1. Residential dwelling units shall consist of a mix of at least three (3) of the dwelling unit types in Subsection B., unless a different mix is permitted by conditional use approval after consideration of site conditions.
2. Environmental assessment map and report. The applicant shall analyze the tract to identify those areas presenting absolute constraints and limited constraints to development. The analysis shall include, at a minimum, the declination and qualification of areas of the site constrained by steep slopes, floodplains, wetlands, water resource protection areas, and woodlands.
3. Description of development report. The applicant shall describe the proposed development, ownership and management of the development, and qualify all relevant information related to the development. At a minimum, this analysis shall include the number and types of residential dwelling units and their density, the number and type of non-residential facilities and floor area, parking requirements, potential employment at facilities in the development, need for the development, impacts on the surrounding community, and potential revenue to the Township.

H. For government uses, public utilities, and/or use of land for treatment of water and/or sewer:

1. Minimum Lot Area – One (1) acre
2. Minimum Lot Width at Street Line – One-hundred (100) feet
3. Minimum Lot Width at Building Setback Line – One-hundred (100) feet
4. Minimum Building Setback Line - Fifteen (15) feet
5. Minimum Side Yard – Five (5) feet
6. Minimum Rear Yard – Five (5) feet, unless the lot is a reverse frontage lot, in which event the requirements of Section 1601 shall apply.
7. Maximum Lot Coverage – Sixty-five percent (65%)

I. Design Standards.

1. Stormwater Management
  - a. The applicant shall demonstrate to the satisfaction of the Township the feasibility of complying with the provisions the Subdivision and Land Development Ordinance, Township stormwater management ordinance, and Article XIII.
  - b. The applicant shall demonstrate to the satisfaction of the Township that the proposed means of stormwater management will optimize the potential for ground water recharge.
2. Wastewater Disposal: Development shall be served by public sewage system and shall be subject to the following:
  - a. All sewage collection, treatment, and disposal facilities shall be designed and constructed in accordance with the Penn Township Act 537 Sewage Facilities Plan, or a duly enacted revision or supplement thereto, and/or the rules and regulations of PA Department of Environmental Protection, whichever has controlling authority at the time of the application for this use.
  - b. All requirements of PA Department of Environmental Protection shall be complied with and a permit for the system issued thereby.

- c. All sewage collection, treatment and disposal facilities, except underground pipes and spray heads for spray irrigation, shall be set back a minimum of one-hundred (100) feet from the property line of the tract to be developed, shall be screened by vegetation, solid wall or fence, berm or a combination hereof, from neighboring properties in accordance with all applicable provisions of this Ordinance, whether or not developed, and shall be designed and maintained such that there is no persistent odor therefrom.
3. Water Supply: Any retirement community, continuing care community, and/or assisted living community shall be serviced by a public water supply system, per the following:
  - a. All requirements of PA Department of Environmental Protection, Chester County Health Department, and PA Public Utilities Commission (PUC) shall be complied with and permits for the said water supply system shall be issued thereby.
  - b. All distribution systems shall be designed to furnish an adequate supply of water to each principal use or dwelling unit, and shall include fire hydrants with main sizes and fire hydrant locations meeting the specifications of the Mid-Atlantic Association of Fire Underwriters.
  - c. The applicant shall submit evidence to the Township that the proposed water supply meets or exceeds the minimum water quality standards of the U.S. Environmental Protection Agency.
  - d. Ownership and maintenance of such facilities shall be in accordance with the all applicable provisions of this Ordinance.
4. All utility connections shall be installed underground unless special conditions warrant the waiver of this requirement by the Township.
5. The applicant must include notification to all purchasers and/or users of any residence built and transferred under this Article of the limitations imposed pursuant to the requirements and standards of this Article. Every record of title and/or ownership originating from the applicant under the provisions this district shall include a deed restriction running with the land, or similar restriction on use in the event use or ownership is transferred by a method other than fee simple absolute, requiring that occupancy of any residential unit is restricted to occupancy by households in which not less than one (1) resident is age fifty-five (55) or older, and occupancy by persons eighteen (18) years of age or younger is prohibited; except that a person eighteen (18) or younger may reside on a temporary basis in a dwelling for not more than one-hundred twenty (120) days in a calendar year. A household meeting the occupancy requirements at initial occupancy shall not be required to terminate occupancy in the event of a death, divorce or placement in a nursing facility or similar circumstances of the resident who is fifty-five (55) or older.
6. General Development Standards.
  - a. All applicable standards provided in this Ordinance shall apply.
  - b. All principal and accessory structures in a development except multiple-family dwelling units as provided herein, shall be situated so that they are set back a minimum of fifty (50) feet from the predevelopment perimeter boundary of the tract. Multi-family dwelling units shall be set back a minimum of seventy-five (75)

feet from the pre-development perimeter boundary of the tract where abutting existing residential properties. Existing dwellings and dwellings resulting from the conversion of existing structures shall be exempt from this requirement.

- c. Placement of buildings and design of internal circulation systems shall minimize adverse impact to existing Township roads.

7. **Building Design.** It is not the intention of the Township to govern specific architectural design or link conditional use approval to any specific architectural design criteria.

- a. The applicant shall provide drawings illustrating the general character of the intended exterior design, including principal exterior materials, of structures to be built on lands developed in accordance with this Section.
- b. Where the Township determines that architectural design as presented by the applicant is an essential means by which the proposed development complies with the objectives of this Article, the Township may require, as a condition of approval, establishment of appropriate means to guarantee general adherence to the intended architectural character.
- c. The applicant shall address proposed means of long-term maintenance of exterior building facades and landscaping to the satisfaction of the Township, for example, including where appropriate establishment of covenants and/or home-owners association documentation. In granting conditional use approval, the Township may establish appropriate conditions to require provision for long-term maintenance of exterior building facades and landscaping.

8. **Special Provisions for Conservation of Historic Resources.**

- a. Historic resources shall be preserved to the greatest degree feasible, through incorporation into development plans and design, including historic structures, ruins or sites, historic road or other transport traces, paths and trails and any other historic landscape features.
- b. **Density Bonus.** In addition to the maximum permissible number of lots or dwelling units otherwise permitted, an applicant may provide dwelling units and lots therefore through the maintenance, renovation, or adaptive reuse of structures included in the Township Comprehensive Plan, subject to compliance with the standards in Subsection c, below. Except where physically infeasible due to existing locational and/or structural attributes, all such dwelling units must comply with applicable yard area requirements.
- c. **Standards for Historic Resources Providing Bonus Density.** Where maintenance, renovation or reuse of any structure included to the Township Comprehensive Plan, is proposed in order to develop dwelling units in addition to the maximum otherwise permissible, applicant shall comply with the following standards:
  - 1) The applicant shall demonstrate to the satisfaction of the Township that development plans involving historical resources shall adequately conserve the historical integrity of such resources, particularly in terms of how they are viewed from any adjacent public street.
  - 2) Authentic period materials and colors or appropriate modern replication shall be utilized on any portion of any historic structure or enlargement thereof visible from any existing or proposed public right-of-way.

- 3) The applicant shall maintain sufficient landscaped or buffer area surrounding historic structures to retain the integrity of the historical landscape setting. The applicant may demonstrate mitigation of impacts to historical landscape setting through introduction of vegetation or other screening in harmony with such landscape setting and through retention of view lines which visually link historic structures to their landscape setting.
  - 4) Facilities and equipment for heating/air conditioning, trash collection and compaction, and other structural elements not in keeping with historical architectural themes shall be concealed architecturally or otherwise screened from view.
  - 5) Where a bonus density is approved, the applicant shall provide for long-term protection of affected historic structures through establishment of appropriate deed restrictions, easement(s), or other agreement in a form acceptable to the Township.
9. Standards for required common protected green areas. Common protected green areas provided within a retirement community, continuing care community, and/or assisted living community shall meet the following standards:
- a. Common Green areas shall be restricted from further subdivision or development by deed restriction or other agreement in a form acceptable to the Township and duly recorded in the Chester County Recorder of Deeds Office.
  - b. Common green areas shall be arranged and located so as to serve the residents adequately and conveniently, taking into considerations the characteristics of the site and where possible, to preserve and enhance desirable natural features.
  - c. Areas included within the minimum required common green areas shall not be less than seventy-five (75) feet in width and shall contain not less than one acre of contiguous area.
  - d. Common green areas may be used for the construction, installation, location and maintenance of common facilities such as detention/retention basins and related surface water drainage facilities, spray/drip irrigation sewage disposal areas, sewer lines, pumps and related facilities, provided the minimum required common green area may contain recreational and accessory structures related to the purposes of common green areas.
  - e. Minimum restricted common green area shall be forty (40) percent of gross tract area. Provided that each acre of common green area, which is subject to an easement dedicated to the Township as a condition of the conditional use approval, shall be counted as one and one-quarter (1-1/4) acres for purposes of determining compliance with the minimum common green area requirement.
  - f. Determination of Net Tract Area. For purposes of calculating the maximum density or number of lots or dwelling units the net tract area shall be determined by excluding from the gross tract area any or all of the following, as applicable:
    - 1) Areas used for gas, oil, natural gas, electric, or communication transmission facilities, whether below or above ground, that do not serve the tract, inclusive of all land within any defined easement area established for such facilities;
    - 2) Areas within an existing street right-of-way;
    - 3) Areas comprising existing permanent drainage easements or Stormwater management easements;

- 4) Existing areas comprising sewage disposal facilities that do not serve the tract;
- 5) Areas equivalent to seventy-five percent (75%) of any area comprised of one (1) or more of the following and excluding any area already excluded by Subsection 1) – 4), above:
  - a) Areas of Floodplain;
  - b) Areas where the slope gradient is twenty-five percent (25%) or greater, as delineated for the required site analysis per Section 300.2.A.1 of the Penn Township Subdivision and Land Development Ordinance;
  - c) Areas with seasonal high water table soils;
  - d) Areas designated as a wetland, under the jurisdiction of the U.S. Army Corps of Engineers and/or the PA Department of Environmental Protection or successive agencies;

In the event two or more of the above named features overlap, the overlapped area(s) shall be measured only once.

- 6) To the extent that any development rights have been removed or restricted by establishment of conservation easement(s), affected lands shall be excluded from calculation of the maximum permissible number of lots or dwelling units. This exclusion does not apply to area of the tract which otherwise qualifies as part of the new tract area when the development rights for the area must be transferred to the Township, as a conditional use approval.
- g. Resource protection standards. The proposed design of a retirement community, continuing care community, and/or assisted living community shall limit disturbance of all resources identified in the required site analysis and accompanying material submitted per all applicable sections of this Ordinance and the following standards:
- 1) Where applicable, the applicant shall comply with the specific objectives of the Penn Township Comprehensive Plan.
  - 2) In designating restricted green area areas, the applicant shall demonstrate conservation of agricultural lands contiguous with agricultural lands on adjacent properties wherever practicable.
  - 3) No more than fifty percent (50%) of the minimum required common green area shall be comprised of floodplains, wetlands and steep slopes.
  - 4) The applicant shall demonstrate maximum conservation of scenic views from public roads and neighboring residential properties, utilizing existing vegetation, structures, or changes in topography or providing landscaping to screen proposed development from view accordance with all applicable provisions of this Ordinance. In considering conditional use approval, the Township may reduce screening requirements where the applicant submits individual building design plans with sufficient detail to demonstrate, in terms of how such buildings maybe viewed from public roads or neighboring residential properties, reasonable replication of proportional relationships of form and massing evident in existing historic resources, including ratios of height to width, length of individual façade segment, roof pitch, relative size and placement of windows, doors and other façade details. The distance from

point of public or neighboring view also may be considered as a mitigating factor in review of plans for buildings within such view.

- 5) Lands within Floodplains shall comply with Article XIII.
- 6) The applicant shall comply with steep slope standards in Article XIII.
- 7) The applicant shall demonstrate compliance with applicable state and/or federal regulation of streams and wetlands, per Article XIII. For any proposed activity requiring submission of a wetland delineation report, stream or wetland encroachment permit, or mitigation plan to PA Department of Environmental Protection and/or U.S. Army Corps of Engineers or successive agencies, copy of all such documentation shall be submitted to the Township.
- 8) Trees and other natural features, as applicable, shall comply with the provisions of Article XIII,

h. Designation and management standards.

- 1) Lands designated as common green areas shall be consistent with the Township Comprehensive Plan. The location and layout of common green areas shall be configured so as to promote adherence to resource protection standards in Section 903 and Section 904, and shall further conform to the following conditions:
  - a) A portion of designated common green areas equal in area to no less than fifteen percent (15%) of the gross tract area shall fully exclude areas comprised of designated floodplains, wetlands, prohibitively steep slopes, lands utilized for sewage disposal, and lands utilized for stormwater management. lands dedicated to the Township, as a condition of the conditional use approval for the lot or tract, shall not be so excluded when used for disposal of sanitary sewage effluent on or into such land.
  - b) No portion of the designated common green area shall be measured as contributing to the minimum required common green area or to any common green area utilized in calculation of any density bonus where:
    - i. occupied by impervious surfaces;
    - ii. extending less than one-hundred (100) feet in the narrowest dimension at any point; for this purpose, the narrowest dimension shall be defined as the shortest distance between any two (2) boundaries of the green area, measured in a direction perpendicular to either of the two (2) boundaries;
    - iii. located within fifty (50) feet of any structure, except structures principally devoted to any permitted use, any municipal sanitary sewage disposal facility (e.g., spray or infiltration), or any agricultural use building or structure used for any use of the common green area.
    - iv. As part of the conditional use approval, areas devoted to stormwater management facilities may be included within the minimum required common green area where the applicant can demonstrate to the satisfaction of the Township that such facilities are designed to: promote recharge of the groundwater system; be available and appropriate for active or passive recreational use or scenic

enjoyment; and otherwise conform to the purposes, standards, and criteria in this Article.

- v. inaccessible from a public street or via a right-of-way of at least fifty (50) feet in width.
- 2) Areas designated for common green area purposes may be used for any of the following:
  - a) Crop or pasture land.
  - b) Cultivation of nursery stock or orchard trees.
  - c) Woodland, meadow, wetland, wildlife habitat, game preserve, or similar conservation-oriented area.
  - d) Public, common, or private parks or outdoor recreation areas.
  - e) Land application of wastewater, where permitted in accordance with the Township Act 537 Sewage Facilities Plan.
- 3) Subject to the provisions of measurement of minimum required common green area stipulated herein, sewage service, storm water management, and/or water supply facilities may be located entirely or partially within common green areas. Where sewage service and/or water supply facilities are so located, easements satisfactory to the Township shall be established to require and enable maintenance of such facilities by the appropriate parties.
- 4) Designated common green areas shall be restricted or protected from further subdivision or development by deed restriction, conservation easement, or other agreement in a form acceptable to the Township and duly recorded in the Chester County Recorder of Deeds Office.
- 5) All or portions of designated common green area may be included within one (1) of the individual lots, where permitted as part of the conditional use approval, in furtherance of the resource protection standards of Subsection I. Where deemed appropriate, the Township may require that responsibility for maintenance of common green areas be conferred upon and/or divided among the owner(s) of one (1) or more individual lots, and/or the homeowners' association.
- 6) Conditional use approval under this Article shall contain a detailed management plan for the long-term management of common green areas. Such plan shall be created as part of the development and describe the following:
  - a) Manner in which the common green area will be owned and by whom it will be managed and maintained.
  - b) Specific conservation, land management, and agricultural mechanisms and practices that will be used to conserve and perpetually protect the common green area, including, for example, woodlands stewardship planning, anticipated mowing schedules, management of invasive vegetation, provision for introduction of landscape materials, trail maintenance.
  - c) Professional and personnel resources expected to be necessary in order to maintain and manage the property.



- d) Nature and extent of public or private access that is planned for the common green areas and the means by which such access shall be managed and/or controlled, as appropriate.
  - e) Source(s) and approximate amount of funding that will be available for such management, preservation, and maintenance on a perpetual basis.
  - f) The adequacy and feasibility of the green area management plan as well as its compatibility with the common green area objectives of this Article and Section 1612 shall be a factor in the approval or denial of the conditional use application by the Board of Supervisors.
  - g) The green area management plan shall be based on information gathered during the conditional use process, and shall be presented to the Township for review and approval with the final Subdivision and Land Development Plan for the primary use with which it is associated. The Township shall require that the management plan be recorded with the Final Subdivision and Land Development Plan at the Chester County Recorder of Deeds Office.
- J. Performance bond requirement. All landscape improvements, plantings, accessways, and recreational facilities within designated common green areas shall be provided, as applicable, by the applicant. A performance bond or other securities shall be required to cover costs of all installation of proposed improvements in the common green area. The performance bond or other security shall be in the same form and adhere to the same conditions as otherwise required for proposed improvements of the Subdivision and Land Development Ordinance. An appropriate portion of the performance bond or other security will be applied by the Township should the developer fail to install the planting or recreational facilities.
- K. Conditional use requirements. In addition to requirements of Article XIX, all conditional use applications for Retirement Communities continuing care communities, and/or assisted living communities shall be accompanied by the following assessments:
- 1. Fiscal Impact Assessment. The applicant shall analyze the costs associated with the provision of the necessary facilities and services for the proposed development and the potential tax revenues to be generated by the proposed development.
  - 2. Cultural Resources Assessment. The applicant shall analyze all historic, scenic, or other cultural resources on the tract and assess the potential impact of the proposed development on these resources.
  - 3. Traffic Impact Assessment. The applicant shall analyze the traffic generation from the proposed development and its potential impact upon the surrounding highway system. An assessment and plan for the circulation of pedestrians within and about the tract shall be included as part of the traffic impact assessment.
  - 4. Common Green Area Management Plan. The applicant shall prepare a plan per Subsection I.9 for the perpetual management and maintenance of the required green area. The plan shall address the ownership, use, maintenance, budget and source(s) of funding for the operation and maintenance of the green area.
  - 5. Architectural Renderings. The architecture of new structures shall be designed to preserve the character of the surrounding community. The applicant shall prepare architectural renderings a part of the conditional use application and upon approval shall agree to conditions necessary to insure compliance.

6. Emergency Services Impact Plan. The applicant shall prepare a written report that details the impact of the proposed use on emergency services. The applicant shall identify the nature and extent of any services required by users/owners of any of the facilities upon occupancy, and shall provide the method and procedure for providing such services. The plan must include written assurances and fiscal responsibility for the costs/expenses to comply with such fire, ambulance, or similar services related to health and safety of all persons using and/or occupying structures or facilities in the development. The Township must approve any contract with any provider for such services. The Township may require financial security to assure satisfaction of the impact. Applicants must provide proof annually, no later than December 31, thereafter that such approved plan remains current and effective. In the event the requested use includes a condominium and/or homeowners' association, the applicant must include terms of the approved emergency services plan in such a condominium or homeowners' association agreement as a fiscal responsibility for such owners in the event of a default.
7. Mitigation Plan. The applicant shall prepare a written report that details impacts found in all required assessments, including fiscal impacts, natural and cultural environmental impacts, and traffic impacts, and describes the methods of mitigating such impacts.

L. Ownership, Maintenance, and Operation of Common Facilities shall meet Section 1612.C.

## *Article X: VC Village Commercial District*

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### **SECTION 1000. PURPOSE**

In promoting the policies of Article I, the purpose of this district is to provide a range of commercial services for residents, scaled to community needs including being village and pedestrian-oriented.

### **SECTION 1001. USE REGULATIONS:**

- A. Uses-by-right. A building and/or a lot may be used by-right for any one (1) of the following principal purposes and no other:
1. Retail uses, except firework sales, having no drive through service, with a maximum floor area of one-thousand five hundred (1,500) sq. ft. per use, per Section 1511.
  2. Commercial service uses, having no drive-through service, with maximum floor area of one-thousand five hundred (1,500) sq. ft. per use, per Section 1511.
  3. Eating and drinking establishments, excluding brewpubs and without drive-through service), per Section 1518.
  4. Office uses, having no drive-through service, with maximum floor area of one-thousand five hundred (1,500) sq. ft. per use, per Section 1511.
  5. Museums, libraries, or other cultural uses of a similar nature.
  6. Single-family detached dwellings.
  7. Municipal community centers.
  8. Government uses, not including dumps, junkyards, sanitary landfills, and penal/ correctional uses.
  9. Woodlands, preserves, or other conservation uses.
  10. Forestry/Timber harvesting per Article XIII.
  11. Bank
- B. Conditional Uses. A building and/or a lot may be for any one (1) of the following principal purposes and no other when authorized as a conditional use by the Board of Supervisors subject to Article XIX.
1. Brewpubs, per Section 1515 and 1518.
  2. Retail uses, except fireworks sales, having no drive through service, with a floor area greater than one-thousand five hundred (2,500) sq. ft. per use, per Section 1511.
  3. Commercial service uses, having no drive-through service, with a floor area greater than one-thousand five hundred (2,500) sq. ft. per use, per Section 1511.
  4. Office uses, having no drive-through service, with a floor area greater than one-thousand five hundred (2,500) sq. ft. per use, per Section 1511.
  5. Commercial service/retail centers, per Section 1512.
  6. Religious uses, per Section 1535.
  7. Day care centers, per Section 1516.
  8. Health care service facilities, provided that such uses do not include surgery, overnight beds, or services customarily provided by a hospital, per Section 1523.
  9. Educational uses, per Section 1519.

10. Historic resource conversions, per Section 1525.
  11. Bed and Breakfast (Inns and Home/Guest Houses), but not including motel or hotel, per Section 1508.
  12. Recreational uses, per Section 1533.
  13. Funeral homes and/or crematories, per Section 1520.
  14. Public utility facilities, per Section 1532.
  15. Mixed uses, per Section 1529.
  16. Recreational uses, per Section 1533.
- C. Accessory uses. Unless otherwise stated in this Ordinance, accessory uses shall be permitted in the same manner as the primary use in this district with which they are associated.
1. Commercial accessory uses, per Section 1501.
  2. Institutional accessory uses, per Section 1501.
  3. Outdoor café accessory to an eating/drinking establishment by conditional use and per Section 1518.
  4. Residential accessory uses, per Section 1501.
  5. Accessory Minor home occupations, per Section 1503.

## **SECTION 1002. AREA AND BULK REGULATIONS**

Unless as otherwise specified in Article XV or other Article of this Ordinance, uses permitted in this district shall meet the following area and bulk regulations:

- A. Minimum lot area
1. With on-site sewage system and on-site water supply - One (1) acre.
  2. With public sewage system and on-site water supply - Twenty thousand (20,000) sq. ft.
  3. With public sewage system and public water supply - Ten thousand (10,000) sq. ft.
- B. Minimum lot width at street line – Fifty (50) feet
- C. Minimum lot width at building setback line
1. With on-site sewage system and on-site water supply lots - One-hundred (100) feet
  2. With public sewage system and on-site water supply lots - Sixty (60) feet
  3. With public sewage system and public water supply lots - Forty (40) feet
- D. Minimum side yard – Ten (10) feet each, Twenty-five (25) feet aggregate
- E. Minimum rear yard – Fifty (50) feet, unless the lot is a reverse frontage lot, in which event the requirements of Section 1601 shall apply.
- F. Maximum lot coverage – Sixty percent (60%)
- G. Minimum green area – Forty percent (40%) of lot area, per Section 1612.
- H. Maximum building height – Thirty-five (35) feet, except structures exempted in Section 1902.
- I. Minimum building setback line – Thirty-five (35) feet except as follows:
1. In the case of a flag lot or corner lot, Section 1601 shall apply.
  2. Where an unimproved lot is next to more than one (1) existing improved lot, the minimum setback may be modified to be the average of the adjacent existing setbacks.

3. Where an unimproved lot is next to one (1) existing improved lot, the minimum setback may be modified to be the average of the adjacent existing improved lot setback and the required setback herein.

## **SECTION 1003. DESIGN STANDARDS**

The following design standards as applicable for permitted uses in this district shall include:

- A. Supplemental Use Standards, per Article XV.
- B. General Standards, including but not limited to Outdoor Storage, Landscaping, Lighting, Parking, Access and Traffic Control, Interior Circulation, and Temporary Uses/Structures, per Article XVI.
- C. Sign Standards, per Article XVII.
- D. Natural Resources Protection Standards, per Article XIII.
- E. Historic Resources Standards, per Article XIV.
- F. All permitted uses in this district shall be subject to a requirement that connection is made to a public sewage system and public water supply system, unless another system a community sewage disposal system or an on-lot sewage system is permitted via grant of a conditional use.
- G. To promote a continued village character, the following additional standards shall apply:
  1. New development shall be designed to complement community historic character in regard to building placement, style, bulk, construction materials, and site design. Building separation distances shall reflect the existing village character and shall be dependent as well on scale and intensity of uses.
  2. New roads shall use a traditional street grid or pattern that is similar in nature to the existing village development pattern.
  3. A pedestrian orientation shall be created and sidewalks shall be provided. Pedestrian access shall be designed to provide convenient, safe and direct access between various uses in the district and nearby concentrations of development which this district is intended to serve.
  4. Off-street parking for non-residential uses shall be located to the side or rear of buildings. Parking areas shall be designed so as to appear broken in mass, in proportion to the scale of structural development, and landscaped per Article XVI.
  5. Outdoor display of merchandise for sale shall be permitted per Section 1605.
  6. Mechanical systems, trash receptacles, and dumpsters shall be located in rear or side yards and shall be screened from view in compliance with Section 1604.
  7. Vehicular access shall be designed to limit the number of new access points and potential for turning movement conflict, per Article XVI. Where practical, access to adjoining lots or parcels with frontage along arterial and collector streets and highways shall be combined so as to limit potential turning movement and pedestrian movement conflicts.

## *Article X9: C Commercial District*

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### **SECTION 1100. PURPOSE**

In promoting the policies of Article I, the purpose of this district is to provide specific areas in appropriate and centralized locations in the Township for a variety of commercial uses. Such commercial uses are needed to strengthen the economic base of the Township and to serve the local population, while preserving rural character and agricultural heritage of the Township that residents have indicated are desirable.

### **SECTION 1101. USE REGULATIONS**

- A. Uses-by-right. A building and/or a lot may be used by-right for any one (1) of the following principal purposes and no other:
1. Retail uses, except firework sales, without drive through service, per Section 1511.
  2. Commercial service uses, without drive-through service, per Section 1511.
  3. Eating and drinking establishments( excluding brewpubs) without drive-through service, per Section 1518.
  4. Office uses, per Section 1511.
  5. Wholesale and outlet sales available to the general public.
  6. Retail nursery or garden center sales and discount sales establishments available to the general public.
  7. Pet shops or animal grooming, provided all animals are housed inside a building.
  8. Single-family detached dwellings.
  9. Municipal community centers.
  10. Government uses, not including dumps, junkyards, sanitary landfills, and penal/ correctional uses.
  11. Woodlands, preserves, or other conservation uses.
  12. Forestry/Timber harvesting per Article XIII.
- B. Conditional Uses. A building and/or a lot may be for any one (1) of the following principal purposes and no other when authorized as a conditional use by the Board of Supervisors subject to Article XIX.
1. Brewpubs, per Section 1515 and 1518.
  2. Commercial service/retail centers, per Section 1512.
  3. Large scale commercial uses, per Section 1511.
  4. Automotive and farm equipment sales and/or repair, per Section 1506.
  5. Automotive fuel stations, per Section 1507.
  6. Laboratory or research facilities, per 1528.
  7. Hotel or motel, with or without a business conference center, per Section 1526.
  8. Drive-through service, per Section 1517.
  9. Industrial/Office/Business Parks containing uses permitted in this district, per Section 1527.
  10. Educational uses, per Section 1519.

11. Religious uses, per Section 1535.
  12. Urgent care facility, per Section 1523.
  13. Veterinary hospital clinics/offices having no kennels, per Section 1538.
  14. Historic resource conversions, per Section 1525.
  15. Bed and breakfast (Inns), per Section 1508.
  16. Funeral homes and/or crematories, per Section 1520.
  17. Public utility facilities, per Section 1532.
  18. Mixed Uses
  19. Recreational uses, per Section 1533.
  20. Billboards as permitted in Section 1702.G.1.
- C. Accessory uses. Unless otherwise stated in this Ordinance, accessory uses shall be permitted in the same manner as the primary use in this district with which they are associated.
1. Commercial accessory uses, per Section 1501.
  2. Institutional accessory uses, per Section 1501.
  3. Outdoor café as accessory to an eating/drinking establishment by conditional use and per Section 1518.
  4. Residential accessory uses, per Section 1501.
  5. Minor home occupations, per Section 1503.

## **SECTION 1102. AREA AND BULK REGULATIONS**

Unless as otherwise specified in Article XV or other Article of this Ordinance, uses permitted in this district shall meet the following area and bulk regulations:

- A. Minimum lot area
1. With on-site sewer system and on-site water supply - One (1) acre
  2. With public sewage system and on-site water supply - Twenty-two thousand (22,000) sq.ft.
  3. With public sewage system and public water supply - Eighteen thousand (18,000) sq.ft.
- B. Minimum lot width at street line - One-hundred (100) feet
- C. Minimum lot width at building setback line
1. With on-site sewage system and on-site water supply lots - Two-hundred (200) feet
  2. With public sewage system and on-site water supply lots - One-hundred (100) feet
  3. With public sewage system and public water supply lots - Sixty (60) feet
- D. Minimum building setback line – Fifty (50) feet
- E. Minimum side yard – Fifteen (15) feet each, Fifty (50) feet aggregate
- F. Minimum rear yard – Fifty (50) feet, unless the lot is a reverse frontage lot, in which event the requirements of Section 1601 shall apply.
- F. Maximum lot coverage – Fifty-five (55%) percent
- G. Minimum green area – Forty percent (40%) of lot area, per Section 1612.
- H. Maximum building height – Thirty-five (35) feet.

**SECTION 1103. DESIGN STANDARDS**

The following design standards as applicable for permitted uses in this district shall include:

- A. Supplemental Use Standards, per Article XV.
- B. General Standards, including but not limited to Outdoor Storage, Landscaping, Lighting, Parking, Access and Traffic Control, Interior Circulation, and Temporary Uses/Structures, per Article XVI.
- C. Sign Standards, per Article XVII.
- D. Natural Resources Protection Standards, per Article XIII.
- E. Historic Resources Standards, per Article XIV.
- F. All permitted uses in this district shall be subject to a requirement that connection is made to a public sewage system and public water supply system, unless another system is permitted via grant of a conditional use.
- G. To help encourage continuity along the Baltimore Pike corridor and with neighboring VC district areas, the following additional standards shall apply:
  - 1. A pedestrian orientation shall be created and sidewalks shall be provided or walking paths provided. Pedestrian access shall be designed to provide convenient, safe and direct access between various uses in the district and nearby concentrations of development which this district is intended to serve. Building separation distances shall provide for safety and shall be dependent as well on scale and intensity of uses.
  - 2. Off-street parking for non-residential uses shall be located to the side or rear of buildings. Parking areas shall be designed so as to appear broken in mass, in proportion to the scale of structural development, and landscaped per Article XVI.
  - 3. Outdoor display of merchandise for sale shall be permitted per Section 1605.
  - 4. Mechanical systems, trash receptacles, and dumpsters shall be located in rear or side yards and shall be screened from view in compliance with Section 1604.
  - 5. Vehicular access shall be designed to limit the number of new access points and potential for turning movement conflict, per Article XVI. Where practical, access to adjoining lots or parcels with frontage along arterial and collector streets and highways shall be combined so as to limit potential turning movement and pedestrian movement conflicts.



## *Article XIX: LI Limited Industrial District*

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### **SECTION 1200. PURPOSE**

In promoting the policies of Article I, the purpose of this district is to provide specific areas in appropriate and centralized locations in the Township for modern, low impact research and industrial establishments. Such industrial establishments are needed to strengthen the economic base of the Township and to serve the local population. The intent of the LI District is to encourage only those types of industrial uses which would not constitute a hazard or a nuisance to the population of the adjacent areas and which would not impede appropriate development within and adjacent to this district; and discourage the use of land in this district for residential uses in order to maintain the area in the district for its appropriate use and also to prevent the location of residential uses in an inappropriate area.

### **SECTION 1201. USE REGULATIONS**

- A. Conditional Uses. A building and/or a lot may be for any one (1) of the following principal purposes and no other when authorized as a conditional use by the Board of Supervisors subject to Article XIX.
1. Laboratory or research facilities, per Section 1528.
  2. Manufacturing and assembling uses, per Section 1528.
  3. Printing, publishing, lithographing, binding and similar processes, per Section 1528.
  4. Fire or emergency service facilities.
  5. Catering establishments, per Section 1528.
  6. Veterinary clinics/offices with or without kennels, per Section 1538.
  7. Kennels, per Section 1538.
  8. Contractor's establishment, per Section 1512 and 1528.
  9. Office uses, per Section 1512.
  10. Self-storage/mini warehouses, per Section 1528.
  11. Lumberyard or woodworking mills, per Section 1528.
  12. Recycling facilities or trash transfer stations, per Section 1534.
  13. Agricultural uses (Intensive), per Section 1505.
  14. Agricultural uses (Cottage brewing, distilling, or winemaking industries), per Section 1515.
  15. Medical Marijuana Grower/Processor, per Section 1528.
  16. Public utility facilities, per Section 1532
  17. Forestry/Timber harvesting per Article XIII.
  18. Industrial/Office/Business Parks containing uses permitted in this district, per Section 1527.
  19. Government uses, including junkyards, landfills, and penal/correctional uses, per Section 1534.
  20. Composting processing operations (agricultural and commercial), per Section 1514.
  21. Wholesale or warehouse storage or distribution center, or trucking establishment, per Section 1528.
  22. Adult uses, per Section 1504.
  23. Educational uses, per Section 1519.

24. Sale of Consumer Firework and/or other display/product.
  25. Crematories, per Section 1520.
  26. Communication facilities (wireless), per Section 1513.
  27. Industrial or commercial uses of the same general character as is permitted herein.
- B. Accessory uses. Unless otherwise stated in this Ordinance, accessory uses shall be permitted in the same manner as the primary use in this district with which they are associated.
1. Commercial accessory uses including retail sales having no drive-through service and including related outdoor storage, per Sections 1501 and 1605.
  2. Industrial accessory uses including related outdoor storage, per Sections 1501 and 1605.
  3. Institutional accessory uses including related outdoor storage, per Sections 1501 and 1605.
  4. Helipads, per Section 1524.
  5. Agricultural accessory uses, per Section 1501.

## **SECTION 1202. AREA AND BULK REGULATIONS**

Unless as otherwise specified in Article XV or other Article of this Ordinance, uses permitted in this district shall meet the following area and bulk regulations:

- A. Minimum lot area
1. With on-lot sewer system and on-lot water supply - One (1) acre
  2. With public sewer system and on-lot water supply – Thirty thousand (30,000) sq. ft.
  3. With public sewer system and public water supply - Twenty-two thousand (22,000) sq. ft.
- B. Minimum lot width at street line – Fifty (50) feet
- C. Minimum lot width at building setback line - One hundred (100) feet
- D. Minimum building setback line –Thirty (30) feet.
- E. Minimum side yard – Twenty (20) feet each, Fifty (50) feet aggregate
- F. Minimum rear yard – Fifty (50) feet, unless the lot is a reverse frontage lot, in which event the requirements of Section 1601 shall apply.
- G. Maximum lot coverage – Seventy five (75%) percent.
- H. Maximum building height – Fifty (50) feet.

## **SECTION 1203. DESIGN STANDARDS**

The following design standards as applicable for permitted uses in this district shall include:

- A. Supplemental Use Standards, as per Article XV.
- B. General Standards, including but not limited to Outdoor Storage, Landscaping, Lighting, Parking, Access and Traffic Control, Interior Circulation, and Temporary Uses/Structures as per Article XVI.
- C. Sign Standards, as per Article XVII.
- D. Natural Resources Protection Standards, as per Article XIII.
- E. Historic Resources Standards, as per Article XIV.

- F. All permitted uses in this district shall be subject to a requirement that connection is made to a public sewage system and public water supply system, unless another system is permitted via grant of a conditional use.
- G. The following special development standards shall apply to any use permitted in this district:
1. Manufacturing uses shall be carried on in completely enclosed buildings.
  2. Related ancillary storage shall be permitted outdoors, per Section 1605.
  3. Evidence of adequate water supply for intended use(s) shall be demonstrated.
  4. Mechanical systems, trash receptacles, and dumpsters shall be located in rear or side yards and shall be screened from view in compliance with Section 1604.
  5. Vehicular access shall be designed to limit the number of new access points and potential for turning movement conflict, per Article XVI. Where practical, access to adjoining lots or parcels with frontage along arterial and collector streets and highways shall be combined so as to limit potential turning movement and pedestrian movement conflicts.

## ***Article XXX: Natural Resource Standards***

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### **SECTION 1300. PURPOSE**

The purpose of this Article is to promote public health, safety, and general welfare by minimizing adverse environmental impacts through the following actions:

- A. Evaluate potential adverse environmental impacts on natural resources and protect those resources via implementation and enforcement of natural resource protection standards.
- B. Identify and conserve environmentally sensitive lands, including floodplains, steep slopes, woodlands, hedgerows, lakes, ponds, watercourses, riparian buffer areas, wetland areas.
- C. Minimize disturbance of steep slope areas, woodlands, and hedgerows to protect vegetative cover, limit soil erosion, and prevent siltation of streams and the degradation of water quality. Preserve wetland areas to maintain natural groundwater infiltration and habitats.
- D. Protect water resources from land use and development patterns that would threaten water quality and quantity due to pollution and alteration of natural drainage patterns and groundwater infiltration. Preserve riparian buffers areas to maintain natural pollutant filtration, surface water flow, and reduced watercourse ambient temperature. Preserve floodplain areas for watercourse overflow and to prevent damage to property.
- E. Implement natural resource protection recommendations in the Township Comprehensive Plan.

### **SECTION 1301. APPLICABILITY**

- A. No resource under this Article shall be impacted by regrading, filling, piping, diverting, channeling, building upon, or otherwise altering or disturbing for construction of roads, structures, driveways, infrastructure, or other use, activity, improvement, development, or as required by the Township prior to meeting the standards of this Article in relation to submission, review, and approval of:
  - 1. Zoning, building, or demolition permits;
  - 2. Subdivision or land development plans;
  - 3. Conditional use or special exception approvals;
  - 4. Zoning variances;
  - 5. Timber harvesting plans;
  - 6. Floodplain permits; or
  - 7. Any other applicable permit or approval that would involve disturbance of natural resources provided in this Article.
- B. In the event that natural resources overlap, standards for the resource with the greatest protection (or the least amount of permitted alteration, regrading, clearing, or building upon) under this Article shall apply to the area of overlap.
- C. Resources shall be preserved in their natural state. In cases of activities where there are no other feasible options and disturbance cannot be avoided, disturbance shall be kept to the

minimum needed for the proposed activity. Where disturbance of a natural resource is ultimately permitted, disturbance shall not take place until it has been determined by the Township Engineer, or other professional as designated by the Township, that such disturbance meets the terms of this Article and any other applicable Ordinances and provisions.

- D. Resource standards shall apply before, during, and after construction on a site.
- E. Unless otherwise noted in this Ordinance, maps or other information in the Township Comprehensive Plan or other Township document provide general locations of potential natural resources, however do not take the place of detailed site or resource specific studies as may be required by this or other Ordinances.

## **SECTION 1302. STEEP SLOPE PROTECTION STANDARDS**

- A. Steep slope areas, whether natural or man-made, shall be preserved and shall not be regraded, removed, built upon, or otherwise altered or disturbed as follows:
  - 1. Moderately Steep Slopes are land areas where grade is fifteen percent (15%) to twenty-five percent (25%) - Thirty percent (30%) maximum disturbance.
  - 2. Prohibitively Steep Slopes are land areas where grade is twenty-five percent (25%) or greater - Fifteen percent (15%) maximum disturbance, limited to the following activities:
    - a. Grading for the minimum portion of a street, accessway, or driveway necessary for access to a principal use and/or sewer, water, and other utility lines when it can be demonstrated that no other routing is feasible.
    - b. Timber harvesting when conducted in compliance with this Article, however in no case shall clear-cutting or grubbing of trees occur.
- B. Slopes shall be expressed as a percent that is measured as the change in elevation over the horizontal distance of consecutive contour intervals. At least three (3) two (2) foot contour intervals (or six (6) cumulative vertical feet of slope) shall be used for this measurement. All slope measurements shall be determined by a topographic survey by a PA registered surveyor or licensed engineer.
- C. Structures and other improvements shall be constructed to provide the least disturbance or alteration necessary, including fill and cut, to existing grade, vegetation, and existing soils. Improvements shall be designed within the existing contours of the land.
- D. Finished slopes involving permitted cut and fill shall not exceed thirty-three percent (33%) slope unless the applicant can demonstrate the method by which steeper slopes can be stabilized and adequately maintained.
- E. Stockpiles of earth intended to be stored for more than twenty-one (21) days shall be seeded or otherwise stabilized to the satisfaction of the Township.
- F. Disturbed areas of existing prohibitively steep slopes, or permitted cut and fill resulting in new prohibitively steep slopes shall be protected using Township reviewed and approved erosion control measures.

- G. Any disturbance of land shall be in compliance with Township erosion and sedimentation control and stormwater management standards, and PA Department of Environmental Protection measures.

### **SECTION 1303. WOODLAND AND VEGETATION PROTECTION STANDARDS**

A. Woodlands and Hedgerows.

1. Unless approved as a timber harvesting activity, woodlands and hedgerows shall be preserved and shall not be regraded, removed, built upon, or otherwise altered or disturbed as follows:
  - a. Residential uses - Thirty-five percent (35%) maximum disturbance.
  - b. Non-residential uses - Fifty percent (50%) maximum disturbance.
2. In determining where permitted woodland and hedgerow disturbance may occur, the following shall be considered:
  - a. Locations and benefits conserved healthy mature woodland and hedgerow stands.
  - b. Manner and location of building or other improvement construction to provide the least alteration or disturbance necessary of existing woodlands or hedgerows.
  - c. Interconnection of undisturbed woodlands, hedgerows, and other vegetation on-site and with adjacent properties to preserve continuous woodland corridors and allow for the normal movement, dispersion, and migration of wildlife.
  - d. Balancing woodland and hedgerow conservation with other natural resource conservation on-site.
3. Township subdivision and land development ordinance standards for tree and vegetation replacement shall be met as applicable under this Ordinance.

B. Timber Harvesting. Timber harvesting activities shall have a timber harvesting plan approved by the Township prior to the commencement of any such activity.

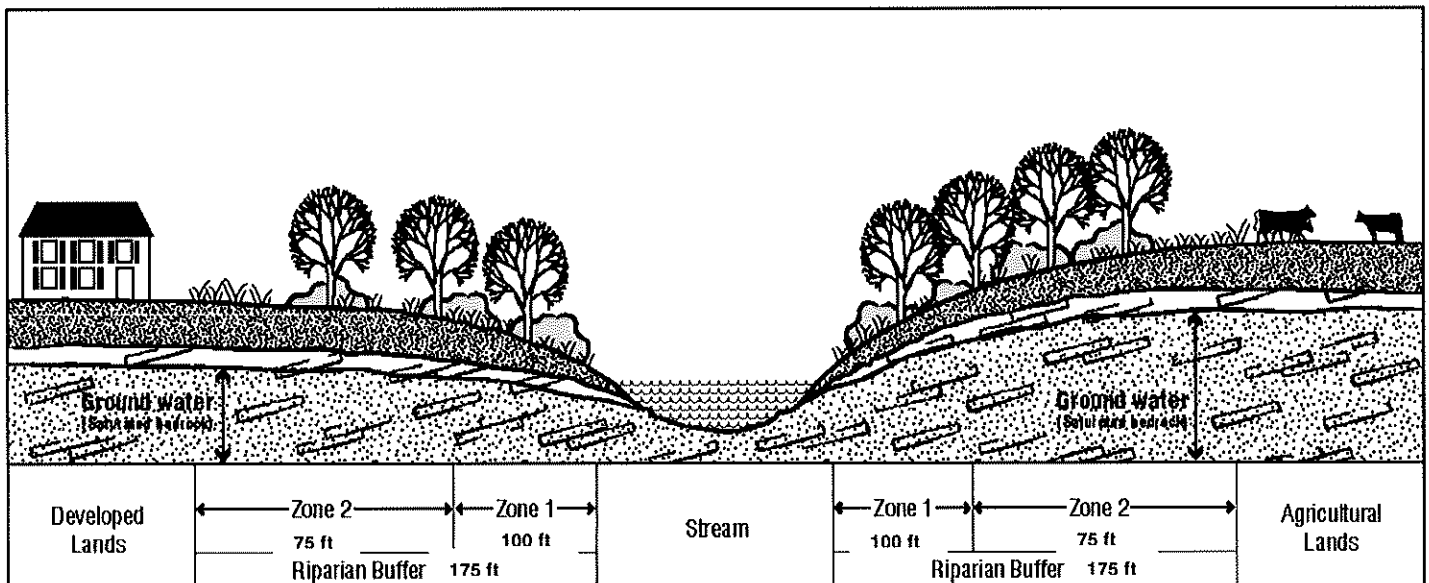
1. A timber harvesting plan shall be submitted to the Township for review and approval with an application furnished by the Township, and shall include information as set forth on the prescribed Township application form for such.
2. Such plan and application shall be submitted to the Township for review no less than twenty-one (21) days prior to commencement of the timber harvesting activity. Within fourteen (14) days of submission to the Township, and based on review for compliance with the standards herein, the Zoning Officer shall indicate to the applicant approval or denial of the submitted plan or approval subject to reasonable conditions.
3. The Township may retain a forester certified by the American Society of Foresters to review the timber harvesting plan and comment on its adequacy in meeting this Article.
4. Permits required by any agency shall be the responsibility of the timber harvesting operator or applicant. Copies of all required permits shall be submitted to the Township prior to commencement of the timber harvesting activity.
5. The Township or its designated agent shall be permitted access to the site of any timber harvesting activity before, during, or after active timber harvesting to review, inspect, and ascertain compliance with the provisions herein.

6. The following management practices shall apply to all timber harvesting activities:
  - a. Felling or skidding across any off-site street is prohibited without the express written consent of the Township or PennDOT, as applicable.
  - b. No tops or slash shall be left within twenty-five (25) feet of any off-site street.
  - c. Litter from a timber harvesting activity shall be removed from the site before the site is vacated by the operator.
  - d. The activity shall not cause harm to the environment or other property.
7. Timber harvesting activities shall not be permitted within any Zone One riparian buffer. Clear-cutting or grubbing shall not be permitted within any Zone One or Zone Two riparian buffer, Flood Hazard area, or on prohibitively steep slopes.

#### SECTION 1304. WATERCOURSE/ RIPARIAN BUFFER PROTECTION STANDARDS

Riparian buffers shall be preserved and shall not be regraded, removed, built upon, or otherwise altered or disturbed as follows herein. Riparian buffers include all land on each side of a watercourse that flows the majority of the year and shall consist of two Zones: Zone One, Inner Riparian Buffer and Zone Two, Outer Riparian Buffer. The provisions of Subsections A and B shall determine the specific widths of the individual riparian buffer zones. The total riparian buffer, consisting of Zone One and Zone Two, shall be a minimum of one-hundred and seventy-five (175) feet in width on each side of the watercourse.

Figure 13-1: Riparian Buffer Example



- A. Zone One, Inner Riparian Buffer. Zone One shall be on each side of a watercourse and shall occupy a margin of land with a minimum width of one hundred (100) feet beginning at the top of the watercourse bank. The width of such margin shall be measured horizontally on a line perpendicular to the top of the watercourse bank, as reviewed and approved by the Township.

