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October 7, 2025

VIA ELECTRONIC MAIL ONLY

Matthew Edmond, AICP, Executive Director
Chester County Planning Commission
601 Westtown Road, Suite 270
Post Office Box 2737
West Chester, Pennsylvania 19380

RE: West Caln Township Zoning Ordinance & Zoning Map – Comprehensive Rewrite & Rezoning

Dear Mr. Edmond:

Enclosed for the Chester County Planning Commission's review as required under the Municipalities Planning Code is the West Caln Township Zoning Ordinance and Zoning Map (the "Ordinance") being considered for adoption by the West Caln Township Board of Supervisors, as a comprehensive rewrite of the Township's existing Zoning Ordinance and Zoning Map.

On the same date as this letter, our office will submit the required Act 247 form and Ordinance *via* the Chester County Planning Commission's online platform. Once a reviewer is assigned, Nanci Sarcinello, AICP, can forward a red-lined version of the above to ease in the review process. Nanci has been assisting West Caln Township with this project in conjunction with a task force consisting of Township residents. The Zoning Ordinance Task Force held ten (10) public meetings in 2023, ten (10) public meetings in 2024 and two (2) public meetings in 2025 in an effort to gather public input and draft this comprehensive rewrite.

The intent is for this Ordinance to be placed before the West Caln Township Board of Supervisors for consideration to adopt either at their November or December meeting. We ask that the County Planning Commission review the enclosed Ordinance in accordance with Act 247 and provide us with your comments.

Please also feel free to contact me or Nanci directly with any comments or questions. Thank you for your courtesy.

Very truly yours,
Kimberly P. Venzie
Kimberly P. Venzie

Enclosure

cc: Kim Milane-Sauro, West Caln Township Manager (via email w/o enclosures)
West Caln Township Planning Commission (via email – enclosures previously sent)
Nanci Sarcinello, AICP (via email w/o enclosures)

ZONING ORDINANCE

West Caln Township

Chester County, Pennsylvania

DRAFT: October 3, 2025

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Attachments

Appendix A: Plant Materials List

Appendix B: Model Timber Harvesting Ordinance

Functional Classification of Roads Map

Zoning Map

ARTICLE I
Title, Purpose, Objectives and Interpretation

§ 350-100. Short title.

This chapter shall be known, and may be cited as, "The West Caln Township Zoning Ordinance, 2025, as amended."

§ 350-101. Purpose.

This chapter is enacted under and pursuant to the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended, and in accordance with the West Caln Township Comprehensive Plan, and in accordance with an overall program and with consideration for the character of the Township, its various parts and the suitability of the various parts for particular uses and structures, in order to promote, protect, and facilitate general public health, safety, and welfare, and coordinated and practical community development and proper density of population through regulations including but not limited to provision of adequate light and air; adequate parking and loading, safe and efficient travel by vehicles, bicycles and pedestrians; safe, reliable, and adequate water and sewer facilities through a balance between development and facilities; adequate recreational facilities, 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 nonresidential uses.

§ 350-102. Community development objectives.

This chapter is enacted to implement the spirit and intent of the West Caln Township Comprehensive Plan and other applicable codes, ordinances, or studies, as amended, which have been formulated to implement the purpose set forth in § 350-101, according to the following community development goals of the Township Comprehensive Plan:

- A. Provide for use of land in a manner that preserves the Township's farmlands, open spaces, and natural and historic resources
- B. Accommodate new development in proximity to the US Route 30 interchanges, Highlands Corporate Center, Valley Township, and Coatesville, where access to transportation, jobs, and public utilities is most feasible.
- C. Provide for a mix of housing types to accommodate households at various life stages and income levels.
- D. Coordinate future development with existing public sewer infrastructure so that extension of such infrastructure into rural areas can be minimized, and encourage the installation of public sewer service to targeted areas that have a concentration of septic system failures.
- E. Coordinate future development with existing public water infrastructure so that extension of such infrastructure into rural areas can be minimized, and encourage the installation of public water service to targeted areas that have a concentration of substandard well water quality.
- F. Coordinate future development with existing road and transportation infrastructure so that new development does not overwhelm the capacity of the Township's rural roads and lead to traffic congestion.