Where prohibitively steep slopes are located within or extend beyond the one hundred (100) foot margin, Zone One shall be extended to include the entirety of such steep slopes up to the total buffer width of one-hundred and seventy-five (175) feet on either side of the subject

watercourse. Under such circumstances, the Zone One buffer may constitute the total riparian buffer and the restrictions of the Zone One buffer shall apply. With the exception of uses listed below, no land disturbance shall be permitted within the Zone One Riparian Buffer:

1. Regulated activities permitted by the State, Army Corps of Engineers, or other State or Federal agency, such as a permitted stream or wetland crossing;
  2. Provision for unpaved trails and trail access;
  3. Selective removal of hazardous or invasive vegetative species;
  4. Vegetation management per an approved landscape plan, open space management plan, or other like plan;
  5. Soil conservation projects approved by the Chester County Conservation District;
  6. Removal of hazardous materials, sewage systems, junk materials, overhanging trees or diseased vegetation.
- B. Zone Two, Outer Riparian Buffer. Zone Two begins at the outer edge of the Zone One riparian buffer and extends a distance of seventy-five (75) feet. However, in cases where Zone One is greater than one hundred (100) feet due to the presence of prohibitively steep slopes, Zone Two shall cover the remaining distance necessary to achieve a total one-hundred and seventy five (175) foot riparian buffer. Except for the following activities, no more than twenty percent (20%) of Zone Two on the subject lot shall be regraded, filled, built upon, or otherwise altered or disturbed:
1. Activities permitted in the Zone One Riparian Buffer.
  2. Timber harvesting, when conducted in compliance with a timber harvesting plan approved by the Township.
- C. The following practices and activities shall not be permitted within the riparian buffer (Zones One and Two), except by Township approval, and as applicable, approval by PA Department of Environmental Protection:
1. Clearing of existing vegetation except as permitted in Subsections A and B.
  2. Soil disturbance by grading, stripping, or other practices.
  3. Filling or dumping.
  4. Use, store or application of pesticides, except for the spot spraying, noxious weeds or non-native species.
  5. Housing, grazing or other maintenance of livestock.
  6. Storage or operation of motorized vehicles, except for maintenance of emergency use approved by the Township.
  7. Clear-cutting or grubbing of timber.
- D. The riparian buffer shall be maintained as woodlands, or where it is not wooded and until such woodlands can be established, the buffer shall be maintained as a filter strip of dense grass and forbs no less than one (1) foot high or other features to provide sediment filtering, nutrient uptake and convert concentrated flow to uniform, shallow sheet flow.
- E. When a subdivision or land development is proposed where there is no established vegetated or wooded buffer, e.g. agricultural areas, a one-hundred (100) foot riparian buffer shall be established and maintained in accordance with the following guidelines:



1. Forested or other suitable vegetation shall be established through natural succession. Selective planting shall be incorporated on site devoid of vegetation to stimulate native species and discourage invasive species.
2. Plant selection and planting shall be planned by a professional Landscape Architect using applicable documents from the Penn State Extension and under the guidance of Chester County Conservation District, PA Department of Environmental Protection, PA Department of Conservation and Natural Resources, USDA, a Land Conservancy or Land Trust, or licensed ecologist.
3. The following land uses and/or activities are potential water pollution hazards and shall be set back from any watercourse or waterbody by the minimum distances below. Where more restrictive, the Floodplain requirements shall apply:

a. Storage of hazardous substances	150 feet
b. Above or below ground petroleum storage facilities	150 feet
c. Drainfields from on-site sewage disposal and treatment system	100 feet
d. Raised septic systems	250 feet
e. Solid waste landfills or junkyards	300 feet
f. Confined animal feedlot operations	250 feet
g. Subsurface discharges from a wastewater treatment plant	100 feet

- F. The riparian buffer, including wetlands and floodplains, shall be managed to enhance and maximize the unique value of these resources. Management includes specific limitations or alteration of the natural conditions of these resources.
- G. All riparian buffers created by a new subdivision or land development shall be maintained through a declaration of protective covenant, which is required to be submitted for approval by the Township. The covenant shall be recorded in the land records and shall run with the land and continue in perpetuity. Management and maintenance requirement information shall be included in such covenant.

## **SECTION 1305. WETLAND PROTECTION STANDARDS**

- A. Wetlands shall be preserved and shall not be regraded, filled, piped, diverted, channeled, built upon, or otherwise altered or disturbed except as permitted via approval of applicable State and Federal permits. An applicant must provide proof to the Township of receipt and approval of any such permits prior to commencement of any wetland disturbance activity. Applicants proposing a use, activity, or improvement that would entail wetland disturbance shall further provide the Township with proof that PA Department of Environmental Protection, U.S. Army Corps of Engineers, and other appropriate State and Federal entities have been contacted and have determined the applicability of state and federal wetland regulations.
- B. Wetland protection standards shall also apply to water bodies such as lakes and ponds.
- C. When an activity is proposed per Section 1301 and a State or Federal entity per Subsection A. has determined the existence of wetlands on-site or that will be impact by the subject proposal, a wetland delineation report conducted by a qualified wetland biologist, soil scientist, or environmental professional of demonstrated qualifications shall be submitted to the Township. Such report shall include a determination of wetlands present on-site and a delineation, area

measurement (in square feet), and description of those wetlands. Methods used in the report shall be acceptable to the Township.

- D. If no wetlands are found on-site, a note shall be added to any proposed plans or other documents for the subject activity stating that "This site has been examined by (name and address with a statement of qualifications), and no wetlands as defined by the current U.S. Army Corps of Engineers Wetlands Delineation Manual (insert date) were found to exist."

## **SECTION 1306. GROUNDWATER PROTECTION STANDARDS**

- A. Applicability. In groundwater protection areas, disturbance, alteration, and/or development activity may impact public health or safety through structural foundation safety, creating unstable land situations due to water drainage pattern changes, and/or precipitating contamination of ground and surface waters. The standards are intended to protect groundwater and prevent damage to property. For consistency with Act 167 stormwater management, these standards shall apply when any land disturbance is one-thousand (1,000) square feet or more in area. Groundwater protection standards shall apply to areas having carbonate or limestone geologic formations as follows:
1. Areas shown or discussed in the Township Comprehensive Plan as consisting of carbonate or limestone geologic formations shall be used as a base guideline in determining the general location of such geologic formations.
  2. All lands containing soils identified in Chester County Soils Survey by the U.S. NRCS that are associated with underlying carbonate or limestone geologic formations.
  3. Along with the application for the subject activity, an applicant shall either submit information as required on a groundwater protection application form furnished by the Township related to meeting the standards of this Section or may instead submit an environmental assessment report in accordance with this Section.
- B. Minimizing adverse effects on groundwater. No structure shall be located, constructed, extended, converted, or structurally altered and no land or water shall be used or developed until the applicant undertakes documentable measures to minimize adverse impacts of the proposed activity. Minimize shall include meeting the terms of this Section and reducing the adverse effect of the proposed activity as follows.
1. Below ground storage of heating oil, gasoline, chemical solutions, or other substances which, if released, would constitute pollutants to ground or surface waters. The Township shall determine if the applicant shall be required to place below ground storage tanks in a concrete vault, install impenetrable flow lines, and/or install monitoring devices. The applicant shall demonstrate compliance with applicable State standards.
  2. Use of fill containing any material that would represent a potential contamination hazard to ground or surface waters, including wastes identified as hazardous by PA Department of Environmental Protection.
  3. Storage, handling, processing, or disposal of toxic materials or any other substance with the potential to contaminate ground and surface waters. The applicant shall demonstrate compliance with applicable State and Federal laws including the Resource Conservation and Recovery Act of 1976.

4. Land grading or construction of structures or other site improvements that would directly or indirectly diminish the flow of natural watercourses. The Township shall determine if the applicant shall be required to furnish water table data from observation wells.
5. Should the Township find that an activity may create a significant risk to public health or safety in spite of the applicant taking actions to minimize risks or should the Township determine that the applicant has not taken actions to minimize risks, the Township may deny the application for non-compliance or non-determination.

C. Procedure.

1. The Township shall review information provided by the applicant as required in Subsection A and may make a site inspection of the property after notifying the applicant. The Township shall render a written finding, as follows, with respect to applicant compliance with the terms of this Section.
  - a. Compliance. The application complies with this Section.
  - b. Compliance with additional conditions. The application would comply with this Section, provided that certain additional conditions are met by the applicant.
  - c. Non-compliance. The application does not comply with this Section.
  - d. Non-determination. A determination of compliance cannot be made on the basis of information provided by the applicant.
2. A copy of the finding shall be forwarded to the applicant. In the case of denial due to non-conformance or non-determination, the applicant may submit an environmental assessment report to the Township in accordance with this Section. The applicant must notify the Township in writing (including a written request for extension thereof if necessary) of the intent to submit a report within fourteen (14) days after receipt of the Township finding. Unless an extension has been agreed upon by the applicant and Township, the complete report shall be submitted to the Township within thirty (30) days after the applicant has provide notice of intent to submit such report. Should the applicant fail to notify the Township in writing of intent to submit a report, Township findings shall be acted upon by the Township and shall be considered final in regard to the subject application related to such findings.

D. Environmental assessment report.

1. Such report shall be prepared in accordance with this Section and shall provide information to demonstrate that:
  - a. The applicant can comply with all standards this Section, or
  - b. One (1) or more of standards are not be applicable given the conditions of the subject property or existing uses thereon, or
  - c. The proposed activity poses no threat to public health or safety related to groundwater protection.
2. Format and contents.
  - a. Purpose statement. This shall indicate those standards in this Section being addressed in the report and whether the applicant is attempting to demonstrate compliance or justify non-compliance with those standards.

- b. Existing conditions description. This shall describe existing characteristics of the property with respect to geology, topography, ground and surface water hydrology, soils, vegetation, and existing improvements and uses.
  - c. Proposed activity description. This shall describe the proposed action, including: types, locations, and phasing of proposed site disturbances, improvements, and construction; and proposed future ownership and maintenance of the property.
  - d. Proposed measures to control potential adverse environmental impacts. This shall describe measures proposed by the applicant to control adverse impacts that may occur as a result of the proposed activity.
  - e. Preparer qualifications. Contact information and professional qualifications of persons directly responsible for preparing the report shall be provided.
  - f. Appendices. Additional information that the applicant wishes to provide may be included in appendices to the report.
  - g. If this report is being undertaken in response to a finding of non-compliance or non-determination by the Township, this report shall address all impacts cited by the Township in their finding on the application.
3. The Township shall review the report and submit findings in the manner described in Subsection C.
- E. Groundwater Withdrawal. Groundwater withdrawal in excess of 20,000 gallons per day from one or more wells for a single use shall be permitted only upon fulfilling the requirements of Section 1611.B.

#### **SECTION 1307. FLOOD HAZARD DISTRICT**

- A. The Flood Hazard District shall contain all lands within the Township which are located within the special flood hazard area as shown on the most recent revision to the official Flood Insurance Rate Map (FIRM) prepared by the Federal Emergency Management Agency. Special flood hazard areas are areas in the floodplain subject to a one percent (1%) or greater chance of flooding in any given year, as shown on the FIRM as Zone A, AO, A1-A30, AE, A99, or, AH.
- B. The Flood Hazard District is established under the Penn Township Flood Plain Ordinance.

#### **SECTION 1308. APPLICATION OF NATURAL RESOURCE STANDARDS**

- A. In order to ensure compliance with the natural resource protection standards of this Article, the following information shall be provided with the submittal of applications or plans when land disturbance is contemplated. In those cases where a limited amount of the site will be subject to disturbance, the Zoning Officer may determine the area of land to be shown on the plan information that will adequately demonstrate compliance with the natural resource protection standards of this Article.
  1. A site analysis plan as required by the Subdivision and Land Development, including all encroachments and disturbances necessary to establish the proposed use of the site.
  2. Any additional documentation as may be required by the Subdivision and Land Development to ensure compliance with the stated resource protection standards.
  3. The following table indicating the area of the site with natural resources that would be disturbed or encroached upon shall be required. (Note that the figures in Column D

(Proposed Disturbance) should be less than or equal to the corresponding figures in Column C (Maximum Disturbance Allowance)

Figure 13-2: Natural Resources Disturbance Table Example

Protected Resource*	A Maximum Disturbance Allowance	B Area of Land in Protected Resources	C Maximum Area of Permitted Disturbance (A x B)	D Proposed Area of Disturbance
Floodplain areas				
Steep slopes: 15 to 25%				
Very steep slopes: $\geq 25\%$				
Riparian Buffer Zone One				
Riparian Buffer Zone Two				
Woodlands: Residential				
Woodlands: Non-residential				
Watercourses or streams				
Wetlands				
Wetlands Margin				
TOTAL				

\*Where resources overlap, the overlapping area shall be included in the more restrictive resource category.

- B. Minimum buildable area. The purpose of identifying minimum buildable area is to ensure sufficient area is provided for the general location of buildings, driveways, patios, and other improvements and site alterations, while meeting the natural resource standards and minimum setback requirements of this Ordinance. Within any proposed subdivision or land development, lots shall have a contiguous minimum buildable area the standards in the zoning districts, which may be calculated using the example figure below:

Figure 13-3: Minimum Building Areas Calculation Example

Zoning District	Minimum Lot Size	Minimum Buildable Area (sq. ft.)	Maximum Lot Coverage
RA			
RS			
RHD			
MHP			
IR			
IOS			
VC			
C			
LI			

- C. On-lot sewage systems. For uses with individual on-lot sewage systems, a two-thousand (2,000) square foot or larger area, in addition to the minimum buildable area from Subsection B, shall be identified for the location of the sewage system. Where applicable, a reserve or replacement area of two-thousand (2,000) square feet shall also be identified. Such area(s) shall not include natural resources with a one-hundred (100) feet protective buffer area and the portion of those natural resources that may not be developed or intruded upon as specified in this Article.

D. Continued Protection of Identified Natural Resources. To ensure the continued protection of identified natural resources, the following requirements shall apply:

1. Protected resources on Individual Lots
  - a. For natural resource protection areas on individual lots, restrictions meeting this Ordinance may be placed in the deeds for each site or lot that has natural resources protection areas within its boundaries. It shall be clearly stated in the individual deeds that the maintenance responsibility lies with the individual property owner and that the Township shall have the right to enter the property for the purpose of correcting violations and may charge the landowner for costs associated with bringing such violations into compliance. The restrictions shall provide for the continuance of the resource protection areas in accordance with the provisions of this Ordinance.
  - b. Other mechanisms for ensuring the continued protection of identified resources, such as conservation easements, may also be considered and used if approved by the Township.
  - c. A copy of any such documents shall be provided to the Township.
2. Protected Resource Areas Held in Common. For any green area held in common that contain natural resources, the provisions of Article XVI shall apply. In addition, restrictions meeting this Ordinance may be placed on the natural area to be held in common, including the party or organization responsible for the maintenance of the natural area clearly identified in the deed and restrictions included in the development's declaration of covenants, easements, or similar documents regulating the use of property and setting forth methods for maintaining green area with natural resources. A copy of such documents shall be provided to the Township.
3. Changes to Approved Plans. All applicable plans and deeds shall include the following wording: "Any structures, infrastructure, utilities, sewage disposal systems, or other proposed land disturbance indicated on the approved final plan shall only occur at the locations shown on the plan. Changes to such locations shall be subjected to additional review and re-approval and shall be consistent with the natural resource protection standards of Article XIII of Penn Township Zoning Ordinance."

## *Article XIV: Historic Resource Standards*

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### **SECTION 1400. PURPOSE**

The purpose of this Article is to provide for the critical need to retain, protect, and maintain places having historical interest or value, as a means of maintaining the community character of Penn Township. The provisions herein are intended to: identify and recognize important historic resources including buildings, structures, objects, areas, and sites; map such identified resources; provide mechanisms to discourage their demolition and encourage their compatible reuse; and supply duties and standards for the Historical Commission. The intent of this Article is not to repeal, abrogate, or impair any existing easements, covenants, deed restrictions, or other resource protection measures, however, where this Article imposes greater restrictions; the provisions of this Article shall prevail.

### **SECTION 1401. APPLICABILITY**

Historic resource standards in this Article shall apply to all historic resources identified on the historic resources identification list, which indicates classification per Subsection B, property address, and other applicable information about such resources, and is maintained by the Historical Commission and updated as needed to reflect any changes to the list, including changes in classification. Provisions of this Article shall supersede requirements of the zoning districts where resources are located where such requirements are in conflict or are less restrictive than the provisions herein.

A. Identified historic resources shall be delineated using the following classifications:

1. Class I Historic Resources:

- a. Buildings, structures, sites, objects, and districts listed individually on the National Register of Historic Places (National Register) or as a National Historic Landmark.
- b. Buildings, structures, sites, and objects listed as 'contributing' to a National Register or National Historic Landmark historic district.
- c. Buildings, structures, sites, objects, and districts that have received a Determination of Eligibility (DOE) for the National Register.
- d. Buildings, structures, sites, and objects 'contributing' to a National Register DOE historic district.
- e. Buildings, structures, sites, objects, and districts that are approved by the Board of Supervisors upon recommendation by the Historical Commission as substantiated by National Register guidelines.

2. Class II Historic Resources:

- a. Have interest or value as an example of development, heritage, or character that has contributed to local, state, and/or national history; and
- b. Are the site of and/or associated with a significant historic event, or
- c. Exemplify cultural, political, economic, social, or historical heritage, or

- d. Are associated with the lives of persons significant in the formation of the community, state, and/or nation; or
  - e. Reflect the environment in an era of history characterized by a distinctive architectural style or engineering method, or
  - f. Embody distinguishing characteristics of an architectural style or engineering method, or
  - g. Represent the work of a master, designer, architect, landscape architect or designer, or engineer whose work has significantly influenced the development of the community, state, and/or nation; or
  - h. Contain elements of design, detail, materials, or craftsmanship that represent a significant innovation, or
  - i. Are one of the few known examples of a design or use of a material or style of architecture in the community, Township, State, and/or nation; or
  - j. Are part of, or related to, a distinctive place which merits cultural landscape preservation based upon its history, cultural affiliation, or architecture, or
  - k. Are considered local 'landmarks'; which are established and familiar visual features that assist in defining the community character due to unique location or physical characteristics, or;
  - l. Contribute to and/or are part of a view of or from a historic resource and/or historic district and provide and/or contribute to the integrity, understanding, and appreciation of the cultural landscape of such, or
  - m. Have yielded, or are likely to yield, information of importance to pre-history or history through, but not limited to, such research mechanisms as analysis of construction, methods, patterns of use, methods of maintenance, foodstuff distribution, and use patterns (the archaeological record), builders' trenches (archaeological), placement of buildings on site, etc.
- B. Historic resources shall be reviewed for alterations, including demolition in whole and in part, whether intentionally or by neglect, renovations, rehabilitations, and enlargements. Alterations shall be reviewed using applicable standards and guidelines established by the Secretary of the Interior. In order to provide flexibility and incentives to encourage preserving and reusing historic resources, this Article provides additional use opportunities for historic resources.

## **SECTION 1402. HISTORICAL COMMISSION**

Establishment, duties, and membership of the Historical Commission shall be in accordance with Ordinance 2003-06.

## **SECTION 1403. RELOCATION OF HISTORIC RESOURCES**

No historic resource shall be relocated, in whole or in part, until the applicant obtains an approved relocation permit per this Article, Ordinance, and other applicable ordinances. For such relocation permit, applicable provisions under Section 1404 shall apply, and the Historical Commission shall consider whether the proposed relocation meets all of the following:

- A. Whether relocation will have a detrimental effect in long term structural integrity;



- B. Whether relocation will have a detrimental effect on the historic, architectural, or archaeological aspects of other buildings, structures, sites, objects, or historic districts within two-hundred and fifty (250) feet of the current and proposed locations of the historic resource in question; assessment of archaeological impact shall be made in conjunction with an archaeologist from the PA Historical and Museum Commission, or designee.
- C. Whether relocation will provide an environment that will be a compatible cultural landscape that is harmonious with the historic and/or architectural elements of the building, structure or object, and
- D. Whether relocation will further the achievement of the purposes described in Section 1400.

#### **SECTION 1404. DEMOLITION OF HISTORIC RESOURCES**

No historic resources shall be demolished by neglect, including leaving a building open or vulnerable to vandalism or decay by the elements. Unoccupied or unused historic resources shall be tightly sealed ('mothballed') to prevent their dilapidation from exposure to the elements and shall be secured to prevent their vandalism. Historic resources, whether occupied or vacant, shall comply with all Township property maintenance codes. However, a historic resource may be demolished by permit under this Article.

To facilitate the purposes of this Article and the exchange of ideas between a historic resource owner and the Township through its Historical Commission, the following standards shall be followed for the issuance of a demolition permit for any demolition, in whole or in part, of a historic resource. No historic resource shall be demolished, in whole or in part, until an applicant obtains an approved demolition permit per this Ordinance, and other applicable ordinances, and complies with this Article. The Zoning Officer shall not make a decision on an application nor issue said demolition permit until such requirements have been met and the Board of Supervisors have issued a determination.

- A. Pre-permit application meeting. A meeting between the applicant, Zoning Officer, and Historical Commission shall be required prior to the official submittal of a demolition permit application. The purpose of this meeting is to foster communication about the proposal and possible alternatives to demolition of the historic resource in question. The meeting shall include a discussion of the extent and scope of the proposal including whether it entails routine building maintenance and/or replacement-in-kind of existing exterior architectural features, or whether it entails demolition of existing significant exterior architectural features or demolition of the entire historic resource itself. Within fourteen (14) days following this meeting, the Zoning Officer shall notify the applicant of the type of permit needed and the Historical Commission shall provide an informational meeting summary to the Planning Commission and Board of Supervisors.
  - 1. Where the proposal is found to be routine maintenance, replacement-in-kind, or of a size and magnitude not requiring further meetings, the Historical Commission shall indicate such in the meeting summary, and the Zoning Officer shall process the proposal as not needing a building permit under the terms of this Article.
  - 2. Where the proposal is found to be of a magnitude that the Historical Commission needs additional project information, the Historical Commission may continue the meeting, with agreement by the applicant, in order to allow for review of such information that

may include a site visit to the resource itself and to view its relation to other structures on/near the site and the condition of the resource and context of the proposal. If the applicant does not agree to continuing the meeting, the applicant may proceed with filing a complete permit application per Subsection B.

3. Where the proposal is found to entail demolition of existing significant exterior architectural features or demolition of the entire historic resource itself, a demolition permit per the terms of this Article in addition to any other applicable demolition permit requirements shall be met.

- B. Demolition permit application. Applications shall follow Section 1902, and shall in addition meet the provisions of this Article. A complete demolition permit application shall be filed with the Zoning Officer, who shall then forward the complete application to the Historical Commission for review, and to the Planning Commission for its information. However, the Zoning Officer shall reject and return any incomplete applications. Time periods in this Article for application review and decision shall not begin until the Zoning Officer has notified the applicant that a complete application has been accepted for filing.
- C. Historical Commission review. Within thirty (30) days of receiving a complete permit application, at its regular or a special meeting, the Historical Commission shall review the application. The applicant shall be notified in writing of such meeting and is encouraged to attend and present information pertaining to and reasons for the application. In reviewing the application, the Historical Commission shall take into account all of the following:
  1. The effect of demolition on the historical significance and architectural integrity of neighboring historic resources, and the historic resource in question when the proposed demolition encompasses only a portion of the resource;
  2. The economic feasibility of the preservation or adaptive reuse of the resource;
  3. All conceivable alternatives to demolition of the resource including its relocation and whether the applicant has considered such alternatives;
  4. Any expert testimony, such as but not limited to, certified engineering reports regarding the structural stability of the resource, that would indicate threats to public safety;
  5. Whether routine maintenance of the resource has been neglected; and
  6. The archaeological potential of the site and the effect of the proposed demolition on such, and in conjunction with an archaeologist from PA Historical and Museum Commission, or designee.
  7. In the case of an expedited application, the Historical Commission shall only consider the scope, method, and materials used in the maintenance or in-kind replacement and whether any changes are proposed that would alter the historical or architectural significance of the resource in question.
- D. Historical Commission recommendation. Within thirty (30) days following the meeting, the Historical Commission shall, at its regular or a special meeting, make a written recommendation to the Board of Supervisors and provide a copy of such to the applicant, Zoning Officer, and Planning Commission. The applicant shall be notified in writing of this meeting. The Historical Commission recommendation shall recommend approval, approval with conditions, or denial of the application, and/or needed further information, alternative reuses, or other possible actions that should be taken to promote the preservation of the historic, cultural, architectural, educational, and other character represented by the historic resource. The recommendation shall state its reasoning.

- E. Board of Supervisors determination. Within thirty (30) days of receiving the Historical Commission recommendation, the Board of Supervisors shall, at its regular or a special meeting, consider the recommendation, permit application, and applicant comments, and shall render a determination for approval or denial of the application or to defer the determination for up to ninety (90) days for the purpose of allowing the applicant and/or the Township to gather further information, alternative reuses, or other possible actions that could preserve the historic resource. The applicant shall be notified in writing of such meeting and shall have the opportunity to present reasons for the application.
1. In undertaking its determination the Board of Supervisors shall consider the same criteria in Subsection C as did Historical Commission in their consideration of the application. However, no permit shall be issued unless the Board of Supervisors finds that the historic resource cannot be used or adapted for any contemporary purpose. In order to provide such, the applicant must demonstrate that the sale, rental, use, reuse, or adaption of the property is impracticable as it cannot provide a reasonable return.
  2. If the determination is deferred, the Board of Supervisors may, at its discretion, direct the applicant to prepare a financial analysis or provide further information, as is reasonably necessary in the opinion of the Board of Supervisors, to determine whether the historic resource in question has or may have alternate uses consistent with its preservation. Such information may include: historical data, surveys, and other data provided by local, state, and federal historic preservation organizations and agencies; photographs; floor plans; measured drawings; archaeological surveys; and any other comparable form of documentation that may be recommended by the Historical Commission. The extent of information required shall reasonably relate to the architectural quality and/or historical significance of the historic resource.
    - a. During the deferral period, the Board of Supervisors may request the Historical Commission to revisit the application in addition to any additional information, alternative reuses, or other possible actions provided. Upon reexamination, the Historical Commission may revise and shall provide their written recommendation to the Board of Supervisors.
    - b. Financial analysis. The Board of Supervisors may require, as aforesaid, an applicant to prepare a financial analysis as part of the application, which shall include:
      - 1) Amount paid for property, date of purchase and party from whom purchased, including a description of the relationship, whether business or familial between the owner and the person from whom the property was purchased.
      - 2) Financial information for the previous two (2) years including annual gross income from the property, itemized operating and maintenance expenses, real estate taxes, annual debt service, annual cash flow, and depreciation and other federal income tax deductions taken.
      - 3) Bona fide offers for purchase or rental of the property, including asking price and offers received.
      - 4) Cost of rehabilitation for permitted uses under the zoning district in which the resource is located, prepared by a certified engineer or architect experienced in preservation of historic resources of the type in question.
      - 5) Any considerations by the applicant of any economical adaptive reuses of the property.
      - 6) Assessed value of the land and improvements thereon using the most recent county real estate tax assessment, and an appraisal of its fair market value for

- sale or rental as it exists and after rehabilitation, prepared by a PA licensed real estate appraiser.
- 7) Cost of identification and mitigation of significant archaeological resources.
3. Approval, approval with conditions, or denial of permit.
- a. Where the Board of Supervisors approves the permit application, the Zoning Officer shall issue the permit to the applicant provided all other ordinance and code requirements of the Township have been satisfied.
  - b. Where the Board of Supervisors denies the permit application, the Board of Supervisors shall state the recommended measures for the preservation or reuse of the historic resource.
  - c. Where the Board of Supervisors approves the permit application with conditions that meet criteria for protecting the resource, a written determination by the Board of Supervisors including reasons therefor shall be provided to the Historical Commission, applicant, Zoning Officer, and Planning Commission.
  - d. The applicant's failure to comply with any requirement of this Article shall be sufficient reason for a Board of Supervisors recommendation of denial of a permit.
  - e. Permit approval, approval with conditions, or denial action shall be taken by the Zoning Officer within ten (10) days after the decision of the Board of Supervisors.
  - f. Documentation required. Prior to issuance of the permit, the Historical Commission may recommend and the Board of Supervisor may require that the applicant/owner document the historic resource. Such documentation may include photographs, floor plans, measured drawings, archeological survey or other form of documentation necessary to adequately record the history and architectural features of the historic resource. The Historical Commission may recommend and the Board of Supervisor require that the applicant/owner carefully salvage architectural features or elements of the historic resource.
4. Nothing herein shall be deemed to limit the authority of the Zoning Officer to deny a permit for failure to provide the information required by this Article or other ordinance.

#### **SECTION 1405. RENOVATION, REHABILITATION, OR ENLARGEMENT TO HISTORIC RESOURCES**

To facilitate the purposes of this Article and the exchange of ideas between a Historic Resource owner and the Historical Commission, the following standards shall be followed for the issuance of a building permit for any renovation, rehabilitation, or enlargement of a historic resource. Such proposal shall be reviewed for its compatibility in retaining the character and significant historic and architectural elements of the historic resource by the Historical Commission and for compatibility with applicable Secretary of the Interior's Standards. The Zoning Officer shall not make a decision on a building permit application for such proposal until the terms of this Ordinance, and other applicable ordinances, have been met, including Historical Commission review as set forth herein.

- A. Pre-building permit application meeting. A meeting between the applicant, Zoning Officer, and Historical Commission shall be required prior to the official submittal of a building permit application. The purpose of this meeting is to foster communication about the proposal. This meeting shall also include a discussion of the extent and scope of the proposal including

whether the proposal entails routine building maintenance and/or replacement-in-kind of existing exterior architectural features or whether the proposal entails renovation, rehabilitation, or enlargement of a historic resource. Within fourteen (14) days following this meeting, the Zoning Officer shall notify the applicant of the type of permit needed and the Historical Commission shall provide an informational meeting summary to the Planning Commission and Board of Supervisors.

1. Where the proposal is found to be routine maintenance, replacement-in-kind, or of a size and magnitude not requiring further meetings, the Historical Commission shall indicate such in the meeting summary, and the Zoning Officer shall process the proposal as not needing a building permit under the terms of this Article.
  2. Where the proposal is found to be of a magnitude that the Historical Commission needs additional project information, the Historical Commission may continue the meeting, with agreement by the applicant, in order to allow for review of such information that may include a site visit to the resource itself and to view its relation to other structures on/near the site and the condition of the resource and context of the proposal. If the applicant does not agree to continuing the meeting, the applicant may proceed with filing a complete permit application per Subsection B.
  3. Where the proposal is found to entail renovation, rehabilitation, or enlargement of a historic resource, a building permit per the terms of this Article in addition to any other applicable building permit requirements shall be met.
- B. Building permit application. Applications shall follow Section 1902, and shall in addition meet the provisions of this Article. A complete building permit application shall be filed with the Zoning Officer, who shall then forward the complete application to the Historical Commission for review, and to the Planning Commission for its information. However, the Zoning Officer shall reject and return any incomplete applications. Time periods in this Article for application review and decision shall not begin until the Zoning Officer has notified the applicant that a complete application has been accepted for filing.
- C. Historical Commission review. Within thirty (30) days of receiving a complete permit application, at its regular or a special meeting, the Historical Commission shall review the application. The applicant shall be notified in writing of such meeting and is encouraged to attend and present information pertaining to and reasons for the application. In reviewing the application, the Historical Commission shall take into account the extent the proposal meets the criteria in Subsection D.
- D. The renovation, rehabilitation, or enlargement shall have the effect of encouraging the continued preservation or reuse of the resource. The applicant shall comply with plans for renovation, rehabilitation, or enlargement of a historic resource as shown on the building permit application, and that must be in substantial compliance with the following standards for rehabilitation (derived from the U.S. Secretary of the Interior's Standards for Rehabilitation). Determinations of compliance with these standards shall be made in writing by the Historical Commission, using the Secretary of the Interior's Guidelines for Rehabilitating Historic Buildings to apply the standards to the proposal.
1. Every reasonable effort shall be made to provide a compatible use for a property, which requires minimal alteration of the structure or site and its environment, or to use a property for its originally intended purpose.

2. Distinguishing original qualities or character of a structure or site and its environment shall not be destroyed. Removal or alteration of any historic material or distinctive architectural features shall be avoided wherever possible.
  3. Structures and sites shall be recognized as products of their time, and alterations that have no historical basis and seek to create an earlier or later appearance shall be discouraged.
  4. Changes that have occurred over time are evidence of the history and development of a structure or site and its environment. These changes may have significance in their own right, and this significance shall be recognized and respected.
  5. Distinctive stylistic features or examples of skilled craftsmanship that characterize a structure or site shall be treated with sensitivity and preserved wherever possible.
  6. Deteriorated architectural features shall be repaired rather than replaced, wherever possible. However, in the event replacement is necessary, the new material shall match the material being replaced in composition, design, texture, and other visual qualities. Repair or replacement of missing architectural features shall be based on accurate duplications of features, substantiated by historic, physical, or pictorial evidence rather than on conjectural designs.
  7. Surface cleaning of structures shall be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the historic building materials shall not be undertaken.
  8. Every reasonable effort shall be made to protect and preserve archeological resources affected by, or adjacent to, any project.
  9. Contemporary design for alterations and additions to existing properties shall be acceptable wherever such alterations and additions do not destroy significant historical, architectural, or cultural material, and wherever such design is compatible with the size, mass, scale, color, material, and character of the property, neighborhood, or site.
  10. Wherever feasible, new additions or alterations to structures shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the historic resource would be unimpaired.
- E. Historical Commission recommendation. Within thirty (30) days following the permit application review meeting, the Historical Commission shall, at its regular or a special meeting, make a written recommendation to the Board of Supervisors and provide a copy of such to the applicant, Zoning Officer, and Planning Commission. The applicant shall be notified in writing of this meeting. The Historical Commission recommendation shall recommend approval, approval with conditions, or denial of the application, and/or needed further information. The recommendation shall state its reasoning, including the Historical Commission's guidance to promote the preservation of the historic, architectural, cultural, educational, and other significance represented by the resource.
- F. Board of Supervisors determination. Within thirty (30) days of receiving the Historical Commission recommendation, the Board of Supervisors shall, at its regular or a special meeting, consider the recommendation, permit application, and applicant comments, and shall render a determination for approval or denial of the application. The applicant shall be notified in writing of such meeting and shall have the opportunity to present reasons for the application. In undertaking its determination the Board of Supervisors shall consider the same criteria in Subsection D as did Historical Commission in their consideration of the application.
1. Where the Board of Supervisors approves the permit application, the Zoning Officer shall issue the permit to the applicant provided all other ordinance and code requirements of the Township have been satisfied.

2. Where the Board of Supervisors denies the permit application, the Board of Supervisors shall state the recommended measures for the preservation of the historic resource.
  3. Where the Board of Supervisors approves the permit application with conditions that meet criteria for protecting the resource, a written determination by the Board of Supervisors including reasons therefor shall be provided to the Historical Commission, applicant, Zoning Officer, and Planning Commission.
  4. The applicant's failure to comply with any requirement of this Article shall be sufficient reason for a Board of Supervisors recommendation of denial of a permit.
  5. Permit approval, approval with conditions, or denial action shall be taken by the Zoning Officer within ten (10) days after the decision of the Board of Supervisors.
- G. Nothing herein shall be deemed to limit the authority of the Zoning Officer to deny a permit for failure to provide the information required by this Article or other ordinance.

## **SECTION 1406. ADDITIONAL STANDARDS TO PROMOTE HISTORIC PRESERVATION**

In the interest of preserving the Township's historic resources and encouraging their appropriate use and/or reuse, the following additional opportunities for historic resources may be permitted when approved by conditional use and upon review and recommendation by the Historical Commission.

- A. **Additional Principal Uses.** The following uses may be permitted as a principal use of a lot, or as a second additional principal use of a lot. It is intended that these additional principal uses, when not otherwise permitted in the underlying zoning district, shall be largely contained in a historic resource in order to assist in its preservation/reuse.
1. Bed and breakfast Inns, per Section 1508.
  2. Historic resource conversions, per Section 1526.
  3. Conversions into nonresidential uses, such as professional offices, nursery schools, day care centers, home occupations, municipal uses, and like uses, per applicable use provisions of this Ordinance.
- B. **Additional Accessory Uses.** The following uses may be permitted as an accessory use of a lot, or as a second additional accessory use of a lot. It is intended that these additional accessory uses, when not otherwise permitted in the underlying zoning district, shall be largely contained in a historic resource in order to assist in its preservation/reuse.
1. Bed and breakfast (accessory) homes/guest house, per Section 1508.
  2. Minor home occupations in historic resources, per Section 1503.
- C. **Area and Bulk Modifications.** Modifications to otherwise applicable lot size and dimension, yard requirements, and other bulk and area requirements for the use in the underlying zoning district where a historic resource is located may be permitted provided that:
1. A lot area of sufficient size shall remain to preserve those portions and features of the historic resource that are significant to its historical, architectural, and/or cultural character and to allow for landscaping, buffering, and screening that protects the historic resource from the impact of surrounding development.
  2. Such modification shall have the effect of encouraging the continued preservation and reuse of the historic resource.

- D. **Density Bonus.** Where renovation, rehabilitation, and/or reuse of a historic resource is proposed, a density bonus may be permitted to encourage continued use of a historic resource as a development unit that is permitted in addition to the maximum density otherwise permissible in the underlying zoning district, and where such is compatible with the intent of the district provided that:
1. Historical integrity of historic resources shall be preserved, particularly from any public right-of-way or view.
  2. Authentic period materials and colors or appropriate modern replication shall be applied on any portion of a historic resource or enlargement thereof visible from any public right-of-way or view.
  3. Sufficient landscaped or buffer area surrounding historic resources shall be maintained in order to retain the integrity of historic landscape settings. Mitigation of impacts to historic landscape settings shall be mitigated through introduction of vegetation or other screening in harmony with such landscape setting and through retention of views which visually link historic resources to their landscape settings.
  4. Facilities and equipment for heating/air conditioning, trash collection and compaction, and other structural elements not in keeping with historical architectural themes shall be concealed architecturally or otherwise screened from view.
  5. Long-term protection of affected historic resources through establishment of appropriate deed restrictions, easement(s), covenants, or other agreement in a form acceptable to the Township shall be provided.
- E. **Conditional Use Procedure.** The following conditional use standards and procedure shall be in addition to those in Article XIX.
1. The Zoning Officer shall provide the Historical Commission with a copy of the application for conditional use, together with any supporting information related to such within five (5) working days of receipt of a complete application.
  2. The Historical Commission shall review such to evaluate whether the proposed use promotes preservation of the resource, and shall provide a written recommendation to the Board of Supervisors who shall consider the conditional use request as to whether:
    - a. It would be supportive to the preservation of the historic resource;
    - b. It would have minimal detrimental effect on neighboring properties; and
    - c. The Historical Commission has reviewed and commented on the application per this Ordinance.

#### **SECTION 1407. DESIGN STANDARDS ASSOCIATED WITH REUSE OF HISTORIC RESOURCES AS PART OF A DEVELOPMENT**

A. **Landscaping and Buffering.**

1. **Landscaping.** When a historic resource is located on a tract or lot that is the subject of a proposed subdivision, land development, or permit for building, zoning, use and occupancy, or other pertinent permit application, a landscape plan for all lands surrounding the subject resource, including those lands on and off the subject lot as applicable, shall be required as follows.



- a. The plan shall show information including location, size, and species of trees and shrubs to be removed, relocated, planted, and/or preserved.
  - b. The plan shall minimize impacts of the proposal on the historic resource and protect its integrity of setting and any significant vegetation.
  - c. Proposed landscaping shall be reviewed for its appropriateness and effectiveness by the Historical Commission and their recommendation provided to the Board of Supervisors prior to a decision by the Board of Supervisors on the proposal.
2. Buffering. When a proposed subdivision, land development, or permit for building, zoning, use and occupancy, or other pertinent permit application is for any site that lies within two-hundred and fifty (250) feet of an exterior wall of a historic resource, a buffering plan shall be required as follows.
  - a. The plan shall show information including location, size, and species of trees and shrubs to be removed, relocated, planted, and/or preserved.
  - b. The plan shall depict how the historic resource and the integrity of its setting will be shielded from any deleterious impacts of the proposal. Buffering may include physical distance, vegetative screening, and fencing.
  - c. Proposed landscaping shall be reviewed for its appropriateness and effectiveness by the Historical Commission and their recommendation provided to the Board of Supervisors prior to a decision by the Board of Supervisors on the proposal.
- B. Lighting. For historic resources, the following lighting standards shall apply in addition to those in Article XVI.
  1. Non-cut-off fixtures shall not be permitted.
  2. Lighting shall be consistent with the historic architectural style of the resource.
  3. Down-lighting shall be used.
  4. If planned signs are proposed to be lit, light and highlight such using indirect methods (e.g. small goose neck lights or small remote spotlights).
- C. Signs. For historic resources, the following sign standards shall apply in addition to those in Article XVII.
  1. Signs proposed within any Historic District or on or within one hundred (100) feet of an exterior wall of a historic resource shall be reviewed by the Historical Commission.
  2. The Zoning Officer shall forward the complete sign permit application to the Historical Commission for their review and comment. No sign permit shall be issued by the Zoning Officer prior to meeting the terms of this Article.
  3. The Historical Commission shall, within thirty (30) days of receipt of a complete application, at its regular or a special meeting, review the application and prepare written comments for the Zoning Officer. Comments shall indicate whether the proposed sign is compatible with the architectural character of the historic resource or what specific changes could make the proposed sign compatible.
- D. Parking. For historic resources the following parking standards shall apply in addition to those in Article XVI.
  1. Front yard parking shall be discouraged.

2. Rear and side parking shall be encouraged. Access may be from a common way.
3. Shared parking shall be encouraged between two (2) or more uses operating in close proximity to one another.
4. Parking areas must be lit, where required, and landscaped in a manner compatible with the historic resource character.

## **SECTION 1408. HISTORIC RESOURCE IMPACT STATEMENT**

- A. Purpose. The impact statement provides the Township with information to evaluate the possible positive and negative impacts of a proposal on a historic resource. Such statement shall be prepared by a historic preservation professional and shall be required when any one (1) or more of the following are proposed:
1. Applications for proposed subdivisions, land developments, or permits for building, zoning, demolition, use and occupancy, or other pertinent permit application involving renovation, rehabilitation, reuse, enlargement, and/or demolition of a historic resource on or within two-hundred and fifty (250) feet of an exterior wall of a historic resource.
  2. General bridge or highway construction or substantial repair passing within two-hundred and fifty (250) feet of an exterior wall of a historic resource.
  3. Applications for proposed subdivisions, land developments, or permits for building, zoning, demolition, or other pertinent permit application that may impact archaeological areas, in which case the statement shall take into account archaeological aspects.
  5. Changes in traffic patterns, due to applications for proposed subdivisions, land developments, or permits for building, zoning, demolition, use and occupancy, or other pertinent permit application, in order to ensure road/traffic plans are context sensitive protecting the safety and character of the historic resource, its integrity of setting, and other neighboring historic resources.
- B. Contents. The impact statement shall include the following information:
1. Background Information.
    - a. General site description and plan, including topography, watercourses, vegetation, landscaping, existing drives, and the like.
    - b. General description of all historic resources located on the lot in question and within two-hundred and fifty (250) feet of the proposal activity. This description shall include historic and architectural significance of historic resources and a narrative description of the historical development of the lot in question.
    - c. Photographs illustrating each historic resource in its setting.
  2. Assessment of Potential Impacts. A description of any proposal activity, including how that activity impacts historic resources, architectural integrity, historic setting, and future viable use.
  3. Mitigation Measures. A description of suggested approaches to be undertaken by the applicant to minimize potentially negative impacts to historic resources, including design alternatives, buffering, landscaping, conservation of existing vegetation, and any other appropriate measures.

- C. The Historical Commission will review the impact statement and submit it along with a written recommendation to the Board of Supervisors before the Board of Supervisors makes a decision regarding the application. Potentially negative impacts shall be mitigated by the applicant with measures satisfactory to and approved by the Board of Supervisors. The mitigation shall be implemented contemporaneously with the proposal activity necessitating the impact statement.

## Article XV: Supplemental Use Standards

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### SECTION 1500. PURPOSE

- A. This Article establishes supplemental controls for uses requiring special design considerations to ensure compatibility with other uses permitted within a zoning district. The following regulations shall apply to all zoning districts in which the particular use being regulated is permitted. The provisions of this Article shall be in addition to the standards established by the applicable zoning district, conditional use, or special exception procedures where applicable, and any applicable Section of this Chapter or other chapters, codes or ordinances.
- B. Uses regulated in this Article include the following:
- 1501. Accessory Buildings, Structures, and Uses
  - 1502. Accessory Dwellings
  - 1503. Accessory Minor Home Occupations
  - 1504. Adult Uses
  - 1505. Agricultural Uses
  - 1506. Automotive and Farm Equipment Sales and/or Repair
  - 1507. Automotive Fuel Stations
  - 1508. Bed and Breakfast (Inns and Home/Guest Houses)
  - 1509. Cemeteries
  - 1510. Clubs
  - 1511. Commercial Service, Retail, and/or Office Uses (Including Commercial Use Non-Structural)
  - 1512. Commercial Service and Retail Centers
  - 1513. Communication Facilities (Wireless)
  - 1514. Composting Operations
  - 1515. Cottage brewing, brewpub, distilling, or winemaking activities/uses
  - 1516. Day Care (Centers and Home)
  - 1517. Drive-Through Services
  - 1518. Eating and Drinking Establishments and Outdoor Cafes
  - 1519. Educational Uses
  - 1520. Funeral Homes/Undertaking Establishments
  - 1521. Golf Courses
  - 1522. Group Care Homes
  - 1523. Health Care Service Facilities
  - 1524. Helipads
  - 1525. Historic Resource Conversions
  - 1526. Hotels and Motels
  - 1527. Industrial/Office/Business Parks
  - 1528. Industrial Uses
  - 1529. Mixed Uses
  - 1530. Mobile Homes/Parks
  - 1531. Multi-family Dwellings
  - 1532. Public Utility Facilities
  - 1533. Recreational Uses

- 1534. Recycling Facilities and/or Trash Transfer Stations
- 1535. Religious Uses
- 1536. Retirement communities, Continuing care facilities, and/or Assisted living facilities
- 1537. Transitional Housing Facilities
- 1538. Veterinary Clinics/Offices and/or Kennels

## **SECTION 1501. ACCESSORY BUILDINGS, STRUCTURES, AND USES**

### **A. General.**

1. Buildings, structures, and uses in this Section are accessory and shall be incidental and subordinate to the principal use on the lot, or tract in certain situations.
2. Accessory buildings, structures, and uses, except agricultural-related in Subsection B and/or historic resources in Article XIV, shall be located:
  - a. On the same lot, or tract, as the principal use.
  - b. In the side or rear yard of the lot.
  - c. Not be located in the front yard. .
  - d. All accessory uses over 1000 s.f. requires conditional use.
3. A minimum yard setback from lot lines shall be required as follows:
  - a. Accessory residential uses shall have a minimum yard setback of ten (10) feet, except for lots less than twenty-two thousand (22,000) sq. ft. where the minimum yard setback shall be five (5) feet.
  - b. Accessory agricultural uses shall have a minimum yard setback of ten (10) feet unless otherwise indicated in this Ordinance.
  - c. Accessory commercial, institutional, and industrial uses that abut residential uses, lots, or districts shall have the same yard setback as principal buildings, and accessory uses that abut nonresidential uses shall have a minimum yard setback of twenty (20) feet unless otherwise indicated in this Ordinance.
  - d. Historic resources designated in Article XIV shall be exempt from such yard setbacks.
  - e. Active recreational or similar accessory uses, such as tennis courts and swimming pools, shall:
    - 1) Meet minimum yard standards for the principal use in the applicable district.
    - 2) Not be located within ten (10) feet of any existing or proposed on-site sewage absorption area.
    - 3) Be screened from the view of adjacent residential lots and uses, and their lighting facilities shall be hooded, screened, and designed to prevent glare and light impingement on and the use or enjoyment of adjacent residential lots as per provisions of Article XVI.
4. Accessory buildings, structures, and uses shall have a maximum height of fifteen (15) feet, except as otherwise stated in this Ordinance.

B. Agricultural Accessory Buildings, Structures, and Uses. Agricultural Accessory Uses, Buildings, and Structures shall meet minimum yard setbacks specified below and in Section 1505. The following buildings, structures, and uses shall be permitted when incidental and subordinate to the principal agricultural use and when located on the same lot, or tract, as the principal use.

1. Barns and stables sheltering livestock, poultry, and farm products.
2. Silos for storage of grain or other farm products, which shall be setback a distance equal to their height.
3. Preparation of agricultural products produced on the premises, which shall not include any consumption of such products on the premises except as permitted herein..
4. Garages, outbuildings, and storage of farm machinery.
5. Signs identifying the name of the farm, sale of agricultural products, or secondary farm business as per Article XVII.
6. Accessory residential uses per Subsection C.
7. Display and Sale of Agricultural Products, *not including the sale of compost*, provided that:
  - a. Such accessory use shall be principally undertaken by the owner or operator of the principal agricultural use to allow for secondary income for a farmer and promote the continuation of existing agricultural uses. As such, a maximum of one (1) employee shall be permitted in conjunction with the accessory use in addition to family members or farm laborers employed in the primary agricultural use.
  - b. At least fifty percent (50%) of products for display and sale shall have been produced by the agricultural use where they are offered for sale.
  - c. A minimum of three (3) parking spaces shall be provided on-site, outside of the street right-of-way. Where building floor area exceeds six-hundred (600) sq. ft., one (1) additional parking space shall be provided for each additional two-hundred (200) sq. ft. of building floor area.
  - d. The accessory use shall be conducted either in a temporary stand, dismantled at the end of the sale season, or in a permanent structure, provided that such structure shall be sited a minimum of twenty-five (25) feet from any street line, and a minimum of fifty (50) feet from any residential use or district.
  - e. There shall be no more than one (1) such accessory use and structure per primary agricultural use.
  - f. Tasting rooms must meet the applicable provisions of Section 1515. Only beverages produced on the property may be consumed in approved tasting rooms.
  - g. No food is prepared or offered for sale on any portion of the premises.
  - h. No social, recreational, musical or any other event offering public use or service in or at the property.

8. Secondary Farm Business provided that:

- a. Such accessory use shall be principally undertaken by the owner or operator of the principal agricultural use to allow for secondary income for a farmer and promote the continuation of existing agricultural uses. As such, a maximum of two (2) employees shall be permitted in conjunction with the accessory use in addition to family members or farm laborers employed in the primary agricultural use.
- b. There shall be no more than one (1) such accessory use per primary agricultural use.

c. Secondary family businesses uses may include, but are not limited to, the following:

- 1) Veterinary services primarily for farm animals
- 2) Creation of crafts
- 3) Creation of household carpentry items, such as chairs, cabinets, and clocks
- 4) Processing of locally produced agricultural products
- 5) Grain milling
- 6) Blacksmithing
- 7) Tree farming and sales

9. Cottage Brewing, Breweries, Distilleries, and Wineries, as per Sections 1511 and 1515.

10. No more than one accessory is provided in Sections B.7-9 herein is permitted.

C. Residential Accessory Buildings, Structures, and Uses. The following buildings, structures, and uses shall be permitted when incidental and subordinate to the principal residential use and when located on the same lot, or tract, as the principal use.

1. Garage, driveway, or area for parking of passenger vehicles, including noncommercial trucks and vans.
2. Temporary or nightly, outdoor parking or storage of a commercial vehicle. There shall not be more than one (1) such vehicle per lot except as otherwise provided in this Ordinance. Such vehicle shall be owned or operated by the resident of the lot and shall not include signage or advertising other than a logo or business name. Commercial vehicles that display other signage or advertising shall not be parked on the residential lot for more than a seventy-two (72) hour period during which time the vehicle shall be screened from view of public rights-of-way and adjacent residential uses and lots via fencing or vegetative screening per Article XVI.
3. Motor home or recreational vehicle. There shall not be more than one (1) such vehicle per lot except as otherwise provided in this Ordinance. Such vehicle shall be owned or operated -by the resident of the lot and may be parked on the residential lot for more than a seventy-two (72) hour period if screened by view from public rights-of-way and adjacent residential lots via fencing or vegetative screening per Article XVI.
4. Shelter for household pets, storage sheds, gazebos, decks, patios, tennis courts, flagpoles, stables, clothes lines, and private noncommercial greenhouses. Gardening, incidental to residential use, shall be permitted in any district without restriction in regard to lot area.
5. Renewable energy generation, such as solar panels, windmills, and geothermal, provided they receive a building permit and are installed to industry standards and such proof of appropriate and safe installation is supplied to the Township upon request.
6. Uses to serve residents of a development, including laundry facilities, lockers or storage areas, and recreational facilities and lounges.
7. Fences or walls per Article XVI.
8. Signs associated with the occupants of the dwelling per Article XVII.
9. Accessory minor home occupations per Section 1503.
10. Residential outdoor storage in compliance with Article XVI.
11. Accessory dwellings per Section 1502.
12. Bed and breakfast home/guest house, limited lodging per Section 1508.
13. Noncommercial swimming pool provided that:

- a. Such pools shall be installed and enclosed by fencing in accordance with the Township Building Code and with the applicable provisions in Article XVI.
- b. Required setbacks shall be measured from the edge of the walkway of the pool or, in the absence of a walkway, from the curb of the pool.
- c. Public water supply shall be used for filling the pool. If public water supply is not available, water shall be supplied from a source off-premises. Private on-site wells shall not be used for this purpose.
- d. Pool water shall be discharged into a public sewage system. If a public sewage system is not available, pool water shall be disposed of in accordance with PA Department of Environmental Protection guidelines. Pool water shall not be discharged directly into an existing water body, wetland, or floodplain.
- e. Operation of swimming pools shall be per regulations and guidelines issued by the Chester County Health Department.

14. Garage or yard sales provided that:

- a. Such use shall be limited to occurrences of not more than four (4) times per one (1) calendar year. There shall be at least a thirty (30) day period between such occurrences and each occurrence shall last no more than three (3) consecutive days.
- b. No more than one (1) vehicle for display or sale shall be permitted.
- c. Signs shall be per Article XVII.
- d. No sales may occur in any right of way.
- e. Goods offered for sale may not include any personal property imported to the residential location.
- f. The owner of the location must obtain a temporary permit, and provide a written plan confirming the existence of off road parking for not less than five vehicles.

15. Residential radio, television, or microwave dish antenna provided that:

- a. Where applicable, antenna shall comply with Federal Communications Commission (FCC) regulations and the Township Building Code.
- b. Freestanding antenna of any type shall be located in the side or rear yard, as feasible with regard to reception, and shall meet yard setbacks for the principal use, however no part of an antenna shall be located closer to a lot line than the height of the antenna.
- c. The highest point of a radio or television antenna shall not exceed the peak of the roof of the principal building by more than fifteen (15) feet or, if a freestanding antenna, the maximum height of the antenna shall be fifty (50) feet.
- d. When roof or wall mounted, microwave dish antenna shall not project above the peak of the roof line unless a special exception is granted. If freestanding, the total height of the dish antenna shall not exceed ten (10) feet. Microwave dish antenna shall not exceed three (3) feet in diameter.
- e. Antenna shall be screened with staggered plantings or fencing to the extent that such screening does not substantially interfere with reception.
- f. No more than two (2) antenna visible from the public right-of-way shall be permitted per residential use, and not more than one (1) of a freestanding type. Antenna shall be placed in the rear yard unless reception cannot be obtained.



16. Residential compost for use in gardens, landscaping, and yards associated with typical residential uses.
17. Temporary Residential Uses, per Section 1508

D. Commercial, Institutional, and Industrial Accessory Buildings, Structures, and Uses. The following buildings, structures, and uses shall be permitted when incidental and subordinate to the principal commercial, institutional, and industrial use and when located on the same lot, or tract, as the principal use.

1. Renewable energy generation, such as solar panels, windmills, and geothermal, provided they receive a building permit and are installed to industry standards and such proof of appropriate and safe installation is supplied to the Township upon request.
2. Uses designed to serve the employees of a commercial industrial, or institutional use, including areas for bicycle parking, decks, patios, gazebos, flagpoles, storage areas, and recreation areas, including noncommercial swimming pools per Subsection C. Gardening, incidental to the principal use, shall be permitted without restriction in regard to lot area.
3. Fences or walls per Article XVI.
4. Signs per Article XVII.
5. Outdoor storage of materials per Article XVI.
6. Driveways, accessways, and interior circulation per Article XVI.
7. Off-street parking and loading facilities per Article XVI.
8. Radio, television, or microwave dish antenna shall be permitted as a commercial or industrial accessory use when in accordance with the following standards:
  - a. Subsection C.15.a. through e. shall apply.
  - b. Antenna meeting the definition of a communication antenna shall comply with the standards of Section 1513 and shall only be located in those districts where specifically permitted by this Ordinance.
  - c. Microwave dish antennas exceeding three (3) feet in diameter shall be permitted, subject to the following:
    - 1) Total height of a dish antenna shall not exceed twelve (12) feet if roof mounted and fifteen (15) feet if freestanding, unless approved as a special exception.
    - 2) Before installation of any such antenna, a permit application per Section 1902 shall be made on forms furnished by the Township, which shall be accompanied by plans to scale.

## **SECTION 1502. ACCESSORY DWELLINGS**

A residential accessory dwelling allows for the addition of a supplement dwelling unit on a property in order to meet housing needs of immediate family members, domestic employees, and/or caregivers who are employed on premises. Its purpose is to balance the needs of extended families in providing an independent living situation, while protecting the existing community character and avoiding the need for lot subdivision.

A. Accessory dwelling as part of an existing single-family detached dwelling building. This type of accessory dwelling shall be permitted on lots with a principal single-family detached dwelling use, by conditional use per Article XIX and the following standards:

1. The principal dwelling use shall be located on a lot that meets minimum lot area and bulk standards of its district. There shall be only one (1) accessory dwelling permitted per each principal dwelling use, which shall only be permitted in a single-family detached dwelling.
2. The property, principal dwelling, and accessory dwelling shall be owned by the same persons, and one (1) of the two (2) dwelling units must be owner-occupied.
3. Use of the accessory dwelling shall be limited to three (3) family members or two (2) caregivers or domestic or farm/agricultural use employees.
4. Owners of accessory dwellings shall be required to obtain a Township permit annually. Prior to issuance of the permit, the applicant shall demonstrate compliance with the occupancy requirements of this Section and other applicable Township codes. A periodic on-site inspection may be required to confirm compliance.
5. The accessory dwelling shall be limited to a maximum of two (2) bedrooms and shall meet the following size requirements:

Number of Bedrooms in Units	Minimum Floor Area in Unit
- Efficiency	- 300 sq. ft.
- 1 bedroom	- 450 sq. ft.
- 2 bedroom	- 600 sq. ft.

6. The accessory dwelling shall be clearly subordinate to the primary dwelling in terms of size and function and, whether through a building addition and/or use of a portion of the primary dwelling, its habitable area shall not exceed twenty-five percent (25%) of the habitable floor area of the existing primary dwelling prior construction of the accessory dwelling.
7. After creation of the accessory dwelling, the existing primary dwelling shall maintain the usual appearance of a single-family detached dwelling and shall remain compatible with the character of the surrounding neighborhood.
8. There shall be no accessory dwelling located fully below ground level, unless such construction type meets the Township Building Code.
9. After construction of the accessory dwelling, the principal dwelling shall have the same number of front façade entrances as prior to the accessory dwelling construction. All other entrances to the principal and accessory dwellings shall be located on the side or rear.
10. All applicable Township Building Codes and Chester County Health Department regulations and permit requirements regarding the installation of kitchen and bathroom facilities and water supply and sewage disposal systems must be followed and indicated on all building plans. Approval by all applicable agencies is required prior to issuance of a zoning permit.
11. A minimum of one (1) off-street parking space shall be required in addition to that required for the principal dwelling. The parking space shall have unrestricted access to the street.
12. Applications for an accessory dwelling shall include a plan showing the location of the principal dwelling and proposed accessory dwelling prepared by a PA licensed civil engineer, builder, and/or architect. The plan shall show all means of access to/from the street, parking areas, and locations of sewage disposal and water supply systems.
13. A conditional use approval shall not create any new or expand any existing nonconformities.
14. Each dwelling unit must have a separate mailing address per Township standards.

- B. Accessory dwellings in a detached building. This type of accessory dwelling shall be permitted on lots with a principal single-family detached dwelling, which also contains an existing detached accessory building or where such could be built under applicable Township regulations, by conditional use per Article XIX and the following standards:
1. Standards of Subsection A.2 through 5 and Subsection A.7 through 14 shall apply.
  2. The principal dwelling use shall be located on a lot that meets minimum lot area and bulk standards of its district. There shall be only one (1) accessory detached dwelling permitted per each principal dwelling use, which shall be permitted in association with a single-family detached dwelling use.
  3. The accessory detached dwelling preferably should be located on the same lot as the principal dwelling, however if a tract contains more than one (1) lot, single ownership shall be maintained of the property on which the principal dwelling and the accessory detached dwelling are located. Neither dwelling unit can be separately sold or transferred without first securing subdivision approval from the Township. Approval of a conditional use under this Section shall not create or imply a right of the owner of the subject lot to subdivide the lot.
  4. A restrictive covenant setting forth the requirements of this Section and any conditional use conditions shall be recorded in the Chester County Office of the Recorder of Deeds before issuance of a certificate of occupancy for the accessory detached dwelling.
  5. The accessory detached dwelling shall be clearly subordinate to the primary dwelling in terms of size and function and its size. Its habitable area shall not exceed twenty-five percent (25%) of the habitable floor area of the primary dwelling.

### **SECTION 1503. ACCESSORY MINOR HOME OCCUPATIONS**

Minor home occupations shall be considered an accessory residential use and shall meet the following.

- A. Classification, applicability, and permits.
1. A minor home occupation (no-impact home based business of Act 247) shall be permitted as an accessory use by-right in all residential uses and districts provided that:
    - a. The use shall be carried on only by the inhabitants of the dwelling and shall have no employees other than those inhabitants.
    - b. The use shall be compatible with the residential use of the property and surrounding residential uses.
    - c. There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.
    - d. The use shall not use equipment or process that creates noise, vibration, glare, fumes, odors, or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.
    - e. The use shall not generate solid waste or sewage discharge, in volume or type, which is not normally associated with a residential use in the neighborhood.
    - f. The use shall occur in the principal dwelling or accessory structure on the property.
    - g. The floor area for the use shall not exceed twenty-five percent (25%) of the habitable floor area of the principal dwelling use.
    - h. There shall be no exterior appearance of a business use on the premises.

- i. No additional off-street parking spaces beyond that required for the principal dwelling use shall be required.
2. The Township shall determine whether the proposed use meets criteria of Subsection A.1. The applicant shall be responsible for supplying information deemed necessary to make this determination. Upon determining the proposed use meets all the criteria and is classified as a minor home occupation, the Township shall issue a one (1) time permit for such.
3. Where the proposed use does not meet all of the criteria in Subsection A.1., the use shall be classified as a major home occupation and the following shall apply:
  - a. A proposed use that does not meet Subsection A.1.b. through f shall not be permitted as a home occupation by conditional use.
  - b. Such use may be permitted as an accessory use by grant of a conditional use approval and Township permit. Thereafter, an annual permit from the Township shall be required.
  - c. Such use shall only be permitted in a single-family detached dwelling or accessory building thereto and shall adhere to Subsection A.1.b through g.
  - d. One (1) person in addition to inhabits of the principal may be employed at the use.
  - e. With the exception of day care home, no home occupation use involving individuals entering or leaving the premises or mechanical operations shall be conducted between the hours of eight (8) p.m. and eight (8) a.m.
  - f. There shall be one (1) off-street parking space for clients, plus one (1) space for the employee. This requirement is addition to off-street spaces required for the principal dwelling concerned. Off-street parking spaces for home occupation uses shall meet accessory use setbacks, and shall be screened from the view of adjacent residential lots and uses with staggered plantings or fencing.

**B. General standards for minor home occupations.**

1. Such use must be conducted within a principal dwelling that is a bona fide residence of the principal practitioner or in an accessory structure thereto.
2. Such use, other than as a specified in this Ordinance, shall be carried on wholly indoors. Enclosed accessory structures may be used for storage of materials or products. No storage or stockpiling shall be permitted in open areas.
3. Such use shall not be permitted in a nonconforming structure or lot, except for historic resources and their lots per Article XIV.
4. The residential character of the property shall not be altered nor the business use conducted in a manner to change such by use of materials, construction, lighting, show windows, signs, or advertising visible outside the premises.
5. There shall not be more than one (1) commercial vehicle parked on-site per use, which shall be parked in a garage, an enclosed structure, or an off-street parking space screened from the view of adjacent residential lots and uses with staggered plantings or fencing.
6. Except for day care homes and bed and breakfast homes/guest houses and home occupations located in historic resources, no minor home occupation involving clients entering or leaving the premises or mechanical operations shall be conducted between the hours of eight (8) p.m. and eight (8) a.m.
7. Minor home occupations shall not include the following:

- a. Animal hospitals.
- b. Stables and kennels.
- c. Funeral homes/undertaking establishments.
- d. Restaurants.
- e. Medical or dental offices.
- f. Gift shops.
- g. Dance studios.
- h. Furniture stripping.
- i. Repair or painting of vehicles, trailers, boats, or other motorized equipment.
- j. Welding shops.
- k. Other uses of similar character.
- l. Any sale or service of alcohol.

C. Standards applicable to specific types of minor home occupations uses.

1. Personal services, such as law offices or hair salons, shall only be permitted in historic resources and shall provide service to a maximum of one (1) client at a time.
2. Instructional services, whereby the practitioner provides clients with instruction in a specific area of study such as piano lessons, shall only be permitted in historic resources and shall provide instruction to a maximum of one (1) student at a time.
3. Home art or craft businesses shall be permitted provided products are made on-site and are of a nature similar to sculpture, specialty paper arts, tailoring, model making, rug weaving, lapidary work, and furniture making.
4. Home day care limited to 6 children.
5. Bed and breakfast home/Guest house per Section 1508.

## **SECTION 1504. ADULT USES**

A. Location and dimensional standards.

1. Adult uses shall be located a minimum of one thousand (1,000) feet from another existing adult use.
2. Adult uses shall be located a minimum of five hundred (500) feet from any residential district or use, religious use, educational use, day care center, playground, or park.
3. Adult uses shall have a minimum lot area of one (1) acre.
4. Except as otherwise noted in this Ordinance, area and bulk regulations shall be as specified in the district in which the use is located.

B. Exterior signs and visible messages.

1. Such messages shall comply with Article XVII.
2. Such messages shall not include graphic or pictorial depictions of material or services available on the premises or elsewhere.
3. Such messages shall not include vulgar, obscene, or age-inappropriate language.

C. Adult uses shall require conditional use approval. Minimum lot area shall be determined during conditional use approval dependent on the type, location, and intensity of use as well as proposed

sewage system and water supply. In addition to requirements in Article XIX, application for conditional use shall include:

1. Statement of the intended use(s).
  2. Description of the specific business activities for which the approval is being sought.
  3. Hours of operation.
  4. Type, size, text, and location of proposed sign(s).
- D. Nothing in this Ordinance shall be deemed to allow any uses that are "obscene" as that term has been interpreted by Federal or State courts.
- E. There shall be no alcoholic beverages in association with adult uses without proper PA licensing and approval from the PA Liquor Control Board.

## **SECTION 1505. AGRICULTURAL USES**

### **A. Area and bulk standards.**

1. Minimum tract area for non-intensive agricultural uses – Five (5) acres
2. Minimum tract area for intensive agricultural uses – Ten (10) acres
3. Maximum tract coverage:
  - a. Intensive agricultural uses – Forty (40%) percent
  - b. Non-intensive agricultural uses – Twenty (20%) percent
  - c. Temporary and permanent structures shall be included when calculating lot coverage
4. Minimum tract width at street line:
  - a. Intensive agricultural uses – Three-hundred (300) feet
  - b. Non-intensive agricultural uses – One-hundred (100) feet
5. Structures sheltering or housing livestock, poultry, hogs, mushroom production, or any intensive agricultural use shall be a minimum of one-hundred (100) feet from any tract line adjacent to nonresidential uses or districts and one-hundred fifty (150) feet from any tract line adjacent to residential uses or districts.
6. Other agricultural structures, not including dwellings, residential accessory uses and other secondary accessory uses, and Subsection A.5, shall be a minimum of fifty (50) feet from any tract line..
7. Storage or stockpiling of manure, compost, or other odor or dust producing substance shall be a minimum of one hundred fifty (150) feet from any dwelling on an adjacent lot other than that associated with the agricultural use, public right-of-way, water supply, sewage disposal, spring, sinkhole, waterway, watercourse, floodplain, swale, or drainage way.
8. Non-structural non-intensive agricultural uses shall be a minimum of twenty (25) feet from any tract line.
9. Where yard setback in the applicable district differ from those herein, the greater dimension shall apply.

10. Silos and bulk bins shall be exempt from the maximum building height limit when attached to an existing structure or when located such that the distance from the base to the nearest tract or public right-of-way line is no less than the height of said silo or bulk bin. In no case shall such a structure have a height greater than one-hundred (100) feet plus accessory structural and safety mechanisms for a maximum of one-hundred and twenty (120) feet.

**B. General Regulations.**

1. All grazing and pasture areas where animals are kept shall be fenced.
2. Conservation Plans and Nutrient Management Plans are encouraged to be completed for all agricultural uses, particularly intensive agricultural uses due to their nature and potential impacts on land, natural resources, and adjacent properties, as per Chester County Conservation District standards and the Nutrient Management Act of 1993, as amended.
3. Lots shall be graded so that animal wastes are confined, stockpiled, stored, or disposed of within the lot on which they originate or adjacent lot(s) under the same ownership and use. Waste disposal shall also be in accordance with applicable Township ordinances.

**C. Intensive agricultural uses.**

1. All such uses shall be by conditional use and shall meet the terms of Article XIX and applicable standards in this Article, in addition to applicable requirements of other Township, County, or State regulations shall apply.
2. Storage or stockpiling of manure, compost, or other odor or dust producing substance whether as an accessory or primary agricultural use.
  - a. Such shall only be stored or stockpiled on an approved impervious surface that will restrict associated nutrients from being released onto and into adjacent soils and the groundwater aquifer.
  - b. Land shall be graded so that animal wastes are confined to the tract where they originate. Waste management shall meet the use's conservation plan and nutrient management plan.
  - c. Compost removed from any growing area shall be kept free of trash or other foreign material, including but not limited to plastic and burlap.
  - d. Compost used in mushroom production shall be stored and leveled only as part of a directed process of soil rejuvenation, including weed growth to the extent that it contributes to such rejuvenation. The process shall reflect the cultivation needs both of the industry as a whole and of the subject growing operation. A small portion of compost from any crop may be excluded from the above-mentioned process for purposes of sale or distribution, provided that all of said portion is removed from the property in this fashion or otherwise, or is leveled, and that none of this portion shall remain in bulk storage beyond the time that it otherwise would be leveled. Further, this process of soil rejuvenation shall be:
    - 1) Designed to minimize impacts on abutting properties and street, and on water resources, caused by the storage and leveling of the compost, including the control off unreasonable weed growth, storm water runoff, threats to groundwater quality, and potential problems of odor.

- 2) Subject to review and modification by the Board of Supervisors where the Zoning Officer finds that no such rejuvenation process is being followed. In such cases, the Board of Supervisors may require a rejuvenation plan be submitted for review and approval and/or that any existing compost piles be leveled.
3. Composting operations shall meet the requirements of Section 1514.
4. Accessory compost production. An agricultural use may produce compost for usage in its operation provided that the accessory composting is supplemental to the primary agricultural use, the primary agricultural use and accessory composting are located on the same tract, and the standards and requirements of this Article are met. No such compost shall be produced for sale except as provided under Subsection C.2 and Section 1514.
5. Commercial Greenhouse Production.
  - a. Maximum lot coverage - Sixty (60%) percent
  - b. Storage or stockpiling of organic material shall be designed to prevent run-off into waterways, watercourse, streets, or onto adjacent tracts or lots. Storage of such materials shall meet Subsection A.7 and applicable requirement of Subsection C.2.

D. Agricultural Warehousing.

1. Agricultural warehousing shall be an accessory use to the principal agricultural use and shall only be permitted on a lot held in primary agricultural use.
2. Up to a maximum of twenty-five percent (25%) of the total products and materials stored on-site may include items which are owned and used by off-site interests.

E. Agricultural Runoff.

1. Runoff from agricultural structures and other impervious surfaces shall be directed away from areas where storage or stockpiling of manure, compost, or other odor or dust producing substance (or their components) are stored or otherwise concentrated.
2. Land shall be graded or otherwise managed so that runoff shall be confined to the tract.
3. Storage or stockpiling of manure, compost, or other odor or dust producing substance shall be prohibited in areas where continuous or intermittent contact occurs between the material and the ground water table.
4. There shall be an eight (8) foot previous strip between any street cartway and any area that is plowed or tilled, including areas where compost is leveled. The Board of Supervisors may modify or require additional measures where topography or other conditions so dictate.
5. Storage or stockpiling of manure, compost, or other odor or dust producing substance. In addition to Subsection A.7 and C.2, the following shall apply:
  - 1) Leachate and compost pad runoff shall be collected and properly treated.
  - 2) Compost wharves shall be constructed of an all-weather impervious surface.
  - 3) Where applicable, composting shall meet the erosion and sedimentation standards in the Subdivision and Land Development Ordinance and other pertinent ordinances.

F. Prohibited Uses. Activities involving the raising of food, plant and management of poultry, equine, and livestock provide the basis for the above uses. The right to conserve, protect and encourage the development, use and improvement for the production of agricultural land for food



production and other agricultural products is recognized. The use of the property and/or structures for those activities permitted in commercial districts herein do not meet those standards and are excluded, except to the extent specifically expressed.

#### **SECTION 1506. AUTOMOTIVE AND FARM EQUIPMENT SALES AND/OR REPAIR**

- A. This use shall be by conditional use approval. Minimum lot area shall be determined during conditional use approval dependent on the type, location, and intensity of use as well as proposed sewage system and water supply. As a guideline when sales and repair facilities are included, minimum lot area shall be five (5) acres.
- B. Parking and display areas, loading areas, building, structures, and principal and accessory uses shall be setback a minimum of seventy-five (75) feet from all residential uses, lots, and districts.
- C. Primary access shall be from an arterial or major collector road. When the use abuts other non-residential uses or lots, access shall be via a shared common accessway with those adjoining uses and lots so as to limit the number of street access point and potential vehicle and pedestrian movement conflicts.
- D. There shall be a maximum of forty percent (40%) building coverage.
- E. There shall be a maximum of sixty percent (60%) impervious lot coverage, and underground or garage vehicle storage is strongly encouraged.
- F. Forty (40%) percent of the lot at a minimum shall be green areas.
- G. This use shall not include commercial sale of petrol or diesel. Petrol or diesel on premises shall only be for uses related to the primary business of automotive, farm, and recreation equipment sales and/or repair.
- H. Repair or service operations shall take place within an enclosed building except for minor service activities performed at the fuel pump.
- I. Adjoining lots shall be connected to one another via vehicular and pedestrian linkages for improved connection, use, and circulation purposes.
- J. Outdoor storage of materials and supplies shall be per Article XVI in addition to the following:
  - 1. Automotive parts, refuse, and similar items shall be stored within a building or other enclosed area.
  - 2. No more than five vehicles awaiting repair shall not be stored outdoors for more than ten (10) days, which must be screened.
  - 3. All other vehicles, including but not limited to inoperable, those lacking current registration and inspection certificate, junk or parts vehicles shall be stored indoors or directly behind a building or enclosed area where they are screened from public view. There shall be no more than ten (10) such vehicles per principal use, unless a special exception is granted.

**SECTION 1507. AUTOMOTIVE FUEL STATIONS**

- A. This use shall be by conditional use approval. Minimum lot area shall be determined during conditional use approval dependent on the type, location, and intensity of use as well as proposed sewage system and water supply.
- B. Fueling pumps shall be a minimum of five-hundred (500) feet from any water supply whether or not on the same lot as the automotive service station use. There shall be a minimum lot width of one hundred (100) feet provided along each access street.
- C. Primary access shall be from an arterial or major collector road. When the use abuts other non-residential uses or lots, access shall be via a shared common accessway with those adjoining uses and lots so as to limit the number of street access point and potential vehicle and pedestrian movement conflicts.
- D. Adjoining lots shall be connected to one another via vehicular and pedestrian linkages for improved connection, use, and circulation purposes.
- E. Fueling pumps, underground holding tanks, and service islands shall be set back a distance that meets Penn DOT standards from any street right-of-way, a minimum of fifty (50) from any commercial, industrial, or institutional use, a minimum of one-hundred (100) feet from any residential use, lot, or district, and a minimum of one-hundred (100) feet from any underground oil, natural gas, or like energy transmission pipeline.
- F. Fuel tanks shall be placed underground and shall use materials and be designed in accordance with State and Federal regulations.
- G. There shall be barrier protection for fuel pumps in accordance with PA Department of Transportation requirements and any other applicable requirements.
- H. Where this use contains and associated car wash, the car wash shall use public water supply and shall recycle water. A conditional use application is required, which must include an analysis of the quantity of raw water needs, an impact water supply study that complies with Article XVI and confirmation that the proposed use will not adversely affect existing supply of water and/or users.
- I. Automotive fuel station and associated car wash uses shall adhere to all applicable PA Department of Environmental Protection standards.

**SECTION 1508. BED-AND-BREAKFASTS (INNS AND HOME/GUEST HOUSES), TEMPORARY OR SHORT-TERM RESIDENTIAL USES**

- A. Bed and breakfast inn.
  - 1. A bed and breakfast inn shall be permitted only in a detached historic resource, such as a single-family detached dwelling, per Article XIV.

2. The principal operator of a bed and breakfast inn shall occupy the tract where the use is located, in the same building or another dwelling. Non-resident employees shall be restricted to two (2) in addition to the resident members of the family.
  3. Minimum area and bulk regulations for single-family detached dwellings in the district in which the conversion is proposed shall be met.
- B. Bed and breakfast home/guest house. A bed and breakfast home/guest house shall be incidental and accessory to the principal dwelling use.
1. The principal operator of a bed and breakfast home shall reside in the dwelling house of said facility. Non-resident employees shall be restricted to one (1) in addition to the resident members of the family.
  2. Not more than three (3) guest rooms may be provided in guest houses. No more than four (4) individuals may occupy one guest room.
- C. Temporary residential uses. Residential uses may include the rental of rooms used exclusively as bedrooms by prior family members so long as the number rooms rented to not exceed one-third (1/3) of the total number of bedrooms existing before such rental and the number of persons per room does not exceed two (2) people. The conversion any other rooms into a bedroom is excluded, and the total number of persons residing in the residence shall not exceed the number of bedrooms and a factor of two (2).
1. License Required. No owner of any property in the Township shall operate a short-term rental in the Township without first obtaining a Short-Term Rental License. Operation of a short-term rental without such Short-Term Rental License is a violation of this Ordinance. A separate license is required for each dwelling unit rented as a short-term rental.
  2. License Requirements. A Short-Term Rental license application shall contain all of the following information:
    - a. The name, address, telephone number and email address of the owner.
    - b. The name, address, telephone number and email address of the managing agency.
    - c. Floor plans for the short-term rental.
    - d. The total number of dwelling units in the structure and the number of dwelling units being used as short-term rentals.
    - e. A site plan showing the location and number of on-site parking spaces.
- D. Limited Lodging. A dwelling unit may be used for limited lodging only upon compliance with all of the following minimum requirements:
1. Submission of a complete application for zoning permit for the limited lodging accessory use, which application shall contain sufficient information to demonstrate compliance with applicable requirements of this Ordinance.
  2. The zoning permit application shall include a building plan that indicates:
    - a. The location and size of the bedrooms proposed to be used by the primary resident, as identified in this Section, and the occupants of the limited lodging use; and
    - b. The points of access to the dwelling.

- c. The zoning permit application shall include a site plan that indicates the location, size and, here required, landscaping of all parking spaces required for the principal residential use and proposed limited lodging use.
- d. Where the lot proposed for the limited lodging accessory use is served by an on-lot septic system, the application for zoning permit shall include a written determination from the Township Sewage Enforcement Officer that the on-lot system is adequately sized and designed to handle the additional sewage treatment load.
- e. The principal use of the dwelling unit is residential occupancy by a primary resident, either the owner or lessee (by operation of a written lease of duration for periods of no less than one year) of the lot on which the dwelling unit is located.
- f. Limited lodging shall only be permitted as an accessory use to the dwelling unit. The dwelling unit and limited lodging shall function as a single dwelling unit with housekeeping facilities in common.
- g. No more than four adult visitors are permitted during concurrent periods of occupancy. The number of minor children accompanying the adult visitors is not limited.
- h. In addition to the required number of parking spaces for the principle residential use, one on-site parking space shall be provided for each bedroom available for the limited lodging accessory use. No new parking space proposed to meet this requirement shall be located closer than:
  - 1). Twenty-five (25) feet to a public street. The required twenty-five (25) feet shall be measured from the existing right-of-way or the ultimate right-of-way, whichever is larger.
  - 2). Twenty-five (25) feet to the lot line of an adjacent lot improved with a dwelling or an adjacent unimproved lot in a residential zoning district.
  - 3). Where the siting of the parking space would result in the shining of vehicle lights on adjacent lot, the parking space shall be screened from that dwelling to a height of thirty-six (36) inches by means of plants or constructed wall or solid fence.
- i. The use shall not require or result in changes to the residential character of the building in which it is conducted. No separate building entrance that is visible from a public street may be provided for the sole use of the limited lodging visitor.
- j. The limited lodging use shall not adversely affect the residential character of the neighborhood; for example, noise, odors, trash, light, glare, or other effects that unreasonably interfere with any person's enjoyment of his or her dwelling.
- k. The primary resident operating the limited lodging use shall make and maintain records pertaining to the use and occupancy of the dwelling for limited lodging purposes. The owner of the lot, if not the primary resident, is jointly responsible for the making and maintaining of the records.
- l. The required records shall demonstrate primary residency; the dates of limited lodging; and the number and names of visitors by date of limited lodging.
- m. Records of the limited lodging use operations in a prior calendar year shall be submitted to the Zoning Officer no later than January 10 of the following calendar year.
- n. Within the current calendar year, records relating to the conduct of the limited lodging use operated within that year to date shall be submitted to the Township upon written request of the Zoning Officer.
- o. Such records required by subsection p. shall be retained for a period of two years.

- p. The primary resident and the owner of the lot (if not the primary resident) shall provide contact information to the limited lodging visitors for the purpose of submitting and responding to complaints regarding the condition, operation or conduct of the occupants of the dwelling and the primary resident and owner of the lot shall have the responsibility to take action to resolve such complaints.
- q. The primary occupant and the owner of the lot shall post in a conspicuous place to the limited lodging visitors the following emergency contact information:
  - 1) the street address of the lot;
  - 2) the name and telephone number of an emergency contact, in the absence or unavailability of the primary resident;
  - 3) the name and telephone number of the owner of the lot (if not the primary resident); and
  - 4) the names and numbers of fire, EMT and ambulance services.

C. Standards common to all uses.

- 1. Exterior building alterations shall focus on those customarily associated with residential uses or which may be required by the PA Department of Labor and Industry, or for safety reasons per other local, State, or Federal regulations. Fire escapes, external stairways, or additional external doors shall be located either to the side or rear of the building.
- 2. There shall be no cooking facilities in any guestroom. Meals shall be served to guests only and shall be limited to breakfast and tea eating facilities. Any other amenities shall be for the benefit of guests only; no walk-in trade shall be permitted.
- 3. When within fifty (50) feet of another residential use, active recreation amenities, such as a swimming pool or tennis court, shall not be lighted nor open between the hours of ten (10) p.m. and eight (8) a.m.
- 4. Where an on-lot sewage system is to be used, the zoning permit application for the use shall be accompanied by a valid Chester County Health Department permit verifying the existing or proposed sewage system can accommodate maximum potential usage and that an appropriate site for a replacement system is available should the existing system fail.
- 5. No guest, individual or family, may stay longer than seven (7) nights at any one time.

## **SECTION 1509. CEMETERIES**

A. Individual plots shall be set back a minimum of:

- 1. Fifty (50) feet from any lot line or public right-of-way.
- 2. Two-hundred (200) feet from a wetland, Flood Hazard area, or water supply.
- 3. Twenty-five (25) feet from a vehicular cartway or parking area within the tract.

B. Burial vaults.

- 1. Multiple burial vaults may be placed in a single plot (i.e., one above the other).
- 2. No vault shall be located less than three (3) feet beneath the ground surface after development, except where completely enclosed within a mausoleum.
- 3. No vault shall be located where, at its greatest depth below the ground surface, it may intrude upon the permanent or seasonal high water table.

4. Every vault shall have a minimum horizontal separation distance of two (2) feet to allow for groundwater infiltration. This provision shall not apply to vaults within a mausoleum.
  5. No burials shall be permitted outside of a concrete vault, whether above or below ground.
- C. The existing soil profile and its natural groundwater recharge capacity shall remain undisturbed in undisturbed areas, perimeter setback areas, and natural areas.
- D. The maximum height of cemetery structures shall be:
1. Headstone, monument, or statue marking an individual burial site: five (5) feet.
  2. Mausoleum: fifteen (15) feet.
  3. Other above ground permanent structure: twenty (20) feet.
  4. Except for Subsection 1, structures shall require building permits prior to installation.
- E. A permit application per Section 1902 made on forms furnished by the Township shall be accompanied by a master plan identifying the overall layout of plots, internal road network, buildings, landscaping, stormwater management facilities, and other improvements, applicable State permitting from PA Department of Health or other agency, description of how the cemetery will be developed and maintained as well as other information as may be required on such permit forms. The applicant shall also demonstrate that groundwater recharge will not be adversely impacted by the cemetery design and shall provide sufficient hydrologic and other information to satisfy the Township that the potential for groundwater contamination from the burial grounds shall not be hazardous to water supply.
- F. Natural buffer areas shall be retained to the greatest degree feasible to maintain scenic landscape qualities and mitigate impacts to water recharge capacity. Use of plant material to provide privacy, screening, and access control in lieu of fencing is encouraged.
- G. Ground disturbance and/or any removal or relocation of topsoil shall meet Article XIII.

## **SECTION 1510. CLUBS**

- A. The use of the club facility shall be for authorized members and guests only.
- B. Club uses shall not include lodging of overnight guests.
- C. Outdoor activity, such as a swimming pool or tennis court, shall be setback a minimum of one-hundred (100) feet from any residential use or lot.
- D. A buffer per Article XVI shall be maintained adjacent to any residential use or lot, and parking and facilities for outdoor activity shall be screened from view.
- E. When located in or adjacent to a residential district, hours of operation shall be established by a conditional use and shall not interfere with neighboring properties and their use. Club activities shall not occur between the hours of ten (10) p.m. and six (6) a.m., unless approved by a Township special event permit.

- F. Firearm, paintball, archery, and similar activities as a part of a club use shall only permitted indoors and shall be sound proofed to that extent that no activity can be heard from outside.

### **SECTION 1511. COMMERCIAL USES, SERVICE, RETAIL, AND/OR OFFICE USES**

- A. Primary access shall be from an arterial or major collector road. When the use abuts other non-residential uses or lots, access shall be via a shared common accessway with those adjoining uses and lots so as to limit the number of street access point and potential vehicle and pedestrian movement conflicts.
- B. When proposed with drive-through service, Section 1517 shall apply.
- C. Any use or uses occupying 20,000 square feet or more shall be considered “large scale” and shall in addition meet the following:
1. Large scale commercial uses shall be by conditional use approval. Minimum lot area shall be determined during the conditional use approval dependent on the type, location, and intensity of use as well as proposed sewage system and water supply.
  2. An individual large commercial scale building shall be considered as a space or contiguous spaces under one roof fully separated from any abutting building by permanent walls and with no direct access to any abutting building.
  3. No individual building shall be larger than forty-thousand (40,000) sq. ft. total floor area.
  4. For lots twenty (20) acres or larger in area, one (1) individual building may be up to a maximum of forty-thousand (40,000) sq. ft. total floor area.
  5. Where any building larger than twenty-thousand (20,000) sq. ft. of total floor area abuts another building, there shall be a clear differentiation of roofline and/or an offset in façade of at least ten (10) feet.
- D. Private security, approved by the Township, must provide for all activities occurring between the hours mid-night to 6 am. The applicant must provide written reports to the Township monthly.
- E. The use shall be designed to be oriented to adjacent rights-of-way, and where possible parking should be located to the rear or sides of the use.
- F. Adjoining lots shall be connected to one another via vehicular and pedestrian linkages for improved connection, use, and circulation purposes.
- G. Any establishment furnishing shopping carts or like items for temporary customers use shall provide definite areas for their access and storage. Each designated area shall be clearly marked.
- H. When there is more than one (1) commercial service, retail, and /or office use to be developed on a site proposal, Section 1512 shall apply. .
- I. All area and bulk, design, and parking standards shall apply universally to all commercial uses, including those services provided by a structural, nonstructural and/or temporary facility.

**SECTION 1512. COMMERCIAL SERVICE AND RETAIL CENTERS (PLANNED)**

- A. This use may contain any use permitted in the underlying district. This use shall be by conditional use approval. Minimum lot area shall be determined during conditional use approval dependent on the type, location, and intensity of use as well as proposed sewage system and water supply.
- B. Area and Bulk Regulations.
1. Minimum lot width at Building Setback Line -Two-hundred (200) feet.
  2. Maximum lot coverage – As determined by each District.
  3. Minimum building setback line - Thirty-five (35) feet.
  4. Minimum side yard – Ten (10) feet each, twenty-five (25) feet aggregate when adjacent to nonresidential uses. Fifty (50) feet each when adjacent to residential uses, lots, and districts.
  5. Minimum rear yard – Thirty (30) feet when adjacent to nonresidential uses. Seventy-five (75) feet each when adjacent to residential uses, lots, and districts.
  6. Where building are separated, minimum building separation – Twenty-five (25) feet.
  7. Maximum building height – Thirty-five (35) feet, except buildings or structures exempted in Article XVI.
- C. Site Development and Design Standards.
1. Development shall result in massing and grouping of structures to complement the character of the surrounding area.
  2. Site design shall enhance management of vehicular interior circulation and external access to major streets, limiting the number of new access points and potential for turning movement conflict such that access is by no more than a single point of ingress or egress. A second point of access, having pervious paving, may be permitted for emergency use only.
  3. Parking areas shall be designed so as to appear broken in mass, in proportion to the scale of structural development and shall be landscaped per Article XVI.
  4. Pedestrian access shall be designed to provide convenient, safe, and direct connection between uses within a planned commercial center and nearby concentrations of development that is intended to serve.
  5. Primary access shall be from a major street. When the use abuts other non-residential uses or lots, access shall be via a shared common accessway with those adjoining uses and lots so as to limit the number of street access point and potential vehicle and pedestrian movement conflicts. Adjoining lots shall be connected to one another via vehicular and pedestrian linkages for improved connection, use, and circulation purposes.
  6. Landscaping, pedestrian access, parking, signage, and other improvements shall demonstrate a cohesive design pattern for the entire tract under application.
  7. The use shall be designed to be oriented to adjacent rights-of-way, and where possible parking should be located to the rear or sides of the use.
  8. The owner shall obtain a permit upon the change of any use approved by any prior plan or permit. The owner shall provide a record to the Township annually identifying: (a) the total number of parking spaces required by an approved plan for all uses located in the center, (b) the total number of spaces allocated to each then existing uses. No permit will be granted for any use which results an increase above the total number of identified plans for all uses in the original approval.
- D. Applicable provisions of Section 1511 shall apply.



- E. All area and bulk, design, and parking standards shall apply universally to all commercial uses, including those services provided by a structural, nonstructural and/or temporary facility.

### **SECTION 1513. COMMUNICATION FACILITIES (WIRELESS)**

- A. The purpose of these standards is to accommodate the need for wireless commercial communications facilities while regulating their location and number in the Township, encouraging joint use of any antenna support structures so as to reduce their number needed in the future, minimizing adverse visual effects of these facilities through design, siting, and vegetative screening, and avoiding potential damage to adjacent properties from facility failure, falling ice, and the like via adequate structural engineering and site location.
- B. The use shall co-locate on existing support structures. Installations above the surface grade in the street or other public right-of-way, including those attached to streetlights and utility poles, shall have equipment components that are compatible in scale and proportion to the structures upon which they are mounted. All equipment shall be the least visibly intrusive and no greater in size including height and diameter than is necessary for their proper functioning. Stealth technology shall be employed to minimize the use's visual impact. The use shall be located so as not to cause physical or visual obstruction to pedestrian or vehicular traffic, or to otherwise create safety hazards to pedestrians and/or motorists or to otherwise inconvenience use of streets and other public areas as determined by the Township.
- C. The use shall be designed, constructed, operated, maintained, repaired, modified, and/or removed in compliance with all current applicable technical, safety, and safety-related codes, including the American National Standards Institute (ANSI) Code, National Electrical Safety Code, National Electrical Code, and Federal Communications Commission (FCC) requirements. Any use shall at all times be maintained in good condition, order, and repair by qualified maintenance and construction personnel, so that the same shall not endanger the life of any person or any property in the Township. Routine maintenance requirements for the use shall apply as follows:
1. The use shall be fully automated and unattended on a daily basis and shall be visited only for maintenance or emergency repair.
  2. Such maintenance shall be performed to ensure the upkeep of the facility in order to provide safety and security of the Township.
  3. All maintenance activities shall utilize the best available technology for preventing failures and accidents in accordance with the Electronics Industry Association, and Telecommunications Industry Association.
  4. Temporary removal and replacement of components of the use and/or accessory equipment for maintenance, upgrade, or repair purposes shall be permitted upon notice to the Township, provided such does not constitute a change or increase in use.
  5. The Township reserves the right to inspect any use to ensure compliance with this Ordinance, Township Building Code, and any other applicable regulations, and as such the Township and/or its agents shall have the authority to enter the property where the use is located at any time with reasonable notice to the operator.

- D. The use shall be designed to withstand the effects of wind using standards of the American National Standards Institute prepared by the Electronics Industry Association and Telecommunications Industry Association.
- E. The use shall comply with Federal and State laws for aviation safety.
- F. The use shall not interfere with public safety communications or the reception of broadband, television, radio or other communication services. The use shall not generate radio frequency emissions in excess of the standards and regulations of the FCC, including the FCC Office of Engineering Technology Bulletin 65 "Evaluating Compliance with FCC Guidelines for Human Exposure to Radio Frequency Electromagnetic Fields".
- G. In the event the use is discontinued, the operator shall notify the Township immediately and shall thereafter have ninety (90) days to dismantle and remove the use from the property. Prior to granting a zoning permit for the use, the applicant shall provide to the Township financial security sufficient for the dismantling and removal of the use, which shall remain in place until such time as the use is dismantled and removed.
- H. The operator shall provide the Township with a certificate of insurance evidencing general liability coverage in the minimum amount of one-million dollars (\$1,000,000) per occurrence and property damage coverage in the minimum amount of one-million dollars (\$1,000,000) per occurrence for the use.
- I. The operator shall defend and hold harmless the Township, its elected and appointed officials, employees and agents, at all times against any and all claims for personal injury, including death, and property damage arising in whole or in part from, caused by, or connected with any act or omission of the operator including its officers, agents, employees or contractors arising out of, but not limited to, the construction, installation, operation, maintenance or removal of the use. The operator of the use shall defend any actions or proceedings against the Township in which it is claimed that personal injury, including death, or property damage was caused by the construction, installation, operation, maintenance or removal of the use. The obligation to indemnify, hold harmless, and defend shall include, but not be limited to, the obligation to pay judgments, injuries, liabilities, damages, legal fees, expert fees, court costs, and all other costs of indemnification.
- J. Minimum distance between the base of a use's support structure and lot or street line shall equal one-hundred ten (110%) percent of the support structure's height unless it is demonstrated to the satisfaction of the Township that in the event of failure the use is designed to collapse in upon itself within a setback area less than the foregoing without endangering adjacent properties and their occupants, pedestrians, and traffic.
- K. Applicants proposing a new use or expansion or modification of an existing use, other than that of routine maintenance, repair, or equipment upgrade, shall obtain an applicable Township permit prior to commencing any construction activity for the use. All plans for the use shall contain a seal and signature of a professional structural engineer licensed in the State. The Township may hire expert consultants necessary to assist in reviewing and evaluating the application for approval, once approved, in reviewing and evaluating any potential violations of the terms of this Ordinance. The applicant shall reimburse the Township for all costs of Township consultants in providing expert evaluation and consultation in connection with the use. In accord with applicable

law, the Township reserves the right to deny an application for the construction or placement of a use for numerous factors, which include visual impact, design, and safety standards.

- L. In accordance with industry standards, applicants must submit documentation to the Township justifying the total height of the support structure. Such documentation shall be analyzed in the context of such justification on an individual basis.
- M. Any ground-mounted associated equipment for the use that is greater than three (3) cubic feet shall not be located within fifty (50) feet of a residential lot or district and shall otherwise comply with the standards of the district in which the use is located.
- N. A security fence no less than six (6) feet and no more than eight (8) feet in height shall surround any separate communications equipment building. Vehicular access to the equipment shall not interfere with the parking or vehicular circulations on the site for the principal use.
- O. No use shall be permitted within three-hundred (300) feet of or on a historic resource.
- P. Following notice from the Township, any use located in a right-of-way shall at its own expense, temporarily or permanently remove, relocate, change, or alter the position of the use when the Township has determined consistent with its police powers and applicable Public Utility Commission regulations that such removal, relocation, change, or alteration is necessary for reasons of construction, repair, maintenance, or installation of any public improvement in the right-of-way; Township or other governmental operations; vacation of a street or release of a utility easement; or an Emergency as determined by the Township.
- Q. Conditional Use Approval Criteria. A conditional use may be granted for the installation of a communications facility provided an applicant can satisfactorily meet all of the following:
  - 1. The applicant must first present the request to the Township for consideration by the Township. The Township may, at their sole discretion, require the applicant to locate the use on any property now owned by the Township, or on any property designated by the Township as real property under the ownership or control of the Township. Only after it is determined that there exists no suitable site then owned or under the control of the Township for the placement of the proposed use, may the applicant submit a request for a conditional use at a location other than on real property then owned or under control of the Township.
  - 2. There exist no other structures (e.g. smoke stacks, water towers, buildings, public utility transmission structures, communications facilities of other mobile technology companies, farm silos, or other tall structures) on which the antenna could be installed.
  - 4. The applicant shall demonstrate that it is licensed by the FCC to operate a communications facility. At any time during the calendar year that an amendment to the FCC license is issued, a copy of the amended license shall be submitted to Penn Township within thirty (30) days of issuance.
  - 5. Proof shall be provided that the proposed communications facility complies with safety standards and electromagnetic field limits established by the FCC. In the event that more stringent standards are imposed by the FCC at a later date, those standards shall apply.
  - 6. Proof shall be provided that the communications facility has been reviewed by and complies with Federal Aviation Administration (FAA) standards. The use shall meet all FAA regulations and any Airport Zoning Regulations.

7. The applicant shall submit evidence that the facility including any towers, antennas, or additions thereto, and its method of installation has been designed by a PA licensed and registered civil or structural engineer and certified by that engineer to be structurally sound and able to withstand wind and other loads per applicable building codes.
  8. The facility owner shall be required to conduct periodic inspections of the facility to ensure structural integrity, and there must be a minimum of two (2) inspections per year by a registered engineer at the owner's expense.
  9. All lighting, other than that required by the FAA, shall be shielded and reflected away from adjoining properties.
- R. Design Standards. If a new communications facility is proposed, the following minimum standards and criteria shall apply:
1. All towers, antennae, or other structures used for a communications facility shall be set back from each property line a distance equal to its height or at such lesser distance approved by the Board of Supervisors applying the appropriate professional standards for each type of proposed use.
  2. All communications facilities shall be enclosed by an eight (8) foot high fence.
  3. The applicant shall furnish expert testimony regarding the construction method or other measures used to prevent the toppling of any structure onto other adjoining properties and/or roads, and wind-borne scattering of ice onto adjoining properties and/or roads.
  4. Landscaping shall be required as follows to screen the support structure, the fence surrounding the support structure, and other ground level features:
    - a. Evergreen screen having either a hedge or a row of evergreen trees, with a minimum height of six (6) feet at planting and a minimum height of fifteen (15) feet at maturity.
    - b. All existing vegetation on and around the site shall be preserved to the greatest extent.
  5. All other lighting, parking, and general standards shall be applied for the district in which the proposed use will be located.
- S. A communications facility shall not include offices, long-term vehicle storage, other outdoor storage, broadcast studios, or other uses that are not needed to send or receive signals, unless such facilities are permitted by right in the district where the facility is located.
- T. Annual Verification of Use. In January of each year after the facility is in place, its owner shall submit written verification to the Township that there have been no changes in the facility operating characteristics from the time of conditional use approval, including at a minimum: 1) copy of current FCC license; 2) name, address, and emergency telephone number for the facility operator; and 3) copy of Certificate of Insurance at a level of coverage acceptable to the Township Solicitor, with Penn Township added as a named insured on the policy.
- U. Removal Upon Lapse of Use. The conditional use approved under this Section will automatically lapse if the communications facility is not used for six (6) continuous months. In such case, all portions of the communications facility will be removed by the last party responsible for its operation, with costs of removal to be borne by that party.