- G. Develop regulations pertaining to the keeping of animals consistent with state law.
- H. Protect historic and natural resources to retain the Township's rural character and capitalize on their health, quality of life, and economic benefits.
- I. Provide for community facilities and services to meet existing and future demand in a manner that is economical and enhances residents' quality of life.
- J. Establish pedestrian and bicycle paths and link these paths to eventually form a network that connects residents to local and regional destinations.

§ 350-103. Interpretation and scope.

In interpreting and applying the provisions of this chapter, they shall be held to be the minimum requirements for the promotion of the purposes of this chapter. From and after the effective date of this chapter, the use, construction and development of all land, uses, structures, buildings, signs or portions thereof will be subject to the regulations herein. Any existing structures, lots, signs, or uses not in conformity with the regulations herein shall be considered nonconforming, but may be continued or changed subject to regulations herein regarding nonconformities.

§ 350-104. Validity and severability.

Should any section or provision of this chapter for any reason be declared by a court of competent jurisdiction to be invalid, such decision shall not affect or impair the validity of this chapter as a whole or of any other part thereof.

§ 350-105. Conflict.

It is not intended by this chapter 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 chapter. Where this chapter imposes greater restrictions upon the use of buildings or land, upon height and bulk of buildings, prescribes larger open spaces, or other applicable regulations under this chapter than are required by the provisions of another ordinance, enactment, rule, regulation or permit, the provisions of this chapter shall control. Where the provisions of any statute, other ordinance, or regulation impose greater restrictions than this chapter, the provisions of such statute, ordinance, or regulation shall control.

§ 350-106. Repealer.

The West Caln Township Zoning Ordinance, 2005, and amendments thereto, and all ordinances in conflict herewith are hereby repealed.

§ 350-107. Effective date.

The effective date of this chapter is , 2025. In all zoning districts, after the effective date of this chapter, any new building or other structure, or any tract of land shall be constructed, developed and used only in accordance with the regulations specified for each district. In all zoning districts, after the effective date of this chapter, any existing building, structure, use, or sign, lot which is not in conformity with the regulations for the district in which it is located shall be deemed as nonconforming and subject to the regulations of Article XV, herein.

ARTICLE II Terminology

§ 350-200. Word usage.

Unless otherwise expressly stated, the following words and phrases shall be construed throughout this chapter to have the meaning indicated herein below, 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 "used" shall include the words "designed, arranged, or intended to be used";
- C. The word "person" shall include any individual, partnership, firm, association, corporation, limited liability company, or organization;
- D. The word "occupied" shall include the words "designed, or intended to be occupied";
- E. The word "Township" shall mean West Caln Township, Chester County, Pennsylvania;
- F. The term "Board of Supervisors" shall mean the Board of Supervisors of West Caln Township;
- G. The term "Zoning Hearing Board" shall mean the Zoning Hearing Board of West Caln Township; and
- H. The word "shall" indicates a mandatory requirement.
- I. Whenever an ordinance, statute, rule, regulation, official municipal plan or policy is referenced herein, it shall also include such ordinances, statutes, rules, regulations, official municipal plans or policies, as amended and any successor provisions.

§ 350-201. Definitions.

- A. Undefined terms. In cases where definitions do not appear and disagreement arises as to meaning, the definition which shall govern shall be that derived from the American Heritage Dictionary of the English Language, 4th Edition (2000).
- B. Illustrations. All illustrations referenced below are located at the end of this article. All illustrations are intended as examples only.
- C. As used in this chapter, the following terms shall have the meanings indicated:
 - ABANDONMENT — A use of property, land, or buildings which is discontinued for a continuous period of 12 months absent any substantial external evidence of the intention to reestablish the use including but not necessarily limited to an insurance claim or governmental licensing proceedings.
 - ACCESSORY STRUCTURE — See "structure, accessory."
 - ACCESSORY USE — See "use, accessory."
 - ACCESSWAY — A means of providing ingress and egress to an area such as a driveway, sidewalk, pedestrian/bike path, trail or other similar facility.

ACRE — A unit of area equal to 43,560 contiguous square feet.

ACT 247 — The "Pennsylvania Municipalities Planning Code", Act 247 of 1968 (53 P.S. § 10101 et seq.).

ADAPTIVE REUSE — The development of a new activity for a building originally designed or used for another purpose (see Figure 2-A).

ADULT COMMERCIAL USE — Adult commercial uses shall include the following:

- (1) A store or shop where the principal use is devoted to the display and selling of pornographic materials which are pictures, drawings, photographs, films, or other media depictions or printed matter and paraphernalia which, if sold knowingly to an individual under the age of 18 years of age, would violate the criminal laws of the Commonwealth of Pennsylvania in effect at the time thereof.
- (2) Adult entertainment establishments such as cabarets, nightclubs, movie theaters, bars, any entertainment for adults such as over-twenty-one clubs with a live band or similar establishments, providing or with an emphasis on live or media entertainment of a sexual or erotic nature.
- (3) Any other business, establishment, or club, which offers its patrons services, entertainment, or retail goods or commercial services characterized by an emphasis on activities or matter depicting, describing, relating to, displaying or performing sexual or erotic activities.

AGE-RESTRICTED RESIDENTIAL COMMUNITY – A residential development wherein dwelling units, and related accessory uses, are age-restricted consistent with The Housing for Older Persons Act of 1995, as amended. For the purposes of this chapter, such an age-restricted development is distinct and separate from a facility where health services are provided to occupant(s) including, but not limited to, nursing homes/skilled nursing care facilities/long-term care facilities, assisted living facilities, personal care homes, and continuing care retirement communities.

AGRICULTURAL ACCESSORY DWELLING UNIT — A residential dwelling unit that has been added onto, or created within, a single-family home or accessory structure, e.g., in a barn, and located on an agricultural use within the AP District.

AGRICULTURAL OPERATION — consistent with Pennsylvania's Right to Farm Act (3 P.S. § 952), the activities, practices, equipment and procedures that farmers adopt, use or engage in the production and preparation for market of poultry, livestock and their products and in the production, harvesting and preparation for market or use of agricultural, agronomic, horticultural, silvicultural and aquacultural crops and commodities and is: (1) not less than ten contiguous acres in area; or (2) less than ten contiguous acres in area but has an anticipated yearly gross income of at least \$10,000. The term includes new activities, practices, equipment and procedures consistent with technological development within the agricultural industry.

AGRICULTURE/AGRICULTURAL USE — the use of land for Agricultural Operations as defined herein, but excluding Concentrated Animal Operations, Concentrated Animal Feeding Operations and mushroom production facilities which are separately defined and/or regulated herein.

AGRIVOLTAICS—The co-location of a solar energy facility and agriculture on the same land, whereby crop or livestock production takes place underneath, between, or adjacent to solar panels or arrays.

ALLEY — A minor way primarily for vehicular service access to the rear or side of two or more properties otherwise abutting a street.

AMUSEMENT PARK — A tract or area of land used principally as a location for permanent amusement structures or rides.

ANIMAL EQUIVALENCY UNIT (AEU) — One thousand pounds live weight of livestock or poultry animals, on an annualized basis, regardless of the actual number of individual animals comprising the unit. [Pa. Code § 83.201]

ANIMAL EQUIVALENCY UNIT (AEU) PER ACRE — An animal equivalent unit per acre of cropland or acre of land suitable for application of animal manure. [Pa. Code § 83.201]

ANIMAL SHELTER — The keeping of more than 10 dogs or more than 20 cats, or a combination of dogs and cats equaling more than 15 animals, which are lost, strays, unwanted, unlicensed, or unowned, whether or not the shelter is for the purpose of eventual adoption of the animals or whether the shelter is run as a for-profit or nonprofit operation. Animal shelters shall be operated in accordance with procedures accepted by animal rights groups such as the Large Animal Protection Society (LAPS) and the Society for the Prevention of Cruelty to Animals (SPCA) and the applicable state laws concerning cruelty to animals.