- V. An applicant shall supply to the Township a guarantee bond which will assure payment for the removal of the structure, should the use as outlined and permitted herein lapse. The applicant shall submit to the Township annual proof that the guarantee bond is then in existence for an amount which will then be required should the use no longer continue.

## **SECTION 1514. COMPOSTING OPERATIONS**

- A. Composting Operations including Commercial and Agricultural Operations constitute intensive agricultural uses and shall meet the terms of this Section and Section 1505.
- B. Area and Bulk Standards.
1. Minimum lot area - Fifteen (15) contiguous acres not divided by any public street.
  2. Maximum lot area - Fifty (50) acres.
  3. Minimum lot width at street line –Three-hundred (300) feet.
  4. Minimum yard setbacks – One-hundred fifty (150) feet.
- C. Safety Measures.
1. An environmental impact study for the use shall be prepared and submitted by the applicant in compliance with applicable Federal and State regulations.
  2. A water feasibility study demonstrating the use will not adversely affect any water supply within one-thousand (1,000) feet from any portion of the proposed use shall be prepared and submitted by the applicant in accordance with Federal and State Regulations. In the event that the information from the study does not adequately and reasonably demonstrate a lack of adverse impact on such water supply, the Board of Supervisors may require the applicant to install a monitoring well(s) at such locations as is reasonably determined necessary to track the status of the use on water supply.
  3. All drives and other access ways onto the site must be paved with impervious cover for a minimum distance of one hundred (100) feet from the street right-of-way line, plus a fifty (50) foot scrubber and a fifty (50) foot gravel access shall be installed from the terminus of the impervious paving in order to minimize the impact of the use on the public street. These numbers may be adjusted under the conditional use review process based on the size of the lot where the use is located.
  4. A buffer area of not less than fifty (50) feet in depth along all tract lines shall be installed by the applicant. No structures, storage, parking, or other activity or operation shall be permitted within this area. Fences or other screening must be located on the interior portion of this area. In addition to screening requirements in Article and Article XVI, the Board of Supervisors may determine and require such types and number of screenings as to prohibit the view of the use from any adjacent property of public street.
  5. All leachate disposal shall be in compliance with applicable State and Federal laws. In no event shall leachate be placed in any storm sewer, sewage disposal, or storm water collection system, or in any other manner inconsistent with PaDEP requirements.
  6. The applicant shall provide a method and plan demonstrating safe access to the use, odor control, and on-site containment of any litter, materials, or substances.
  7. A qualified facility operator shall continuously supervise the loading, unloading, processing and transfer of materials.

8. Operation of the use shall be limited to hours between six (6) a.m. to sunset, Monday through Saturday. The Board of Supervisors may limit the number of trucks per hour entering and/or leaving the use on Township streets as is determined reasonably necessary at the location of the use.
  9. The use must be designed to avoid stopping and/or parking of vehicles used in the operation on public streets. The operations facility must include sufficient area for vehicle stacking while waiting for weighing, loading, and/or unloading.
  10. No hazardous materials shall be utilized for this use.
  11. The applicant shall comply with runoff control measures per PA Department of Environmental Protection Municipal Stormwater standards, Section 1505, and this Section.
  12. The applicant shall provide proof of notice including a copy of the application for the proposed use to all properties within one-thousand (1,000) feet of any portion of the proposed use.
- D. Application. To conduct this use, an applicant must receive and hold a permit from the Township. Prior to receiving such Township permit, an applicant must secure all other pertinent approvals. To obtain a Township permit for this use, an applicant shall submit in writing to the Zoning Officer a complete application on a form(s) supplied by the Township including information stated on the form(s) and the required fee per the Township fee schedule.
- E. Design and Operation of Compost Operations. The applicant must demonstrate that all activities, including processing, preparing, curing, loading, material handling, unloading, and storage (long and short-term) related to the use meet the following.
1. All processes and storage must occur on an asphalt, concrete, or other impermeable surface, which prevents the release of leachate.
  2. The site must be graded to prevent run-off materials/water from entering areas and/or the pooling of water in areas where compost or other agricultural waste is received, processed, or stored.
  3. Storage for organic materials, except unprocessed baled straw or hay, must be covered and enclosed (on all sides).
  4. Composting processing must occur in an enclosed building with an aerated floor, designed to ensure compost is maintained in an aerobic condition, and with a negative pressure differential between the inside and outside of the building with an air emission collection and treatment system. Such air treatment system shall be designed and certified by a registered professional engineer, whose specialty includes the design of these types of systems, and shall consist of a wet scrubber and biofilter to reduce air contaminants to a concentration that will minimize odor and pollution.
  5. Processing shall comply with:
    - a. Pre-wetting of straw, hay or any other substance must occur:
      - 1) On an aerated floor, or
      - 2) In a dunk tank within an enclosed storage facility as required above.
    - b. Pre-wet straw, hay, or other substance must be stored on an enclosed aerated floor.
    - c. Any mixture of wetted straw, hay, or other organic materials with gypsum and nitrogen rich material must be moved into the enclosed building described in Subsection E. within the same day on which the mixture occurs.

- d. All other stages of the composting process, after Subsection c., shall occur in the enclosed building described in Subsection E.
  - e. The applicant shall provide proof of compliance with all applicable Federal, State and Township rules, laws, and requirements.
- F. The Board of Supervisors may require the applicant to provide a performance bond in an amount determined to be reasonably necessary for the removal of any substances utilized as part of the compost operations should the operator fail to remove all materials and/or substances upon termination of the use. The operator shall maintain this security on an annual basis, with reasonable annual increases as are then necessary to assure the removal, and provide proof of insurance on or before the annual anniversary of the issuance of a certificate of occupancy.

## **SECTION 1515. COTTAGE BREWING, DISTILLING, OR WINEMAKING INDUSTRIES**

- A. Cottage brewing, distilling, or winemaking industries shall be permitted by conditional use as accessory to agriculture or as a primary agricultural or industrial use as follows:
- 1. Malt. Storage, processing and sale of malt and malt products whether or not the grain was grown on-site shall have a maximum annual production/processing of two-thousand (2,000) tons of malt. A report shall be submitted to the Township annually confirming production output.
  - 2. Winery. At least two (2) acres of the lot on which the winery is accessory to agriculture or is the primary use shall be planted with a vineyard by the operator. Wines produced must be produced using grapes grown on-site only.
  - 3. Any property used for a brewery, distillery, and/or winery must have frontage on and access to a street and the applicant shall demonstrate that safe stopping sight distances at the entrance and exit will meet PA Department of Transportation's minimum standards.
  - 4. All restrictions and/or limitations of the PA Liquor Control Board for restaurants selling alcoholic beverages shall apply to all activities conducted by this use.
  - 5. Activities Permitted. After obtaining all necessary zoning, health, fire safety, occupancy, and building permits and use licenses and approvals, a brewery, distillery, and winery use may include the following activities:
    - a. Tasting rooms/areas.
    - b. Educational tours.
    - c. Retail sales of products produced on-site and other similar products produced and bottled in PA.
    - d. All uses shall comply with all applicable regulations governing breweries, distilleries, and wineries pursuant to the PA Liquor Code.
4. Requirements for permitted activities.
- a. Temporary special event. In cases where this agriculture use or agricultural accessory use applies for a permit for a temporary special event, the following shall apply in addition to provisions of Section 1613.

- 1) Special events associated with this use shall only be permitted on a lot or tract in the VC and C districts.
  - 2) The maximum allowed attendance for an indoor special event will meet applicable maximum occupancy requirements for the building used for the brewery, distillery, and winery use.
  - 3) Only products produced on-site where the event is held shall be the primary products features and served at the special event.
- b. Activities shall occur between the hours of noon (12 p.m.) and ten (10) p.m. and all other activities (breakdown and/or cleanup) shall be completed by eleven (11) p.m.
- B. Certain retail uses, per Subsection A, shall be permitted as accessory to a cottage brewing, distilling, or winemaking industry pursuant to:
1. No more than one (1) building on-site shall contain retail sales.
  2. Retail areas to sell packaged malt, wine, and distilled products, and accessories and other agricultural products produced on-site provided the maximum floor area for this purpose shall be twenty (20%) percent of the use's floor area and shall include areas for customer access and circulation, display of products, and similar purposes, however or shall not include tasting rooms/areas or storage/processing areas.
  3. No outdoor display of retail products shall be permitted.
  4. Instructional guided tours may be provided of storage/processing areas.
  5. Tasting rooms/areas shall be as follows:
    - a. Tasting of beverages produced on-site is permitted on premises in compliance with PA Liquor Control Board standards for such including possessing a valid license. If applicable, any third party permits shall be submitted to the Township as part of the permitting process for this use.
    - b. Seating must be available for at least ten (10) patrons per PA Liquor Control Board standards and not to exceed fifty (50) indoor seats. Tasting must occur within the structure producing the beverage. The preparation of food is prohibited within any structure, and no vehicle or temporary facility may provide such products or services.
    - c. Food must be available for patrons per PA Liquor Control Board standards.
    - d. On-premise consumption of alcoholic beverages shall only be between the hours of noon (12 p.m.) and ten (10) p.m.
    - e. Outside seating is permitted for no more than twenty-five (25) patrons.
    - f. Permanent designated customer/visitor parking shall be provided proximate to the tasting room/area. Parking areas shall be reviewed by the Township at the time of permitting for appropriate berming and/or screening particularly if determined to impact surrounding residential properties.
    - g. Permanent designated customer/visitor parking shall be provided proximate to the tasting room/area. Parking areas shall be reviewed by the Township at the time of permitting for appropriate berming and/or screening particularly if determined to impact surrounding residential properties.
    - h. No social, recreational, musical and/or similar events are permitted

## **SECTION 1516. DAY CARE (CENTERS AND HOME)**



A. Child day care centers.

1. Area and bulk regulations of the underlying district shall apply except that when located adjacent to a residential use, lot, or district, minimum yards shall be fifty (50) feet.
2. This use shall meet the provisions of 55 PA Code §3270 et seq. and any other applicable State and County requirements. Where this Ordinance conflicts with State and County requirements, the more restrictive shall apply.
3. Prior to the issuing of a permit by the Township for this use, the applicant must receive and hold all pertinent approvals and/or licenses from the PA Department of Human Services, Chester County Health Department, and any other applicable State or County agencies as a condition of Township permit approval and continuation.
4. An outdoor play area(s) shall be provided consistent with PA Department of Human Services standards and shall be surrounded by safety fencing and adequately screened so as to protect adjacent residential areas from incongruous noise and disturbance. Screening and buffering shall meet Article XVI. Outside play shall be limited to hours between eight (8) a.m. and sunset.
6. When this use is proposed in conjunction with another use, a permit is required for each use.
7. There shall be a minimum of one (1) off-street parking space for each employee, plus three (3) visitor spaces. Parking shall be adequately screened when situated within fifty (50) feet of residential uses, lots, or districts.
8. Safe off-street unloading passenger space and adequate stacking capacity shall be provided to prevent interference with traffic flow on any adjacent street. One (1) passenger unloading space per ten (10) children shall be provided; a minimum of one (1) unloading space shall be provided in all cases. Unloading spaces must be a minimum of nine feet wide by eighteen (18) feet long. There must be safe sight distances and internal circulation patterns for drop-off and pick-up areas.

B. Adult day care centers.

1. This use shall be licensed by the PA Department of Aging and meet the provisions of 6 PA. Code §11 et seq. for (Older) Adult Living Centers and applicable requirements of all other State and County agencies. Where this Ordinance conflicts with State and County requirements, the more restrictive requirement shall apply.
2. There shall be outdoor open and safe areas that shall be a minimum of ten percent (10%) of the lot size and contain amenities such as benches, gazebos, and/or walking paths.
3. There shall be a minimum of one (1) off-street parking space for each employee, plus three (3) visitor spaces. Parking shall be adequately screened when situated within fifty (50) feet of residential uses, lots, or districts.
4. Safe off-street unloading passenger space and adequate stacking capacity shall be provided to prevent interference with traffic flow on any adjacent street. One (1) passenger unloading space per ten (10) clients shall be provided; a minimum of one (1) unloading space shall be provided in all cases. Unloading spaces must be a minimum of nine feet wide by eighteen (18) feet long. There must be safe sight distances and internal circulation patterns for drop-off and pick-up areas.

C. Child day care home accessory uses.

1. This is an accessory use in which care is provided for four (4) to six (6) children (Family child day care home) or seven (7) to twelve (12) children (Group child day care home) at any one time, who are unrelated to the caregiver, in a dwelling that is the primary use. [
2. Family child day care homes shall meet of 55 Pa. Code §3290 et seq. and Group child day care homes shall meet of 55 Pa. Code §3280 et seq. Both uses shall meet any other applicable State and County requirements. Where this Ordinance conflicts with State and County requirements, the more restrictive shall apply.
3. Prior to the issuing of a permit by the Township for the use, the applicant must receive and hold all pertinent approvals and/or licenses from the PA Department of Human Services, Chester County Health Department, and any other applicable State or County agencies as a condition of Township permit approval and continuation.
4. The use shall only take place in the single-family detached dwelling or other appropriate detached building on the lot where the primary dwelling use is located. The use shall be conducted in a building designed for the safety and well-being for such a use. There shall be no alterations to the exterior of the dwelling in a residential district to accommodate the day care use except for as may be needed for safety purposes which shall be confined to rear or side walls not visible from any public right-of-way.
5. Minimum lot size shall be that required for a single-family detached dwelling in the underlying district unless however such a lot size is insufficient to meet State and County licensing and/or approval standards in which case the minimum lot size shall be that needed to meet State and County licensing and/or approval requirements.
6. The use shall be considered equivalent to active recreation accessory uses.
7. Outdoor play areas shall meet PA Department of Human Services standards, minimum yard standards for the principal use in the underlying district. Such area shall be surrounded by safety fencing and adequately screened so as to protect the children and adjacent residential areas from incongruous noise and disturbance. Screening and buffering shall meet Article XVI. Outside play shall be limited to hours between eight (8) a.m. and sunset.
8. Any applicable requirements for home occupations from Section 1503 shall apply.
9. Safe off-street loading passenger space and adequate stacking capacity to avoid interference with any adjacent street shall be provided.
10. There shall be a minimum of one (1) off-street parking space for each employee, plus one (1) visitor space. Parking shall be adequately screened when situated within twenty (20) feet of other residential uses or lots.
11. There shall be safe on-street or off-street passenger loading space to prevent interference with traffic flow on any adjacent street. There must be safe sight distances for drop-off and pick-up areas.

#### **SECTION 1517. DRIVE-THROUGH SERVICES**

- A. Unless otherwise noted in this Ordinance, area and bulk requirements for a drive-through service shall be as specified for the use with which it is associated, including eating and drinking establishment, bank, or pharmacy as denoted in the underlying district.
- B. A drive-through service area shall not be adjacent to or facing a residential use, lot, or district.
- C. A drive-through service shall have a cartway with a dedicated area for conducting business, a vehicle stacking lane, and an area for departing vehicles. The stacking lane shall be clearly

marked and shall not be shared with parking circulation aisles or traffic flow. As part of the conditional use process, the Township Traffic Engineer shall determine minimum stacking needed for the proposed use.

- D. When a drive-through service is adjacent to or on the same lot as other commercial uses, it shall share a common accessway with the other uses and shall not have a separate entrance to the street.
- E. A pedestrian pathway shall be provided connecting any existing pedestrian access and the use for which the drive-through service is intended.
- F. If the drive-through service is for an eating and drinking establishment, trash receptacles shall be provided outside for patron use with some located in a manner that drive-through service customers have access to the receptacles from a vehicle, however trash receptacles shall not be located within forty (40) feet of a residential use, lot, or district. A trash storage area shall be provided that is screened from the street and adjacent properties to create a visual barrier from the street and adjacent properties and to prevent trash from scattering or blowing away per Article XVI. All trash areas shall be located to permit safe and accessible trash removal.

#### **SECTION 1518. EATING AND DRINKING ESTABLISHMENTS AND OUTDOOR CAFES**

- A. The use shall have access to an arterial or major collector road. When the use abuts other non-residential uses or lots, access shall be via a shared common accessway with those adjoining uses and lots so as to limit the number of street access point and potential vehicle and pedestrian movement conflicts.
- B. Trash receptacles shall be provided outside for patron use, however shall not be located within forty (40) feet of a residential use, lot, or district. A trash storage area shall be provided that is screened from the street and adjacent properties to create a visual barrier from the street and adjacent properties and to prevent trash from scattering or blowing away per Article XVI. All trash areas shall be located to permit safe and accessible trash removal.
- C. A drinking establishment use shall be approved and/or licensed by the PA Liquor Control Board.
- D. The use shall not occur between ten (10) p.m. and six (6) a.m. unless otherwise sanctioned for uses approved and/or licensed by the PA Liquor Control Board and private security patrol is provided and provide monthly reports to the Township.
- E. This use shall meet applicable Chester County Health Department requirements.
- F. Adjoining lots shall be connected to one another via vehicular and pedestrian linkages for improved connection, use, and circulation purposes.
- G. An outdoor café may be permitted as accessory to this use as follows:
  - 1. To conduct this use, an applicant must receive and hold a permit from the Township. Prior to receiving such Township permit, an applicant must secure all other pertinent approvals. To obtain a Township permit for this use, an applicant shall submit in writing to the Zoning

Officer a complete application on a form(s) supplied by the Township including information stated on the form(s) and the required fee per the Township fee schedule.

2. An outdoor café shall be associated with a principal eating or drinking establishment use and shall be located adjacent to and on the same lot as that principal use.
3. An outdoor café, adjacent to residential uses, lots, or districts, shall stop serving customers by nine (9) p.m. on Sunday through Thursday and clear all tables of food, beverages, and customers on or before ten (10) p.m. On Friday and Saturday, the outdoor café use shall stop serving customers by ten (10) p.m. and all tables shall be cleared of food, beverages, and customers by before eleven (11) p.m.
4. The use shall not be located on or extend onto a public street right-of-way or required pedestrian accessway.
5. For safety purposes, this use shall be divided from parking spaces, parking circulation aisles, or traffic flow fencing or other buffering per Article XVI.
6. This use shall provide table service.
7. All outdoor cafes must be ancillary to and connected to the building in which the food and beverages are located/ and if serving alcohol, the structure approved by the PA LCB.

## SECTION 1519. EDUCATIONAL USES

- A. This use shall be by conditional use approval. Minimum lot area shall be determined during conditional use approval dependent on the type, location, and intensity of use as well as proposed sewage system and water supply.
- B. Primary access shall be from an arterial or major collector road. When the use abuts other uses or lots, access shall be via a shared common accessway with those adjoining uses and lots so as to limit the number of street access point and potential vehicle and pedestrian movement conflicts.
- C. Building or structures shall be set back a minimum of one-hundred (100) feet from residential uses, lot, or districts.
- D. Outdoor recreation areas shall not be located within the front yard and must be setback a minimum of twenty-five (25) feet from all lot lines. Off-street parking areas shall not be utilized as recreation areas, and shall be sufficiently screened to minimize disturbance of residential areas as per Article XIX.
- E. Except where separated by a minimum of three hundred (300) feet, outdoor recreation areas shall be screened from the view of adjacent agricultural or residential uses, lots, or districts by means of fences, plantings, or decorative enclosures. Any vegetative materials located within the recreation area shall be non-harmful (i.e., not thorny, poisonous, allergenic, etc.).
- F. Fencing shall be provided at all locations where public safety is at issue.
- G. All off-street parking facilities shall be setback a minimum of twenty-five (25) feet and screened from adjacent lots per Article XVI.
- H. Adjoining lots shall be connected to one another via vehicular and pedestrian linkages for improved connection, use, and circulation purposes.

- I. The use shall have a cartway for dedicated vehicle movement and automobile and school bus stacking lanes for student drop-off/pick-up that is sufficient for the type of educational use being developed. Interior circulation planning shall take into account the unique situation of an educational setting including pedestrian bicycle, and vehicle movements and automobile and school bus drop-off/pick up, waiting, and stacking areas. Stacking lanes and waiting areas shall be clearly marked and shall not be shared with parking circulation aisles or traffic flow or pedestrian circulation areas.
- J. For any proposed educational use with an enrollment of fifty (50) or more students, the applicant shall provide a traffic impact study. The traffic impact study shall analyze the traffic generation from the proposed use/development and its potential impact on the surrounding road system. An assessment and plan for the circulation of pedestrians and users within and near the proposed use and lot shall be included. Enrollment, for the purposes of this section, shall be defined as the largest number of students on the site at any one time during a seven (7) day time period.
- K. The applicant shall demonstrate that all necessary approvals and permits from State and local agencies have been obtained.

#### **SECTION 1520. FUNERAL HOME CREMATORIES**

- A. The minimum lot area shall be two (2) acre.
- B. The hours of operation shall not interfere with neighboring properties, and shall be set by conditional use.
- C. Applicable State and other laws and requirements shall be met by this use, and any approvals and/or licenses should be secured by the operator or applicant prior to the Township approving permits for this use.

#### **SECTION 1521. GOLF COURSES**

- A. The minimum gross lot area for a golf course shall be as follows:
  - 1. Regulation eighteen (18) hole – one-hundred thirty (130) acres
  - 2. Nine (9) hole – fifty (50) acres
  - 3. Par three (3), eighteen (18) hole – forty-five (45) acres
  - 4. Par three (3), nine (9) hole – twenty-five (25) acres
- B. Minimum yard setbacks for buildings shall be one-hundred (100) feet and structures/accessory uses shall be fifty (50) feet.
- C. Buildings and structures shall be clearly accessory and incidental to the principal use of the property as a golf course and, as applicable, associated club house. The following accessory uses are permitted when designed as an integral part of the primary use:

1. Clubhouse that may consist of a dining facility, snack bar, lounge, banquet facility, locker room, rest rooms, pro shop, and offices related to the golf course.
  2. Accessory maintenance facilities.
  3. Recreational facilities.
  4. Fairways and greens.
  5. Golf cart paths.
    - a. To prevent dust, erosion, and excessive water flow across street rights-of-way and adjacent properties, golf cart paths shall be graded for proper drainage and improved with a durable and dustless surface, per the Township Subdivision and Land Development Ordinance.
    - b. Golf course design shall minimize golf cart path crossings of street rights-of-way and accessways/access drives. Golf cart paths must be easily identifiable at crossings with street rights-of-way and accessways/access drives.
- C. This use shall be by conditional use approval. Hours of operation may be specified as a condition of approval.
- D. Protective mesh fencing shall be installed where necessary to provide protection to adjacent properties and streets, however the golf course shall be designed to prohibit the driving or hitting of across any building, parking area, or public street right-of-way.
- E. The applicant shall provide a traffic impact study, which shall analyze traffic generation from the proposed use/development and its potential impact on the surrounding road system. An assessment and plan for the circulation of pedestrians and users within and near the proposed use and lot shall be included.
- F. The golf course shall be designed to mitigate environmental impacts, including to minimize: stormwater runoff, the use of/need for fertilizers, pesticides and herbicides and related run-off, and site grading. The use shall utilize primarily native vegetation.
- G. Water needs and supply.
  1. A conditional use application shall include an analysis of the quantity of raw water needs (ground water or surface water) from any proposed private and/or public sources. For any proposed public source, the applicant shall submit documentation that the public authority will supply the water needed.
  2. Conditional use approval shall not be granted where it is determined that the proposed water supply will not adequately provide water supply or meet water needs of the golf course, taking into account both water quantity and quality.
  3. The applicant shall submit a water supply impact study to enable the Township to evaluate the impact of the golf course use on the groundwater supply and existing wells. The study shall comply with Article XVI.
- G. A conditional use application shall include a description of the proposed sewage system. The proposed system shall be consistent with the preferred treatment and disposal methods of the Township Act 537 Sewage Facilities Plan, Subdivision and Land Development Ordinance, Chester County Health Department, and PA Department of Environmental Protection.

- H. Any outdoor lighting shall not be directed toward or intrusive upon adjacent properties and public street rights-of-way.

## **SECTION 1522. GROUP CARE HOMES**

- A. This use encompasses living arrangements for a group of persons who meet the Federal definition of individuals with disabilities. This use offers such persons an alternative, whereby they can be placed in a family setting that most nearly approximates traditional familial living arrangements.
- B. As it is the intent of this use to create traditional familial living arrangements, all group care homes shall have the same appearance as a typical residential dwelling unit in and not that of a larger care facility.
- C. The dwelling housing a group care home shall comply with applicable building code requirements, and reasonable accommodations and modifications shall be permitted to allow residents of a group care home use of the housing and related facilities.
- D. Area and bulk regulations shall apply for the applicable residential dwelling in the underlying district where this use is located.
- E. Group care homes shall comply with the standards of the PA Department of Public Welfare and other applicable agencies.
- F. Proof of meeting required licensing and compliance with all applicable Federal, State, and County requirements for such a use shall be furnished to the Township prior to granting of permits.
- G. Dwelling occupancy (including resident clients and resident staff) shall meet Township requirements for like residential uses/buildings.

## **SECTION 1523. HEALTH CARE SERVICE FACILITIES**

- A. Principal access to health care service uses shall be directly from an arterial or a major collector road as designated by the Township Comprehensive Plan. The zoning permit application submission shall include a traffic impact analysis prepared by a professional licensed engineer with expertise in transportation and traffic planning. Such analysis shall demonstrate:
1. Number of vehicle trips expected to be generated during an average weekday and during both a.m. and p.m. peak hours of adjacent street traffic.
  2. Number and types of vehicles having an origin or destination at the subject site, the need for which is generated by said use.
  3. Street network used to reach the use.
  4. Impact of the levels-of service at intersections within one mile of the use.
  5. Recommended traffic control devices designed to mitigate the documented impact on adjacent streets.

B. Health Care Service Facilities (Medical Clinics), except as otherwise provided in this Section, shall meet the requirements of the district in which they are located.

1. Minimum lot area shall be twenty thousand (20,000) square feet. Central water supply and sewage disposal shall be utilized.
2. The zoning permit application submission shall include a development narrative that describes the nature of health care services to be offered and the names of the medical practitioners providing services. A minimum of one (1) licensed physician, an M.D. or a D.O., shall be on duty at the use during the hours of operation.
3. Existing structures proposed for reuse as this use shall be brought into compliance with all current Township building codes and all other applicable Township, County, and State regulations for the use prior to occupancy. Proof of this compliance shall be furnished to the Township prior to granting of a zoning permit.

C. Hospitals.

1. Area and bulk requirements.
  - a. Minimum lot area - Five (5) acres.
  - b. Minimum yard setback from any residential use lot line or district - One-hundred (100) feet. Where the hospital use adjoins existing residential uses, emergency and service entrances shall be located where they will have the least impact on adjoining neighbors. Minimum setbacks shall otherwise be as permitted in the district in which this use is permitted.
  - c. Minimum building separation within a hospital complex – Fifty (50) feet. Buildings may be connected by covered walkways or similar structures.
  - d. At least ten (10) percent of the lot shall be in usable green area not devoted to buildings, driveways, or other uses not including yard setbacks.
2. Central water supply and sewage disposal shall be utilized.
3. Accessory uses are permitted as follows when designed as an integral part of and in direct support of the primary health care mission of the principal hospital use:
  - a. Medical arts offices;
  - b. Outpatient clinic or Ambulatory surgery center;
  - c. Residences for hospital staff or the family of patients;
  - d. Administrative offices;
  - e. Pharmacy or laboratory;
  - f. Snack shop, cafeteria facilities, or gift shop;
  - g. Maintenance facility, power generation, and or hospital or clinic-related laundry;
  - h. Medical education school;
4. Special development requirements.
  - a. The lot on which this use is located shall in its entirety be owned and operated as a single or common management and maintenance unit including parking, utility, maintenance and service facilities.
  - b. The existing street system shall be able to accommodate peak traffic generated by the use in a safe and efficient manner. Adjacent streets shall not be impacted by a peak-



- hour traffic increase of more than five (5) percent, or an average daily traffic increase exceeding ten (10) percent, due to operation of this use or any expansion thereof.
- c. A system of efficient ingress, egress, and internal vehicular circulation resulting in minimal interference with surrounding traffic flow shall be provided. A system of safe and effective pedestrian circulation shall be developed.
  - d. A defined location for collection and a plan for periodic disposal of solid waste materials shall be required. All waste shall be stored in covered containers, or in permanent structures designated principally for such use. Solid waste shall be clearly distinguished from medical waste which shall be treated separately as per County and State regulations.
  - e. Loading, maintenance, storage, tank, and waste facilities shall be located internally on the site such that they are not visible from adjoining streets or other public view.
  - f. For any proposed facility expansion, a Master Facilities Plan shall be provided as part of the permit application submission. Conditions governing existing facility expansion:
    - 1) Expansion of an existing facility shall be related to a need for an increase in existing services or to allow for the addition of a service, ancillary or accessory to the established hospital use. A second primary facility, operated by another entity, shall not be permitted without subdivision of the property per the Township Subdivision and Land Development Ordinance.
    - 2) Any expansion shall maintain the existing character of the buildings on-site and character of surrounding areas. In order to accommodate this requirement, the following shall apply:
      - a) Developable land within the center of the complex shall be used for expansion before land close to the perimeter so as to minimize the impact on existing neighboring character.
      - b) Whenever possible, taking into account physical constraints of the site, the required green area shall be continuous and uninterrupted by development.
  - g. Staggered setbacks of buildings facades accompanied by a variation in facade design shall be required so buildings offer visual variety and provide individualized areas. Building facades shall not be longer than one-hundred fifty (150) feet without a minimum ten (10) foot deep building offset. No building shall be longer than three hundred (300) feet in length, regardless of the number of building offsets.
  - h. Screening and buffering requirements shall be as provided in Article XVI.
6. Helicopter landing pads (helipads) may be permitted as an accessory use to a hospital when in conformance with the requirements of Section 1501 for commercial, institutional, and industrial accessory uses and Section 1524.
- D. Medical marijuana dispensary as an accessory use to a Health Care Service Facility
- 1. A medical marijuana dispensary must be legally registered in PA and possess a current valid medical marijuana permit from the PA Department of Health.
  - 2. Such use shall only dispense medical marijuana in an indoor, enclosed, permanent, and secure building and shall not be located in a trailer, cargo container, mobile or modular unit, mobile home, recreational vehicle, or other motor vehicle.

3. Such use shall not operate on the same site as a facility used for growing and processing medical marijuana.
  4. Such use shall have a single secure public entrance and shall implement appropriate security measures to deter and prevent the theft of marijuana and unauthorized entrance into areas containing medical marijuana.
  5. Hours of operation of a dispensary shall only be between eight (8) am and eight (8) pm.
  6. Such use shall be a maximum of three-thousand (3,000) square feet in size, of which no more than five-hundred (500) square feet shall be used for secure storage of product and at least twenty-five (25%) percent of floor area shall be used for interior customer waiting area.
  7. A medical marijuana dispensary shall not have drive-through service, outdoor seating, or outdoor vending machines, nor offer direct or home direct or home delivery. Such use shall prohibit the administering of, or the consumption of medical marijuana on the premises.
  8. Such use shall dispense only medical marijuana to certified patients and caregivers and shall comply with all lawful, applicable health regulations.
  9. Such use shall not be located within one-thousand (1,000) feet of the lots line of any school or day-care center, which shall be measured in a straight line from the closest exterior wall of the building or portion thereof in which the use is located to the closest lot line of the school or day care center use, regardless of municipality in which either is located. Any medical marijuana facility lawfully operating shall not be rendered in violation of these provisions by the subsequent location of a nearby school or day-care center.
  10. Such use shall be a minimum distance of one-thousand (1,000) feet from the next nearest medical marijuana facility. This does not include complementing or supporting businesses covered by different definitions. This distance shall be measured in a straight line from the closest exterior walls of the buildings or portions thereof in which the businesses are located, regardless of municipality in which they are located. This separation distance does not apply to the distance between the grower/processor and the specific dispensary they serve or with which they partner.
  11. All external lighting serving such use must be shielded in such a manner to not allow light to be emitted skyward or onto adjoining properties per Article XVI.
  12. Buffering per Article XVI shall be required where a medical marijuana dispensary abuts a residential use, lot, or district.
  13. Loading and off-loading areas within the use's structure shall be preferred. If an external loading dock arrangement is designed, it shall be from within a secured environment.
- E. Ambulatory surgical centers shall only provide medical procedures and services not requiring overnight stay. When overnight stay is required for any provided medical procedure or service, the use shall be deemed a hospital and shall follow requirements for such a hospital use.
- F. All health care service uses shall comply with applicable Federal, State, County and local regulations and shall be licensed as required by the State. Proof of such compliance shall be furnished to the Township on an annual basis.
- G. Health care services uses shall demonstrate its compliance with supplying the required number of off-street parking spaces in Article XVI. All off-street parking areas shall be adequately lighted, with a lighting plan included with the zoning permit application submission.
- H. All users shall identify the annual impact of any principle and accessory use on ancillary services, such as fire and emergency service providers, and identify the additional services required by

them as a result of the herein described uses. All users of services identified herein shall submit a plan and payment schedule for the reimbursement to fire, emergency and transportation costs incurred from the uses described herein.

#### **SECTION 1524.     HELIPADS**

- A.   Helipads shall be permitted by conditional use as accessory to a hospital or other use.
- B.   The use shall be a private facility that is not open for use by the general public.
- C.   The applicant shall provide evidence that the site and its design has been approved by the PA Bureau of Aviation and the Federal Aviation Administration.
- D.   The proposed primary flight paths shall be designed to minimize noise hazards to existing residences or approved residential uses.
- E.   All portions of the helipad shall be a minimum of one-thousand (1,000) feet from any residential lot line or district for any property with which the applicant does not own or have a written agreement of sale or other written agreement.
- F.   The helipad shall be used for a maximum of fourteen (14) total combined takeoffs and landings per week, e.g. one (1) total trip per day, unless a medical emergency situation warrants otherwise.
- G.   The permitted maximum five-hundred (500) gallons of fuel for helicopters may be stored on-site, in containment facility approved by the Township..
- H.   The helipad shall be limited to use between the hours of seven (7) a.m. and eight (8) p.m., unless a medical emergency situation warrants otherwise.
- I.   The heliport may only be used under visual flight rule conditions, unless a medical emergency situation warrants otherwise.
- J.   The Board of Supervisors shall place such reasonable conditions on the use to protect the public from noise nuisances and safety hazards. These types of conditions include limiting the maximum sizes of helicopters, hours of operations, number of flights, and general direction of approach. However, the Board of Supervisors shall not place any conditions on the use that will seriously interfere with the safety of operations or when the use is associated with medical emergencies.

#### **SECTION 1525.     HISTORIC RESOURCE CONVERSIONS**

Certain structures are of an historic nature and their preservation will help protect the character of the Township and value of land, as well as provide continuing education as to the history of the Township. Many historic structures have become obsolete in size or layout or are expensive to renovate or reuse, and so it is the purpose of this Section to encourage the preservation of historic resources by permitting their reuse through additional uses as follows:

- A. Within all zoning districts in the Township, any historic resource may be converted for use as a single-family detached, two-family, or multi-family dwelling by conditional use. This special use, when not otherwise permitted in the underlying district, shall be principally contained within a historic resource by conditional use. The Township is permitting these additional uses in order to encourage the preservation of historic resources.
- B. Minimum area and bulk regulations for single-family detached dwellings in the district in which the conversion is proposed shall be met.
- C. To qualify for a conditional use, a historic resource shall be maintained, renovated, and expanded, using the Secretary of the Interior's Standards for Rehabilitation. Distinctive architectural features, construction techniques, or examples of craftsmanship shall be preserved. Compliance with this Section and Article XIV with regard to the exterior of a historic resource must be presented on behalf of the applicant by a preservation architect or architectural historian.
- D. Site plans, floor plans, and elevations showing existing and proposed building conditions for this use shall be included with the conditional use application. The foregoing need not meet the requirements for a subdivision and land development plan, however shall be sufficient enough to demonstrate compliance with this Section and Article XIV as applicable. Photographs may be substituted for elevation drawings if no material change is proposed. Any demolition shall be meet Article XIV requirements.
- E. After conversion, the historic resource shall substantially retain the same character and appearance as it had before conversion. For example, a single-family detached dwelling that is converted shall maintain the appearance of a detached dwelling with a single front entrance that the resulting dwelling units may share, and a barn that is converted shall principally retain the appearance of a barn.
- F. To accommodate the proposed use and provide economic alternatives and incentives for building preservation, modification of lot dimensional standards per Article XIV and minimum floor area requirements of Subsection G shall be considered as part of the conditional use approval in order to promote the reuse of a historic resource.
- G. Minimum floors areas shall be:
- | Number of Bedrooms in Units | Minimum Floor area in Unit |
|-----------------------------|----------------------------|
| - Efficiency                | - 300 sq. ft.              |
| - 1 bedroom                 | - 450 sq. ft.              |
| - 2 bedroom                 | - 600 sq. ft.              |
| - 3 bedroom                 | - 750 sq. ft.              |
| - Each additional bedroom   | - 100 sq. ft.              |
- H. If dwelling units are proposed as condominium units, an approved homeowner association document which meets the applicable requirements of Article XVI must be submitted.
- I. Additional entrances may be placed on the side or rear of the structure. Exterior stairways and fire escapes shall be located on rear walls in preference to side walls and being publically visible.

- J. Each dwelling unit shall be equipped with separate cooking and bathroom facilities. Township Building Codes and Chester County Health Department regulations and permit requirements regarding the installation of kitchen and bathroom facilities, water supply, and sewer disposal must be met and indicated on plans.
- K. Trash receptacles shall be screened so as not to be visible from the street or abutting properties except on scheduled pickup days.
- L. In granting a conditional use and with recommendation of the Historical Commission, the Board of Supervisors may consider requiring façade easements and limiting business hours of operation.
- M. Maximum number of persons occupying the historic resource during any portion of a day for the purpose of performing the professional office use shall one (1) person per one-hundred (100) square feet of professional office use floor area.
- N. Off-street parking spaces shall be screened from visibility from public streets and adjacent properties by fencing, walls, or natural vegetation as per Article XVI. Parking shall be located so as to not detract from the historic and architectural integrity of the historic resource. Parking shall meet the requirements of Article XVI provided; however, that the Board of Supervisors may during conditional use approval reduce the required parking for the use if the Board of Supervisors finds the parking required is unnecessary and inconsistent with the preservation, appearance, or setting of the historic resource.

## **SECTION 1526. HOTELS AND MOTELS**

- A. This use shall be by conditional use approval. Minimum lot area shall be determined during conditional use approval dependent on the type, location, and intensity of use as well as proposed sewage system and water supply. As a guideline, minimum lot area for a hotel or motel use shall be three (3) acre, however when the use also includes a conference facility minimum lot area shall be five (5) acres.
- B. Primary access shall be from an arterial or major collector road. When the use abuts other non-residential uses or lots, access shall be via a shared common accessway with those adjoining uses and lots so as to limit the number of street access point and potential vehicle and pedestrian movement conflicts.
- C. Adjoining lots shall be connected to one another via vehicular and pedestrian linkages for improved connection, use, and circulation purposes.
- D. This use shall meet applicable standards of Section 1512.
- E. This use shall be served by public water supply and sewer system.
- F. The following accessory uses are permitted when designed as an integral part of primary use, provided they must be physically attached to the primary use building with the exception of Subsection 6 and outdoor recreation of Subsection 4.
  - 1. Lodging facilities;

2. Dining facilities;
3. Conference and meeting facilities;
4. Recreation facilities;
5. Gift shop and;
6. Accessory maintenance facilities.

## **SECTION 1527. INDUSTRIAL/OFFICE/BUSINESS PARKS**

- A. An industrial/office/business park may contain any of the uses in the underlying district, alone or in combination. This use shall be by conditional use approval. Minimum lot area shall be determined during conditional use approval dependent on the type, location, and intensity of use as well as proposed sewage system and water supply.
- B. This use shall meet applicable standards of Section 1512.
- C. The following accessory uses are permitted when designed as an integral part of the primary use, provided they must be located within the primary use building(s):
  1. Retail establishments clearly subordinate to and serving the needs of the primary use (e.g. pharmacies, coffee shops, cafes, newsstands, or restaurants).
  2. Service establishments clearly subordinate to and serving the needs of the primary use (e.g. automated bank machines, fitness centers and other recreational uses, and day care centers).
  3. Hotels provided no hotel shall be located within one-thousand (1,000) linear feet of any other hotel within the same industrial/office/business park use.
  4. All accessory uses shall be located on the first floor of the primary use building in which they is located. Each accessory use shall not comprise more than ten (10) percent of the total first floor area of the primary use building in which it is located.
  5. Drive-through services and adult uses shall not be permitted.
- D. The use shall be designed to be either:
  1. Oriented to adjacent rights-of-way, and where possible parking located to the rear or sides of the use; or
  2. Oriented to the interior of the development and visually screened from view of adjacent rights-of-way. External identification signs shall not be permitted except where directories or kiosks list all establishments within the development.
- E. Access.
  1. Primary access shall be from an arterial or major collector road. When the use abuts other non-residential uses or lots, access shall be via a common accessway with those adjoining uses and lots so as to limit the number of street access point and potential vehicle and pedestrian movement conflicts.
  2. Adjoining lots shall be connected to one another via vehicular and pedestrian linkages for improved connection, use, and circulation purposes.
  3. Truck traffic going to/from the use shall only be permitted on non-residential streets.

4. Vehicular entrances/exits shall be located at least two- hundred (200) feet from residential districts to minimize noise and vibration.

## **SECTION 1528. INDUSTRIAL USES**

This Section applies to a variety of industrial uses:

### **A. General Regulations.**

1. Principal access to industrial uses shall be directly from an arterial or a major collector road as designated by the Township Comprehensive Plan.
2. The industrial use shall be subject to review by police and fire officials regarding security and fire protection.

### **B. Self-storage/mini-warehouse uses.**

1. The minimum aisle width between buildings shall be twenty (20) feet in order to allow adequate access flow and storage loading/unloading.
2. Storage of explosive, radioactive, toxic, highly flammable, or otherwise hazardous materials shall be prohibited.
2. No business activity other than leasing of storage units and the sale of packing materials incidental to the principal use shall be conducted on the premises.
4. Except as noted in Subsection 5, all storage for this use shall be within enclosed buildings built on a permanent foundation of durable materials. Trailers, box cars, or similar impermanent or movable structures shall not be used for storage.
5. Outdoor storage on the tract shall comply with the following requirements:
  - a. Outdoor storage of automobiles, boats, and recreation vehicles shall be permitted provided they are screened so as not to be visible from adjacent streets, residential uses, and residential districts.
  - b. A maximum of twenty percent (20%) of the total site area for the use may be used for outdoor storage.
  - c. Stored vehicles shall not interfere with traffic movement through the storage complex.
6. The storage complex shall be surrounded by a security fence. Vegetative screening, consistent with Article XVI shall be provided between the fence and the street line and along property lines where the use is adjacent to any residential lot or district.
7. The use shall not be located within the Flood Hazard District.

### **C. Mechanical repair or fabrication shops:**

1. Outdoor storage of materials and supplies shall be consistent with Article XVI. In addition, the following storage standards shall apply:
  - a. Spare parts, refuse, and similar articles shall be stored within a building or other enclosed area.

- b. Machinery or automobiles waiting for repairs shall not be stored outdoors for more than ten (10) days. Junk vehicles/machinery shall be stored indoors or directly behind the building where they are out of public view.

2. Repair or fabrication operations shall take place within an enclosed building.
3. Hazardous materials shall be stored in accordance with State and Federal regulations.

D. Medical Marijuana Grower/Processor.

1. A medical marijuana grower/processor shall meet the same municipal zoning and land use requirements as other manufacturing, processing and production facilities that are located in the Limited Industrial (LI) District.
2. A medical marijuana grower/processor shall only grow medical marijuana in an indoor, enclosed, and secure building which includes electronic locking systems, electronic surveillance and other features required by the PA Department of Health. Such grower/processor facility shall not be located in a trailer, cargo container, mobile or modular unit, mobile home, recreational vehicle, or other motor vehicle.
3. Maximum floor area of such use shall be twenty-thousand (20,000) square feet, of which sufficient space must be set aside for secure storage of marijuana seeds, related finished product, and marijuana related materials used in production.
4. There shall be no emission of dust, fumes, vapors, odors, or waste into the environment from any facility where medical marijuana growing, processing, or testing occurs.
5. Marijuana remnants and byproducts shall be secured and properly disposed of in accordance with PA Department of Health policy and shall not be placed within any unsecure exterior refuse containers.
6. The grower/processor shall provide only wholesale products to other medical marijuana facilities. Retail sales and dispensing of medical marijuana and related products shall be prohibited at medical marijuana grower/processor facilities.
7. Grower/processors may not locate within one-thousand (1,000) feet of the lot line of any school or day-care center.
8. All external lighting serving such use must be shielded in such a manner to not allow light to be emitted skyward or onto adjoining properties per Article XVI.
9. Buffering per Article XVI shall be required where a medical marijuana dispensary abuts a residential use, lot, or district.
10. Entrances and driveways to such use must be designed to accommodate the anticipated vehicles used to service the facility, including all accesses must obtain appropriate highway occupancy permits, maintain clear sight triangles per Article XVI, and driveways must be designed and improved as per applicable standards of this Ordinance and the subdivision and land development ordinance.
11. Loading and off-loading areas within the use's structure shall be preferred. If an external loading dock arrangement is designed, it shall be from within a secured environment.

- E. Sale of consumer fireworks. All design, area and bulk regulations/provisions shall apply to the sale of consumer fireworks offered for sale in a structure and/or any other nonstructural facilities, including but not limited to tents.



**SECTION 1529. MIXED USES**

- A. Mixed uses shall provide a combination of residential uses and commercial uses on a single lot or within a single building, such as a retail use with an upper story dwelling or office. This use entails a dwelling unit(s) incorporated within any single building housing a commercial use, provided that the commercial use shall occupy no less than fifty percent (50%) of the floor area of the building.
- B. Each use in a mixed use shall meet the following:
  - 1. Only those uses in the district in which this use is located shall be permitted.
  - 2. Where an upper story dwelling unit is proposed, the requirements for a residential conversion shall be met for the residential use.
  - 3. Off-street parking requirements shall be calculated for each use in accordance with Article XVI, but may be designed as a common parking lot.
- C. The owner shall obtain a permit upon the change of any use approved by any prior plan or permit. The owner shall provide a record to the Township annually identifying: (a) the total number of parking spaces required by an approved plan for all uses located in the center, (b) the total number of spaces allocated to each then existing uses. No permit will be granted for any use which results an increase above the total number of identified plans for all uses in the original approval.

**SECTION 1530. MOBILE HOMES/ PARKS**

- A. Individual modular homes (manufactured home that are constructed on a permanent foundation) shall be considered single-family detached dwellings, and accordingly a single modular home is allowed on a lot in any zoning district in which single-family detached dwellings are permitted use, provided all applicable requirements of the zoning district in which the dwelling is located and other applicable requirements of the zoning district in which the dwelling is located and other applicable requirements are met.
- B. Tracts of sufficient size to accommodate more than one (1) lot and zoned to permit single-family detached dwellings may be utilized for the erection of more than one modular home, provided all regulations of that zoning district, all standard requirements applicable to the subdivision of land for single-family detached dwellings, and all other applicable requirements are met.
- C. Mobile home (manufactured homes that are not permanently anchored nor constructed on permanent foundation) shall be considered to be their own use/housing type that are permitted as specified by this Ordinance and the subdivision and land development ordinance.

**SECTION 1531. MULTI-FAMILY DWELLINGS**

- A. Area and bulk regulations of the applicable zoning district shall be met.
- B. Maximum length of any single multi-family building shall be one-hundred twenty (120) feet.

- C. Multi-family buildings shall be sited in a manner to create a traditional neighborhood character with common courtyards, green areas, and access to sidewalks and other facilities. Buildings shall be designed to provide individual dwelling units with views and direct access to common courtyards, green areas, sidewalks, and other facilities.
- D. There shall be building separation distance to enable individual units with some level of privacy:
  - 1. Minimum distance between facing front or rear walls (long walls) - Fifty (50) feet
  - 2. Minimum distance between facing end walls (short walls) - Twenty-five (25) feet
- E. Dwelling unit entrances shall be provided with walkways to parking and refuse collection areas.
- F. Design, ownership, and maintenance responsibilities for green areas shall meet Article XVI.
- G. Dwelling units shall be set back a minimum of twenty (20) feet from common parking and refuse collection areas.
- H. Staggered setbacks of dwelling units accompanied by a variation in facade design shall be required so the buildings offer visual variety and provide individualized yard areas. In the case of multi-family townhouse development, no more than two (2) contiguous units shall have the same facade setback within a building. Changes in unit setback shall be a minimum of four (4) feet.