ANTENNA HEIGHT — The vertical distance measured from grade to the highest point of the support structure or antenna, whichever is higher. If the support structure is on a sloped grade, then the lowest grade shall be used in calculating the height.

ANTENNA SUPPORT STRUCTURE — Any pole, telescoping mast, tower, tripod, or any other structure which supports a device used in the transmitting or receiving of frequency, signals or energy.

ANTENNA, COMMERCIAL COMMUNICATIONS — A structure that includes a transmitting, receiving, or relay tower, communication equipment and antenna, and support structures and accessory buildings or structures and related equipment that is licensed by the Federal Communications Commission (FCC) for the specified purpose of television, radio, or telephone communication beyond that which would be used for normal personal or residential use. Such uses shall include a digital, cellular, television, radio, microwave tower, wireless internet, or similar technology.

ANTENNA, MICROWAVE DISH — A parabolic, earth-based reflector, together with its pedestal and any other attachments and parts thereof, commonly referred to as a "dish antenna," used or intended to receive microwaves, radio waves, or electromagnetic waves from an overhead satellite.

ANTENNA, RADIO OR TELEVISION — A device, either freestanding or attached to a building, used for receiving frequency signals, including television and radio antennae, and which is not used for commercial broadcasting or communication purposes. Such devices shall include ham and citizens band radio antennae used by amateur radio operators.

APARTMENT — See "dwelling."

APPLICANT — A landowner or developer, as hereinafter defined, who has filed an application for development including his agents, heirs, executors, administrators, successors

and assigns.

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

AQUIFER — A geologic formation, group of formations, or part of a formation that contains sufficient saturated, permeable material to yield useful quantities of groundwater to wells and springs.

AREA AND BULK REGULATIONS — Standards that control the height, density, intensity and location of structures, including, but not limited to setbacks or yard requirements.

ASSISTED LIVING RESIDENCE — A premises licensed by the Commonwealth of Pennsylvania in which food, shelter, assisted living services, assistance or supervision and supplemental health care services are provided for a period exceeding 24-hours for four or more adults who are not relatives of the operator, who require assistance or supervision in matters such as dressing, bathing, diet, financial management, evacuation from the residence in the event of an emergency or medication prescribed for self-administration.

AUTHORITY — A body politic (political body) and corporate (corporate policy) created pursuant to the act of May 2, 1945 (P.L. 382, No. 164), known as the Municipality Authorities Act of 1945.

AUTOMOTIVE REPAIR FACILITIES — Establishments engaged in furnishing automotive repair services to the general public and which may include painting, body and fender shops, and customizing and auto detailing.

AUTOMOTIVE SERVICE — See "gasoline station," "service station," or "car wash."

AUTOMOTIVE/RECREATIONAL EQUIPMENT SALES — The use of any building, land area, or other premise for the display and sale or rental of new or used automobiles, panel trucks, vans, recreational vehicles, recreational equipment, or automotive equipment. This shall be interpreted to include auto accessory sales but not the sale of junked automobiles or parts thereof.

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 or use is concerned with such businesses as banking, savings and loan associations, credit unions, loan companies, mortgage companies, investment companies, or freestanding money access machines.

BASEMENT — A basement is an enclosed area of a building partly or completely below grade which shall be considered a building story if the height of any of the perimeter walls is six feet or more above grade.

BED-AND-BREAKFAST — A single-family detached dwelling occupied by a resident innkeeper containing eight or fewer guest rooms for the temporary lodging of guests for compensation and providing to the guests such lodging services as maid service and accessory dining facilities, limited to the serving of breakfast.

BEST MANAGEMENT PRACTICES (BMPS) — Methods, measures or practices to prevent or reduce surface runoff and/or water pollution, including but not limited to, structural and nonstructural controls, operation and maintenance procedures, other requirements and scheduling and distribution of activities.

BIOTIC 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.

BLOCK — A parcel of land bounded on all sides by any combination of streets, public park, railroad right-of-way, the corporate boundaries of West Caln Township, or any other barrier to the continuity of development. (See Figure 2-B)

BOARD OF SUPERVISORS — Board of Supervisors of West Caln Township.

BUFFER AREA — A strip of land adjacent to the lot line that separates incompatible uses where a visible separation is to be established.

BUILDING — A combination of materials to form a permanent structure having walls and a roof. Included shall be manufactured homes and 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; the percentage of the lot area covered by buildings. The total ground floor area shall be measured from the outside face of outside walls. Significant second floor overhangs of 16 square feet or larger shall be included in the building coverage calculation. (See Figure 2-E)

BUILDING FRONT FACADE — The lineal footage of a building face, which serves as the principal approach to a store or building and which building face fronts a public street, shopping center, driveway or pedestrian walkway.

BUILDING HEIGHT — A building's vertical measurement from the mean level of the finished grade surrounding the building to the point midway between the highest and lowest points of a sloped roof or measured from the highest flat surface of a flat roof, excluding signs, chimneys, parapets and/or mechanical equipment above the roof, such as stair or elevator penthouse and water towers and other items in § 350-1201G of this chapter. (See Figure 2-C).

BUILDING PERMIT — An approval statement signed by the Zoning Officer or other authorized officer of the Township authorizing the construction, alteration, reconstruction, or restoration of all or a part of any building within the Township.

BUILDING SETBACK LINE — The line which establishes the minimum depth of the particular yard in question, for the particular district, as measured from the applicable lot line (see Figure 2-E).

BUILDING, ACCESSORY — A building (such as a private garage, private swimming pool and appurtenant bathhouse, private toolhouse or shed, or a noncommercial greenhouse) which is subordinate and accessory to a principal building on the same lot and which is used for

purposes customarily incidental to those of the principal building.

BUILDING, PRINCIPAL — A building in which is conducted the principal use of the lot on which it is situated.

BURDEN OF PROOF — The necessity or duty of affirmatively producing and proving a fact or facts in dispute on an issue raised between the parties in a cause. The obligation of a party to establish by evidence a requisite degree of belief concerning a fact in the mind of the trier of fact or the court.

CALIPER — The diameter of a tree trunk measured at a point six inches above ground level.

CAMPGROUND — A plot of ground upon which two or more campsites are located, established, or maintained for occupancy by camping units as temporary living quarters for recreation, education, or vacation purposes.

CARTWAY — The surface of a street or alley available for vehicular traffic (see Figure 2-E).

CEMETERY — Land used or intended to be used for the burial of deceased persons or animals, including columbariums (burial of ashes), mausoleums and mortuaries when operated in conjunction with the cemetery and within the boundaries of the cemetery or adjacent tracts.

CERTIFICATE OF USE AND OCCUPANCY — A certificate issued and enforced by the Building/Zoning Officer or other authorized officer of the Township upon completion of the construction of a new building or upon a change or conversion of the structure or use of a building, which certifies compliance with all requirements and regulations as provided herein and with all other requirements herein incorporated by reference.

CLASS I, CLASS II, AND CLASS III AGRICULTURAL SOILS — Prime agricultural soil classifications established by the United States Department of Agriculture as Agricultural Capability Units I, II, and III, as amended.

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 center lines (see Figure 2-D).

CLEAR-CUTTING — The removal of all trees and other vegetation on a site, or a portion of a site, not otherwise permitted under the terms of this chapter.

CLUB or LODGE — A club catering exclusively to members and their guests, or premises or buildings for dining, social, recreational and administrative purposes, provided there are no vending stands, merchandising or commercial activities except as required for the membership of such club. Clubs shall include, but not be limited to, service and political organizations, labor unions, social clubs, and athletic clubs.

CLUSTER DEVELOPMENT — An arrangement of residential structures that allows for grouping the structures by reducing lot area and yard requirements and incorporating the remaining area as open space (see Figure 2-F).

COLUMBARIUM — An indoor or outdoor facility for the burial of cremated remains.