#### **SECTION 1532. PUBLIC UTILITY FACILITIES**

- A. Yard setbacks shall be meet requirements of the district in which the facility is located.
- B. All public utility service structures and/or facilities shall be setback a minimum of ten (10) feet from any lot line.
- C. All equipment shall be totally enclosed within a building.
- D. External building design shall be in character with the surrounding neighborhood.

#### **SECTION 1533. RECREATIONAL USES**

- A. Non-Commercial Recreational Uses or Facilities shall apply to active or passive recreations such as parks, playing fields, playgrounds, arboretums, conservation areas, wildlife sanctuaries, swimming pools, boating, horseback riding, fishing, foot, bicycle and bridle paths, hiking trails, picnic areas, tennis and other racquet game courts, or similar uses characteristically identified with recreational areas and of a non-commercial nature.
- B. Commercial Recreational Uses or Facilities apply to privately established and held recreational uses such as country clubs, golf, swim, and tennis clubs, ice-skating rinks, theaters, and bowling alleys, or similar uses characteristically identified with recreational areas and of a commercial and profitmaking nature. A master plan for the entire tract shall be prepared as part of the zoning

permit application for any commercial recreation use. The master plan shall provide data to ascertain the impact the facility when complete will pose on the surrounding neighborhood.

C. Area and bulk requirements.

1. The following aggregate minimum lot areas shall be required based on each proposed use:

<u>Use</u>	<u>Minimum Lot Area</u>
Golf Course (per nine holes)	50 acres
Theater	3 acres
Bowling Alley	3 acres
Outdoor Swim or Tennis Club	6 acres
Tennis, Racquetball, or Ice Rink	4 acres
Riding Stable	10 acres

Minimum lot areas not listed above shall be determined by the application of standards in this Section and any other applicable Township, County, State, or Federal standards, however no commercial recreational use shall have a lot size smaller than one (1) acre.

2. Maximum lot coverage for non-commercial recreation uses - Twenty (20%) percent.
3. Minimum yard setback for active outdoor recreation facilities from residential lot lines or districts - One hundred (100) feet.
4. Minimum yard setback for active outdoor recreation facilities from nonresidential lot lines or districts - Fifty (50) feet.
5. Screening of active outdoor recreation facilities shall be per Article XVI.
6. Any recreation facility improvement, such as structures, parking, storage, loading or paved areas, not including foot and bicycle paths and necessary accessways to a street, shall be a minimum of fifty (50) feet from residential lot lines or districts.

D. Square footage necessary for recreational facilities themselves, such as tennis courts, basketball courts, soccer fields, baseball fields, and swimming pools, shall be based on the specifications of the National Park and Recreation Association guidelines.

E. Accessory uses, such as a restaurant or banquet facilities, shall be only for the use of employees, patrons, members, and guests of the principal use and shall meet setbacks of Subsection C.

F. Outdoor lighting shall comply with Article XVI.

G. Seasonal or permanent restrooms shall be provided for outdoor recreation uses.

H. Campgrounds.

1. Campgrounds shall be developed under a master plan for the entire tract indicating driveways, solid waste disposal facilities, evidence of sewage disposal facilities by the authority having jurisdiction, and type and method of water supply.
2. Campgrounds may be a permanent, year-round installation provided that no campground user shall be permitted to remain for a period exceeding thirty (30) days. The campground

operator shall provide the Township with written management procedures to assure compliance which shall be made a condition of the zoning permit.

3. No amplified music, speaker, or public address system shall cause sounds to emanate beyond the property line.
4. At least one (1) attendant shall be on duty at all times.

- I. Where a golf course or other recreational use is proposed in conjunction with a club or lodge, Section 1517 shall also apply.
- J. Any recreational use that includes gun clubs, paintball, or similar loud target-oriented uses shall be permitted indoor only and shall be required to install soundproofing insulating to reduce noise from adjacent properties such that no noise from the use will be audible beyond the property line.

#### **SECTION 1534. RECYCLING FACILITIES AND/OR TRASH TRANSFER STATIONS**

The following shall apply to a recycling collection center or recycling processing facility as applicable:

- A. A recycling collection center shall only be permitted as a municipal accessory use or in conjunction with an approved trash transfer station or recycling processing facility.
- B. The following standards for the storage of recycled material shall apply to both recycling collection centers and recycling processing facilities.
  1. Storage of materials shall be within containers that prevent the material from being carried from the work area or site by wind or water and shall prevent the inhabitation of vermin.
  2. Stored materials shall be a minimum of one-hundred fifty (150) feet from residential lot lines or districts, and a minimum of fifty (50) feet or the setback required by the underlying district, whichever is greater, shall be maintained from any other lot or street line.
  3. Materials stored outdoors shall be properly screened so as not to be visible from adjacent streets or property. The storage of paper shall be within a fully enclosed structure.
  4. Except where special provision has been made for the disposal of household hazardous waste, hazardous waste included on the list of hazardous waste maintained by the PA Department of Environmental Protection shall not be disposed of at a recycling collection center or recycling processing facility.
  5. Principal access to the site shall be from an arterial or collector road as designated by the Penn Township Comprehensive Plan.
- C. Along with Subsection B, the following standards shall apply to recycling processing facilities and trash transfer stations:
  1. Facility operations shall at all times be in compliance with State statutes, PA Department of Environmental Protection rules and regulations, and this Ordinance, whereby the more restrictive regulations shall supersede and control.

2. Access to the site shall be limited to those posted times when an attendant is on duty. In order to protect against indiscriminate and unauthorized dumping, facilities shall be protected by locked barricades, fences, gates, or other means designed to deny access at unauthorized times or locations. Such barricades shall be a minimum of eight (8) feet and a maximum of ten (10) feet in height with openings not more than three (3) inches by three (3) inches along any boundaries and shall be kept in good repair and in a uniform color.
3. A working plan for clean-up and control of litter shall be submitted to the Township. Blowing litter shall be confined to the work area on-site and controlled via fencing as described in Subsection C.2.
4. Screening, as per Article XVI, shall be required between the fencing and street and lot lines.
5. The entire process, including unloading, compaction, and loading of materials into trucks shall be continuously supervised by a facility operator. Unloading and loading shall be consistent with Article XVI.
6. When the recycling use is combined with a trash transfer station, separation of material into recycling and solid wastes shall be done so that recycling does not interfere with the prompt disposal of solid waste trash and that solid waste does not become intermingled in any recycling process or use.

D. The following shall apply to a trash transfer stations:

1. Leachate from solid waste and waste water used in washing or other parts of the operation shall be disposed of in a manner in compliance with PA Department of Environmental Protection rules and regulations and appropriate permits shall be obtained from applicable agencies and authorities. In no event shall waste products be disposed of in a storm sewer, directly into the ground, or in any other manner inconsistent with State regulation.
2. Open burning of materials shall be prohibited.
3. Solid waste shall remain on-site for a maximum of seven (7) days. At the end of each work day, all solid waste shall be compacted. However, oversized items and items that cannot be compacted because of their size or construction shall be securely covered and may remain on-site for up to fourteen (14) days.
4. A contingency plan for solid waste disposal during a facility shutdown must be submitted to and approved by the Township during the permitting process for the use.

## **SECTION 1535. RELIGIOUS USES**

A. Area and bulk standards.

1. Minimum lot area - Two (2) acres
2. Minimum lot width at the building line – Two-hundred (200) feet.

3. Minimum side yard and rear yard setbacks – Fifty (50) feet.
4. Maximum lot coverage - Sixty percent (60%).

B. Permitted use shall include:

1. Church, synagogue, or other place of worship
2. Accessory uses:
  - a. Classrooms or educational use, as per Section 1519 and Subsection E.
  - b. Kitchen.
  - c. Gymnasium/recreational facility.
  - d. Day care center as per Section 1516 and Subsection E.
  - e. Rectory or other lodging for minister, priest, rabbi, or similarly qualified individual.
  - f. Cemetery as per Section 1509.
  - g. Columbarium.

C. Off-street parking facilities shall be a minimum of twenty-five (25) feet from the street right-of-way line and from side and rear property lines. Parking facilities shall be screened as per Article XV, and additional screening may be required, if determined necessary by the Township.

D. The applicant shall provide a traffic impact study that shall analyze traffic generation from the proposed use and its impact on the surrounding street system, and shall include an assessment and plan for the circulation of pedestrians and users within and about the tract.

E. When church-related educational or day care facilities are included in the primary religious use, the following shall in addition apply:

1. The applicant shall include a plan for outdoor recreation, which shall include appropriate screening and buffering from adjacent residential properties.
2. Student and child drop-off areas shall be designed to eliminate the need to cross traffic lanes within or adjacent to the site.
3. The applicant shall provide a parking plan which demonstrates that the proposed parking facilities are sufficient for the intended uses and meet the terms of this Ordinance.

**SECTION 1536. RETIREMENT COMMUNITIES, CONTINUING CARE FACILITIES, AND/OR ASSISTED LIVING FACILITIES**

Such uses shall meet applicable requirements of Article IX.

**SECTION 1537. TRANSITIONAL HOUSING FACILITY**

- A. This use shall not be permitted within a one thousand (1,000) foot radius of another transitional housing facility use in order to avoid concentration of such facilities. A transitional housing facility is considered to be an institutional use.

- B. This use shall be permitted in detached buildings and shall comply with the applicable provisions of the Township Building Code. Occupancy shall meet Township requirements, including for clients and resident staff.
- C. When proposed within an existing residential dwelling, the facility shall have no external alterations except as may be necessary for reasons of safety, including fire escapes, which shall be located to the rear of the building to the extent possible. The applicant shall submit plans indicating if any proposed exterior changes. All changes shall be easily converted back into a typical residential building use.
- E. This use shall be provided with twenty-four (24) hour resident staff.
- F. This use must be sponsored and operated by a State licensed group, organization, or corporation. Proof of licensing shall be submitted to the Township with the zoning applications for a use. Proof of compliance with all applicable County, State, and Federal requirements shall be furnished to the Township prior to granting of a zoning permit. Proof of required licensing and compliance with all applicable state and county regulations for the proposed facility shall be furnished to the zoning officer prior to granting of a zoning permit.
- G. This use shall meet minimum area and bulk regulations for the residential dwelling, or other building type if the use is not within a dwelling, in the district in which the use is located.

#### **SECTION 1538. VETERINARY CLINICS/OFFICES AND/OR KENNEL**

These provisions shall apply to kennels and to veterinary clinics where such uses maintain outdoor exercise yards or provide boarding kennels as part of their services:

- A. Minimum lot area for a veterinary clinic/office with no kennel shall be as specified in the applicable underlying district. Minimum lot area for a veterinary clinic with a kennel or for a kennel shall be one (1) acre, and there shall be no more than ten (10) dogs or other domestic animals per one (1) acre, excluding dogs under six (6) months old.
- B. All kennel buildings shall be sound insulated such that no animal noise from the use will be audible beyond the property line.
- C. Kennels and outdoor exercise yards shall be a minimum of one-hundred fifty (150) feet from any residential lot other than the owner of such use, water supply, springs, sinkholes, swales, or drainage ways.
- D. Outdoor exercise yards shall be entirely fenced to prevent animals from leaving the property. Animals shall be placed inside an enclosed building after sunset and shall remain inside until sunrise, except for outdoor bathroom walks as needed.
- E. Sale and storage of related products shall be accessory to the veterinary clinic/office or kennel and shall occupy a maximum of twenty (20%) percent of the floor area of the principal building.
- F. All such uses shall meet all applicable State licensing and codes.

- G. There shall be no outdoor storage of materials unless screened from adjoining properties in accordance with Article XVI.
- H. Kennel and veterinary clinic uses shall provide private removal of on-site waste on a weekly basis.



## *Article XII: General Standards*

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### **SECTION 1600. PURPOSE**

- A. This Article establishes standards common to all districts and establishes controls common to all uses. Provisions of this Article shall be in addition to those provided by the applicable zoning district, conditional use, and special exception, and any other applicable provisions of this Ordinance or other codes or ordinances.
- B. Standards regulated in this Article include the following:
- Section 1601. Lot, Yard, and Height Requirements
  - Section 1602. Vision Obstruction
  - Section 1603. Fences, Hedges, and Walls
  - Section 1604. Buffering, Screening, and Landscaping
  - Section 1605. Outdoor Storage and Display
  - Section 1606. Outdoor Lighting
  - Section 1607. Vehicular Access and Traffic Control
  - Section 1608. Interior Circulation and Vehicular Loading/Unloading
  - Section 1609. Off-Street Parking
  - Section 1610. Renewable Energy
  - Section 1611. Water, Sewer, and Utilities
  - Section 1612. Green Areas and Common Facilities
  - Section 1613. Temporary Structures and Uses
  - Section 1614. Stripping of Topsoil and Excavation of Clay, Sand, Gravel, or Rock
  - Section 1615. Keeping of Animals
  - Section 1616. Vegetation Management
  - Section 1617. Performance Standards
  - Section 1618. Reference to Other Codes
  - Section 1619. Governmental Owned Property

### **SECTION 1601. LOT, YARD, AND HEIGHT REQUIREMENTS**

- A. Reduction of Lot Area. No lot shall be reduced through subdivision so that the lot area or dimensions of the required yards and green areas are less than required in this Ordinance, except as otherwise permitted in this Ordinance.
- B. Modification of Front Yard Requirements. A front yard may be decreased in depth to match the average setback of existing uses within three-hundred (300) feet on each side of the subject use. Such reduction may occur when the setback of existing uses is less than the front yard requirement for the subject use, however, in no case shall said front yard encroach into the legal street right-of-way.
- C. Projections into Required Yards. Only the following buildings and structures, or portion thereof, shall be constructed within or project into a required yard:
1. Accessory uses not attached to a principal building such as flagpoles, arbors, terraces, pergolas, gazebos, or sheds, provided such projections meet applicable accessory use setback and other requirements.

2. Unenclosed accessory uses attached to a principal building such as open decks, patios, carports, awnings, or porches may project into a required yard a maximum of fifteen (15) feet, provided such projections are a maximum of two-hundred (200) square feet in size and meet applicable accessory use setback and other requirements.
  3. An open fire escape may project a maximum of six (6) feet into a yard.
  4. Driveways, sidewalks, walkways, trails, mail structures, utilities, fences, and walls shall be permitted to protrude into a yard to the lot line.
  5. No projection shall obstruct pedestrian or vehicular circulation, visibility, or access by emergency vehicles.
- D. **Corner Lots.** A front yard, as provided for in the district where the lot is located, shall be met on the street that provides the U.S. States Postal Service mailing address for the lot. Other yards abutting streets shall be the average of the required front yard and side yard for the district where the lot is located. Other yards shall be as defined for corner lot in Article II.
- E. **Reverse Frontage Lots.** The front yard shall be met on the street that provides the U.S. Postal Service mailing address for the lot. The other street abutting the use shall be the average of the required front yard and rear yard for the district where the lot is located.
- F. **Flag Lots.** If a lot does not abut a street line, the lot must be connected to a street by a fee simple right-of-way a minimum of fifty (50) feet in width of which a minimum of twenty-five (25) feet in width is clear of obstructions for access by emergency vehicles and a minimum of sixteen (16) feet in width is usable as a cartway for regular access to the lot. Otherwise the lot must be serviced by a common private driveway per standards of the Township Subdivision and Land Development Ordinance. There shall be a maximum of three (3) lots total served by any single fee simple right-of-way or common private driveway.
- G. **Height Limitations.** No building or structure shall exceed the height limitations of this Ordinance, except for steeples, cupolas, silos, water towers, housing for mechanical equipment, chimneys, windmills, and other similar structures not devoted to human occupancy, provided the minimum setback from any lot line is a distance equal to or greater than the structure's height unless otherwise stated in this Ordinance. Structures that fall under the exceptions category and that are not freestanding shall be designed as part of the principal use.

## **SECTION 1602. VISION OBSTRUCTION**

- A. There shall be no obstructions to vehicular and pedestrian visibility at street intersections, at other points of street juncture such as driveways, and along street areas that have lower visibility such as bends or narrow segments.
- B. A clear sight triangle shall be maintained and meet the standards of the Township Subdivision and Land Development Ordinance.
- C. Accessways for any use shall be set back a minimum of forty (40) feet from any street intersection, until it is determined by the Township Engineer that greater distance is needed, for an example in the case of large scale development that requires acceleration or turning lanes. Access shall be controlled and defined by the use of raised concrete curbing.

**SECTION 1603. FENCES, WALLS, AND VEGETATIVE PARTITIONS**

- A. Unless otherwise permitted by this Ordinance, fences and walls, not including retaining walls and walls of buildings and structures, shall be a maximum of six (6) feet in height when located in side and rear yards and a maximum of four (4) feet in height when located in front yards. However, such shall not be located in drainage easements or swales associated with a stormwater management facility nor in natural drainage channels and impede natural water flow.
- B. Fences or walls may be permitted within required setbacks but shall be setback a minimum of one (1) foot from any lot line unless there is written agreement provided to the Township by the subject property owners that the fence or wall can be constructed on the shared lot line.
- C. Swimming pools shall be fenced per this Section and the Township Building Code.
- D. Fence, walls, and vegetative partitions shall be maintained in safe condition. All structure elements of the fence or wall must face the interior of the lot.
- E. Fences shall not be equipped with devices that may overtly result in bodily injury such as high voltage or barbed wire fencing, unless other required by this Ordinance.
- F. Fence, walls, and vegetative partitions shall not be located within street rights-of-way nor obstruct pedestrian and vehicular vision per Section 1602.

**SECTION 1604. BUFFERING, SCREENING, AND LANDSCAPING**

- A. Applicability and Required landscaping. These standards are established to create buffer and screen transitions between potentially incompatible adjacent uses, and make use of landscaping to define areas, provide greening and shade, offer visual variation, and help control stormwater runoff, among other benefits. Any portion of a lot or tract not used for buildings, structures, loading, parking, streets, drives, accessways, sidewalks, and designated outdoor storage shall be planted and continually maintained with an all-season ground cover and otherwise shall be landscaped, buffered, and screened in accordance with an overall landscape plan and landscaping that meets this Section.
- B. Required site analysis and landscape plan. An applicant shall submit a site analysis plan, in the format required by Penn Township Subdivision and Land Development Ordinance, and a landscape plan(s) that demonstrate compliance with all provisions of this Section. the landscapes plan(s) shall indicate how the applicant's landscape planning and design is based upon the site analysis plan. This plan is required for all uses regardless of any definition requirements contained in the Penn Township Subdivision and Land Ordinance.
- C. A planted visual buffer and/or landscape screen shall be provided by persons undertaking activities, excluding agricultural uses and non-active accessory uses to individual single-family residential uses, in the following table. Such shall meet the standards of this Section and shall be continually maintained.

Buffer and Screen Type by Use and/or Activity			
New use or activity (to provide buffer and/or screen)	Adjacent new and/or existing use and/or district (to buffer/screen from)	Minimum buffer width	Minimum Screening Coverage
All residential uses	<ul style="list-style-type: none"> <li>• Arterials and major streets</li> <li>• Stormwater &amp; like facilities</li> <li>• Non-residential uses &amp; districts</li> </ul>	<ul style="list-style-type: none"> <li>• 50ft</li> <li>• 25ft</li> <li>• Requirement for relevant use in this table</li> </ul>	<ul style="list-style-type: none"> <li>• 100%</li> <li>• 50%</li> <li>• Requirement for relevant use in this table</li> </ul>
Multi-family, Retirement, Assisted living, and Mobile home park uses of 10 or more units	<ul style="list-style-type: none"> <li>• Other residential uses &amp; districts</li> </ul>	<ul style="list-style-type: none"> <li>• 25ft</li> </ul>	<ul style="list-style-type: none"> <li>• 50%</li> </ul>
Institutional uses, Continuing care uses	<ul style="list-style-type: none"> <li>• Residential uses &amp; districts</li> <li>• Commercial uses &amp; districts</li> <li>• Industrial uses &amp; districts</li> </ul>	<ul style="list-style-type: none"> <li>• 25ft</li> <li>• 25ft</li> <li>• 75ft</li> </ul>	<ul style="list-style-type: none"> <li>• 75%</li> <li>• 100%</li> </ul>
Commercial uses	<ul style="list-style-type: none"> <li>• Residential uses &amp; districts</li> <li>• Institutional uses &amp; districts</li> <li>• Industrial uses &amp; districts</li> </ul>	<ul style="list-style-type: none"> <li>• 50ft</li> <li>• 25ft</li> <li>• 50ft</li> </ul>	<ul style="list-style-type: none"> <li>• 100%</li> </ul>
Industrial uses	<ul style="list-style-type: none"> <li>• Residential uses &amp; districts</li> <li>• Institutional uses &amp; districts</li> <li>• Commercial uses &amp; districts</li> </ul>	<ul style="list-style-type: none"> <li>• 75ft</li> <li>• 75ft</li> <li>• 50ft</li> </ul>	<ul style="list-style-type: none"> <li>• 100%</li> <li>• 100%</li> </ul>
Intensive uses (e.g. mini-warehouse, junkyard, recycling center, electrical substation, or similar uses)	<ul style="list-style-type: none"> <li>• All uses, streets, &amp; lot lines</li> </ul>	<ul style="list-style-type: none"> <li>• 100ft</li> </ul>	<ul style="list-style-type: none"> <li>• 100%</li> </ul>
Off-street parking	<ul style="list-style-type: none"> <li>• Streets</li> <li>• Non-residential uses &amp; districts</li> <li>• Residential uses &amp; districts</li> </ul>	<ul style="list-style-type: none"> <li>• 10ft</li> <li>• 0</li> <li>• 50ft</li> </ul>	<ul style="list-style-type: none"> <li>• 10%</li> <li>• 25%</li> <li>• 100%</li> </ul>
Loading, Storage areas, Stormwater & like facilities	<ul style="list-style-type: none"> <li>• All uses, streets, &amp; lot lines</li> </ul>	<ul style="list-style-type: none"> <li>• 10ft</li> </ul>	<ul style="list-style-type: none"> <li>• 100%</li> </ul>
Any other activities for which buffering is required	Requirement for relevant use in this table	Requirement for relevant use in this table	Requirement for relevant use in this table

- D. Minimum Buffer and Screen Planting Standards. After determining the required buffer type in Subsection A., the total number of plantings required shall be no less than the total calculated from all columns in the following table. Additional plantings may be provided. Buffer areas and their plantings and screening shall be located within yard setbacks as designated in the district where the subject use is located. Plantings are not required to be aligned on lot or street lines, instead, the applicant is encouraged to site plantings as needed to achieve optimal screening per Subsection A and blend into the surrounding landscape. Plant materials shall be selected from the List of Trees and Shrubs in the Appendix.

Minimum Buffer and Screen Planting Requirements				
Improvement/ Conditions	Deciduous Trees	Deciduous Shrubs	Evergreen Trees	Evergreen Shrubs
per 1,000 sq. ft. floor area	2	4	1	4
per 2,000 sq. ft. off-street parking & loading, excluding drives, accessways, and aisles less than 18 ft. wide	1	2	1	2

per 100 linear ft. of any street frontage, measured on both sides as applicable	2	5	2	5
per 100 linear ft. of existing lot boundary	1	3	1	5

1. Where an applicant can demonstrate to the satisfaction of the Township that existing vegetation, structural, and/or topographic conditions located within one-hundred (100) feet of existing lot lines or within one-hundred (100) feet of any street line will conceal, on a year-round basis, adjacent development from view from such per the table in Subsection C., such existing vegetation, structural, and/or topical conditions may be used to satisfy the requirements of the table.
2. Where calculation of the minimum number of plantings required in the table in Subsection C. results in fractions of plants required, the minimum number of plants required shall be rounded up to the nearest whole number.
4. Plantings used to comply with the minimum number of plantings required in the table in Subsection C. shall be sized as follows:
  - a. Trees – Three (3) inch minimum diameter at breast height (DBH).
  - b. Shrubs – Thirty (30) inches minimum in height from grade.
  - c. Evergreen plantings used for visual screening shall meet Subsection F.4.
5. Plantings and their measurement shall conform to the standards of the American Standard for Nursery Stock, ANSI, and/or American Association of Nurserymen. All plant material used on site shall have been nursery grown within the same USDA hardiness zone as the site, unless otherwise determined by the Township that plantings grown elsewhere can fulfill requirements of this Section.

E. Criteria for Selection of Plant Material.

1. Plant species shall reflect careful evaluation of the site analysis plan and in particular the following considerations:
  - a. Existing and proposed site conditions and their suitability for plant materials based upon site geology, hydrology, soils, and microclimate.
  - b. Specific functional and design objectives of the plantings, which may include provision for landscape buffer, visual screening, noise abatement, energy conservation, wildlife habitats, and visual character enhancement.
  - c. Maintenance considerations such as hardiness, resistance to insects and disease, longevity, and availability.
2. Because of the many benefits of native plants (ease of maintenance, longevity, wildlife habitat, etc.), the applicant is urged to conform to the requirements of this Section through the use of nursery grown native trees and shrubs.
3. Species for shade trees, including street trees, shall be selected with particular emphasis on hardiness, growing habit for pedestrian and vehicle passage, minimal need for maintenance, and compatibility with other features of the site and surrounding environs.
4. For the purposes of promoting disease protection, minimum maintenance, diverse natural plant associations, and long-term stability of plantings, the applicant is encouraged to choose those combinations of species that may be expected to be found together under more-or-less natural conditions on sites comparable to that where landscaping is to be planted. A variety and balance of plant species shall be required to provide landscaping viability.

**F. Landscape Design Standards**

1. The minimum number of plantings shall be determined in accordance with Section 1602.D above. Additional plantings may be provided to further the purposes of this Section. Use of linear measurements for purposes of calculation is not intended to specify linear arrangement of plantings. Groupings of plantings is encouraged in lieu of linear arrangement, consistent with the provisions of this section.
2. Consistent with the terms of this Section, applicant shall plant trees and shrubs and make other landscape improvements (e.g., berms, fencing) as necessary to mitigate any adverse impacts, including visual impacts, which the proposed use will have on the subject site, adjoining sites, and the Township in general, and otherwise address landscape issues identified through review of the site analysis plan.
3. Plantings and other landscape improvements shall be provided in arrangements and locations in response to specific site conditions and that best mitigate impacts of any proposed site disturbances. The number, density, location, and types of plantings shall be based upon physiographic features, proximity to and privacy/screening for existing uses particularly dwellings, compatibility of adjacent uses, and nature of views into and across the subject site.
4. Where specific need(s) for visual screening or privacy have been identified, evergreen plantings shall be provided at least eight (8) feet in height above grade, planted at intervals no less than eight (8) feet on center. Where the Township agrees that an eventual screen (achieved in three to five (3-5) years) is acceptable in lieu of an immediate screen, plantings shall be a minimum of three (3) in height from grade, planted at intervals of three to five (3-5) feet on center.
5. Shade trees of varying species shall be planted along all streets.
6. All off-street parking areas having five (50 or more parking spaces shall be landscaped with trees and shrubs of varying species, and shall meet the following.
  - a. Planting areas shall be placed so as to facilitate snow removal and to provide for safe movement of traffic without interference of proper surface water drainage. Planting areas shall be elevated above the parking lot surface or bordered appropriately to prevent erosion or damage from automobiles. Bollards may be used to afford protection of trees from vehicular movement.
  - b. Shade trees shall be provided as applicable to reduce the heat island effect in parking areas. Shade trees shall be planted in tree islands, continuous planting strips, or bio-retention areas, as applicable, which shall be of a size at least equal to the diameter of the tree drip line at maturity.
  - c. Planting strips shall be required for large parking lots having one-hundred (100) parking spaces or more.
  - d. Parking areas twenty-thousand (20,000) square feet of greater shall be bordered by planting areas a minimum of ten (10) feet in width when adjacent to buildings and twenty (20) feet in width elsewhere, except for accessways.
7. Planting areas shall be selected and designed to reflect natural landscape characteristics existing prior to site disturbance, as well as those environmental conditions to be created following site disturbance by the applicant.
8. The locations, dimensions, and spacing of required plantings shall be adequate for their proper growth and maintenance, taking into account the sizes of such plantings at maturity and their present and future environmental requirements, such as moisture and sunlight. In

selecting locations for shade trees, consideration also shall be given to qualities of the site and to the protection of solar access. In selecting the layout for landscape buffers or the location and mix of required plantings, consideration shall be given to the natural topography of the setting and the texture, coloration and compatibility of different plant species; it is strongly encouraged that improved landscapes be designed in such a manner as to be creative and attractive while maintaining the integrity of the natural landscape within which such work is proposed.

9. Planting species shall be selected based on their intended use, soil conditions, and location, such as the perimeter of parking areas, public street lines, underground and above-ground utilities, and street intersections and with consideration of overall site enhancement, and not be a hazard to public safety. At a minimum, no trees shall be planted closer than fifteen (15) feet from fire hydrants, street lights, or stop signs. For example, trees selected for use outside of the right-of-way in lawn areas will likely have more root space, grow faster, and develop to a larger size than trees placed in a tree pit surrounded by pavement.

G. Conservation of existing vegetation and natural features.

1. Existing mature vegetation, e.g. trees, provides good soil erosion protection, shade, and water filtration. The intent of this Subsection is to provide for conservation of on-site vegetation in a manner that increases its chance of survival, and thus shall be employed in conjunction with natural features conservation of Article XIII as preserved vegetation shall be used as part of required landscaped buffering. (Preserved vegetation may also count toward stormwater management requirements dependent upon and in accordance with Township stormwater management regulations.)
2. Applicants shall make all reasonable efforts to harmonize their plans with the preservation of existing trees. No portions of tree masses or trees with a dbh of eight (8) inch or greater shall be removed unless clearly necessary for effectuation of the proposed development.
3. When effectuation of a proposed development necessitates the clearing of trees or portions of tree masses, the applicant shall be guided by the following criteria in selecting vegetation for retention or clearing:
  - a. Aesthetic values (autumn coloration, types of flower and fruit, bark and crown characteristics, amount of dieback present).
  - b. Susceptibility to insects and disease.
  - c. Species longevity.
  - d. Wind firmness
  - e. Soil capability
  - f. Assistance with soil erosion control.
  - g. Existence of disease, rot, or other damage to the tree.
  - h. Protection from damage to buildings and individuals
  - i. Size of trees at maturity
  - j. Provision of shade and cooling of buildings and people
4. Applicants shall exercise care to protect remaining trees from damage during construction. The following procedures shall be utilized in order to protect remaining trees:
  - a. Where existing trees are to remain no change in existing grade shall be permitted within the drip line of the trees. Appropriate fencing four (4) feet in height shall be placed at the drip line of trees to remain where adjacent to proposed construction.

- Such fencing shall be maintained in place throughout the duration of construction activity. Roots shall not be cut within the drip line of any trees to remain.
- b. Trees within twenty-five (25) feet of a building, or bordering entrances or exits to building sites, shall be protected by a temporary barrier.
  - c. No boards or other material shall be nailed to trees during construction.
  - d. Tree trunks and exposed roots damaged during construction shall be protected from further damage by being treated immediately with professional procedures.
  - e. Tree limbs damaged during construction shall be sawed flush to tree trunks.
  - f. Non-dormant trees located adjacent to proposed construction activity shall be given an application of 10-6-4 fertilizer at three (3) pounds per inch caliper to aid in their recovery from possible damage caused by construction operations.
  - g. Construction debris shall not be stored nor disposed of within the drip lines of trees to remain, except for mulched vegetative matter used to prevent soil compaction.

#### H. Site Maintenance and Guarantee.

1. All landscape improvements per this Section shall be planted, installed, and maintained by accepted practices as recognized by the American Association of Nurseryman. Such planting, installation, and maintenance shall include at a minimum provision for: surface mulch, guy-wires and stakes, irrigation, fertilization, insect and disease control, pruning, mulching, weeding, and watering, as appropriate.
2. The applicant shall make arrangements acceptable to the Township that all landscape improvements shall meet this Ordinance and shall be guaranteed and maintained in a healthy and sound condition, or otherwise be replaced by equivalent improvements, for a minimum of eighteen (18) months after Township acceptance of site improvements. After installation and prior to Township acceptance of the site improvements, the Township shall perform an inspection of the finished site for compliance with approved landscape plan(s).
3. Installation of landscape improvements shall be guaranteed, whether or not a land development application is required the Penn Township Subdivision and Land Development Ordinance (SALDO). Costs of landscape material and installation shall be considered in determining the amount of any performance guarantee required. The same procedure required by the SALDO may be utilized. At the Township's discretion, the applicant may be required to escrow sufficient additional funds for the maintenance and/or replacement of the proposed vegetation during the eighteen (18) month replacement period. In addition, an escrow may be required for the removal and replacement of specimen trees damaged during site improvement

#### I. Management of vegetation. Within or adjacent to residential areas, property owners shall not permit vegetation to become overgrown to the point of becoming unsightly or unhealthy. However, plants grown for a useful or ornamental purpose, fields used for agricultural purposes, and areas of significant natural value should not be subjected to excessive, unnecessary, or hindering standards of maintenance.

1. Terms of management. As applicable per Subsections 2. and 3., the following practices for the control of vegetation shall apply:
  - a. All herbaceous plants shall be controlled to a maximum height of twelve (12) inches during the growing season.
  - b. Mowing shall be timed for the most effective control of the specific vegetation (e.g., ragweed and Canada thistle to be mowed in mid-summer before flower buds are set).



- c. Selective control of noxious vegetation, but no other vegetation, may be practiced by means in addition to mowing (e.g., use of herbicide to control poison ivy).
2. Applicability. This Subsection I shall apply to any existing lot of less than two (2) acres and any lot of less than two (2) acres in an approved subdivision or land development<sup>1</sup> with the following exceptions:
  - a. Weed growth linked to agricultural composting activities shall be per Sections 1505 and/or 1514, as applicable.
  - b. Where one (1) or more of the following uses and/or vegetative characteristics exists:
    - 1) Floodplain or marsh;
    - 2) Meadow, wildflower meadow, berry patch;
    - 3) Hedgerow;
    - 4) Agriculture, except as provided under Subsection 3.a, above; and
    - 5) Areas undergoing a directed process of natural succession.

## **SECTION 1605. OUTDOOR STORAGE AND DISPLAY**

### **A. General Requirements.**

1. All outdoor storage shall be screened from view from any public right-of-way and any contiguous residential use. Screening shall consist of evergreen plantings or architectural screens, and shall be per Section 1604.
2. All food related rubbish or storage shall be contained in tight, vermin-proof containers.
3. All material shall be stored in such a manner as to prevent emission onto neighboring properties or into the soil, whether through the air (e.g. dust), on the surface (e.g. water runoff), or into the subsurface (e.g. liquid seepage into the ground).
4. No outdoor storage or display shall be permitted within street rights-of-way, parking areas, sidewalks, or other pedestrian or vehicular areas, except in the case of a sidewalk sale, garage sale, flea market, public auction, or as permitted in Subsection C or through a Township temporary use permit per Section 1613.
5. Unless otherwise permitted by this Ordinance, no more than one (1) vehicle or trailer without a license plate or proof of inspection per lot shall be stored outdoors for more than three (3) months, and shall be screened from view by vegetation, fencing, or a combination.
6. Any hauling trailer or the like that is immobile and placed on a footing shall be considered an accessory shed and shall meet Section 1501. Such shall not be a sign for a business, home occupation, or for any other use.
7. There shall be no storage of hazardous waste, as defined by PA Act 97, anywhere in the Township, including temporary storage in a parked vehicle.
8. There shall be no storage of non-hazardous waste, as defined by PA Act 97 on a lot beyond thirty (30) days.
9. Certain uses, such as composting operations, that may inherently include storage as part of their business shall meet requirements of Subsections C and D, and Article XV for the subject use.
10. Applicable provisions of the Township Waste Disposal Ordinance shall be met.

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<sup>1</sup> For purposes of this Section, final approval by the Township and recording at Chester County Recorder of Deeds office shall constitute an approved subdivision or land development.

**B. Residential Uses.**

1. In multi-family uses of greater than ten (10) units, and other uses with common rubbish areas including mobile home parks, retirement communities, institutional uses, commercial uses, and industrial uses, rubbish storage shall be enclosed on all sides by screening and be centralized to expedite collection.
2. Recreational vehicles, motor homes, trailers, or other major recreational equipment shall be parked or stored in a carport or enclosed building, or within a rear yard or side yard, and shall be located to meet the accessory use yard setback requirement for the district where the lot is located; however, such equipment may be parked anywhere on the lot for no more than twenty-four (24) hours during loading and unloading. No such equipment shall be used for dwelling purposes nor as an extension of an existing building.
3. No outdoor storage shall be permitted within a front yard.
4. No highly flammable or explosive materials shall be stored in bulk as defined by the Building Code and International Fire Code, except for normal storage of heating oil and propane connected directly with and located/operated on the same lot as the devices they serve.
5. Outdoor storage of raw materials and/or finished products shall be permitted only within the buildable area of a lot and behind the front building line of the principal buildings, and shall be a maximum of six (6) feet in height.

**C. Nonresidential Uses.**

1. Commercial merchandise displayed outdoors shall be permitted during normal business hours on the lot(s) where such retail use is allowed by this Ordinance.
2. Outdoor storage of fuel, raw materials, and similar items shall be enclosed with an approved safety fence of adequate sufficient construction and compatible with the primary set, buildings, and landscaping on the lot. In addition, any bulk storage tanks shall be installed in a manner to contain potential spillage.
3. No highly flammable or explosive materials shall be stored in bulk above ground, except the following by conditional use and which shall be meet the Building Code and International Fire Code:
  - a. Fuel tanks or drums connected directly with and located/operated on the same lot as the heating devices they serve.
  - b. Tanks or drums for storage of a maximum of three hundred (300) gallons of fuel, oil, or propane, provided such are located to meet Section 1507 setbacks from any building or lot line and any street line..
4. Uses requiring large amounts of land for outdoor storage or display. Storage of materials, equipment, or vehicles, not including parking, loading, and the like, shall occur in a building or other enclosed structure and shall meet this Section and other applicable standards of this Ordinance. However, additional outdoor storage and display areas may be permitted where all of the following conditions are met:
  - a. The subject use typically comprises long-term outdoor storage, such as lumberyards, junkyards, nurseries, automotive sales, and auto body shops.
  - b. Such additional storage is needed for successful operation of the subject use, and the lot is suitable for outdoor storage.

- c. The applicant can demonstrate that indoor storage is not possible or practical.
- d. The storage area shall meet applicable yard setbacks and lot coverage requirements in the district where the use is located and shall cover no more than the percentage of lot area that is deemed practical and feasible in the opinion of the Township.
- e. The storage area shall be screened from view from any residential district or use by buildings, walls or an effective screen, as required by Section 1604.
- f. Uses furnishing shopping carts shall provide cart storage areas in the building and parking area, which shall be enclosed by a barrier with a minimum height of the shopping carts handles and be clearly marked for such storage use. Such carts shall be secured during non-operating hours.
- g. Outdoor storage of raw materials and/or finished products shall be permitted only within the buildable area of the lot behind the front building line of the principal buildings, and shall be a maximum of ten (10) feet in height.

## SECTION 1606. OUTDOOR LIGHTING

- A. The Board of Supervisors may require outdoor lighting be incorporated into a use as it deems necessary for safety and security purposes.
- B. Illumination Levels<sup>2</sup>. Lighting intensities and uniformity ratios<sup>3</sup> shall meet current recommended practices of the Illuminating Engineering Society of North America (IESNA) Lighting Handbook. Examples of intensities for typical outdoor applications are as follows:

Use /Task	Maintained Foot-candles <sup>4</sup>	Uniformity Ratio – avg:min
Streets, local residential	0.4 average	6:1
Streets, local commercial	0.9 average	6:1
Parking, residential, multi-family		
- Low vehicular/pedestrian activity	0.2 average	4:1
- Medium vehicular/pedestrian activity	0.6 minimum	4:1
Parking, industrial/commercial/institutional/municipal		
- High activity, e.g., regional shopping centers/fast food facilities, major athletic/civic/cultural/recreational events	0.9 minimum	4:1
- Medium activity, e.g., community shopping centers, office parks, hospitals, commuter lots, cultural/civic/recreational events	0.6 minimum	4:1
- Low activity, e.g., neighborhood shopping, industrial employee parking, schools, church parking.	0.2 average	4:1
Walkways and bikeways	0.5 average	5:1
Building entrances	5.0 average	----

- C. Control of Glare. The following shall apply to outdoor lighting, except public street lights and traffic devices/signals in a public right-of-way provided by a public utility or government entity.
  - 1. Outdoor lighting, whether or not required by this Ordinance, on private, residential, commercial, industrial, municipal, recreational, or institutional property shall be aimed,

<sup>2</sup> Illumination Levels are maintained horizontal foot-candles on a surface such as pavement.

<sup>3</sup> Uniformity ratios dictate that the average illumination value must not exceed the minimum illumination value by more than the product of the minimum value x the specified uniformity ratio, e.g., for commercial parking high activity areas, the average foot-candle must not exceed 3.6 or 0.9 x 4.

<sup>4</sup> Foot-candle is a unit of illumination on a surface, which is one (1) foot from a uniform point source of light that is one (1) candle and equal to one (1) lumen per sq. ft.

located, designed, fitted, and maintained so as not to present a hazard to drivers or pedestrians by impairing their ability to safely navigate, e.g. disabling glare, nor create a nuisance by projecting or reflecting light onto a nearby use or lot, e.g. nuisance glare, or directly skyward. This provision shall also include sign lighting.

2. Vegetation screens shall not be employed to serve as the primary means for controlling glare; rather, glare shall be controlled primarily through the use of such means as cutoff fixtures, shields, and baffles, and appropriate application of fixture mounting height, wattage, aiming angle, and fixture placement.
3. Unshielded lamps, bulbs, and tubes shall not be permitted, except for temporary holiday lighting and residential house-mounted lamps and driveway lampposts utilizing 60-watt or lesser wattage light bulbs (not including spotlights or floodlights).
4. Lighting shall be designed so its illumination does not exceed 0.10 vertical footcandles, measured at thirty (30) inches above grade at the lot line, beyond the lot from where the lighting originates.
5. Where all-night safety or security lighting is to be provided, the illumination level shall not exceed twenty-five (25) percent of the level normally allowed by this Ordinance for the use.
6. Unless otherwise deemed by the Board of Supervisors for reasons of safety and security, lighting shall be controlled by automatic switching devices, such as time clocks or combination motion sensors, between 10 p.m. and dawn to mitigate nuisance glare, unnecessary lighting and energy use, and night sky lighting.

D. Fixture Design.

1. Fixtures shall be of a type and design appropriate to the lighting application and character of the area.
2. To light horizontal uses, such as roadways, sidewalks, and parking areas, fixtures shall meet IESNA 'full cutoff' criteria.
3. Floodlighting, spotlighting, wall-mounted fixtures, decorative globes, and other fixtures not meeting IESNA 'full cutoff' criteria shall be permitted only with the approval of the Board of Supervisors, based upon acceptable glare control.
4. Fixtures shall be equipped with or be capable of being retro-fitted with light directing devices such as shields, visors, or hoods to redirect nuisance light distribution as necessary.
5. Fixtures used for architectural lighting, e.g. facade, fountain, feature, or landscape lighting, shall be aimed to not project light beyond objects intended to be illuminated.

E. Height Limits. Except public street lights and traffic devices/signals in a public right-of-way provided by a public utility or governmental entity, freestanding lighting fixtures shall meet IESNA 'full cutoff' criteria and shall not be more than sixteen (16) feet in height above grade, unless an applicant can prove to the Board of Supervisors that this height limit will impact the safe operation of the proposed use. Security or floodlighting may exceed this height limit when attached to a building provided that such lighting shall be arranged and installed to deflect and focus lights away from adjacent properties.

F. Installation and Maintenance. Electrical feeds for lighting shall be run underground, not overhead. Lighting and lighting post installation shall meet applicable Building Code requirements. Lighting and accessory equipment shall meet industry standards as approved by the Township. The Township reserves the right to conduct a post-installation nighttime inspection to verify compliance with this Section, and if needed, to require remedial action at no expense to the Township. Lighting fixtures and ancillary equipment shall be maintained to meet the requirements of this Ordinance.

- G. Safety. Except for traffic devices and signals, no luminaire shall have any blinking, flashing, or fluttering lights or other illuminating device with a changing light intensity, brightness, or color or beacon lights, which does not comply with PennDOT requirements.
- H. Parking Areas shall also meet the following.
1. Parking areas shall be lit by support poles or posts with luminaries and/or luminaries attached to buildings or other structures.
  2. Fixtures shall be located within or adjacent to parking areas, in raised traffic islands, parking bay separators, or landscape areas, or attached to buildings.
  3. Fixtures shall be spaced to minimize their damage by vehicles being parked. They shall be placed a minimum of thirty (30) inches outside of designated parking space and aisle areas, on concrete bases at least thirty (30) inches above grade, or protected by other Township approved means.
- I. Signs shall also meet the following.
1. Externally illuminated off-premises signs shall be lit by fixtures mounted at the top of the sign and aimed downward per this Section.
  2. Externally illuminated on-premises signs shall be down lit by fixtures mounted at the top of the sign or up lit by fixtures mounted at the bottom of the sign per this Section.
  3. Internally lit and digital or electronic signs shall meet Article XVII.
  4. Fixtures associated with signs shall be automatically extinguished between the hours of 10 p.m. and dawn per Subsection C.6.
- J. Street, Sidewalk, and Similar Common Lighting shall also meet the following.
1. The applicant of a proposed use shall install and maintain lighting for streets, sidewalks, and other communal or public areas serviced by underground conduit in accord with a zoning and/or building permit, which includes a lighting plan. The applicant shall be responsible for all costs involved in such lighting from the date of first occupancy of the use until such time that the responsibility for lighting is accepted by another party, such as the Township under Subsection 5.
  2. An applicant shall submit a complete permit application and associated lighting plan to the Zoning Officer on a form(s) supplied by the Township, which includes information stated on the form(s) and the required fee per the Township fee schedule.
  3. Lighting type, spacing, intensity, and degree of cutoff for proposed uses and development must be specified in the permit and plan that is approved by the Township. Full cutoff lighting is required in certain instances per this Section, and strongly encouraged in all situations to reduce glare and light pollution and to maximize the focus of lighting on its intended target.
  4. At a minimum, the lighting plan shall reflect lighting fixture placement as follows:
    - a. Intersections of accessways for the proposed use with public streets.
    - b. Intersections of streets within the proposed uses.
    - c. Apexes of curves of any street within the proposed use having less than three hundred (300) foot minimum centerline radius.
    - d. Cul-de-sac bulb radii.

- e. Terminal ends of median islands having concrete curbing, trees, or other fixed objects and not having breakaway design for speeds of twenty-five (25) m.p.h. or greater.
- f. Trail heads or cross walks associated with sidewalks or paths.

5. Dedication of Common Lighting to the Township.

- a. Subsection J.1 shall apply.
- b. Prior to dedication and in the event of the formation of a property management entity, homeowners association, or other like entity, the Township shall require said entity to enter into an agreement guaranteeing payment of costs associated with dedicated common lighting.
- c. Upon dedication of common lighting, the Township shall assess the entity(s) in Subsection b. as may be necessary to collect payment for dedicated common lighting costs including administration, collection, proration of non-payables, electric utility charges, and fixtures and associated equipment maintenance.

K. Nonconforming Lighting. Any lighting fixture or lighting installation existing on the effective date of this Ordinance that does not conform with the requirements of this Ordinance shall be considered as a lawful nonconformance, however such lighting shall be made to conform with this Ordinance as follows:

- 1. The nonconformance is deemed by the Board of Supervisors to create a safety hazard.
- 2. The nonconforming lighting fixture or lighting installation is replaced or relocated.

## **SECTION 1607. VEHICULAR ACCESS AND TRAFFIC CONTROL**

To minimize traffic congestion and hazards, control street access and encourage orderly development of street or highway frontage, the following regulations shall apply:

- A. All accessways to any public street or highway shall be located a distance from intersections per Section 1602. Accessways shall be designed to conform to PennDOT specifications as applicable, Township Subdivision and Land Development Ordinance standards, and in a manner conducive to safe ingress and egress without undue congestion or interference with normal traffic flow within the Township. In order to reduce congestion on public streets and reduce the potential for conflicting traffic patterns of speed differentials, parallel service drives, common accessways, and/or combined parking and loading areas for two (2) or more adjacent nonresidential and multi-family residential uses or lots shall be provided taking into account existing adjacent development and site factors. Points of access to public streets shall be spaced at safe intervals per this Ordinance and the Subdivision and Land Development Ordinance.
- B. Vehicular egress in a reverse direction ('backing up') onto major streets shall not be permitted.
- C. Residential lot access shall be located on minor rather than major streets or highways. Where residential lots abut more than one (1) street, primary access shall be to the street of lesser functional classification (reverse frontage). Where lots within a residential development are created having frontage on existing major streets or highways, the development street pattern shall provide reverse frontage access to minor streets.

- D. Nonresidential and common residential vehicular areas including for parking must be separated from any public street by at least ten (10) feet by a curb, planting strip, sidewalk, and/or other buffer method, except for accessways to public streets. This buffer area, and related landscaping requirements, shall meet Section 1604 when planted. Curbing and sidewalks must meet Subdivision and Land Development Ordinance standards. Access to public streets shall be by a common driveway taking into account existing adjacent development and site factors, and these areas shall be adequately and appropriately lit for the subject use per Section 1606.
- E. Uses having up to five-hundred (500) feet of total street frontage shall have a maximum of one (1) two-way access point or two (2) one-way access points, and uses having five-hundred (500) feet or more of total street frontage shall have a maximum of two (2) two-way access points or four (4) one-way access points regardless of the number of public streets the use abuts.
- F. Any nonresidential use abutting two (2) or more public streets shall have their primary access to the street of higher functional classification. However, where mobility or safety will be compromised, as determined by the Township Engineer, access to the lower functional class street may be considered.
- G. The owner or developer of a development shall provide for the construction of any necessary traffic control devices or additional lanes required by PennDOT standards.