COMMERCIAL COMMUNICATIONS FACILITY — Any communications antenna or communications tower, as defined herein, which is operated by any person, agency or corporation, or other entity, including a public utility regulated by the Public Utilities

Commission (PUC) or any agency or franchise of West Caln Township, or any police, fire, emergency medical or emergency management agency, but not to include satellite dish antennae, defined as parabolic dishes designed for "receive only" viewing of satellite programs for private viewing, or radio and television antenna defined as freestanding or building-mounted antennae located on residential property designed to enhance radio or television reception for the residents of the dwelling.

COMMERCIAL USE — A use of land, or improvements thereto, for the purpose of monetary gain, including office use and engaging in retail, wholesale, or service for profit.

COMMON OPEN SPACE — A parcel or parcels of land or an area of water, or a combination of land and water, within a development site, designed and intended for the use or enjoyment of the residents of a development, not including streets, off-street parking areas, yards and areas set aside for public facilities.

COMMUNICATIONS TOWER — Any structure, whether freestanding or attached to a building, designed to support one or more communications antennae, including, but not limited to self-supporting lattice towers, monopole towers, guyed towers, or one or more of the following mounts for antennae: rotatable platform, fixed platform, multi-point, side arm, and pipe mounts for microwave dishes. The term includes radio and television towers, alternative tower structures, and the like. The term includes the structure and any support thereto.

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.

COMPOSTING, AGRICULTURAL — The compost produced is intended primarily for use on the premises where it is prepared.

COMPOSTING, COMMERCIAL — Any composting operation where compost, for mushroom production or any other use, is produced or made for the purposes of sale or distribution. Also includes a composting operation where the compost produced is not intended primarily for use on the premises where it is prepared or on premises owned by the same owner.

COMPREHENSIVE PLAN — A long-range policy plan intended to guide the growth and development of West Caln Township and adopted as the West Caln Township Comprehensive Plan 2020 (or most recent adopted version) by the Board of Supervisors.

CONCENTRATED ANIMAL FEEDING OPERATION (CAFO) — An agricultural operation that meets the criteria established under the authority of the Pennsylvania Clean Streams Law of June 22, 1937, P.L. 1987, Act 394, as amended (35 P.S. § 691.1 et seq.).

CONCENTRATED ANIMAL OPERATION (CAO) — An agricultural operation that meets the criteria established under the authority of the Pennsylvania Nutrient Management and Odor Management Act of July 6, 2005, P.L. 112, Act 38, as amended (3 Pa.S.C.A. Chapter 5).

CONDITIONAL USE — See "use, conditional."

CONDOMINIUM — A form of ownership of real property including an undivided interest in a portion of a parcel, together with a separate interest in a space within a structure, subject to the provisions of the Pennsylvania Uniform Condominium Act of 1980 (68 Pa.C.S.A §§ 3101 through 3404).

CONSTRAINED LAND - Selected resources multiplied by a protection factor, in accordance with the table below, and totalled, In the event two or more resources overlap, only the resource with the highest protection factor shall be used.

Resource	Protection Factor
Existing road rights-of-way and easements	100% (1.0)
Existing utility easements	100% (1.0)
Existing water bodies and watercourses	100% (1.0)
Identified floodplain area (100-Year floodplain)	100% (1.0)
Wetlands	100% (1.0)
Areas under conservation or agricultural easement that are restricted from further development	100% (1.0)
Very steep slopes (25% or greater)	85% (0.85)
Moderately steep slopes (15% to 25%)	25% (0.25)

CONSTRUCTION — The erection, rebuilding, renovation, repair, extension, expansion, alteration, demolition, or relocation of a building or structure, including the placement of mobile homes.

CONTINUING CARE RETIREMENT COMMUNITY (CCRC) — A residential development designed, developed and maintained to serve the housing and personal care needs of persons aged 55 or older. Residents of the CCRC shall be at least 55 years of age, except that spouses of residents may be less 55 years old; residents of younger age may be permitted if they need such cares because of physical disabilities; and a live-in caregiver, where needed to assist a resident, may be less than 55 years old. A continuing care retirement community shall consist of a combination of living and care components in accordance with §350-1125A(4).