## **SECTION 1608. INTERIOR CIRCULATION AND VEHICLE LOADING/UNLOADING**

- A. Interior Circulation. Accessways, drives, aisles, parking areas, pedestrian paths, and like circulation areas for uses requiring interior circulation patterns, e.g. nonresidential and multi-family residential uses, shall meet the following standards. (Driveways for single family residences, public and private streets, and alleys shall meet the Subdivision and Land Development Ordinance.)
1. Design. Interior circulation areas shall be designed so as to prevent blockage or interference with accessways and to allow for safe pedestrian passage. Interior drives and aisles may be one- or two-way.
    - a. Areas shall be clearly defined as traffic circulation lanes, pedestrian areas, parking spaces, or loading/unloading bays, designated by markings, curbs, barriers, signs, and/or landscaped islands, as follows:
      - 1) To assist traffic channelization, landscaped islands shall be placed at the ends of parking bays abutting traffic circulation lanes in order to distinguish their differing functions and delineate their locations. Such islands shall be landscaped per Section 1604 and designed with maintain clear visibility needed for traffic flow and turning movements.
      - 2) Traffic channelization shall be designed so that drives connecting accessways with parking areas, pedestrian paths, and buildings avoid circulation conflicts.
      - 3) Parking areas shall be designed so that vehicles within the parking area do not have to enter a public street to move from a location to another location within the parking area. Turnaround areas shall be provided so egress onto a public street is in a forward direction.
      - 4) Parking space requirements shall be per Section 1609.

- b. Interior circulation areas shall be paved with a Township approved all-weather surface, and shall be graded, properly drained per Township stormwater management requirements, and maintained in a good condition.
- c. Accessways shall have a maximum grade of six (6%) percent, measured along their centerline, for a minimum distance of twenty-five (25) feet from the street right-of-way line; beyond which point interior circulation areas shall have a maximum grade of ten (10%) percent.
- d. Minimum width of aisles (directly abutting parking) shall be:

Angle of Parking (degrees)	One-way lane	Two-way lane
90 or 0	22 ft.	24 ft.
60	18 ft.	20 ft.
45	15 ft.	18 ft.
30	12 ft.	18 ft.

- e. Minimum width of drives (not directly abutting parking) shall be:

Use	One-way lane	Two-way lane
Residential	10 ft.	18 ft.
Commercial	12 ft.	22 ft.
Institutional	12 ft.	22 ft.
Industrial	14 ft.	25 ft.

- f. Minimum width of accessways shall be:

One-way access	Two-way access
14 ft.	24 ft.

2. Shared Accessways and Drives. Common or shared access between two (2) or more uses shall be required, unless clearly infeasible. As part of the use, the owner or developer shall submit the zoning permit along with a site plan and agreement to the satisfaction of the Township indicating the extent of shared use and maintenance responsibility. Such agreement shall be recorded with Chester County Recorder of Deeds.
3. Emergency Access. Accessways and drives shall be designed to allow for emergency vehicles within one-hundred (100) feet of principal structures. Where a principal structure is located further away or where an emergency vehicle would otherwise be prevented from reaching this minimum distance from a structure, the following shall apply to ensure an alternate emergency route of access:
  - a. Minimum unobstructed width - Fourteen (14) feet
  - b. Minimum all-weather surface width - Ten (10) feet
  - c. Minimum curve radii - Thirty-five (35) feet
  - d. Minimum overhead clearance - Twelve (12) feet
4. Pedestrian Circulation. Pedestrian facilities, such as sidewalks, trails, and pathways, shall be installed and maintained to achieve the following:
  - a. Logically continue, link or expand existing pedestrian facilities on, across, and abutting the site.



- b. Provide pedestrian access to existing or anticipated public transportation pick up points, public parks, community facilities, commercial uses, and employment areas.
- c. Provide convenient and logical walkway connections between principal structures, recreation, parking areas, in conjunction with landscaped planting islands and buffers.
- d. Walkways shall be a minimum of five (5) feet wide where there are abutting parking spaces to allow for vehicle overhang, and shall be a minimum of four (4) feet wide where wheel stops or other means are employed to prevent such overhang. Maximum vehicle front and rear overhang allowance into pedestrian or landscaping areas shall be one (1) foot each end.
- e. There shall be clear separation between pedestrian and vehicular routes, via one (1) or more of the following: horizontal distance; vertical distance (level changes, such as overpass, underpasses, and embankments); signs, markings, trees, landscaping, islands, sidewalks, and other barriers, such as curbing, bollards, and fences.

B. Loading. Off-street loading for uses that require distribution or receipt of materials or goods by trucks or similar vehicles shall provide a sufficient number of off-street loading and unloading bays for the intended use as follows.

1. Areas, within structures, covered, or open, provided for loading/unloading of delivery trucks and other vehicles, for refuse collection, fuel delivery, and other service vehicles, shall be designed so as to prevent blockage or interference with internal drives, accessways to public streets, parking areas, and pedestrian passage, and shall have adequate turnaround area so egress onto a street is in a forward direction. No storage or motor vehicle repair work, except emergency work, shall be permitted in any required loading area.
2. Location.
  - a. Loading areas shall be located to the rear and on the same lot as the use to be served or an adjacent lot under the same ownership. Loading areas shall not be constructed between the building setback line and a street right-of-way line.
  - b. No portion of delivery or service vehicles shall project into any street right-of-way or interior traffic circulation lane.
  - c. Loading areas for larger vehicles, such as tractor trailers, shall be located a minimum of one-hundred (100) feet from residential districts and lots.
  - d. Loading areas shall be a minimum of fifty (50) feet of a nonresidential lot line.
  - e. Loading areas shall be screened per Section 1604.
3. Loading area size.
  - a. For uses served by larger vehicles, such as school buses and tractor trailers, each loading bay shall be a minimum of twelve (12) feet wide, fifty (50) feet long, not including aisle and maneuvering space, and fourteen (14) feet vertical clearance.
  - b. For uses, served by smaller vehicles such as small trucks and vans, each loading bay shall be a minimum of ten (10) feet wide, thirty (30) feet long, not including aisle and maneuvering space, and twelve (12) feet vertical clearance.
  - c. For uses served by passenger vehicles, each loading space shall be a minimum of nine and one-half (9.5) feet wide by eighteen (18) feet long.
4. Loading bays.

- a. Where there is a mixed use or more than one (1) use or building on a lot, minimum bays required shall be that of the use requiring the greatest number of bays.
  - b. Personal, financial, or professional service, small scale individual retail, office, and office/industrial park uses shall provide a minimum of one (1) loading bay. One (1) additional loading bay shall be provided for each twenty-thousand (20,000) square feet of floor area or part thereof.
  - c. Health care, big box retail, commercial centers, business service, warehouse, wholesale, hotel/motel, manufacturing, funeral home, congregate care, restaurant, and institutional uses (not including loading areas for ambulances and emergency rooms for health care and congregate care uses) shall provide a minimum of one (1) loading bay. One (1) additional bay shall be provided for each ten-thousand (10,000) sq. ft. of floor area of part thereof.
5. Required parking space shall not be used for loading and unloading purposes except during hours when business operations are suspended.
  6. Loading areas shall meet applicable requirements in Subsection A.

## **SECTION 1609. OFF-STREET PARKING**

### **A. General Standards.**

1. Applicability. A change in parking based on a change of use, extension or expansion of use, redevelopment, or land development shall meet this Ordinance.
2. Parking, with proper and safe access from a street per Section 1608, shall be provided within a structure, covered, or in the open for each use.
3. Parking shall be on the same lot as the principal use, unless provided per Subsection C.
4. No parking area shall be used for any purpose that detracts from or interferes with its availability for the parking need it is meant to serve.
5. Parking areas for residential use may occupy no more than twenty-five (25%) percent of any front yard.
6. Parking spaces needed on-site for nonresidential use vehicles shall be in addition to that required in Subsection B.
7. Parking area access shall meet Section 1607, interior circulation shall meet Section 1608.A, and vehicular loading shall meet Section 1608.B.
8. All standards, regulations and criteria shall apply to all uses, including those provided by a temporary and/or non-structural facility, tent, and/or a combination of either facilities regardless if used on a temporary or permanent basis. The type of use, rather than the facility or duration of the use, in which it is offered determines the level of compliance for these standards.

### **B. Minimum required parking spaces for uses.**

1. Parking spaces shall be calculated using the appropriate formula for a use as stipulated in the tables below for uses. For all uses with employees, parking requirements shall be based on the largest shift.
2. Where there is a mixed use, more than one (1) use or building on a lot, and/or an accessory use with required parking, the number of parking spaces required shall be the sum of the parking requirements for each separate use, except as provided in Subsection C. The total number of required spaces at any time shall not exceed that number of approved spaces for

the facility, location and/or land by prior plan or permit. Each primary and accessory use shall be considered in the determination of the required spaces.

3. Where an accessory use (e.g. a bed-and-breakfast) is in connection with a principal use (e.g. a single-family dwelling), parking shall be the total of both uses.
4. Any use not specified herein shall comply with the parking standards for the most similar use, as determined by the Township.

Residential Uses	Minimum Parking Requirement
Single-family detached	2 spaces per dwelling unit, excluding garages
Two-family	2 spaces per dwelling unit, excluding garages
Multi-family and Mobile home park (unless otherwise permitted in the SLDO)	2 spaces per dwelling unit, plus 1 space per every 5 dwelling units for visitor parking. Spaces shall be within 100 ft. of the dwelling unit served
Accessory dwelling	1 space per accessory dwelling unit
Accessory home occupation: - Major, other than day care home and bed-and-breakfast home/guest house. - Minor	Number of required spaces for the primary residential use, plus 1 space for the non-resident employee and 1 space for clients  No additional parking spaces beyond that required for the primary residential use
Nursing and convalescent care	1 space per every 5 patient beds, plus 1 space per employee.
Assisted living	1 space per dwelling unit, plus 1 space per every 10 dwelling units for visitor parking.
Retirement community	1.5 spaces per dwelling unit, plus 1 space per every 5 dwelling units for visitor parking.

Institutional Uses	Minimum Parking Requirement
Educational use - High school - Elementary and middle school - Trade, professional, or other school	1 space per employee, plus 1 space per 10 classroom seats and 1 space for every 20 seats for all simultaneous events.  1 space per employee, plus 1 space per 20 classroom seats.  1 space per student, plus 1 space per employee.
Recreational use - Indoor recreation/physical fitness club - Outdoor recreation or park - Bowling alley - Golf course - Club or Lodge - Riding stable	1 space per 100 sq. ft., plus 1 space per employee. 1 space per 1,000 sq. ft., plus 1 space per employee. 1 space per employee, plus 5 spaces per lane. 1 space per employee, plus 4 spaces per hole. 1 space per employee, plus 1 space per 3 members at capacity. 1 space per employee, plus 1 space per stall.
Library	1 space per 250 sq. ft., plus 1 space per employee
Religious use, Theater, Community center, Municipal uses or Government office	1 space per employee, plus 1 space per 2 seats; an additional 15 percent of the total required spaces shall be in reserve for ancillary uses.
Health care facility including a hospital	1 space per employee, plus 4 spaces per for each five-hundred and fifty (550) sq. ft. of patient and treatment areas (not including spaces for emergency vehicles).
Post office	2 spaces per 200 sq. ft., plus 1 space per employee

Fire station	1 space per employee or volunteer, an additional 15 percent of the total required spaces shall be in reserve for ancillary uses.
Public service or utility facility	2 spaces per facility, plus 1 space per assigned employee or a minimum of 6, whichever is greater.

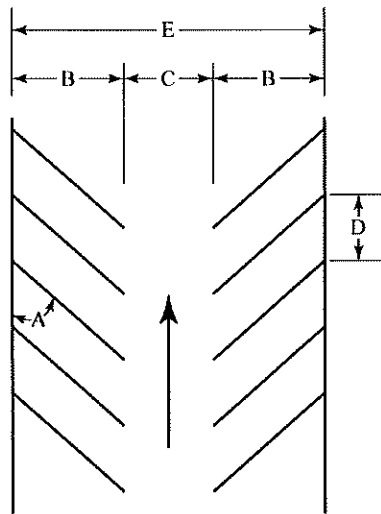
Commercial Uses	Minimum Parking Requirement
Automobile sales  with Repair	1 space per 400 sq. ft., plus 1 space per employee (display area for automobile sales shall not be included in the required parking spaces calculation).  plus 2 spaces per service bay.
Bank or financial institution	1 space per 400 sq. ft., plus 1 space per employee, and one space per office and/or working cubicle.
Bed and breakfast	1 space per guest room, plus 1 space per employee, plus required spaces for the resident property owners
Day care center  Day care home	1 space per employee, plus 3 visitor spaces, plus 4 passenger loading space per 10 clients  1 space per employee, plus 1 visitor space, plus 4 on- or off-street passenger loading space within 100 ft of the use
Automotive fuel station  Car wash  Convenience store	2 space per fuel pump, and 1 space per employee. Land adjoining any pump may not constitute a parking space.  3 stacking spaces per bay, plus 4 drying spaces per bay  4 spaces per 100 sq. ft. , plus 1 space per employee,
Grocery store or pharmacy	1 space per 100 sq. ft., plus 1 space per employee
Hotel or motel  with conference facility	4 spaces per guest room, plus 1 space per employee  plus 1 space per 2 seats at capacity for meeting facilities; an additional 15 percent of the total spaces required shall be reserved for ancillary uses
Kennel or animal shelter	1 space per employee, plus 2 spaces per 10 animals at holding capacity
Laundromat	1 space per 100 sq. ft., plus 1 space per employee
Funeral home	1 space for every 2 seats at capacity, plus 1 space per employee
Office – business or professional	1 space per employee, plus 2 space per 200 sq. ft.
Office - medical	1 space per employee, plus 4 space per treatment room
Personal service	1 space per 200 sq. ft., plus 1 space per employee
Office or Industrial Park	1 space per 200 sq. ft., plus 1 space per employee
Eating and Drinking establishment, and Outdoor café (including brewpubs, breweries, distilleries, wineries) - Table service, no drive-through - No table service, no drive-through	1 space per 2 customers seats , plus 1 space per employee  1 space per 100 sq. ft., plus 1 space per employee. Minimum for any eating or drinking establishment is 1 space per 100 sq. ft. of building footprint floorspace.
Drive-through service	spaces required for the use, plus vehicle stacking per Article XV
Individual Commercial Service, Retail, Hardware, or Personal Service(Structural, nonstructural, tent, temporary)	1 space per 200 sq. ft., plus 1 space per employee

Planned Commercial service center (e.g. medial arts building) or Planned Retail center (e.g. shopping center)	total of required parking for each individual use in the center, but not less than 1 space per 250 sq. ft. plus 1 space per employee
Veterinary clinic/office	4 spaces per treatment room, plus 1 space per employee

Industrial/Manufacturing Uses	Minimum Parking Requirement
Industrial establishment, wholesale, distribution, trucking, fabrication	1 space per employee, plus 2 spaces per 1,000 sq. ft. up to 100,000 sq. ft. above which 1 space per 5,000 sq. ft. and 1 for each loading/staging area
Repair, cleaning, processing facility laundry/dry cleaning facility (not including laundry pick up)	1 space per employee, plus 2 spaces for visitors
Self-storage /mini-warehouse	1 space per employee, plus 1 space per 6 storage units, or 1 space per 10 storage units where there is sufficient room for loading/unloading immediately adjacent to the front of drive-up storage units
Catering establishment	1 space per employee, plus 4 spaces per 1,000 sq. ft.
Recycling center, Trash, transfer station, Junkyard, Salvage operation	1 space per 5,000 sq. ft., plus 1 space per employee
All Other Uses with a lot coverage of more than 10% . In the event any use is not identified, and described in preceding provisions, these provisions shall apply.	1 space per employee, plus 1 space per 300 sq. ft.

**D. Design and Maintenance.** The following standards apply for parking areas having five (5) or more parking spaces.

1. Parking shall be designed with attention to orderly arrangement, topography, landscaping, ease of access, safe and accessible pedestrian movement, and developed as an integral part of overall site design.
2. All parking spaces shall be marked by durable painted lines at least four (4) inches wide extending the length of the space, which shall be measured from the inside of the painted line, or by curbs and/or other means to indicate individual spaces. Signs or markers located on the surface within a parking lot shall be used as necessary to ensure efficient and safe traffic operation. Width of parking spaces, as well as loading spaces in Section 1608, shall be measured from the centerline of said painted lines.
3. Parking spaces shall have a Township approved all-weather surface, a safe and convenient access in all seasons, and shall be graded and properly drained per Township stormwater management requirements. Parking may be paved with a Township approved porous pavement or other pervious material in order to reduce problems associated with water run-off.
4. Parking areas shall be maintained in good condition. Owners, operators, or developers of a lot or use with parking shall be responsible for maintenance, including clearing debris, impediments, snow and ice; upkeep of landscaping and lighting; and sealing, paving, and repainting lines/markings. Any pedestrian areas shall be maintained in the same manner.
5. Parking spaces shall not be occupied by, nor intruded upon by lighting or its foundations, landscape elements, pedestrian walkways, drives, aisles, accessways, or any other feature that results in a reduced area available for occupation by a vehicle. Parking spaces shall meet the following:



A. Angle	B. Space Length	C. Aisle	D. Space Width	E. Total Width
90°	20 ft.	24 ft.	9	64 ft.
60°	21 ft.	18 ft.	9 ft.	60 ft.
45°	20 ft.	15 ft.	9 ft.	55 ft.
30°	20ft.	12 ft.	9 ft.	46 ft.
0°	24 ft.	24 ft.	8 ft.	54 ft.

6. Parking areas for over than twenty (20) vehicles shall be designed so that accessways, drives, aisles, parking spaces, and pedestrian areas are clearly defined and that moving traffic will be confined to designated access lanes per this Section and Section 1608. Such parking areas shall have a landscaped island per every twenty (20) spaces.
7. Handicapped parking shall be identified with a clearly visible marking displaying the international symbol of access and shall meet the Americans with Disabilities Act (ADA) and applicable State requirements.
8. Parking areas shall be landscaped, buffered, and screened to meet Section 1604.
9. Parking areas shall have lighting to meet Section 1606.

## SECTION 1610. RENEWABLE ENERGY

- A. Purpose. It is the purpose of these regulations to promote the safe, effective and efficient use of renewable energy systems to reduce the consumption of utility-supplied energy, heat, hot water, or any combination of the above, while protecting the health, safety and welfare of the residents of the Township, and while protecting adjacent land uses through appropriate zoning and land-use controls. Renewable energy systems include, but are not limited to geothermal, solar, and wind energy systems; as well as manure digesters and outdoor wood-fired boilers (OWBs). Other non-utility-supplied energy systems not specified herein may be permitted by conditional use approval. Where, in the course of reviewing a permit application for any renewable energy system, it is deemed advisable for the Township to retain the services of the Township Engineer or any other consultant, all reasonable costs therefor shall be borne by the applicant.
- B. Geothermal energy systems.
  1. General.
    - a. Permitted types. The only types of systems that shall be permitted are:

- 1) Closed horizontal loop systems,
  - 2) Closed vertical loop systems, and
  - 3) Open horizontal loop systems relying on injection wells.
- b. Accessory use.
- 1) A closed-loop system shall be permitted in all districts as an accessory use where the energy supplied is solely for the use of principal and accessory uses permitted on the subject property. If the energy supplied is for other use, then such system shall be permitted by conditional use.
  - 2) An open-loop system shall be permitted as an accessory use by conditional use in all districts.
  - 3) Such system shall be considered accessory only if it supplies electrical or thermal power primarily for on-site use, with a system design capacity no greater than one-hundred twenty-five (125%) percent of normal peak on-site energy demand.
- c. Design and permitting. The design and installation of geothermal systems and related boreholes for geothermal heat pump systems shall conform to applicable industry standards, including those of the American National Standards Institute (ANSI), the International Ground Source Heat Pump Association (IGSHPA), the American Society for Testing and Materials (ASTM), the Air Conditioning and Refrigeration Institute (ARI), or other similar certifying organizations, and shall comply with the Township Building Code and with all other applicable Township requirements. A zoning permit and building permit, consistent with the PA Uniform Construction Code, shall be required. Applicable manufacturer specifications shall be submitted as part of the application for any permit.
- d. Geology. Where boreholes or trenches are or have been excavated, or natural conditions have otherwise been disturbed, such as through the withdrawal of groundwater in an open-loop system, the likelihood of possible sinkhole formation increases. Applicants or subsequent owners shall accept all responsibility and liability for any sinkholes that do form in association with the applicant's geothermal energy system, and the applicant or subsequent owners shall agree to repair any and all sinkholes that form in association with the geothermal energy system.
- e. Setback requirements.
- 1) Unless otherwise specified, geothermal energy systems shall be set back a minimum distance of twenty (25) feet from any lot line. However, associated mechanical equipment and appurtenances necessary for the system operation shall meet accessory use setbacks for the underlying.
  - 2) Geothermal boreholes, or trenches in the case of horizontal-loop systems, shall be set back a minimum of one-hundred (100) feet from any on-lot sewage disposal systems.
2. Closed-loop geothermal systems. Closed-loop systems shall utilize fluids conforming to all standards set by PA Department of Environmental Protection. A permanent sign must be attached to the heat pump specifying that only approved heat-transfer fluids must be used.
3. Open-loop geothermal energy systems. The following regulations shall apply to all open-loop geothermal energy systems:
- a. Water extraction.

- 1) Watercourses. Extraction of water from surface waters shall be prohibited.
  - 2) Groundwater. All open-loop systems which extract water from groundwater sources shall comply with extraction limitations set for potable water wells under Federal, State, County and Township laws and regulations.
  - 3) Installation requirements for extraction wells shall be the same as those for potable water wells, with respect to those regulations designed to prevent aquifer contamination (grouting, etc.), or in conformance with IGSHA standards, as determined by the Township Engineer.
  - 4) Prior to the issuance of any permit for the installation of an open-loop system, the Township shall receive a report of the yield of the supply and recharge of the groundwater system which is an integral part of such installation. It shall be satisfactorily demonstrated that the groundwater yield will be adequate to meet the demands of the manufacturer's specifications for the equipment and shall not negatively impact the domestic water supply.
- b. Above ground discharge of water. Discharge of water from open-loop systems into sewer disposal systems, storm management systems, watercourses, and onto streets shall be prohibited.
- c. Underground injection of water. Underground injection of water from an open-loop system shall be subject to the following conditions:
- 1) Returned water shall contain no treatment additives or other introduced chemicals.
  - 2) The return well shall be located a minimum distance of two-hundred (200) feet from any wells on adjacent properties.
  - 3) The return well shall be located a minimum distance of one-hundred (100) feet from any on-site well.
  - 4) The return well shall recharge the groundwater from where supply water is extracted.
  - 5) Because such return wells are included as Class V underground injection wells, the applicant shall submit an inventory of injection wells form, available from the U.S. Environmental Protection Agency, and shall comply with all Federal, State, County and Township laws and regulations.
4. Abandonment or disrepair. If the geothermal energy system is ever abandoned or enters into a state of disrepair, it shall be the responsibility of the property owner to remove, permanently seal, or properly maintain the system within six (6) months from the date the system enters such a state.
5. Decommissioning. Any earth disturbance as a result of the removal or permanent sealing of the geothermal energy system shall be graded and reseeded.

C. Outdoor wood-fired boilers or outdoor hydronic heaters (OWBs).

1. Accessory use. An OWB shall be permitted as an accessory use by conditional use in all districts on properties of ten (10) acres or greater, where the energy supplied is solely for the use of principal and accessory uses permitted on the subject property. Such system shall be considered accessory only if it supplies electrical or thermal power primarily for on-site use, with a system design capacity no greater than one-hundred twenty-five (125%) percent of normal peak on-site energy demand.



2. Design and permitting. The design and installation of OWBs shall conform to applicable industry standards, including those of the U.S. Environmental Protection Agency, American National Standards Institute (ANSI), Underwriters Laboratories (UL), the American Society for Testing and Materials (ASTM), or other similar certifying organizations, and shall comply with the Township Building Code and with all other applicable fire and life safety requirements. A zoning permit and building permit, consistent with the PA Uniform Construction Code, shall be required. Applicable manufacturer specifications shall be submitted as part of the application for any permit.
  3. Compliance with other regulations. The owner of the OWB shall provide evidence indicating that the maintenance and operation of the OWB will be in compliance with applicable operations and performance standards by DEP as well as in compliance with all air emissions quality standards promulgated by the U.S. Environmental Protection Agency, PA Department of Environmental Protection, or other relevant State or Federal agency, including emissions of dust and particulates.
  4. Setback requirements. All OWBs shall be located a minimum distance of one-hundred fifty (150) feet from any property line, street right-of-way, or any inhabited dwelling not located on the lot on which the OWB is proposed.
  5. Historic resources. If an OWB is proposed to be mounted on or located within one-hundred (100) feet of any historic resource, such OWB shall be by conditional use approval at the discretion of the Township following review and recommendation by the Township Historical Commission and upon a finding that the proposed system will not adversely impact the significance or landscape context of the subject historic resource.
  6. Stack. All OWBs shall have a permanent attached stack having a minimum height of twenty (20) feet above grade and otherwise installed according to the manufacturer's specifications.
  7. Abandonment or disrepair. If the OWB is ever abandoned or enters into a state of disrepair, it shall be the responsibility of the property owner to remove or properly maintain the OWB within six months from the date the system enters such a state.
- D. Solar energy systems. Solar energy systems shall be permitted, subject to the following and with the understanding that when a provision herein does not specifically refer to either accessory or principal uses, it shall apply to both.
1. General.
    - a. Permitted types. The only types of systems that shall be permitted are:
      - 1) Roof-mounted, or
      - 2) Ground-mounted (freestanding).
    - b. Principal uses. A solar energy system shall be permitted as a principal use by conditional use approval in the LI District only.
    - c. Accessory uses.
      - 1) A roof-mounted solar energy system shall be permitted as an accessory use in all districts, where the energy supplied is solely for the use of principal and accessory uses permitted on the subject property. If the energy supplied is for other use, then such system shall be permitted by conditional use approval.
      - 2) A ground-mounted (freestanding) solar energy system shall be permitted as an accessory use in all districts, where the energy supplied is solely for the use of principal and accessory uses permitted on the subject property. If the energy

supplied is for other use or if the system meets Subsection 3.b, then such system shall be permitted by conditional use approval.

- 3) Such system shall be considered accessory only if it supplies electrical or thermal power primarily for on-site use, with a system design capacity no greater than one-hundred twenty-five (125%) percent of normal peak on-site energy demand. Such accessory systems shall be as follows:
  - a) Individual net metering. When a property where the system is installed also receives electrical power supplied by a utility company, any excess electrical power generated on-site use may be used by the utility company, as long as the electrical power generated is used primarily for on-site use.
  - b) Community net metering. Community net metering permits net metering credits from a solar energy system to be distributed among two (2) or more electric meters, for example where several homeowners cooperatively install a solar energy system. Such systems shall be permitted where all standards herein are met and, in such cases, the one-hundred-twenty-five (125%) percent design capacity limitation shall apply to the collective energy demand of the participating parties.
  - c) Virtual net metering. Virtual net metering may be permitted where a solar energy system is installed in a different location than the meter(s) being credited with the solar energy that is produced. Instead of a direct connection to the solar energy system, the consumer of electricity is credited with the amount of electricity that the system offsets through connection into the grid at its location. Virtual net metering may apply to individual or community solar energy system(s). The one-hundred twenty-five (125%) percent design capacity limitation shall apply to the collective energy demand of the participating parties.
  - d) Roof mounting. Wherever practical, accessory solar energy systems shall be attached to a building, or located on an existing structure or impervious surface. If not designed to be attached to a building, the applicant shall demonstrate to the Zoning Officer, by credible evidence, that the system cannot feasibly be attached to a building due to structural or other limitations of the building, orientation of toward the sun, or adjacent topography or vegetation impeding solar access.
- d. Design and permitting. The design and installation of the solar energy system shall conform to applicable industry standards, such as those of the American National Standards Institute (ANSI), Underwriters Laboratories, the American Society for Testing and Materials (ASTM), or other similar certifying organizations, and shall comply with the Township Building Code and with all other applicable fire and life safety requirements. A zoning permit and building permit, consistent with the PA Uniform Construction Code, shall be required. Applicable manufacturer specifications shall be submitted as part of the application for any permit.
- e. Public utility grid interconnection. The owner of the solar energy system, where an accessory or principal use, shall provide written confirmation from the local utility company acknowledging and approving such connection. Systems not connected to the public utility grid shall be exempt from this requirement.
- f. Transmission lines. All power transmission lines from the solar energy system to any building or other structure shall be located underground, unless it can be demonstrated,

to the satisfaction of the Zoning Officer, in consultation with the Township Engineer, that this is infeasible.

- g. Glare. Solar collectors shall be placed such that concentrated solar radiation or glare shall not be directed onto nearby properties or roadways. Any glare produced visible beyond the property lines of the property upon which the solar energy system is located may be subject to the nuisance provisions of the Township Code.
- h. Historic resources. If a solar energy system is proposed to be mounted on or located within one-hundred (100) feet of any historic resource, such system shall be by conditional use approval at the discretion of the Township following review and recommendation by the Historical Commission and upon a finding that the proposed system will not adversely impact the significance or landscape context of the subject historic resource.
- i. Solar access easements. A solar energy system shall be located to ensure solar access without reliance on adjacent properties. Where necessary to ensure that solar access to a solar energy system shall not be obstructed over time by permissible uses or activities on any adjacent property, such as by planting or growth of vegetation or new construction, it shall be the responsibility of the owner of the solar energy system to obtain appropriate solar access easement(s) from neighboring property owner(s) and to notify the Township upon the recording of any such easement(s). All solar access easements shall be recorded with the Chester County Recorder of Deeds.
- j. Setback requirements.
  - 1) Accessory solar energy systems. No part of any accessory solar energy system shall be located within any required front yard setback, along any street frontage, or within any required setback or easement of any property, except as provided for under Subsection 3.
  - 2) Principal solar energy systems. Principal solar energy systems shall meet the setback requirements of the underlying zoning district in which they are located.
  - 3) Associated mechanical equipment and appurtenances necessary for the system operation shall meet accessory use setbacks for the underlying.

2. Roof-mounted systems.

- a. Solar energy systems shall not extend beyond the edge of the roof.
- b. A roof-mounted solar energy system may exceed by no more than four (4) feet the applicable building height requirements.

3. Ground-mounted (freestanding) systems.

- a. Setback requirements. Accessory ground-mounted solar energy systems must meet setback requirements for an accessory structure for the district where it is installed, shall not be installed within the required front yard setback, and shall not be located along any street frontage, such as in a side yard abutting a street.
- b. Exceptions requiring conditional use approval. Accessory ground-mounted solar energy systems shall be permitted by conditional use approval, only under the following situations:
  - 1) Where located in the area between the front yard setback and the principal structure on the lot;
  - 2) Where larger than five-hundred (500) square feet in surface area;

- 3) Where greater than fifteen (15) feet in height.
  - c. Conditional use qualifying conditions. Ground-mounted solar energy systems by conditional use approval shall be set back a minimum of one-hundred (100) feet from lot lines and street rights-of-way unless the Board of Supervisors determines the existing topography and/or landscaping provide an adequate barrier from the roadway. Where such system is located less than one-hundred (150) feet from a lot line and/or street right-of-way, a landscaped buffer shall be provided along such per Section 1604, unless the Board of Supervisors determines the existing topography and/or landscaping provide an adequate buffer.
  - d. Height limitation. No ground-mounted solar energy system shall exceed fifteen (15) feet in height except where approved by conditional use approval.
  - e. Impervious coverage. For the purposes of this Section, all at-grade or above-grade features and facilities relating to ground-mounted solar energy systems and appurtenances shall be considered impervious surface and subject to impervious coverage requirements of the underlying district, unless the applicant can demonstrate to the Township Engineer, by credible evidence, that stormwater will infiltrate into the ground beneath the solar system at a rate equal to that of the infiltration prior to placement of the system.
  - f. Lot coverage. The footprint of a ground-mounted solar energy system shall be calculated as part of the overall lot coverage, regardless of whether it is determined to be impervious.
4. Safety and security of principal solar energy systems.
  - a. Safety warnings. A clearly visible warning sign concerning voltage shall be placed at the base of all pad-mounted transformers and substations or fences, pursuant to applicable State and Federal safety warning standards.
  - b. Security. All access doors to electrical equipment for principal solar energy systems shall be locked or fenced, as appropriate, to prevent entry by unauthorized personnel.
5. Abandonment or disrepair. If the solar energy system is ever abandoned or enters into a state of disrepair, it shall be the responsibility of the property owner to remove or properly maintain the solar energy system within six (6) months from the date the system enters into such a state.
6. Decommissioning. If a ground-mounted solar energy system is ever removed, any earth disturbance as a result of the removal of the ground-mounted solar energy system shall be graded and reseeded to the satisfaction of the Township.

D. Wind energy systems.

1. Accessory uses. Wind energy systems shall be permitted as an accessory use by conditional use in all districts. Such system shall be considered accessory only if it supplies electrical or thermal power primarily for on-site use, with a system design capacity no greater than one-hundred twenty-five (125%) percent of normal peak on-site energy demand.
2. Individual net metering. When a property where the system is installed also receives electrical power supplied by a utility company, any excess electrical power generated on-site use may be used by the utility company, as long as the electrical power generated is used primarily for on-site use.

3. Public utility grid interconnection. The owner of the system shall provide written confirmation from the local utility company acknowledging and approving such connection. Systems not connected to the public utility grid shall be exempt from this requirement.
4. Historic resources. If a system is proposed to be mounted on or located within one-hundred (100) feet of any historic resource, such system shall be by conditional use approval at the discretion of the Township following review and recommendation by the Historical Commission and upon a finding that the proposed system will not adversely impact the significance or landscape context of the subject historic resource.
5. Design and permitting. The design and installation of the wind energy system shall conform to applicable industry standards, such as those of the American National Standards Institute (ANSI), Underwriters Laboratories, Det Norske Veritas, Germanischer Lloyd Wind Energies, the American Society for Testing and Materials (ASTM), or other similar certifying organizations, and shall comply with the Township Building Code and with all other applicable fire and life safety requirements. A zoning permit and building permit, consistent with the PA Uniform Construction Code, shall be required. Applicable manufacturer specifications shall be submitted as part of the application for any permit.
6. All power transmission lines from the system to any building or other structure shall be located underground, unless it can be demonstrated, to the satisfaction of the Zoning Officer, in consultation with the Township Engineer, that this is infeasible.
7. Height limitations.
  - a. Maximum height shall be thirty-five (35) feet.
  - b. Minimum height of the lowest position of the wind turbine blade shall be fifteen (15) feet above grade. If the wind turbine proposed is a vertical axis wind turbine (also known as "helix-type turbine" or "VAT"), the height between the lowest point of the turbine and grade may be reduced to ten (10) feet.
8. Setback requirements.
  - a. Wind energy systems shall be set back a horizontal distance equal to their height from any lot line or residential dwelling, excluding any dwelling on the lot on which the wind energy system is located, however in no case shall be located closer to the lot line than the minimum setback required for accessory uses in the underlying district.
  - b. No wind energy systems shall be installed within the required front yard setback nor located along any street frontage, such as in a side yard abutting a street.
  - c. Additionally, all wind energy systems must be set back sufficiently from any aboveground utility lines, radio, television, or telecommunications towers so as to present no danger to those lines or structures, as certified by the applicant's engineer. No portion of any accessory wind energy system shall extend over parking areas, access drives, driveways, or sidewalks.
  - d. Associated mechanical equipment and appurtenances necessary for the system operation shall meet accessory use setbacks for the underlying.
9. Noise limitations. Wind energy systems shall not generate noise exceeding fifty-five (55) decibels, or ten (10) decibels above ambient noise, in any hour, whichever is higher. Noise is measured from the lot line of the closest neighboring inhabited structure or nearest habitable structure setback line on any abutting property. The ambient sound measurement, known as "A weighted sound level," is taken where the noise from the wind turbine cannot be heard, or with the wind turbine shut down. The ambient sound level shall be considered the level that is exceeded ninety (90%) percent of the time when the noise measurements are taken.

Any noise exceeding this level may be subject to the nuisance provisions of the Township Code. Notwithstanding the above, the fifty-five (55) decibels or ten (10) decibels over ambient level may be exceeded during short-term events such as utility outages and/or severe wind storms.

10. Lot coverage. The footprint of a wind energy system shall be calculated as part of the overall lot coverage.
11. Structural integrity. For any roof-mounted wind energy systems, such as microturbine systems or horizontal- or vertical-axis turbines, the applicant must demonstrate to the Zoning Officer, by credible evidence, that the structural integrity of the structure is such that it can adequately support the system being considered.
12. Storage structures. When an accessory building is necessary for storage cells or related mechanical equipment, the accessory building shall not have a floor area exceeding two-hundred (200) square feet and shall comply with the accessory structure requirements specified within the underlying district.
13. Number of turbines per lot. No more than one (1) wind energy system (wind turbine) shall be permitted per lot, except on lots of ten (10) acres or more, in which case one (1) additional turbine shall be permitted per one (1) additional acre of lot size. A wind energy system made up of a number of adjacent microturbine panels is considered one system for the purposes of this Subsection 13.
14. Braking. All wind energy systems shall be equipped with an adequate braking system to prevent excessive speed. Such system may include aerodynamic overspeed controls (including variable pitch, tip, and other similar systems) and/or mechanical brakes. Mechanical brakes shall be operated in a fail-safe mode.
15. Lighting. Wind energy systems shall not be artificially lighted, except to the extent required by the Federal Aviation Administration.
16. Colors. Wind energy systems shall be designed to blend with the surrounding environment and shall be a non-obtrusive color, such as white, off-white, or gray.
17. Shadow flicker. All wind energy systems shall, to the extent feasible, be sited to prevent shadow flicker on any occupied building on adjacent properties.
18. Climbing. Wind energy systems shall be equipped with an appropriate anti-climbing device, or otherwise made unclimbable, to prevent unauthorized access to the system.
19. Advertising and signage. Wind energy systems shall not be used to display advertising, signage, banners or similar materials, with the exception of any manufacturer's labels or warning placards, which shall meet Article XVII.
20. Safety and security for principal wind energy systems.
  - a. Safety warnings. A clearly visible warning sign concerning voltage shall be placed at the base of all pad-mounted transformers and substations or fences.
  - b. Security. All access doors to wind turbines and electrical equipment for principal wind energy systems shall be locked or fenced, as appropriate, to prevent entry by unauthorized personnel.
21. Abandonment or disrepair. If the system is ever abandoned or enters into a state of disrepair, it shall be the responsibility of the property owner to remove or properly maintain the wind energy system within six (6) months from the date the system enters such a state.
22. Decommissioning. If the system is ever removed, any earth disturbance as a result of the removal of the system shall be graded and reseeded to the satisfaction of the Township.

E. Manure digesters (also known as anaerobic digesters).

1. Accessory use. A manure digester shall be permitted as an accessory use by conditional use in all districts on properties of ten (10) acres or greater, where the energy supplied is solely for the use of principal and accessory uses permitted on the subject property. Such system shall be considered accessory only if it supplies electrical or thermal power primarily for on-site use, with a system design capacity no greater than one-hundred twenty-five (125%) percent of normal peak on-site energy demand.
2. Individual net metering. When a property where the digester is installed also receives electrical power supplied by a utility company, any excess electrical power generated on-site use may be used by the utility company, as long as the electrical power generated is used primarily for on-site use.
3. Public utility grid interconnection. The owner of the digester shall provide written confirmation from the local utility company acknowledging and approving such connection. Digesters not connected to the public utility grid shall be exempt from this requirement.
4. Design and installation.
  - a. The design and installation of any manure digester shall conform to applicable industry standards and shall comply with the Township Building Code and with all other applicable fire and life safety requirements. A zoning permit and building permit, consistent with the PA Uniform Construction Code, shall be required. Applicable manufacturer specifications shall be submitted as part of the application for any permit. The applicant shall further address and document performance standards for siting to minimize impacts on neighboring properties which shall include considerations of odor, prevailing wind patterns, proximity to nonagricultural properties, operational noise, and specific hours of operation.
  - b. Manure digesters shall be designed and constructed in compliance with the applicable guidelines outlined in PA Department of Environmental Protection's Bureau of Water Quality Management publication(s), and any revisions, supplements and replacements thereto by PA Department of Environmental Protection.
  - c. Manure digesters shall also be designed and constructed in compliance with applicable Federal, State, County and Township laws and regulations. Evidence of all Federal and State regulatory agencies' approvals shall be included with the application.
  - d. A certified professional, qualified to do such, shall furnish and demonstrate compliance with all details of construction, operation, maintenance and necessary controls related to the manure digester.
  - e. Chester County Conservation District (CCCD). The applicant shall:
    - 1) Provide a letter from the CCCD stating that the applicant's manure digester design has been reviewed and approved by the CCCD and that all regulations and requirements of the State Manure Management Program have been satisfied; or
    - 2) Submit a letter from the CCCD stating that it will not review the plan or that no review is required under applicable laws and regulations; or
    - 3) Submit evidence that such a CCCD review letter has been requested and that the CCCD has failed to respond within sixty (60) days.
5. Operation and performance standards. The proposed use shall be subject to any applicable operation and performance standards by PA Department of Environmental Protection.
6. Setback requirements. Manure digesters shall be set back as follows.
  - a. Minimum side yard - Fifty (50) feet
  - b. Minimum rear yard - Seventy-five (75) feet

- c. Minimum distance from any residential structure other than that of the subject property owner - One-hundred fifty (150) feet
  - d. Minimum setback from any public street right-of-way – One-hundred (100) feet
- 7. Lot coverage. The footprint of a digester shall be calculated as part of overall lot coverage.
  - 8. Abandonment or disrepair. If the manure digester is ever abandoned or enters into a state of disrepair, it shall be the responsibility of the property owner to remove or properly maintain the manure digester within six months from the date the system enters such a state.
  - 9. Decommissioning. If a digester is ever removed, any earth disturbance as a result of the removal of the digester shall be graded and reseeded to the satisfaction of the Township.

## **SECTION 1611. WATER, SEWER, AND UTILITIES**

A. Water Supply. There shall be a PW - Public Water Overlay District as follows, the boundaries of which shall be as indicated on the Public Water Overlay District Map adopted as an addendum to the Zoning Map. Permitted central water use shall be as follows:

- 1. In providing for approval of public water supply service, the Township shall assume no obligation to provide or facilitate the provision of such service.
- 2. Public water use in the overlay district. Any use located in the CW Overlay District may be permitted to make use of such water supply, upon obtaining a water supply permit from the Township on an application form furnished by the Township and with the applicable fee per the Township fee schedule.
- 3. Central water use outside the PW Overlay District.
  - a. Any individual principal use existing at the adoption of this Section may be permitted to make use of public water supply outside of the overlay district. However, no other use outside the overlay district shall be permitted to make use of such water supply except where approved by conditional use.
  - b. In the event of an emergency need for use of public water supply, use of such service may be made on a temporary basis until the emergency is over or conditional use approval is obtained, which occur first.
  - c. When permitted, any use of public water supply shall be subject to the obtaining of water supply permit from the Township on an application form furnished by the Township and with the applicable fee per the Township fee schedule. As well, the following shall be provided:
    - 1) A copy of a letter of commitment to provide such water from the agency providing such service.
    - 2) Sufficient information to demonstrate availability of adequate financial resources to complete installation of proposed water facilities.
    - 3) Copy of any easement(s) across the lands of any other parties that may be needed to undertake extension of water supply lines or any facilities necessary thereto. Prior to issuance of a water supply permit, the Township shall receive evidence indicating that any such easement(s) have been recorded with Chester County Recorder of Deeds.
    - 4) The Township may require such supplemental information as it deems necessary. Any recommendations included in such information, and approved by the Township, shall be incorporated into the permit approval specifications.



**B. Water Supply Impact Study**

1. A Water Supply Impact Study shall be prepared and submitted by a qualified professional, who shall be an independent State licensed professional geologist or engineer. Prior to commencement of said study, the Township shall approve such qualified professional. The study shall evaluate the effect of the proposed use of water resources on existing surface and subsurface waters within one (1) radial mile of the subject site's property corners.
2. Where determined necessary by the Township, any data suggesting that the proposed use will neither diminish the quantity or quality of water available to surrounding properties nor measurably reduce the flow of surface water in the Township shall be subject to independent review through the preparation of a confirmation report by a third-party qualified professional. The Township and applicant shall agree to selection of this qualified professional, and the cost of the confirmation report shall be divided equally between the Township and applicant.
3. The proposed use of water resources shall not be permitted if an interpretation of the data presented in the study or in confirmation report reasonably predicts that the proposed use will unacceptably diminish the quantity or quality of water available to surrounding properties, or will measurably reduce the flow of surface waters in the Township.

**C. Sewage Disposal.** Sewage disposal facilities shall meet Township Act 537 Plan and Subdivision and Land Development Ordinance, and any applicable State and County requirements.**D. Utilities.**

1. Electric, gas, street and traffic light supply, cable, fiber optic, communication lines, and like utilities associated with new development, redevelopment, or major renovations and reuses and intended primarily for uses and lands in the Township shall be installed underground.
2. Electric, cable, and like switching enclosures, pad mounted and other transformers, service pedestals, and like facilities may be installed aboveground where site or other constraints exist as approved by the Township.
3. All main feeds, regardless of whether above or below ground, will be located within the public right-of-way or a designated easement area.
4. Applicable area and bulk regulations of this Ordinance shall apply to any proposed structure, or extension or expansion of such, unless upon petition of a public utility the PA Public Utility Commission (PUC) determines that a nonconforming siting of said structure is necessary for public health and welfare.

**E. Stormwater Management and Erosion Control.** All uses shall meet Township stormwater management requirements, the Subdivision and Land Development Ordinance, and applicable provisions of this Ordinance, as well as Federal, State, and County requirements, to control stormwater runoff and mitigate sedimentation and erosion issues.**SECTION 1612. GREEN AREAS AND COMMON FACILITIES****A. General Standards.**

1. If any buffer, green, street, or parking area is held in common ownership for a development, the developer or owner must submit to the Township a statement including covenants,

agreements, or other specific documents showing the ownership and method of maintenance, financial responsibility, and utilization of the common areas.

2. The Township shall review such statement and associated documents to determine whether they adequately provide for the creation and maintenance of common areas.
3. The statement and associated documents shall specify that no change to such shall thereafter occur without express review and consent by the Township.

B. Green Areas. These areas are common spaces for the primary purposes of recreation and enjoyment of nature. Where specified as permitted and/or required in districts and uses in this Ordinance, green areas shall be provided as follows:

1. Green areas shall be restricted from further subdivision or development by deed restriction or other agreement in a form acceptable to the Township and duly recorded with the Chester County Recorder of Deeds. Green areas shall be considered a form of common facility in Subsection C.
2. At the Township's discretion, green areas greater than the forty percent (40%) minimum required may be used for other common facilities in Subsection C.; provided the green area still can contain recreational and accessory structures related to its purposes.
3. Green areas shall be located so as to serve the development occupants adequately and conveniently, taking into consideration site characteristics and preserving natural features scenic landscapes, and historic resources.
4. No more than fifty percent (50%) of the minimum required green area shall be comprised of floodplains, wetlands, and prohibitively steep slopes.
5. Green areas shall be connected to the greatest extent that the site permits, and shall be a minimum of fifty (50) feet wide at any point and, except where separated by streets, shall contain a minimum of fifteen-thousand (15,000) sq. ft. of contiguous area.
6. Lots in the development shall be accessible to green areas via directly abutting thereon and/or indirect pedestrian paths thereto.
7. Ownership and maintenance shall be per Subsection C.
8. Private accessory structures and uses, such as those owned by occupants of lots in the development, shall not be located in any green area.
9. Common accessory structures or uses in green areas shall meet requirements for such in the district where they are located.

C. Common Facilities. Such facility's construction, ownership, and maintenance shall be subject to review and approval by the Township. In addition to green areas, common facilities include detention/retention basins and related surface water drainage facilities, water supply, and sewer disposal including treated effluent disposal, septic beds, pump stations, or holding lagoons.

1. Ownership. If not retained by the owner or developer, any of the following methods may be used, either individually or in combination, to preserve, own, and maintain common facilities. Ownership of common facilities may be transferred to another party permitted in this Section, only where there is no change in common facilities and per Subsection A.
  - a. Condominium. Common facilities may be held in common ownership by condominium agreements. Such agreements shall be in conformance with the PA Uniform Condominium Act or applicable Act in effect at the time of construction or transfer. Common facilities shall be held as "common elements" under the Act.
  - b. Fee Simple Dedication. The Township, or other public entity acceptable to the Township, may accept any portion(s) of the common facilities, provided: 1) any

common facilities so dedicated are accessible to Township residents; 2) there is no cost of acquisition (other than any costs incidental to the transfer of ownership, such as title insurance); and 3) a satisfactory maintenance agreement is reached between the owner and the Township.