CONVENIENCE STORE — A retail activity designed to serve a local market which involves, but is not limited to, any of the following uses: delicatessen, small food market, or video tape rental.

CONVENTIONAL DEVELOPMENT — Individual residential lots that encompass the entire development tract or area without retaining common open space associated with Cluster Development (see Figure 2-F).

CONVERSION — An alteration of a building, structure or land by change of use, theretofore existing, to a new use which imposes other special provisions of a law governing building construction, equipment, exits, or zoning regulations.

CONVERSION, RESIDENTIAL — The division of a single family detached dwelling into two or more dwelling units. For example, the conversion of a single-family home to two or more apartments.

COUNTY COMPREHENSIVE PLAN — A land use and growth management plan adopted by the Chester County Board of Commissioners, which establishes broad goals and criteria for municipalities to use in preparation of their Comprehensive Plans and land use regulations - Landscapes 3 or most recent adopted version.

CRITICAL HABITAT AREA – The habitats of rare, threatened, and endangered species and species of special concern as identified by the Pennsylvania Natural Diversity Inventory (PNDI), the Pennsylvania Natural Heritage Program, and county and local Natural Areas Inventories.

DATA CENTER - A facility housing networked computer servers and related equipment used for the remote storage, processing, and distribution of data. This use shall also include cryptocurrency mining and blockchain transaction processing.

DAY-CARE CENTER (COMMERCIAL OR NONPROFIT) —

- (1) **ADULT DAY-CARE CENTER** — A commercial or nonprofit facility where daytime supervision is provided for adults not related to the caregiver, where tuition, fees, or other forms of compensation may be charged, and where the facility is not being used as a family residence.
- (2) **CHILD DAY-CARE CENTER** — A commercial or nonprofit facility which exclusively provides supplemental parental care and/or instruction to children not related to the caregiver or operator, where tuition, fees, or other forms of compensation may be charged, where the facility is not being used as a family residence, and which is licensed or approved to provide child care by the Commonwealth of Pennsylvania.

DAY CARE HOME, FAMILY — A major home occupation in which a private residence is used for the care and supervision of between four and six children or adults, not related to the caregiver.

DCED — Pennsylvania Department of Community and Economic Development.

DEMOLITION — The dismantling or tearing down of all or part of the exterior portion of a building or structure.

DEMOLITION PERMIT — A permit issued indicating that an applicant may proceed with demolition in accordance with the provisions of this chapter.

DENSITY — The total land area of a tract, as defined by this chapter, divided by the total number of dwellings to be housed thereon, expressed in dwelling units (DU) per acre.

DEPARTMENT OF ENVIRONMENTAL PROTECTION (DEP) — Pennsylvania Department of Environmental Protection or its successors.

DETERMINATION — Any final action of the Building/Zoning Officer, Township Engineer, Board of Supervisors, Planning Commission or other authorized Township officer constituting a final approval or disapproval with conditions of any application for a building permit or use permit or a decision relative to the provisions of this chapter, as specified within.

DEVELOPER — Any landowner, agent of such landowner, tenant with the permission of such landowner, or equitable owner, who makes or causes to be made a subdivision of land or a 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 alteration 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.

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, ways and parking facilities, common open space, public facilities, and other utilities.

DIAMETER AT BREAST HEIGHT (DBH) — The diameter of a tree trunk, measured at four feet from the ground surface at the point of the highest elevation in contact with the trunk of such tree.

DISCONTINUANCE — The cessation of the use of property evident from continuous lack of maintenance or occupancy.

DISTRIBUTION CENTER — See “Trucking Terminal.”

DISTRICT — See "zoning, district."

DISTURBANCE - Any activity which exposes soils, alters topography, alters vegetation and/or alters a watercourse or waterbody, except for removal of a safety hazard, diseased trees, or invasive vegetation. Disturbance also includes the depositing, storing, or stockpiling of soil, rock, or other materials.