- c. Dedication of Easements. The Township may accept easements for public use of any portion(s) of the common facilities, the title of which is to remain in ownership by the condominium or homeowners association, provided; 1) any common facilities so dedicated are accessible to Township residents; 2) there is no cost of easement acquisition (other than any costs incidental to the transfer of ownership, such as title insurance); and 3) a satisfactory maintenance agreement is reached between the owner and the Township.
- d. Transfer of Easements to a Private Conservation Organization. With permission of the Township, any owner or developer may transfer easements on common facilities to a private, non-profit organization, among whose purposes is to conserve lands and/or resources, provided that: 1) the organization is acceptable to the Township, and is a bona fide conservation organization with perpetual existence; 2) the conveyance contains appropriate provisions for proper reversion or retransfer in the event that the organization becomes unwilling or unable to continue carrying out the functions; and 3) a maintenance arrangement acceptable to the Township is established between the owner or developer and the grantee.
- e. Homeowners Association (HOA). Common facilities may be held in common ownership by a homeowner's association as follows.
  - 1) The owner or developer proposing to establish a HOA shall provide to the Township a description of the organization, including its by-laws and documents governing adequate ongoing capital reserves, maintenance requirements, and use restrictions for common facilities.
  - 2) The HOA shall be established by the owner or developer subject to review and approval by the Township. The HOA shall be in operation (with financial subsidization by the owner or developer, as necessary) before the sale of any development units or lots.
  - 3) HOA membership shall be mandatory for all lot and dwelling unit owners. The conditions and timing of transferring control of the Association from owner or developer to homeowners shall meet the Uniform Planned Community Act.
  - 4) The HOA shall be responsible for common facility maintenance and insurance. Where applicable, green areas shall be maintained per the approved green area management plan.
  - 5) The HOA shall be responsible for applicable real estate taxes on common facilities, however, the HOA may choose instead to arrange with Chester County Board of Assessment, upon approval by the Board of Supervisors, a method of real estate assessment for common facilities that allocates to each tax parcel in the development a share of the total assessment for common facilities.
  - 6) HOA members shall equitably share the costs of maintaining, insuring, and operating common facilities, and of developing any additional common facilities, per HOA documents.
  - 7) In the event of any proposed transfer of common facilities or their assumption of maintenance by the HOA, notice of such action shall be given by the HOA to all HOA members who shall vote by majority on such action.
  - 8) The HOA shall have or hire adequate staff to administer, maintain, and operate common facilities.

- 9) The HOA may lease back common facilities to the owner or developer, his heirs or assigns, or to another entity qualified to manage such operation and maintenance. Such lease agreement shall provide that: the occupants of the development shall have access to appropriate common facilities; the common facilities to be leased shall be maintained for the purposes in this Ordinance; and the operation of common facilities may be for occupants of the development only or may be open to the Township at large. Lease agreements shall be subject to Township approval, as shall any transfer or assignment of the lease, and shall be recorded with Chester County Recorder of Deeds within thirty (30) days of execution and a copy of the recorded agreement shall be filed with the Township.

## 2. Maintenance and Operation.

- a. An applicant, where applicable, shall provide to the Township, at the time of permit or preliminary plan submission, a plan for maintenance and operation of common facilities. Said plan shall define ownership, establish necessary regular and periodic operation and maintenance responsibilities, and estimate staffing needs, insurance requirements and associated costs, and define the means for funding same on an on-going basis. Where applicable, a separate common protected green area management plan shall be provided in accordance with Section 904.
- b. In the event that the organization established to own and maintain common facilities, or its successor, shall at any time after establishment of the aforesaid common facilities or the use attendant thereto fail to maintain all or any portion of the aforesaid in reasonable order and condition in accordance with the permit(s) and development plan and all applicable laws, rules, and regulations, the Township may serve written notice to such organization and to the owners of the uses relating thereto, setting forth the manner in which the organization has failed to maintain the aforesaid common facilities in reasonable condition. Said notice shall include a demand that such deficiencies of maintenance be cured within thirty (30) days thereof, and shall state the date and place of a hearing thereon which shall be held within fourteen (14) days of the notice. At such hearing the Township may modify the terms of the original notice as to the deficiencies and may give an extension of time within which said deficiencies shall be corrected. If the deficiencies set forth in the original notice or in the modifications thereof shall not be correct within the said thirty (30) days or any extension thereof, the Township, in order to preserve the taxable values of the premises and to prevent the common facilities from becoming a public nuisance, and to preserve compliance with the approval of the Township as to the common facilities, may enter upon the same and maintain the same for a period of one (1) year. Said entry and maintenance shall not constitute a taking of said common facilities and shall not vest in the public any rights to use the common facilities except when the same is voluntarily dedicated to the public by the owners. Before the expiration of said year, the Township shall upon its initiative or upon the request of the organization theretofore responsible for the maintenance of the common facilities, call a public hearing upon notice to said organization, or to the owners of the dwelling(s) attendant thereto, at which hearing such organization or the owners of the aforesaid dwelling units shall show cause why such maintenance by the Township shall not, at the election of the Township, continue for a succeeding year. If the Township shall determine that such organization is ready and able to maintain said common facilities in a reasonable condition, the Township shall cease to maintain such common

facilities. If the aforesaid are not ready and able to maintain said common facilities in a reasonable condition, the Township may, in its discretion, continue to maintain said common facilities during the next succeeding year and subject to a similar hearing and determination in such year thereafter. The decision of the Township in any such case shall constitute a final administrative decision subject to judicial review.

- c. The cost of such maintenance and enforcement proceedings by the Township shall be assessed ratably, in accordance with tax assessments, against the properties that have the right of enjoyment of the common facilities and shall become a lien on said properties. The township, at the time of entering upon such common facilities for the purpose of maintenance, shall file a notice of such lien in the Chester County Prothonotary office, upon the properties affected by such lien.
- d. The Township may, upon application of any person, or upon its own motion, require an owner who proposes to construct, transfer, or convey any common facilities including community facilities to meet the maintenance requirements in the Subdivision and Land Development Ordinance when the total number of dwelling units which are either constructed or proposed on the tract served by said common facilities exceeds ten (10).
- e. Additional maintenance requirements that may be imposed pursuant to Subsection C.1 are:
  - 1) The creation of an escrow fund held by the grantee or for the grantee's benefit in an amount equal to the grantee's estimated cost of operating and maintaining common facilities for a period of twenty (20) years less the amount of any service fees to be paid by the grantee;
  - 2) The purchase and installation of any component of the facility that is deemed by the grantee to have reached one-half ( $\frac{1}{2}$ ) of its useful life;
  - 3) The performance of all work and the installation of all materials necessary to bring the common facilities into compliance with the regulatory standards applicable to said common facilities at the time of its conveyance or transfer.

## **SECTION 1613. TEMPORARY STRUCTURES AND USES**

A. Temporary uses and structures shall be permitted for any use permitted in a District as follows:

- 1. On-site contractor's offices for developments during construction.
- 2. On-site sales offices for developments until the final sale is completed for the development.
- 3. Temporary housing for residents displaced from their principal residence due to damage that has made the residence structure uninhabitable.
- 4. Temporary shelter for business operations displaced from their principal building due to damage which has made the structure uninhabitable.
- 5. Mobile offices for public education, recruitment, political campaigns or like activities.
- 6. Bloodmobile, mobile medical testing facility, and similar activities related to the promotion of public health.
- 7. Seasonal sale of holiday merchandise (e.g. Halloween costumes, Christmas trees, or Mother's Day flowers) or activities associated with an existing permitted commercial business.
- 8. Temporary community events (e.g. flea markets, public exhibit, auctions, carnivals, circuses, fundraising events), which shall be for a maximum of one (1) week for each event and a maximum of two (2) occurrences per calendar year per organization.

9. Short-term events (e.g. weddings) for a maximum of one (1) day.
10. Temporary outdoor portable storage unit (e.g. 'PODs') for a maximum of sixty days.
11. Any commercial enterprises for a maximum of thirty days.
12. Any other vehicle, nonstructural and/or tent facility or other temporary uses or structures e to those listed above as determined by the Township.
13. Timeframes in this Section shall be interpreted as meaning consecutive days or months.

B. Permits. Temporary uses and structures shall require special events permits, however when located in structures that are otherwise typically not utilized for such uses, temporary use and occupancy permits along with building permits as applicable shall also be required.

1. Special events permits shall be required for uses in Subsection A. regardless of their timeframe. Unless otherwise noted in Subsection A., such permits shall be for a maximum of three days limited to two permits per calendar year and shall not be renewed or extended beyond their approved timeframe. For additional periods of time for already approved events and for new events, a new permit application including Township review and approval shall be required. Applicants shall be required to show written proof of a lease to occupy the property where the temporary use is to be located and insurance for operation of the temporary use on said property.
2. Temporary use and occupancy permits shall be required for uses in Subsection A. that are in place for more than three (3) consecutive days or when located in structures, such as barns or other outbuildings, that are otherwise typically not designed for such uses. Unless otherwise noted in Subsection A, temporary use and occupancy permits shall run for a maximum of three days per calendar year, and may be renewed and extended two (2) times for six (6) months each time on form(s) supplied by the Township and after Township review and approval. After the two (2) extensions, a new permit application including Township review and approval shall be required.
3. An applicant shall submit a complete temporary use and occupancy permit application and/or special events permit application to the Zoning Officer on a form(s) supplied by the Township, which includes information stated on the form(s) and the required fee per the Township fee schedule.
4. At the expiration date of the permit or approved extension to the permit, the use shall cease and shall be completely removed within seven (7) days of the permit expiration date.
5. All uses shall comply with all parking requirements as defined in Articles XV and XVI.
6. As determined by the Township as necessary, the applicant shall provide such plans or other information to ensure adequate parking, emergency access, street access, sanitary facilities, rubbish collection, and clean-up after the event.
7. Residential one (1) or two (2) day yard or garage sales shall not require these permits.
8. Outdoor display as described in Section 1605 shall not require these permits.
9. No outdoor activity or temporary structure associated with a special event shall be located within fifty (50) feet of any residential lot line, except that parking areas may be located within twenty (20) feet of such lot lines if there is a screened and vegetative buffer area.
10. Hours permitted for activities shall depend on types of activities requested.
11. Amplified music is not permitted unless approved by the Board of Supervisors.
12. Lighting must be shaded, shielded, or directed so that the light intensity or brightness does not shine or produce glare on adjacent.
13. Temporary buildings and structures, such as tents, shall not be greater in height than twenty-five (25) feet. However, temporary structures, such as carnival rides, that by their nature are taller than the height permitted herein, shall be allowed provided they are set back from all property lines a distance of one (1) foot for every foot in height.

- C. Sale of farm products shall be per the applicable provisions of Article XV.

#### **SECTION 1614. STRIPPING OF TOPSOIL AND EXCAVATION OF CLAY, SAND, GRAVEL, OR ROCK**

Requirements of the Subdivision and Land Development Ordinance shall be met.

#### **SECTION 1615. KEEPING OF ANIMALS**

- A. For the purpose of protecting human and animal health, preventing erosion-prone land use conditions, and preventing contamination of ground and surface waters, horses and ponies; cows, beef cattle, swine and sheep, or poultry may be kept for recreational, educational, or domestic purposes in any district as accessory to a primary uses as follows. This Section shall not apply to customary household pets (e.g. dogs, cats, and other small animals customarily kept in the dwelling) however such household pets shall be kept in a manner that complies with Township general requirements for such.
1. Horses, ponies, and llama:
    - a. Minimum lot area for one (1) animal – Three (3) acres
    - b. Minimum lot area for two (2) animals – Four (4) acres
  2. Cows, beef cattle, swine, sheep, and emu:
    - a. Minimum lot area for one (1) animal – Two (2) acres
    - b. Minimum lot area for two (2) animals – Three (3) acres
  3. Poultry:
    - a. Minimum lot area for flock of ten (10) – Three (3) acres
    - b. Minimum lot area for flock of twenty (20) – Three (3) acres
    - c. Minimum lot area for flock of thirty (30) – Four (4) acres
    - d. Minimum lot area for any male poultry of flock including such – Five (5) acres
  4. Keeping a greater number of animals than permitted in Subsections 1. Through 3. shall be considered an agricultural use and shall comply with applicable provisions of Article XV.
  5. Animals not referenced by name herein shall be evaluated by the Township according to the requirements for animals of similar size or characteristics.
- B. Shelter. The owner shall provide a permanent animal shelter, which shall, to the satisfaction of the Township, be of sufficient size for good sanitation practices and equipped with adequate food and water facilities. Shelters shall have a roof and at least three (3) enclosed sides and shall be designed to meet requirements for accessory in the district where they are located, however in all cases shelters shall be located a minimum of one-hundred (100) feet from any lot line.
- C. Outside Enclosures. The owners shall provide a fenced or otherwise enclosed outside area capable of containing the subject animals and of sufficient size for good sanitation practices. Fencing materials shall be of sufficient sturdiness and designed, installed, and maintained so as to prevent straying. Such enclosures shall be a minimum of one-hundred (100) feet from any lot line.

- D. All grazing and pasture areas where animals are kept shall be fenced and consist of well-maintained grasses as not to promote erosion.
- E. No owner of an animal shall allow the same to go at-large to the injury or annoyance of others, nor shall such animal be permitted on streets or other public rights-of-ways, which shall be considered a nuisance and danger to public health and safety.
- F. Township must approve a storage plan. Storage or stockpiling of manure or other odor or dust producing substance shall be located on an approved impervious surface that will restrict the associated nutrients from being released onto and into adjacent soils and the groundwater aquifer, and shall be a minimum of one-hundred (100) feet from any dwelling on an adjacent lot other than that of the keeping of animals owner, public right-of-way, water supply, sewage disposal, spring, sinkhole, waterway, watercourse, slope adjacent to a water body or watercourse, floodplain, swale, or drainage way, and shall be designed to minimize impacts on such including uncontrolled weed growth, stormwater runoff, threats to groundwater quality, and potential problems of odor.
- G. Keeping of animals shall not result in groundwater or surface water or run-off pollution on-site or off-site, excessive noise, or objectionable odors.
- H. Any legally existing nonconforming building used for the keeping of animals may continue to be used but may not be expanded so as to increase the nonconformity.

## **SECTION 1616. VEGETATION MANAGEMENT**

- A. Intent of regulations. It is the intent of these regulations that property owners shall not permit vegetation to become overgrown to the point of becoming unsightly or unhealthy. However, plants grown for useful or ornamental purposes, fields used for agricultural purposes, and areas of significant natural features or value shall not be subjected to excessive, unnecessary, or hindering standards of maintenance.
- B. Terms of management. Where applicable as determined under Subsections C. and D., the following practices for the control of vegetation shall apply:
  - 1. All herbaceous plants shall be controlled to a maximum height of twelve (12) inches during the growing season.
  - 2. Mowing shall be timed for the most effective control of the specific vegetation (e.g., ragweed and Canada thistle to be mowed in mid-summer before flower buds are set).
  - 3. Selective control of noxious vegetation, but no other vegetation, may be practiced by means in addition to mowing (e.g., use of herbicide to control poison ivy).
- C. Conditions of applicability. Except as exempted under Subsection D.3, this Section shall apply to:
  - 1. Any existing lot of two (2) acres or less, whether or not created through a prior subdivision.
  - 2. Any lot of two (2) acres or less in an approved subdivision or land development. For purposes of this Section, final approval by the Township and recording at the Chester County Recorder of Deeds shall constitute an approved subdivision or land development.



D. This Section shall not apply in the following situations.

1. Weed growth attendant to agricultural composting activities, which shall meet the standards of Section 1505.
2. Where there are one (1) or more of the following uses and/or vegetative characteristics are present:
  - a. Floodplain or marsh;
  - b. Meadow, wildflower meadow, berry patch;
  - c. Hedgerow;
  - d. Agriculture, except as further provided under Subsection D.1, above; and
  - e. Areas undergoing a directed process of natural succession.
3. Vacant lands abutting or across a street from a developed lot or under development lot, or abutting developed lands owned and occupied by the same party owning the lot in question, which are more than fifty (50) feet setback from the street line.

#### **SECTION 1617. PERFORMANCE STANDARDS**

- A. Physical performance standards required by this Section shall be addressed and compliance demonstrated by applicants as part of any Township permit. These standards provide controls on the impacts of uses upon other and adjacent uses, and shall apply to uses in all districts.
- B. Air emissions. No use or user shall cause emission of dust, dirt, fly ash, fumes, vapors, gases, or other matter toxic or noxious to air that damage to human, animal, or vegetation health, or to other forms of property, or that cause soiling or staining at any point beyond the lot lines of the use creating the emission. Controls shall be installed and maintained so as to prevent emission into the open air of any air contaminant in a quantity that will violate provisions herein, PA Department of Environmental Protection rules and regulations, State ambient air quality standards, and other applicable Federal and State air emission and pollution control requirements. No use or user shall cause any bonfire, junk fire, refuse fire, salvage operations fire, or any other open fire in the Township, except by Township permit for such; however typical enclosed residential fire pits are not included in this provision.
- C. Odor. No uses, except agricultural uses, shall emit odorous gases or other odorous matter in such quantities to be offensive beyond its lot lines. Any process that may involve emission of odors shall be provided with an odor control safeguard system. Immediate corrective action shall be taken should that system fail.
- D. Glare and heat. No direct or sky-reflected glare or emission or transmission of heat or heated air (e.g. from floodlights, high intensity lighting, high temperature processes such as combustion or welding, or otherwise) shall be visible beyond the lot line where such is located, except for safety lighting otherwise permitted in this Ordinance. No floodlights, spotlights, or high-intensity lights, except for reasons of safety, security, or surveillance per this Ordinance shall be permitted in any residential district after 10 p.m.
- E. Fire and explosive hazards. Applicable provisions of Section 1605 shall apply. Further, all flammable and explosive material activities and storage shall be equipped with safety devices, to mitigate the potential for fire and explosion hazards, and adequate fire-fighting and fire-

suppression devices per Federal, State, and local Fire Marshal requirements. Buildings and structures and activities within such shall meet Township Building Code and other applicable Township requirements. Flammable and explosive materials shall conform to PA Department of Environmental Protection rules and regulations for storing, handling and use of explosives, and any other applicable Federal, State, and Township requirements.

- F. Vibration. No uses, except agricultural uses, shall produce vibrations that are transmitted via the ground and are detectable by typical human senses beyond the uses lot lines, including vibration discernible by sensation of touch or by visual observation of movement without the aid of instruments; nor shall any vibration exceed 0.002g peak measured at lot lines by industry appropriate instruments.
- I. Electrical, Radio, and Electromagnetic Disturbance. Uses must meet FCC requirements for maximum allowable radio or electrical disturbance.
- J. Radioactivity. No uses shall emit dangerous levels of radioactivity at any point on-site or off-site. No operation involving radiation hazards shall be conducted in violation of Federal and State requirements. Any uses that employ radioactive material, equipment, or supplies shall comply with PA Department of Environmental rules and regulations, U.S. Nuclear Regulatory Commission requirements, and other applicable Federal and State requirements.
- K. Electrical, diesel, gas or other like power or fuel. Power and/or fuel for uses shall be operated so service lines, substations, or other structures and equipment comply with PA Bureau of Labor and Industry safety requirements and are installed as an integral part of the use. If visible from adjacent residential lots, power and fuel structures shall be screened per Section 1604.
- L. Liquid and solid waste. There shall be no liquid or solid waste disposal discharge of materials at any point into any sewage system, water supply, watercourse, water body, or into the ground in such manner as to cause contamination in violation of PA Department of Environmental Protection rules and regulations and any other applicable Federal, State, or Township standards.
- M. Ground and surface water contamination. No materials or wastes shall be placed on a lot in such form or manner that they may be shifted on-site or off-site by natural forces, nor shall any substance that can contaminate a water body or watercourse, or otherwise render such undesirable as a source of water supply or recreation, or that will destroy aquatic life be allowed to enter any water body or watercourse.
- N. Water supply. Water requirements for uses shall be reviewed and approved for compliance with water service area agreements and other like agreement by the Township and parties named responsible in those agreements.
- O. Public health and safety. Uses shall not create any other objectionable condition in an adjacent area that will endanger public health and safety. *Uses shall comply with all applicable requirements of the U.S. Environmental Protection Agency, PA Department of Environmental Protection, and Chester County Health Department, including regulation of the treatment and disposal of industrial or sanitary wastes.*
- P. Building size standards not including agricultural and residential structures. To retain the character and integrity of each zoning district, for uses other than agriculture or residential uses,

the following standards shall classify buildings into categories that distinguish the intensity of the buildings within applicable zoning districts

1. Building classifications.
  - a. Class A buildings shall be less than five-thousand (5,000) square feet floor area.
  - b. Class B buildings shall be five-thousand (5,000) square feet to less than twenty-five thousand (25,000) square feet floor area.
  - c. Class C buildings shall be twenty-five thousand (25,000) square feet to less than fifty-thousand (50,000) square feet floor area.
  - d. Class D buildings shall be fifty-thousand (50,000) square feet or more floor area.
2. Only Class A buildings shall be permitted in the VC Village Commercial District.
3. Only Class A, B, or C buildings shall be permitted in the C Commercial District.
4. Class A, B, C, or D buildings shall be permitted in the LI Limited Industrial and IR Institutional Residential Districts.
5. For tract upon which a Class B building is being constructed, a required curtilage for the building shall be no less than one and one-half (1.5) acre for each ten-thousand (10,000) square feet of building floor area. Any fractions of building floor area shall be rounded up.
6. For tracts upon which a Class C building is being constructed, a required curtilage for the building shall be no less than three (3) acres for each ten-thousand (10,000) square feet of building floor area. Any fractions of the area shall be rounded up.
7. For tracts upon which a Class D building is being constructed, a required curtilage for the building shall be no less than three and one-half (3.5) acres for each ten-thousand (10,000) square feet of building floor area. Any fractions of the area shall be rounded up.

#### **SECTION 1618. REFERENCE TO OTHER CODES**

Uses governed other this Ordinance shall also as applicable comply with the Township Subdivision and Land Development Ordinance, Township Building Code, and Fire Marshal standards, along with other relevant Federal, State, County, or Township laws or requirements.

#### **SECTION 1619. GOVERNMENTAL OWNED PROPERTY**

Where Federal, State, County, or Township owned property lies within Penn Township, it shall be subject to the provisions of this Ordinance to the extent permitted by Federal and State law.

## *Article XVII: Sign Standards*

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### **SECTION 1700. PURPOSE**

The purpose of this Article is to promote public safety and welfare by regulating placement, size, number, and condition of signs permitted and by limiting visual blight, hazards to vehicular and pedestrian movement, and dangers posed by signs in disrepair. Further, this Article provides opportunities for a variety of sign types and encourages sign designs that meet local resident and business needs in a manner that complements the character of the Township.

### **SECTION 1701. GENERAL STANDARDS**

#### **A. Sign Location.**

1. Signs shall meet applicable setbacks and other standards for accessory structures for the district where they are located and use with which they are associated.
2. No sign shall be located within or extend into or over a street right-of-way, except traffic signs and notices by a duly constituted governmental body.
3. No sign, other than in Subsection 2 above, shall be nearer to a street line than a distance equaling the height of the sign, unless attached to a building.
4. No sign shall be permitted to be placed close enough to any intersection to impact the clear sight triangle per Article XVI, nor to obstruct clear and free vision of traffic control signals or signs. Signs shall be placed so as not to obstruct vehicular or pedestrian traffic or create a safety hazard.
5. No sign shall be erected containing information on it which states or implies that a property may be used for any purpose not permitted under the provisions of this Ordinance in the district where the property to which the sign relates is located.
6. No sign shall be erected on a premises except one (1) advertising a business or articles or merchandise for sale on the same premises except as otherwise provided herein.
7. All sign distances provided for in this Article shall be measured along straight lines between a sign and from the nearest edge to near edge of sign or sign structure. This shall apply in all cases including locating new signs in relationship to currently existing nonconforming signs.
8. No sign or part thereof shall extend above the height of the top of the exterior building wall upon which it is mounted.
9. No sign shall be installed or maintained so as to prevent free ingress or egress from any vehicular or pedestrian area, or any building door, window, or fire escape.
10. Signs shall be placed in such manner, at or near the public entrance to a building or main parking area, to indicate the most direct access to the use to which the sign relates.
11. Unless otherwise specified, all signs in this Article shall be considered on-site signs and shall be located on the same premises as the use to which they are intended.

#### **B. Sign Construction, Maintenance, and Removal.**

1. Every sign permitted shall be constructed and kept in good condition and repair. Any sign that is abandoned or allowed to become dilapidated shall be removed by the owner or lessee or by the Township at the expense of the owner or lessee of the property on

which the sign is located. All sites, lots, or buildings where a sign was installed shall be returned to their original or better condition upon removal of the sign.

2. Signs shall be professionally constructed using durable and high quality materials that shall contribute to the legibility of the sign, e.g. glossy finishes are often difficult to read due to glare and reflection.
3. No sign or part thereof that emits smoke, flames, visible vapors or particles, sound, or odor shall be permitted.
4. No sign shall be installed unless otherwise approved by the Township.
5. All signs shall be designed and placed as an integral part of the use, building, structure, and site with which they are associated, including sign size, scale, location, and lighting, and building architecture, building and site features, and overall site design.
6. In pedestrian-oriented areas, signs shall be designed in a manner to be useful and relate to pedestrian circulation.
7. Information shown on signs shall identify the use or business(es) in a straightforward manner, using brief succinct messages. Crowding or over-spacing of icons, graphics, letters, words, or lines shall be avoided.
8. Wall signs must be securely mounted or fastened to the building upon which they are installed. Freestanding and ground signs must be securely and safely installed in the ground. Where installed immediately adjacent to vehicular facilities, freestanding signs shall be breakaway for safety purposes. Installation shall be subject to inspection and approval by the Township.
10. Outdoor storage of vehicles that are not used regularly for normal day-to-day business operations shall not be used as signs.
11. No sign shall be painted or drawn on any surface, natural or manmade, , unless approved by the Township.
12. In the case of double-sided signs, the sum of the both sides shall be no greater than the total sign areas permitted in this Article.
13. Sign area shall be calculated per Article II and permitted per Sections 1702 and 1703, however for certain sign types may also be based on building frontage size, which shall be calculated as follows.
  - a. Buildings having a single or multiple tenants where public building access is via a common exterior entrance(s), building frontage shall be the exterior building wall that is architecturally designed as and contains the public front entrance. Where building frontage is in question, the average linear feet of exterior walls in question shall be used to calculate the building frontage for allowable sign area purposes.
  - b. Buildings having multiple tenants where public access is via separate exterior entrances per tenant, building frontage for each tenant shall be the exterior building wall that is architecturally designed as and contains the primary public front entrance to the area occupied by the tenant. Where building frontage is in question, the average linear feet of exterior walls in question shall be used to calculate the building frontage for allowable sign area purposes.

#### C. Sign Lighting.

1. No artificial light or reflecting device shall be used in association with any sign where such interferes, competes for attention with, or may be mistaken for traffic signalization.
2. Flood or other lighting used to illuminate a sign shall be of an intensity and type and aimed or shielded to ensure that only the sign is directly illuminated thereby and light does not spill off the sign and shall meet Section 1606.

3. Internally lit signs of any type shall be designed to not cause distraction of vehicular or pedestrian circulation or other safety or hazard concern, including illuminated lettering on non-opaque or patterned backgrounds. Internally lit signs may change their message from time to time provided that each message shall be visible for a minimum of ten (10) seconds, except for signs of fifty (50) square feet or more in total area where each message shall be visible for a minimum of thirty (30) seconds. In any case where PennDOT electronic or changing message sign requirements are more restrictive, such standards shall instead apply.
4. Sign electrical transformers, junction boxes, raceways, and related equipment shall not extend beyond the sign area, and along with any exposed conduit shall be housed in a safe manner, and concealed from public view or finished to match and integrated into the sign design.
5. All signs requiring the use of electricity shall be manufactured in accordance with the Underwriter Laboratories specifications and the National Electrical Code.

D. Sign Permits.

1. A Township approved permit shall be obtained before installing any sign under this Article, except as designated in Subsection 3, In addition to applicable requirements of Article XIX, sign permit applications shall be filed using forms furnished by the Township, and shall be accompanied by information cited on such and the required fee per the Township Fee Schedule. Permitted signs shall be subject to annual inspection.
2. Before permit issuance, applicant proof of liability insurance or an indemnity bond in a form and amount satisfactory to the Township shall be provided.
3. Exempt Signs. No permit shall be required before installing the following signs, however, such signs shall meet all other provisions of this Article and the property or business owner with which the sign is associated shall be responsible for the sign's proper installation and maintenance.
  - a. Highway route number signs, street name signs, directional, or other Federal, State, County, or Township signs and notices.
  - b. Directional, information, public service signs for public guidance and convenience within commercial or other public establishments.
  - c. Trespassing signs, signs indicating private roads, driveways, or premises, and signs prohibiting or otherwise controlling hunting or fishing upon a premises.
  - d. Signs offering properties for sale or rent, or indicating properties have been sold, not including land development signs, provided that such signs shall be located entirely within the lot lines of the particular property to which they refer and shall be a maximum of twelve (12) square feet in total area and removed immediately upon the completion of the offering or final sale.
  - e. Artisan signs of no more than twelve (12) square feet in total area during the period of work at a premises.
  - f. Political campaign signs during an election campaign.
  - g. Temporary window signs announcing charity drives or events.
  - h. Memorial or historic markers or permanent architectural building features, such as a cornerstone date.
  - i. Garage and yard sale signs provided they are removed immediately after the advertised event.
  - j. Window signs indicating business operating hours.

- k. Address identification signs of no more than two (2) square feet total area per use,
- l. Exempt signs may be singled-sided or double-sided however shall not exceed two (2) square feet in total area except as otherwise provided herein.

E. Nonconforming Signs. Such signs shall meet Section 1806.

## **SECTION 1702. SIGN TYPES AND STANDARDS**

### **A. Temporary Signs.**

1. A permit must be obtained before installing any temporary sign. Permits shall run for a period of up to thirty (30) days, and may be renewed for an additional thirty (30) days. Signs shall be removed immediately upon permit expiration.
2. Signs shall not exceed twenty-four (24) square feet in total area per each lot, business, or use, whichever is less.
3. Portable signs shall be permitted only for temporary display to advertise goods and services for nonresidential uses in districts where such uses are permitted as principal uses. There shall be no more than one (1) portable sign per establishment.
4. Banner signs shall be permitted only for temporary display to advertise short term events.
5. Off-site signs shall be permitted on a temporary basis and shall need written approval from the property owner where the off-site sign will be located, which shall be provided to the Township at the time of the sign permit application.

### **B. Freestanding Signs.**

1. Freestanding signs shall be designed and installed so the bottom edge of the sign or any part thereof is a minimum of eight (8) feet or between two (2) and four (4) feet above grade when located in pedestrian areas.
2. Freestanding signs shall be a maximum height of twelve (12) feet above grade, except for billboard signs herein.
3. Freestanding signs shall be limited to one (1) per lot or development, however where a lot or development fronts on more than one (1) street, there may be one (1) additional freestanding sign by conditional use approval and meeting Section 1607 provided there is no additional wall, canopy, marquee, or awning sign per Subsections E and F.
4. Where more than one (1) use is in a building, lot, or development, the sign may indicate all the uses. Individual freestanding signs for each use or building shall not be permitted.
5. Where both freestanding signs and ground signs are permitted, only one (1) of these sign types shall be permitted on a lot or development.
6. Permitted size heights and areas shall be as specified in Section 1703.
7. Freestanding signs may be single-sided or double-sided.

### **C. Ground Signs.**

1. Ground signs shall be integrated into the overall landscape design scheme.
2. Ground signs shall be placed directly on the ground or shall have an open area between the bottom edge of the sign or any part thereof that is a maximum of two (2) feet above grade. This open area must be landscaped, and maintained free of weeds and debris.

3. Ground signs shall have a maximum height of four (4) feet above the bottom edge of the sign whether the sign is placed directly on the ground or there is an open area between the bottom of the sign and grade.
4. Ground signs shall be limited to one (1) per lot or development, however where a lot or development fronts on more than one (1) street, there may be one (1) additional ground sign by conditional use approval and meeting Section 1607 provided there is no additional wall, canopy, marquee, or awning sign per Subsections E and F.
5. Where more than one (1) use is in a building, lot, or development, the sign may indicate all the uses. Individual ground signs for each use or building shall not be permitted.
6. Where both freestanding signs and ground signs are permitted, only one (1) of these sign types shall be permitted on a lot or development.
7. Permitted size heights and areas shall be as specified in Section 1703.
8. Ground signs may be single-sided or double-sided.

D. Projecting Signs.

1. Projecting signs shall be designed and installed so the bottom edge of the sign or any part thereof is a minimum of eight (8) feet and a maximum of twelve (12) feet above grade when located above pedestrian areas. Where located above vehicular areas, the bottom edge of the sign shall be a minimum of fifteen (15) feet and a maximum of twenty (20) feet above grade.
2. Projecting signs shall extend a maximum of forty-two (42) inches from the exterior building wall to which it is mounted.
3. Where projecting signs and canopy, marquee, or awning signs are permitted, only one (1) of these sign types shall be permitted for a use.
4. Permitted size heights and areas shall be as specified in Section 1703.
5. Projecting signs may be single-sided or double-sided.

E. Wall Signs

1. Wall signs shall be designed and installed so the bottom edge of the sign or any part thereof is a minimum of eight (8) feet above grade.
2. Wall signs shall extend a maximum of six (6) inches from the exterior building wall to which it is mounted.
3. Where a use fronts on more than one (1) street, there may be one (1) additional wall sign by conditional use approval and meeting Section 1607 provided there is no additional freestanding or ground sign per Subsections B and C.
4. Neon signs, letters, and icons affixed to or painted on a building or window, and any permanent window signs shall be considered wall signs and shall be included in the computation of total sign area.
5. Painted exterior building wall murals that consist only of images and do not include any commercial messages shall not be considered wall signs; however such murals that include commercial messages shall be considered wall signs and regulated as such.
6. Permitted size heights and areas shall be as specified in Section 1703.
7. Wall signs shall be single-sided.

F. Canopy, Marquee, or Awning Signs

1. Canopy, marquee, or awning signs shall be designed and installed so the bottom edge of the sign or any part thereof is a minimum of eight (8) feet above grade.



2. Where a use fronts on more than one (1) street, there may be one (1) additional canopy, marquee, or awning sign by conditional use approval and meeting Section 1607 provided there is no additional freestanding or ground sign per Subsections B and C.
3. Where canopy, marquee, or awning signs and projecting signs are permitted, only one (1) of these sign types shall be permitted for a use.
4. A canopy, marquee, or awning without lettering or other advertising shall not be regulated as a sign.
5. Permitted size heights and areas shall be as specified in Section 1703.
6. Canopy, marquee, or awning signs shall be single-sided.

G. Billboard Signs.

1. Billboard signs shall only be permitted in the Commercial District along Baltimore Pike between Pusey Mill Road and Sunnyside Road directly abutting the street right-of-way when approved by conditional use and meeting the terms of this Article.
2. Any application for a billboard sign shall be evaluated for the potential impact of the proposed sign's location and dimensions on sight distance and other roadway safety elements that could affect vehicles, pedestrians, or other circulation, and on visual quality, viewsheds, natural features, and historic resources. Applications shall demonstrate compliance with the following requirements:
  - a. A billboard sign shall only be constructed as a freestanding sign.
  - b. Maximum sign area shall be three-hundred (300) square feet.
  - c. Maximum sign height shall be twenty-five (25) feet above grade.
  - d. A billboard sign shall be a minimum of fifty (50) feet from any other lot line and right-of-way line.
  - e. There shall be a minimum horizontal separation distance of one thousand (1,000) feet between billboard signs.
  - f. Minimum horizontal separation distance shall be one-thousand (1,000) feet between a billboard sign and any residential use or district. Where one-hundred percent (100%) screening of the billboard sign and parts thereof from residential uses and districts is provided at a minimum horizontal separation distance of five-hundred (500) feet may be permitted.
  - g. Lighting shall meet this Article and Section 1606.
  - h. The billboard sign support structure shall be designed in a manner to blend with its surroundings.
  - i. Billboard signs shall be oriented at a minimum horizontal angle of forty-five (45) degrees from the street right-of-way.
  - j. Billboard signs may be single-sided or double-sided. Single-sided billboard signs shall face oncoming traffic on the same side of the street where the sign is located.
  - k. Billboard signs shall meet all applicable State and Federal regulations.
  - l. There shall be no more than one (1) billboard sign permitted per lot.
  - m. Such signs may be externally lit, but shall comply with the lighting provisions of this Ordinance and shall comply with the IESNA (Illuminating Engineering Society of North America) recommended practices and criteria contained in the IESNA Lighting Handbook, including but not limited to "full cutoff" fixtures. All lighting fixtures shall be aimed to illuminate the advertising copy only and so as to not project or reflect light onto a neighboring use or property.

**SECTION 1703. SIGNS PERMITTED BY DISTRICT**

- A. Signs for uses in the Residential Agricultural, Residential Suburban, Residential High Density, and Mobile Home Park Districts. Use of illuminated signs of any type within any residential district shall not be permitted unless the illuminated sign is specifically related to emergency management, medical facility, municipal, institutional, and other similar public health and service uses consistent with this Ordinance.
1. Residential development identification signs.
    - a. A single-sided ground sign sign(s) shall be permitted to identify the development name per Section 1702.C.
    - b. Such sign(s) shall be no more than twenty-four (24) square feet in total sign area.
  2. Identification signs for permitted principal agricultural uses, such as farms, and institutional uses such as places of worship and schools.
    - a. A ground, freestanding, or wall sign(s) shall be permitted to identify the establishment name per Sections 1702.B, 1702.C, and 1702.E.
    - b. Each sign shall be no more than twenty (20) square feet in total sign area. Signs may be single-sided or double-sided as applicable based on sign type.
  3. Identification signs for accessory agricultural uses including sale of farm products and secondary farm businesses.
    - a. There shall be no more than one (1) ground, freestanding, or wall sign per principal agricultural use regardless of the number of associated accessory agricultural uses and street frontages. .
    - b. The sign shall be no more than sixteen (16) square feet in total sign area. Signs may be single-sided or double-sided as applicable based on sign type.
  4. Temporary signs per Section 1702.A.
  5. Exempt signs per Section 1701.D.
- B. Signs for uses in the Institutional Open Space and Institutional Residential Districts. In these districts, signs for residential uses shall meet Subsection A and signs for non-residential uses shall meet Subsection C.
- C. Signs for uses in the Village Commercial, Commercial, and Limited Industrial Districts.
1. Residential development identification signs shall meet Subsection A.1.
  2. Signs for an individual principal commercial, business, or institutional use on a lot.
    - a. A ground or freestanding sign(s) per Sections 1702. B and 1702.C, and a projecting, wall, window, canopy, marquee, or awning sign shall be permitted per Section 1702.D, 1702.E, and 1702.F.
    - b. Ground or freestanding signs shall be no more than thirty-two (32) square feet in area per side up to sixty-four (64) square feet in total sign area.

- c. Each building mounted sign other than window signs shall be no more than one (1) square feet in total area for every one (1) lineal foot of front building wall and in no case shall exceed twenty percent (20%) of the building wall where it is located.
  - d. Each window sign shall be no more than thirty percent (30%) of the total window area of the building wall where it is located. Window signs shall be installed above or below the average human line of sight for pedestrian and employee safety.
  - e. Signs may be single-sided or double-sided as applicable based on sign type.
3. Signs for planned commercial centers, or mixed uses containing more than one (1) principal commercial, business, or institutional use per lot or building.
- a. A ground or freestanding sign(s) per Sections 1702.B and 1702.C shall be permitted. Such sign shall only identify the name of the development and names of its principal businesses and management/leasing company in charge of the operation of the development. The sign shall be no more than thirty-two (32) square feet in total sign area for the development name and first use, and shall be increased in size by no more than two (2) square feet in total area for each additional use, up to a maximum total sign area of one-hundred (100) square feet. Signs may be single-sided or double-sided as applicable.
  - b. Signs shall be permitted for each individual use within the development as follows.
    - 1) Buildings with one (1) tenant or establishment shall be permitted one (1) freestanding or ground sign or one (1) projecting, wall, canopy, marquee, or awning sign, which shall meet Subsection C.2.c and C.2.d respectively.
    - 2) Buildings with more than one (1) tenant or establishment that have public access is via a common exterior entrance(s) shall be permitted one (1) freestanding or ground sign or one (1) wall, canopy, marquee, or awning sign. The freestanding or ground sign shall be no more than thirty-two (32) square feet per side for the first use, which shall be increased in size by no more than one (1) square foot in total area for each additional use, up to a maximum total sign area of forty (40) square feet. The wall, canopy, marquee, or awning sign shall meet Subsection C.2.d.
    - 3) Buildings with more than one (1) tenant or establishment that have public access separate exterior entrances shall be permitted one (1) wall, canopy, marquee, or awning sign and one (1) projecting or window sign per use. The wall, canopy, marquee, or awning sign shall meet Subsection C.2.d. The projecting sign shall be no more than eight (8) square feet in total sign area. The window sign shall meet Subsection C.2.d.
    - 4) Signs may be single-sided or double-sided as applicable based on sign type.
4. Billboard signs per Section 1702.G.
5. Temporary signs per Section 1702.A.
6. Exempt signs per Section 1701.D.

## *Article XVIII: Nonconforming Structures, Uses, and Lots*

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### **SECTION 1800. APPLICABILITY**

The Article shall apply to all existing uses, building, structures, lots, and signs that do not conform to the applicable provisions of this Ordinance, but that were in lawful existence either as conforming or nonconforming prior to the effective date of this Ordinance. Such shall be known and regarded from hereon as 'nonconforming' and the following provisions shall apply.

### **SECTION 1801. CONTINUATION**

Any building or structure, use of a building, structure, or land, lot, or sign legally existing prior to the effective date of this Ordinance or any subsequent amendment, or authorized by a permit issued prior thereto, which does not conform with the applicable provisions of this Ordinance, shall be considered a lawful nonconforming building, structure, use, lot, or sign and may be continued in the form evident at the effective date of this Ordinance, except as otherwise provided herein.

### **SECTION 1802. REGISTRATION**

In order to facilitate the administration of this Ordinance, any owner of a nonconforming building, structure, use, lot, or sign may register the status of same with the Zoning Officer for purposes of establishing the rights conferred upon nonconformities under this Ordinance. In the event no registration exists, the applicant shall have the burden to establish the lawful pre-existing status

### **SECTION 1803. NONCONFORMING BUILDINGS AND STRUCTURES**

- A. **Enlargement or Alteration.** Any lawful nonconforming building or structure may be enlarged or altered upon the lot occupied by such building on the effective date of this ordinance provided such lot is held in single and separate ownership., However, any new buildings or structures, or any structural alteration, enlargement, or addition to existing buildings or structure shall conform with all area, height, width, yard, and coverage requirements for the district in which it is located. An extension of any existing building or the construction of any new building with area greater than twenty-five percent (25%) of the existing building or structure shall only be permitted by conditional use.
- B. **Reconstruction.** Any nonconforming building or structure involuntarily damaged or destroyed by fire, explosion, wind, flood or other similar phenomena, to an extent of no more than seventy-five percent (75%) of its fair market value, may be reconstructed in the same location, provided that:
  - 1. The reconstructed building or structure shall not exceed the height, area, massing, or bulk of the damaged or destroyed building or structure.

2. Reconstruction shall begin within one (1) year from the date of damage or destruction and shall be completed within one (1) year from the reconstruction start date.
  3. A conditional use must be granted for such reconstruction, whereby the applicant must prove that the reconstructed nonconforming building or structure will not be detrimental to adjacent properties, character of the surrounding area, or the interest of the Township.
- C. Voluntary Demolition or Termination of Use. Where a nonconforming use, building or structure is voluntarily demolished or terminated, any new building or structure shall conform to the provisions of this Ordinance.

#### **SECTION 1804. NONCONFORMING USES**

- A. Expansion of a lawful nonconforming use. A nonconforming use shall not be expanded into additional portions of the building, structure, lot, or land on which it is located unless authorized by conditional use, provided that:
1. It is clear that such expansion is not materially detrimental to adjacent properties, or the character of the surrounding area.
  2. The area devoted to the nonconforming use shall in no case be increased by more than twenty-five percent (25%) and such increase shall only be permitted to occur one (1) time over the existence of the nonconforming use.
  3. The expansion of a nonconforming use on a lot shall be limited to the lot which was in existence on the effective date of this Ordinance. Lots shall not be merged to allow for the expansion of a nonconforming use.
- B. Expansion of a building or structure housing a nonconforming use. A building or structure housing a nonconforming use shall not be enlarged or structurally altered, except insofar as is required by law to assure the structural safety of the building or structure or unless authorized as a limited enlargement by conditional use, provided that:
1. It is clear that such enlargement or structural alteration is not materially detrimental to adjacent properties, the character of the surrounding area, or the interest of the Township.
  2. Any extension of a building or structure housing a nonconforming use shall conform to provisions of this Ordinance.
- C. Change of Use. Any nonconforming use may be changed to another nonconforming use of the same classification and for such purpose, a building may be extended or new buildings constructed on the same lot in accordance with Subsection A. above. Once changed to a conforming use, such shall not thereafter be changed to any nonconforming use.
- C. Reconstruction of a nonconforming use. A building or structure containing a nonconforming use involuntarily damaged or destroyed by fire, explosion, wind, flood, or other similar phenomena, to an extent of no more than seventy-five percent (75%) of its fair market value, may be reconstructed in the same location, provided that:
1. Subsections 1803.B.1 and B.2 shall be met.
  2. A conditional use must be granted for such reconstruction, whereby the applicant must prove that the nonconforming use to be continued in the reconstructed building or

structure will not be detrimental to adjacent properties, character of the surrounding area, or the interest of the Township.

- D. Unenclosed premises. Where a nonconforming use is conducted entirely in an unclosed area, an enclosed structure to house such use may be granted by conditional use approval, whereby the enclosure of the nonconforming use will be less detrimental to its neighborhood and surroundings than if it would remain unenclosed. Such enclosed structure must conform to the provisions of this Ordinance.
- E. Abandonment. If a nonconforming use of a building, structure, or land is abandoned or discontinued for a continuous period of one (1) year or more, subsequent use of such building, structure, or land shall be in conformity with the provisions of this Ordinance.

## **SECTION 1805. NONCONFORMING LOTS**

- A. A building or structure may be constructed or altered on a nonconforming lot held at the effective date of this Ordinance in single and separate ownership, which does not meet the required minimum area or dimensions of the district in which it is located, or which is of such unusual dimensions that the applicant would have difficulty in meeting minimum area or dimensional requirements, provided that a conditional use approval is obtained and that the applicant does not own or control other adjoining property sufficient to enable the applicant to conform with the provisions of this Ordinance. A conditional use to permit such may impose the following additional requirements:
1. That the use of the lot may be required to conform to the permitted uses in the district in which such lot lies.
  2. That the building or structure height may be restricted to that specified for such within the district in which the lot lies.
  3. That the design standards imposed for uses within the district in which the lot lies may be applied to the use of the lot.
  4. That such conditions may be imposed as are necessary to assure that the general purpose and intent of this Ordinance is complied with.
- B. In any district in which single-family detached dwellings are permitted, notwithstanding the dimensional requirements imposed by other provisions of this Ordinance, a single-family detached dwelling and permitted accessory buildings in the district may be constructed on a single lot of record in existence at the effective date of this Ordinance without a conditional use approval under the terms of this Article, provided that such lot must be in single and separate ownership.

## **SECTION 1806. NONCONFORMING SIGNS**

Any nonconforming sign may continue to be used in its existing location, provided it is maintained in good condition and repair at all times. Nonconforming signs may be repainted or, after issue of a permit relocated on the same building, structure, or lot, or repaired or modernized provided that such repaired or modernized sign does not exceed the dimensions of the existing nonconforming sign. Once removed for other than temporary reasons of repainting, repair, or modernization, a

nonconforming sign shall only be replaced with a conforming sign. Whenever any nonconforming use of a building, structure, lot, or land, or a combination or portion thereof, ceases, all signs associated with such use shall be removed within ninety (90) days from the date the use terminates.

## *Article XIX: Administration and Enforcement*

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### **SECTION 1900. APPLICATION**

This Article outlines the procedures by which this Ordinance shall be administered, including, but not limited to, obtaining and regulating permits, enforcing this Ordinance, and Zoning Officer responsibilities. This Ordinance shall be administered by a Zoning Officer that is appointed by the Board of Supervisors.

### **SECTION 1901. ZONING OFFICER DUTIES**

The Zoning Officer shall not hold any elective office in the Township, shall meet qualifications established by the Township and shall be able to demonstrate to the satisfaction of the Township a working knowledge of municipal zoning. The Zoning Officer shall be appointed by the Board of Supervisors at its annual re-organization meeting for a term of one (1) year, and may thereafter be reappointed annually to serve for a term of one (1) year. The Zoning Officer's duties shall include but not be limited to:

- A. Administer this Ordinance in accordance with its literal terms. The Zoning Officer shall not have the power to permit any construction or any use or change of use that does not conform to this Ordinance.
- B. Enforce all Ordinance provisions and amendments thereto, and institute civil enforcement proceedings as a means of enforcement when acting within the scope of duties.
- C. Receive, examine, and process applications for permits; refer applications to the appropriate entity for review, recommendation, or determination, as applicable; and issue permits only when there is compliance with this Ordinance and with other Township ordinances.
- D. Make preliminary determinations of whether permit applications and related materials are in compliance with provisions of this Ordinance.
- E. Issue permits for special exception uses, variances, and conditional uses only upon written order and only after such uses are reviewed, ordered, and approved by the Zoning Hearing Board or the Board of Supervisors, as applicable, in accordance with this Ordinance or as directed by a competent court of jurisdiction, subject to such conditions or stipulations contained in any such order.
- F. Conduct inspections and field surveys to determine compliance or noncompliance with the terms of this Ordinance.
- G. Determine compliance, recommend changes, and issue building, and use and occupancy permits in accordance with the terms of this Ordinance.
- H. Maintain the Zoning Map showing the zoning classification of all land in the Township.



- I. Record and file all applications for permits with accompanying plans and documents which shall be matters of public record. Keep an official written record of all business and activities, including complaints of a violation of any of the provisions of this Ordinance and of the subsequent action taken on each such complaint.
- J. Make an initial determination of whether a property is within the Flood Hazard Overlay and conduct administrative functions for the Township necessary for participation in the National Flood Insurance Program.
- K. Issue notices of noncompliance for violations of this Ordinance as well as issue written cease and desist orders requiring correction of conditions found to be in violation of this Ordinance. Such written orders shall be served personally or by certified mail upon persons deemed by the Zoning Officer to be violating the terms of this Ordinance. It shall be unlawful for any person to violate any such order lawfully issued by the Zoning Officer, and any person violating such order shall be guilty of a violation of this Ordinance.
- L. Upon request of the Board of Supervisors, Planning Commission, or the Zoning Hearing Board, present reports or information.
- M. Administer the Township's Act 209 Traffic Impact Ordinance.

## **SECTION 1902. PERMITS**

- A. Zoning permits. A zoning permit shall be required prior to development or initial use of land' or construction or initial use of a structure; change in use of an existing lot or building; change in use or expansion of a nonconforming use; or change in use or development in the Flood Hazard Overlay. It shall be unlawful for any person to initially use land or a structure or change the use thereof without a zoning permit unless otherwise permitted by Township Code.
- B. Sign permits. A sign permit shall be required in accordance with Article XVII. It shall be unlawful for any person to commence work for the erection, alteration, or enlargement of a sign, supporting structure, or portion thereof until a permit has been duly issued.
- C. Use and Occupancy Permits. It shall be unlawful for any person to use, change a use, or occupy a building, structure, or land until a certificate of occupancy has been duly issued. Such permit shall be required prior to the use, or change of use subsequently, and occupancy and of a building or structure erected or substantially altered or enlarged for which a building permit is required; change in use of a building or structure; initial use of land requiring a building or other permit or change in the use thereof; or change in use or expansion of a nonconforming use. However, placing vacant land into agricultural use shall not require a use and occupancy permit.
- D. Building Permits. A building permit shall be required prior to the erection or alteration of or enlargement of any building or other structure or portion thereof. It shall be unlawful for any person to commence work for the erection, alteration, or enlargement of any building, structure, or portion thereof until a permit has been duly issued therefor.

- E. Demolition Permits. A demolition permit shall be required prior to the razing of a building or structure, in whole or in part. It shall be unlawful for any person to commence any applicable demolition work on any building, structure, or portion thereof until a permit has been duly issued therefor.
- F. Floodplain Permits. Such permits shall comply with the requirements of the Penn Township Floodplain Ordinance.
- G. Other permits not listed that may be required by this Ordinance.
- H. Permit Applications. All applications shall be made in writing by the landowner or his authorized agent on forms furnished by the Township and shall include information necessary to enable the Zoning Officer to ascertain compliance with this Ordinance and all other applicable ordinances. Applications shall be accompanied by such plans, documents, and information as required on the applicable forms furnished by the Township as well as be accompanied by the applicable permit application fee per Section 1903.
- I. Permit Issuance. The Zoning Officer shall issue a permit only upon determination that a permit application is complete and has met the provisions of this Ordinance and other ordinances as applicable. If the Zoning Officer determines that an application is not complete and/or has not met the provisions of this Ordinance and other ordinances as applicable, the Zoning Officer shall refuse the permit in writing indicating the reasons for such refusal. In the case of a refusal of a permit, the Township shall not issue a refund of permit application fees. In no case shall any permit be issued to an applicant until all fees incurred that are payable to the Township are paid in full. Applicants for permits shall be given written notice of the completeness and acceptance of the application for review within fifteen (15) days from the filing of a complete application and prescribed fees.
1. Zoning Permit Issuance - Zoning permits need not be displayed, but should be maintained on the premises.
  2. Sign Permit Issuance - Sign permits need not be displayed, but should be maintained on the premises.
  3. Building Permit Issuance - No building permit shall be issued until the Zoning Officer has certified that the proposed building, structure, construction, alteration, or enlargement complies with the provisions of the Township Code.
  4. Use and Occupancy and/or Change in Use Permit Issuance - Upon completion of the construction, alteration, or enlargement of a building, structure, or portion thereof, as authorized by a building permit obtained in compliance with the Township Code and prior to use or occupancy, the holder of such permit shall notify the Zoning Officer of such completion. Use and occupancy shall not be authorized until the Zoning Officer has certified that the work has been inspected and approved as being in conformity with the Township Code and has issued a use and occupancy permit as provided herein. Upon request, a temporary use and occupancy permit may be issued by the Zoning Officer for a period not exceeding six (6) months during alterations or partial occupancy of a building pending its completion, provided that such a temporary permit may require conditions and safeguards needed to protect the occupants and the public.
  5. All activities related to building inspection and the issuing of permits for construction and occupancy shall be in accordance with the Township Building Code.
  6. Unless otherwise stated in this Ordinance, issued permits shall expire after one (1) year.

**SECTION 1903. FEE SCHEDULE**

- A. The Board of Supervisors shall establish by resolution a schedule of fees, charges, and expenses for permits, appeals to the Zoning Hearing Board, curative amendment hearings, and other matters pertaining to the administration of this Ordinance and related ordinances. The fee schedule shall not be considered an amendment to this Ordinance.
- B. The fee schedule shall be available at the Township Building. An application under this Ordinance shall be considered incomplete until all applicable fees, charges, and expenses are paid in full. No action shall be taken on any permit, conditional use, special exception, variance, validity challenge, curative amendment, petition for a zoning change, appeal, or other items under this Ordinance until all applicable fees, charges, and expenses are paid in full.

**SECTION 1904. CONDITIONAL USE PROCEDURES AND CRITERIA**

- A. Intent. This Section provides for consideration of certain uses to be permitted within the Township as conditional uses. These uses may not be appropriate at every location within a zoning district, and accordingly as permitted by Act 247, this Section establishes procedures, standards, and criteria by which to evaluate applications for conditional use. The Board of Supervisors shall hold hearings and decide on requests for conditional uses that are permitted in this Ordinance. Such uses have attributes requiring special considerations or restrictions and the potential for substantial impact on the community, such as density of population, generation of traffic, need for centralized provision of water supply and sewage disposal, need for vehicular and/or pedestrian access, special health care facilities, or need for police and fire protection, and shall comply with the provisions in this Section and other applicable provisions of this Ordinance.
- B. General Requirements.
  - 1. Ownership. The tract of land under application for conditional use approval shall be in one (1) ownership, or shall be subject to an application filed jointly by the owners of the entire tract, and shall be under unified control. If ownership of the entire tract is held by more than one (1) person or entity, the application shall identify and be filed on behalf of all of the said owners. Approval of the application shall be conditioned upon agreement by the applicant(s) that the tract shall be developed under single direction in accordance with the approved application. No site preparation or construction shall be permitted other than in accordance with the approved application. If ownership of all or any portion of the tract changes subsequent to approval of the application, no site preparation or construction by such new owner or owners shall be permitted unless and until such owner or owners shall review the terms and obligations of the approved application and agree in writing to be bound thereby with respect to development of the tract.
  - 2. Sewer and Water Facilities. An applicant shall demonstrate evidence of adequate water supply and sewage disposal capability. The lot shall be served by a water supply system and a sewage system deemed accepted by the Board of Supervisors, upon

recommendation of the Township Engineer. Such facilities shall be designed and constructed in compliance with the Subdivision and Land Development Ordinance.

3. **Development Stages and Permits.** The development of a tract carried out in either a single phase or in stages shall be executed in accordance with a development agreement. The applicant, and owner and developer if different than the applicant, and Township shall enter into said agreement embodying all details regarding compliance with this Ordinance to assure the binding nature thereof on all overall tract and its development, which agreement shall be recorded with the final development plan.
4. **Stormwater Management.** The control of erosion and sediment during construction, and the ongoing management of stormwater on the tract, shall be accomplished in accordance with the Subdivision and Land Development Ordinance and Township Stormwater Management Ordinance.
5. **Covenants and Restrictions.** The language, terms, and conditions of proposed covenants or restrictions shall be subject to review and recommendation by the Township Solicitor.
6. **Emergency Services Impact Plan.** The applicant shall prepare a written report, which details the impact of the proposed use on emergency services such as fire, ambulance, or similar services. The applicant shall identify the nature and extent of the services required for the users/owners of any of the facilities upon occupancy of the structures, and provide the method and procedure for providing such services. The plan must include written assurances and fiscal responsibility for costs/expenses to comply with such fire, ambulance, or similar services as related to the health and safety of all persons using and or occupying the structure or the facilities. The Township must approve any contract with a not for profit/or for profit provider for such services. The Township may require financial security to assure satisfaction of the services. The applicant must provide proof annually, no later than December 31, thereafter that such approved plan remains current and effective. In the event the requested use includes a condominium and/or homeowners association, the applicant must include terms of the approved plan in such agreement as a fiscal responsibility for such owners in the event of a default.

C. **Application.** All applications for conditional use approval shall be made in writing on forms furnished by the Township and shall include information necessary to enable the Township to ascertain compliance with this Section and other applicable provisions of this Ordinance. Per Subsection B.1, the application shall identify and be filed on behalf of all of the owners of the subject property. Applications shall be accompanied by such plans, documents, and information as required in this Section and on the applicable forms furnished by the Township as well as be accompanied by the applicable permit application fee per Section 1903.

1. **Site Plan.** The application shall be accompanied by a unified, overall site plan covering the entire tract, regardless of any intended phasing of development. The plan shall show in detail proposed development uses and non-development uses of the tract, including where applicable any reserve land areas for possible: future expansion; coordinated internal and external vehicular and pedestrian circulation; well-related, convenient, and efficient parking and loading areas; agreeable surroundings that provide comfort, safety, and convenience for prospective customers and/or treatment, signage, lighting, landscaped and planted buffers and screens, as well as other natural and constructed amenities in furtherance of the general welfare of the prospective development's customers and/or employees and the residents of the Township.
2. **Site Analysis Plan.** The application shall be accompanied by a Site Analysis Plan that meets the Subdivision and Land Development Ordinance standards. The applicant also

shall indicate how any or all of the resources or site features inventoried for the Site Analysis Plan will be affected by the proposed development, and shall describe mitigating measures in narrative form, and their locations shall be mapped.

3. Market Analysis – The Board of Supervisors may require that applicant provide a market analysis containing information indicating the likelihood of the proposed use meeting with market support. A market analysis shall contain the following information:
  - a. Uses Evaluated. A description of the land uses evaluated as a part of the market analysis shall be provided, including the nature of the proposed uses in terms of the intended attraction of the proposed use to neighborhood, community, and/or regional populations and markets.
  - b. Identification of Competition. Existing and approved developments that are likely to be in competition with the proposed use shall be identified. The analyst selected to perform the market study shall determine that area within which existing developments are likely to compete with the proposed use.
  - c. Analysis. Dependent upon the type(s) of use(s) proposed, the market analysis shall include an identification of the trade area to be served, the supportability of either office or retail floor areas, a computation of existing floor areas of a nature similar to the use proposed, and a determination of the net supportable floor area within the trade area or study area defined.
  - d. Conclusions. The analyst shall proffer an opinion regarding the likelihood of the proposed use having market support, including a statement regarding the appropriate time frame to consider construction and scheduling of the development. Additionally, the types of tenants if a leased project that are likely to have market support in the development shall be identified.

D. Procedures.

1. Applications for conditional use shall be submitted in accordance with Subsection C.
2. Upon receipt of a complete application for conditional use approval, the Township shall submit the application for recommendation to the Planning Commission. The application shall be deemed complete when the Township is in receipt of information as required in Subsection C. Upon receipt of a complete application, the Planning Commission shall review the conditional use request with the applicant at its next regularly scheduled meeting or at a special meeting at the discretion of the Planning Commission. If the Planning Commission does not render a decision within sixty (60) days from the date that the application is delivered to it, then it shall be deemed that the Planning Commission recommends the approval of the application.
3. After review by the Planning Commission, the Board of Supervisors shall hold a public hearing in accordance with Act 247 Section 913.2 in making determinations about conditional use applications. Notice of hearings on conditional uses shall be provided in accordance with Act 247 Section 908(1), and notice of the decision shall be provided in accordance with Act 247 Sections 908(10) and 913.2. If, after any public hearing, the application is amended or changed substantially, the Board of Supervisors shall hold another public hearing pursuant to public notice as aforesaid.
4. In allowing a conditional use, the Board of Supervisors may attach such reasonable conditions and safeguards, in addition to other provisions in this Ordinance, as it may deem necessary to implement the purposes of this Ordinance and Act 247.

5. Nothing in this Ordinance shall be construed to relieve an applicant for a conditional use approval from obtaining any required approval in accordance with the Subdivision and Land Development Ordinance or other applicable ordinances.
6. A stenographic record of the hearing proceedings shall be made by a court reporter. The appearance fee for the court reporter shall be shared equally by the applicant and the Board of Supervisors. Any party requesting the original transcript or a copy of the transcript shall bear the cost of same.
7. When an application for a conditional use has been filed with the Board of Supervisors and the subject matter of such application would ultimately constitute either a land development or subdivision as defined in Article II, no change or amendment of this Ordinance, the Subdivision and Land Development Ordinance, or other governing ordinances or plans shall affect the decision on such application adversely to the applicant, and the applicant shall be entitled to a decision in accordance with the provisions of the governing ordinances or plans as they stood at the time the application was duly filed. Provided, further, should such an application be approved by the Board of Supervisors, the applicant shall be entitled to proceed with the submission of land development or subdivision plans within a period of six (6) months or longer as may be approved by the Board of Supervisors following the date of such approval in accordance with the provisions of the governing ordinances or plans as they stood at the time the application was duly filed before the Board of Supervisors. If either a land development or subdivision plan is filed within said period, such plan shall be subject to the provisions of Act 247 Section 508(1) through (4) and specifically to the time limitations of Act 247 Section 508(4) which shall commence as of the date of filing such land development or subdivision plan.

E. Expiration or Extension of Conditional Use Approval.

1. Any grant of a conditional use approval shall be deemed null and void and deemed automatically rescinded six (6) months after the date of such approval, if within that period, the applicant does not begin work or no application is made for a building permit, use and occupancy permit, sedimentation and erosion control permit, subdivision or land development approval, as appropriate, or any other approval or permit required by the Township to proceed with construction, occupancy, or use pursuant to the conditional use approval, unless, prior to the expiration of the six (6) month period, the Board of Supervisors shall grant an extension upon application for an additional six (6) month period. Applicable fees for such extension shall be stated in the fee scheduled adopted by resolution by the Board of Supervisors.
2. Should the applicant begin work within the said six (6) months period, but fail to complete such work within twelve (12) months from the start of work, the Board of Supervisors may, upon ten (10) days' notice in writing, rescind or revoke the granted conditional use, the issuance of the permit(s), or other action pursuant to the conditional use application in question. If the Board of Supervisors finds that there is a good cause for the failure to complete the proposed work within the aforesaid twelve (12) month period, an extension of time may be granted at the Board of Supervisor's sole discretion.

F. Criteria for Review of Conditional Use Applications. In reviewing applications for conditional use, the Board of Supervisors shall evaluate the degree of compliance with the following:

1. The size, scope, extent and character of the proposed conditional use is consistent with the purpose and objectives for zoning in Article I. The proposed use at the location set forth in the application shall be in the public interest and best serve the public health, safety, and general welfare.
2. The location of, contribution of, and need for the proposed use as established in the Township Comprehensive Plan or other appropriate study.
3. The character and the type of development in the surrounding area, compatibility of the proposed change with uses on adjacent properties, including historic resources, and ability of the proposed change to not injure or detract from such uses or from the character of the neighborhood.
4. The proposed use is consistent with, and will have no adverse effect upon, the logical extension of public services and utilities, such as public water, public sewer, police, fire protection, recreational opportunities, open space, and public schools.
5. The proposed use reflects an environmentally sensitive approach to land planning and design, will be sited in a manner sensitive to existing site conditions including streams, vegetation, and other natural resources, and is consistent with Article XIII.
6. The proposed use provides safe and adequate access to roads of the lowest functional classification where possible (existing or proposed), will not result in excessive traffic volumes, and will make improvements needed to create compatibility with adjacent streets and public services.
7. The interior traffic circulation for the proposed use provides safe and convenient circulation for all users, including vehicular and pedestrian modes of traffic, and the plan addresses emergency design considerations.
8. The proposed use is served by water supply and sewage systems. Evidence of adequate water supply and sewage disposal for the proposed use and compliance with service boundaries and standards including the Act 537 Plan is provided.
9. If containing more than one (1) building, the use consists of a harmonious grouping of buildings or other structures.
10. Sufficient safeguards, such as parking, traffic control, screening, and setbacks can be implemented to remove any potential adverse impacts the proposed use may have on adjoining uses.
11. The proposed use is located in an area for which site conditions are suited, and effective mitigation is proposed for development impacts identified by the site analysis plan.
12. Likelihood of economic success of proposed use(s), as indicated by market analyses, where required.
13. The proposed use shall meet the provisions and requirements of the Township Subdivision and Land Development Ordinance and all other applicable ordinances and regulations whether or not propounded by the Township.
14. In granting a conditional use, the Board of Supervisors may attach such reasonable conditions and safeguards, in addition to those expressed herein, as it may deem necessary to implement the purposes of this Ordinance.

## **SECTION 1905. MUNICIPAL LIABILITIES**

The granting or denial of any permit under this Ordinance shall create no liability upon, nor a cause of action against, any Township official or employee for damages or injury that may occur from the development, use, construction, enlargement, or other modification of structures or the use of land.

**SECTION 1906. ENFORCEMENT OF THE ZONING ORDINANCE**

- A. **Enforcement Notice.** This Ordinance shall be enforced by the Zoning Officer. If it appears to the Zoning Officer that a violation of this Ordinance has occurred, the Zoning Officer shall initiate enforcement proceedings by sending an enforcement notice as provided in this Section and Section 616.1 of Act 247. The enforcement notice shall be sent to the owner of record of the lot on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding that lot, and to any other person requested in writing by the owner of record. An enforcement notice shall state at least the following:
1. The name of the owner of record and any other person against whom the Township intends to take action.
  2. The location of the property in violation.
  3. The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provision of this Ordinance.
  4. The date before which the steps for compliance must be commenced and the date before which the steps must be completed.
  5. That the recipient of the notice has the right to appeal to the Zoning Hearing Board within thirty (30) days in accordance with procedures set forth in this Ordinance.
  6. That failure to comply with the notice within thirty (30) days, unless extended by appeal to the Zoning Hearing Board, constitutes a violation, with possible sanctions described.
- B. **Enforcement Remedies.** Any person, partnership, or corporation that has violated a provision of this Ordinance shall, upon being found liable in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than five-hundred dollars (\$500) plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof. No judgment shall commence or be imposed, levied, or payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the district justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership, or corporation to have believed there was no such violation, in which event it shall be deemed to have been only one (1) such violation until the fifth (5th) day following the date of the determination of a violation by the district justice and thereafter each day that a violation continues shall constitute a separate violation. The court of common pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem judgment pending a final adjudication of the violation and judgment. Nothing contained in this Section shall be construed or interpreted to grant to any person or entity other than the Township the right to commence any action for enforcement pursuant to this Ordinance.
- C. **Causes of Action.** Where any building, structure, landscaping, or land is, or is proposed to be, erected, constructed, reconstructed, altered, converted, maintained, or used in violation of this Ordinance, the Township or an aggrieved owner or tenant of real property who shows that his property or person will be substantially affected by the alleged violation, in addition to the other remedies, may institute appropriate actions or proceedings to prevent, restrain, correct, or abate such violation. When any such actions are instituted by an owner or tenant, notice of such actions shall be served upon the Township at least thirty (30) days prior to the time the



actions are begun by serving a copy of the complaint to the Board of Supervisors. No such actions may be maintained until such notice has been served.

## **SECTION 1907. BOARD OF SUPERVISORS JURISDICTION**

The Board of Supervisors shall have exclusive jurisdiction to hear and render final adjudications in the following matters, based on Act 247 Section 909.1:

- A. Applications for planned residential developments under Act 247 Article VII.
- B. Applications for conditional use under this Ordinance under Act 247 Section 603(c)(2).
- C. Applications for subdivisions or land development approval under Act 247 Article V.
- D. Applications for curative amendment to a zoning ordinance pursuant to Act 247 Sections 609.1 and 916.1(a)(2).
- E. Petitions for amendments to this Ordinance, pursuant to Act 247 Section 609. Any action on such petitions shall be deemed legislative acts, provided that nothing contained in this clause shall be deemed to enlarge or diminish existing law with reference to appeals to court.
- F. Appeals from the determination of the Township Engineer or Zoning Officer in the administration of this Ordinance in the administration of sedimentation and erosion control and storm water management insofar as the same relates to applications under Act 247 Article V (Subdivision and Land Development) or Act 247 Article VII (Planned Residential Development). Where such determination does not relate to an application under Article V or VII, the appeal from such determination shall be to the Zoning Hearing Board.
- G. Applications under Act 247 Article IV.

## *Article XX: Zoning Hearing Board*

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### **SECTION 2000. PURPOSE AND JURISDICTION**

The purpose of this Article is to provide standards for the functions and procedures of the Zoning Hearing Board, based on Act 247 Section 909.1. The Zoning Hearing Board shall have exclusive jurisdiction to hear and render final adjudications in the following matters:

- A. Applications for variances under this Ordinance, pursuant to Act 247 Section 910.2.
- B. Applications for special exceptions under this Ordinance, pursuant to Act 247 Section 912.1.
- C. Appeals from the determination of the Zoning Officer, including, but not limited to the granting or denial of any permit, or failure to act on the application therefor, the issuance of any cease and desist order, or registration or refusal to register any nonconforming use, structure, or lot.
- D. Appeals from a determination of the Township Engineer or Zoning Officer in the administration of floodplain or flood hazard ordinances including such provisions herein.
- E. Appeals from the determination of the Zoning Officer in the administration of transfers of development rights or performance density provisions of this Ordinance.
- F. Appeals from the Zoning Officer's determination under Act 247 Section 916.2.
- G. Appeals from the determination of the Township Engineer or Zoning Officer in the administration of sedimentation and erosion control and stormwater management insofar as the same relate to development not involving applications under Act 247 Article V (Subdivision and Land Development) or Act 247 Article VII (Planned Residential Development), in which case appeals is before the Board of Supervisors.
- H. Substantive challenges to the validity of this Ordinance and Zoning Map, except landowner curative amendments brought before the Board of Supervisors pursuant to Act 247 Sections 609.1 and 916.1(a)(2).
- I. Challenges to the validity of this Ordinance raising procedural questions or alleged defects in the process of enactment or adoption which challenges shall be raised by an appeal taken within thirty (30) days after the effective date of said ordinance.

### **SECTION 2001. ESTABLISHMENT, MEMBERSHIP, ORGANIZATION, AND EXPENDITURES FOR SERVICE OF THE ZONING HEARING BOARD**

- A. **Members.** There shall be a Zoning Hearing Board which shall consist of three (3) Township residents, who shall be appointed by resolution of the Board of Supervisors. Member's terms of office shall be three (3) years and shall be so fixed that the term of office of one (1) member shall expire each year. The Zoning Hearing Board shall promptly notify the Board of

Supervisors of any vacancy which occurs. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members shall hold no other elected or appointed office in the Township nor shall any member be an employee of the Township.

- B. **Alternate Members.** The Board of Supervisors may, by resolution, appoint up to two (2) Township residents to serve as an alternate member of the Zoning Hearing Board. The term of an alternate member shall be three (3) years. An alternate member shall hold no other elected or appointed office in the Township nor shall any alternate member be an employee of the Township. An alternate may participate in any proceeding or discussion of the Zoning Hearing Board, but shall not be entitled to vote as a member of the Zoning Hearing Board nor be compensated as a member as provided in this Section, unless seated as a member in accordance with this Section.
- C. **Removal of Members.** Any member of the Zoning Hearing Board may be removed for malfeasance, misfeasance, or nonfeasance in office or for other just cause by a majority vote of the Board of Supervisors taken after the member has received fifteen (15) days advance notice of the intent to take such a vote. A hearing shall be held in connection with the vote if the member shall request it in writing.
- D. **Organization.**
  - 1. **Officers.** The Zoning Hearing Board shall elect from its own membership its officers, who shall serve annual terms as such and may succeed themselves. For the conduct of any hearing and the taking of any action, a quorum shall not be less than a majority of all the members of the Zoning Hearing Board, but the Zoning Hearing Board may appoint a hearing officer from its own membership to conduct any hearing on its behalf and the parties may waive further action by the Zoning Hearing Board as provided in Act 247 Section 908.
  - 2. **Alternates.** The Chair of the Zoning Hearing Board may designate alternate members of the Zoning Hearing Board to replace absent or disqualified members and if, by reason of absence or disqualification of a member, a quorum is not reached, the chair or, in the chair's absence, the vice-chair of the Zoning Hearing Board shall designate the alternate member(s) to sit on the Board as may be needed to reach a quorum. Alternate member(s) shall continue to serve on the Zoning Hearing Board in all proceedings involving the matter or case for which the alternate was initially appointed until the Zoning Hearing Board has made a final determination on the matter or case. Designation of an alternate pursuant to this Subsection shall be made on a case-by-case basis in rotation according to declining seniority among all alternates.
  - 3. **Rules.** The Zoning Hearing Board may make, alter, and rescind rules and forms for its procedure, consistent with Act 247, this Ordinance, other applicable Township ordinances, and laws of the Commonwealth. The Zoning Hearing Board shall keep full public records of its business, which records shall be the property of the Township, and shall submit a report of its activities to the Board of Supervisors upon request of the Board of Supervisors.
- E. **Expenditure for Service.** Members, and alternate members when designated per Subsection D, of the Zoning Hearing Board may receive compensation for the performance of their duties, as may be fixed by the Board of Supervisors, but in no case shall it exceed the rate of compensation authorized to be paid to the Board of Supervisors.

**SECTION 2002. VARIANCES**

The Zoning Hearing Board shall hear and decide upon requests for variances where it is alleged that the provisions of this Ordinance inflict unnecessary hardship upon an applicant. An applicant shall file an application as specified under Section 2004. The Zoning Hearing Board may grant a variance, provided that all the following findings, as set forth in Act 247 Section 910.2, are made where relevant in a given case. In granting a variance, the Zoning Hearing Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Ordinance.

- A. That there are unique physical circumstances or conditions, including irregularity, narrowness or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of the Zoning Ordinance in the district in which the property is located.
- B. That, because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Ordinance and that the authorization of a variance is, therefore, necessary to enable the reasonable use of the property.
- C. That such unnecessary hardship has not been created by the applicant.
- D. That the variance, if authorized, will neither alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.
- E. That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

**SECTION 2003. SPECIAL EXCEPTION USES**

This Section provides for consideration of certain uses to be permitted within the Township as special exception uses. These uses may not be appropriate at every location within a zoning district, and accordingly as permitted by Act 247, this Section establishes standards and criteria by which to evaluate applications for special exception uses. The Zoning Hearing Board shall hear and decide upon requests for special exception uses, where such uses are permitted by this Ordinance. It is intended that such uses, which have the potential for substantial impact on the community, shall comply with the provisions in this Section and other applicable provisions of this Ordinance.

- A. An applicant shall file an application per Section 2004. The Zoning Hearing Board shall review the application materials and hearing testimony to determine where the proposed special exception use will impose adverse impacts upon the public interest that are of a greater impact than may otherwise be expected in normal circumstances from such a use or activity.
- B. In presenting an application for a special exception use, the applicant shall demonstrate that the proposal, if approved, will comply with all applicable ordinances and regulations. Where any

waiver from or modification of the terms of such ordinances or regulations would be necessary, the Zoning Hearing Board may consider this an indication of the proposal's greater than normal adverse impact, and may, as it deems appropriate, either (i) deny the application accordingly, or (ii) impose conditions on any grant of approval to address such impacts.

1. In authorizing any modifications or waivers to otherwise applicable requirements through the imposition of reasonable conditions, the Zoning Hearing Board shall relate such conditions specifically to the site in question and to the hearing testimony offered in support of the modification or waiver.
  2. Any subsequent request by the applicant for further modification or waiver, not presented in testimony at the public hearing, may be authorized by the Zoning Hearing Board only through the procedures of this Section for approval of a special exception use.
- C. In requesting approval for any special exception use, as identified within this Ordinance, the applicant shall, in relation to the standards and criteria contained in Subsection D, below, have the burden of demonstrating that the proposed special exception use will not impose adverse impacts upon the public interest which are of a greater nature than those that might be expected in normal circumstances from such a use or activity on the site in question.
- D. In any instance where the Zoning Hearing Board is required to consider a special exception use in accordance with the provisions of this Ordinance, the Zoning Hearing Board shall, among other things:
1. Assure itself that the proposed change is consistent with the spirit, purpose, and intent of this Ordinance.
  2. Determine that the proposed change will not substantially injure or detract from the use of neighboring property or from the character of the neighborhood, and that the use of the property adjacent to the area included in the proposed change or plan is adequately safeguarded.
  3. Determine that the proposed change will serve the best interests of the Township, the convenience of the community, where applicable, and the public welfare.
  4. Consider the effect of the proposed change upon the logical, efficient, and economical extension of public services, and facilities such as public water, sewer, police and fire protection, and public schools, and assure adequate arrangements for sanitation in specific instances.
  5. Be guided in its study, review and recommendations by sound standards of subdivision practice where applicable.
  6. Guide the development of arterial and collector highway frontage insofar as possible so as to limit the total number of access points.
  7. Consider the suitability of the proposed location of an industrial or commercial use with respect to probable effects upon highway traffic, and assure adequate access arrangements to protect major highways from undue congestion and hazard.
  8. Ascertain the adequacy of sanitation and public safety provisions, where applicable, and require a certificate of adequacy of sewage and water facilities from the appropriate governmental health agency in any case required herein or deemed advisable.
  9. Require that all commercial or industrial parking, loading, access, or service areas shall be adequately illuminated at night while in use, and that such lighting, including sign lighting, shall be arranged so as to protect the highway and neighboring properties from direct glare or hazardous interference of any kind.

10. Impose such conditions, in addition to those required, as are necessary to assure that the general purpose and intent of the Zoning Ordinance is complied with, which conditions may include, but are not limited to, harmonious design of buildings, planting and its maintenance as a sight or sound screen, and the minimizing of noxious, offensive, or hazardous elements.
  11. Weigh each case on its own merits, separately, based upon pertinent information presented or known to the Board, and without regard to any previous case.
  12. In granting a special exception use, the Zoning Hearing Board may attach such reasonable conditions and safeguards, in addition to those expressed herein, as it may deem necessary to implement the purposes of this Ordinance.
- E. When an application for a special exception use has been filed with the Zoning Hearing Board and the subject matter of such application would ultimately constitute either a land development or subdivision as defined in Article II, no change or amendment of this Ordinance, the Subdivision and Land Development Ordinance, or other governing ordinances or plans shall affect the decision on such application adversely to the applicant, and the applicant shall be entitled to a decision in accordance with the provisions of the governing ordinances or plans as they stood at the time the application was duly filed. Provided, further, should such an application be approved by the Zoning Hearing Board, the applicant shall be entitled to proceed with the submission of land development or subdivision plans within a period of six (6) months or longer as may be approved by the Zoning Hearing Board following the date of such approval in accordance with the provisions of the governing ordinances or plans as they stood at the time the application was duly filed before the Zoning Hearing Board. If either a land development or subdivision plan is filed within said period, such plan shall be subject to the provisions of Act 247 Section 508(1) through (4) and specifically to the time limitations of Act 247 Section 508(4) which shall commence as of the date of filing such land development or subdivision plan.

## **SECTION 2004. HEARINGS**

The Zoning Hearing Board shall conduct hearings and make decisions in accordance with the following requirements, based on Act 247 Section 908.

### **A. Applications and Appeals Filing.**

1. All applications shall be made in writing by the landowner or his authorized agent on forms furnished by the Township and shall include information necessary to enable the Zoning Officer to ascertain compliance with this Ordinance and all other applicable ordinances. Applications shall be accompanied by such plans, documents, and information as required on the applicable forms furnished by the Township as well as be accompanied by the applicable permit application fee per Section 1903. In the event that any required information is not furnished, the application shall be refused and notice of such refusal shall be given to the applicant.
2. Applications for requests for a variance under Section 2000.A or a special exception under Section 2000.B may be filed with the Zoning Hearing Board by any landowner or any tenant with the permission of such landowner. An application for a special exception or variance shall state:

- a. The name and address of the applicant or appellant.
  - b. The name, tax parcel number, and address of the owner of the real estate to be affected by the proposed exception or variance.
  - c. A brief description and location of the real estate to be affected by such proposed change.
  - d. A statement of the present zoning classification of the real estate in question, the improvements thereon, and the present use thereof.
  - e. A statement of the section of this ordinance under or from which the exception or variance requested may be authorized, and reasons why relief should be granted.
  - f. A reasonably accurate description of the present improvements and the additions intended to be made under the application or appeal, if any, indicating the size of such proposed improvements, material, and general construction thereof. In addition, there shall be attached: (1) a site plan of the property(ies) to be affected, indicating the location and size of the lot and existing and proposed use, arrangement, building height, and dimensional features; and (2) a copy of the record deed of the real estate to be affected.
3. Applications for appeals under Section 2000 may be filed with the Zoning Hearing Board in writing by the landowner affected, any officer or agency of the Township, or any person aggrieved. Applications for such appeals, including the grounds thereof, shall be filed within thirty (30) days of such decision, determination, or action with the Township office and Zoning Hearing Board. After a complete application has been submitted, the Zoning Officer shall transmit to the Zoning Hearing Board information constituting the record upon which the decision or action being appealed was taken.
  4. No person shall be allowed to file any proceeding with the Zoning Hearing Board later than thirty (30) days after an application for development, preliminary or final, has been approved by the Township if such is designed to secure reversal or limit the approval unless such person alleges and proves that he/she had no knowledge that such approval had been given. However if such person has succeeded in interest after such approval, such person shall be bound by the knowledge of his/her predecessor in interest. This subsection shall be carried out in accordance with Act 247 Section 914.1.
- B. Fees. Any applicants before the Zoning Hearing Board shall deposit with the Township the appropriate filing fee in accordance with the terms of Section 1903. Fees shall be for purposes as prescribed in Act 247 Section 908.
- C. Notice. Upon receiving the filing of an appeal of a zoning determination or an application for a special exception use or variance, the Zoning Hearing Board shall fix a reasonable time and place for a public hearing thereon and shall give public notice thereof as follows:
1. Public notice shall be given per Act 247 requirement.
  2. Written notice of the public hearing shall be given to the applicant, zoning officer, and persons who have made a timely written request to receive notice. Such notice shall be given, via certified mail, at least seven (7) days before the date of the hearing.
  3. The Zoning Hearing Board may mail written notice of the public hearing to the owner (if the address is known), the occupant, the occupier of every lot on the same road within one-thousand (1,000) feet of the lot, building, or structure in question, or every lot not on the same road within one thousand (1,000) feet of the lot, building, or structure in question, address provided that failure to give notice as required by this Subsection shall not invalidate any action taken by the Zoning Hearing Board.

4. Said written notice of the public hearing shall state the location of the lot, building, or structure in question, the general nature of the question involved, and the date, time, and place of the hearing.
5. Written notice of the public hearing shall also be conspicuously posted by the Township on the affected lot(s) at least one (1) week prior to the hearing.

D. Hearing Procedure and Decisions. Hearings shall be conducted and determinations made in accordance with Act 247 Section 908.

#### **SECTION 2005. STAY OF PROCEEDINGS**

Upon filing of any proceeding referred to in Section 2000.C. through I. and during its pendency before the Zoning Hearing Board, all land development pursuant to any challenged ordinance, order, or approval of the Zoning Officer or of any agency or body, and all official action thereunder, shall be stayed unless the Zoning Officer or any other appropriate agency or body certifies to the Zoning Hearing Board facts indicating that such stay would cause imminent peril to life or property. In such case, the development or official action shall not be stayed otherwise than by a restraining order, which may be granted by the Zoning Hearing Board or by the court having jurisdiction of zoning appeals, on petition, after notice to the Zoning Officer or other appropriate agency or body. Procedures shall be in accordance with Act 247 Section 915.1.

#### **SECTION 2006. EXPIRATION OF SPECIAL EXCEPTIONS**

Any approval of a special exception or variance request shall be deemed null and void and deemed automatically rescinded six (6) months from the date of such approval if, within that period, the applicant does not begin work or no application is made for a building permit, use and occupancy permit, sedimentation and erosion control permit, subdivision or land development approval, or any other approval or permit required by the Township to proceed with construction, occupancy, or use pursuant to the special exception or variance, unless, prior to the expiration of the six (6) month period, the Zoning Hearing Board shall grant an extension upon application for an additional six (6) month period. Applicable fees for such extension shall be stated in the fee scheduled adopted by resolution by the Board of Supervisors.

#### **SECTION 2007. APPEALS TO COURT**

Appeals from decisions of the Zoning Hearing Board may be taken by any party aggrieved to a court of competent jurisdiction in accordance with Act 247 Article X-A.



## *Article XXV: Amendments*

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### **SECTION 2100. POWER OF AMENDMENT**

The Board of Supervisors may from time to time amend, supplement, change, modify, or repeal this Ordinance including the Zoning Map and other Ordinance appendix maps or documents, by proceeding in the following manner in accordance with Act 247.

### **SECTION 2101. AMENDMENT BY BOARD OF SUPERVISORS**

- A. Before voting on enactment of an amendment to this Ordinance, the Board of Supervisors shall hold a public hearing thereon, pursuant to public notice. Such hearing and notice shall be in accordance with Act 247 requirements.
- B. Where the proposed amendment involves a zoning map change, notice shall be posted by the Township along the area where such change is proposed and notice shall be mailed by the Township to the addressees to which real estate tax bills are sent for all real property located within the area being rezoned. Such posting and notice shall be in accordance with the requirements of Section 609 of Act 247. A good faith effort and substantial compliance with Act 247 shall satisfy the requirements. However, this Subsection shall not apply when a rezoning constitutes a comprehensive rezoning.
- C. If, after a public hearing held on a proposed amendment, said amendment is changed substantially, or is revised to include land previously not affected by it, the Board of Supervisors shall hold another hearing, pursuant to public notice, before proceeding to vote on the amendment.
- D. Within thirty (30) days after enactment, a copy of any amendment to this Ordinance shall be forwarded to the Chester County Planning Commission.

### **SECTION 2102. PLANNING COMMISSION REVIEW**

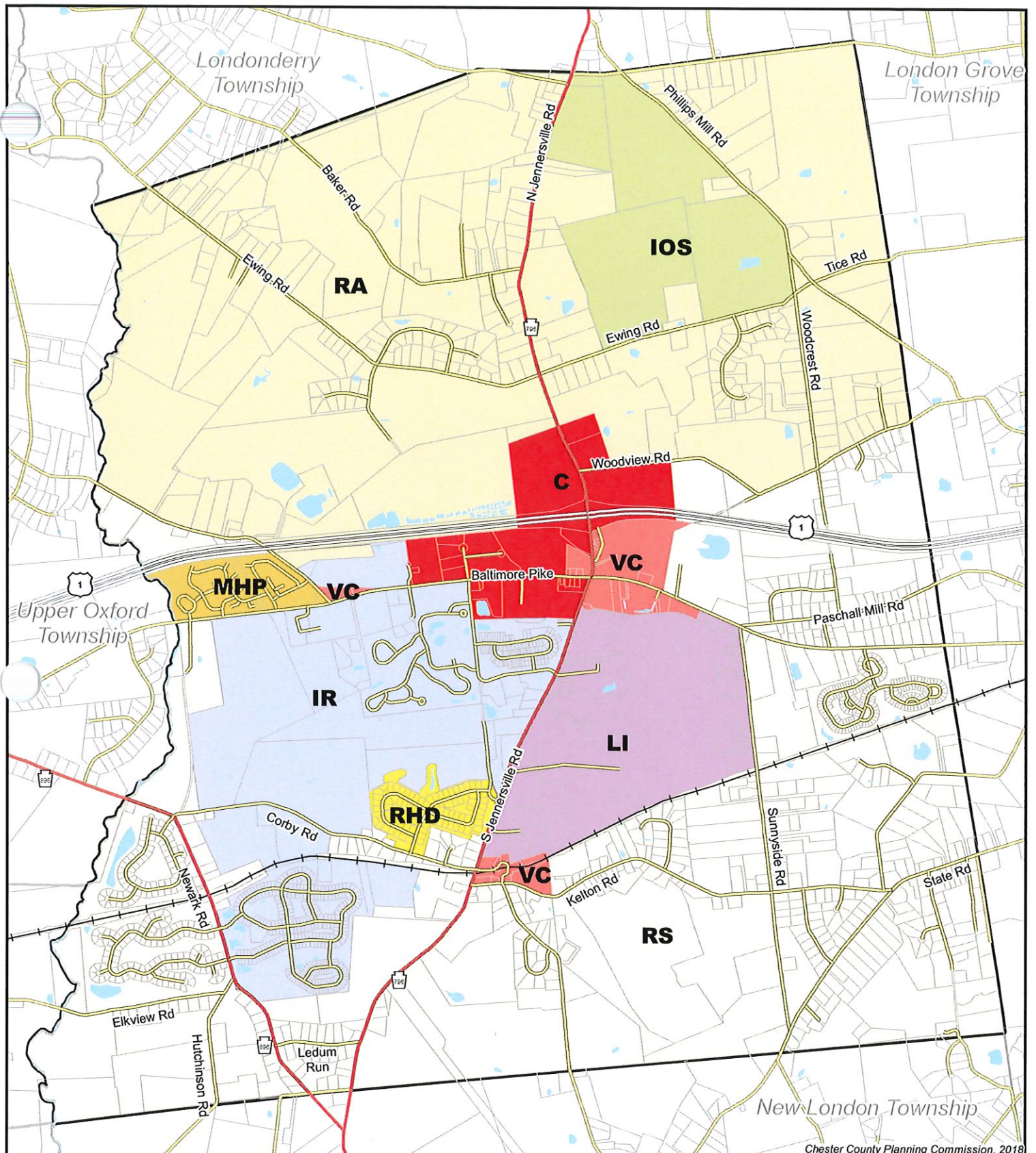
The Board of Supervisors shall refer each proposed amendment to the Township Planning Commission and the Chester County Planning Commission at least thirty (30) days prior to the hearing on such to provide each an opportunity to provide recommendations. Such review shall consider whether the proposed amendment is consistent with the purpose and community development objectives set forth in Article I of this zoning ordinance, the Township Comprehensive Plan, County Comprehensive Plan, and Act 247.

### **SECTION 2103. CURATIVE AMENDMENT PROCEDURES**

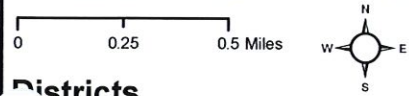
- A. Landowner Curative Amendment. A landowner who desires to challenge on substantive grounds the validity of this Ordinance or the Zoning Map or any provision thereof, which prohibits or restricts the use or development of land in which the landowner has an interest,

may submit a curative amendment to the Board of Supervisors with a written request that the landowner's challenge and proposed amendment be heard and decided in accordance with provisions of Act 247 Section 609.1.

- B. Township Curative Amendments. If the Board of Supervisors determines that this Ordinance or any portion thereof or amendment thereto is substantially invalid, it shall have the right to prepare a curative amendment in accordance with provisions of Act 247 Section 609.2.



Chester County Planning Commission, 2018



## Penn Township Zoning Update, 2018

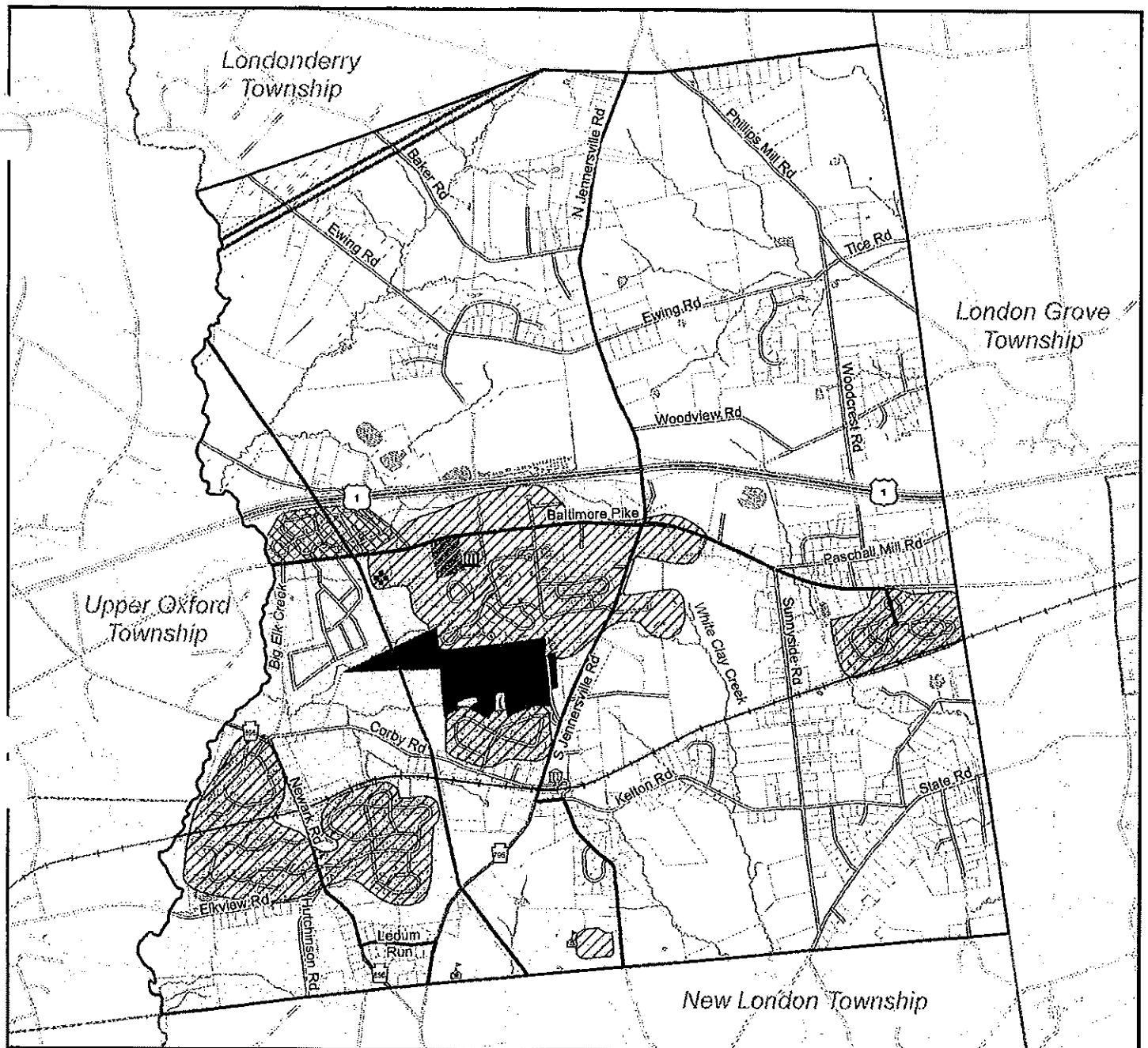
### Districts

- RA Residential Agricultural District
- RS Residential Suburban District
- RHD Residential High Density District
- MHP Mobile Home Park District

- IR Institutional Residential District
- IOS Institutional Open Space District
- VC Village Commercial District
- C Commercial District
- LI Limited Industrial District

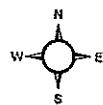
- Parcels
- Railroad
- Local Road
- State Road
- US Highway
- Lakes, Rivers and Streams





## Penn Township

0 0.25 0.5 1 Miles



This map was digitally compiled for internal maintenance and developmental use by the County of Chester, Pennsylvania to provide an index to parcels and for other reference purposes. Parcel lines do not represent actual field surveys of premises. County of Chester, Pennsylvania makes no claims as to the completeness, accuracy or content of any data contained herein, and makes no representation of any kind, including, but not limited to, the warranties of merchantability or fitness for particular use, nor are any such warranties to be implied or inferred, with respect to the information or data furnished herein. No part of this document may be reproduced, stored in a retrieval system or transmitted in any form or by any means, electronic, mechanical, photocopying, recording, or otherwise, except as expressly permitted by the County of Chester.

Chester County Planning Commission, September 2012



### Map Features

- Township Building
- Public Schools
- Hospitals
- Post Office
- Overhead Transmission Lines

### Sewer Service Areas

- Oxford Village MHP
- Penn Township

### Water Service Areas

- Public Water Service Areas
- Water Lines

- Municipal Boundaries
- Parcels
- Railroad
- Local Road
- State Road
- US Highway
- Lakes, Rivers and Streams
- Township Park
- Future Township Park