DIVIDER ISLAND — A linear planting island, perpendicular to parking spaces, which provides buffering between rows of parking.

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 — A restaurant, bank, drugstore or other use that provides service to customers who remain seated in automobiles where customers are served either through an exterior window in the establishment, or directly to parked automobiles on the premises.

DRIVEWAY — A private roadway providing access to a street.

DWELLING — Any building or other structure designed for, and occupied exclusively for, residential purposes, including an apartment and mobile home, but excluding rental units in a motel, rooming house, bed-and-breakfast, tourist home, institutional home, dormitory, and the like. It is the intention to include within the definition of dwelling, all recognized housing types, architectural types or styles, or combinations thereof, whether such housing units are for lease or for sale. Dwelling types include, but are not limited to, the following:

- (1) **SINGLE-FAMILY DETACHED DWELLING** — A building designed for and occupied exclusively as a residence, containing one dwelling unit and having no common or party wall with an adjacent dwelling, and having yards on all sides. Where a private garage is structurally attached to such building, it shall be considered as part thereof (see Figure 2-G).
- (2) **SINGLE-FAMILY SEMI-DETACHED DWELLING (TWIN)** — A building designed for and occupied exclusively as a residence, containing two dwelling units separated by a vertical common or party wall extending from ground to roof and having yards on all but one side. (See Figure 2-G)
- (3) **TWO-FAMILY DETACHED DWELLING (DUPLEX)** — A building designed for and occupied exclusively as a residence, containing two single-family dwelling units totally separated from each other by a horizontal party wall (see Figure 2-G).

- (4) **MULTIFAMILY DWELLING** — A residential building containing three or more dwelling units, each with independent kitchen, bathroom and bedroom facilities including, but not limited to, the following:
- (a) **Townhouse (single-family attached dwelling).** A building containing at least three dwelling units separated by a vertical common party wall, each one dwelling unit from ground to roof, independent outside access, having yards on two sides except dwelling units at either end of the building with yards on three sides (see Figure 2-G).
 - (b) **Four-plex or quadraplex.** A building containing four dwelling units, each of which has independent inside access through a common area or independent outside access, two nonparallel party walls in common with adjacent dwelling units, and yards on two nonparallel sides (see Figure 2-G).
 - (c) **Apartment.** A building containing three or more dwelling units separated by common party walls which may have more than one dwelling unit from ground to roof and common outside access(es) (see Figure 2-G).

DWELLING UNIT — A single living space for one family, excluding individual rental units in a motel, rooming house, tourist homes, institutional home, dormitory, and the like.

EASEMENT — An interest in land owned by another that entitles the holder of the easement to a specific use or enjoyment of the land.

EDUCATIONAL USE — Use of land or building(s) for the establishment and maintenance of a public or private college, secondary, or elementary school, or other educational institution for the primary purpose of instruction and learning. A use requiring certification, licensing, or review by the Pennsylvania Department of Education.

EFFECTIVE SCREEN (BUFFER SCREEN) — Planting of deciduous and evergreen trees and shrubs not less than five feet in initial height and capable of attaining a height and width of not less than 10 feet wherein not less than 50% of the plants shall be evergreen mixed throughout the length of such screen, so arranged or placed as to divert attention from, or obstruct at least 85% of an otherwise clear view of, an objectionable or incompatible use or activity during all seasons of the year. A wall or fence in combination with the aforementioned plantings may be used as an effective screen where required for parking and loading areas. The Effective Screen shall be in accordance with plans and specifications prepared by a Registered Landscape Architect and shall be compatible with the landscaping on the lot and approved by the Township Building/Zoning Officer.

ELECTRICAL SUBSTATION — Buildings or structures and equipment erected and used for the purpose of transmission, switching or transforming of electrical current between customers and the Utility Company facilities, not including the storage of materials, trucks, repair facilities or housing of repair crews, such buildings or structures being appropriately planted or screened to blend the installation with the surrounding landscape.

EMERGING ENERGY SYSTEM – A system which is capable of converting a source of energy other than solar, wind, geothermal or outdoor wood-fired boiler sources, into energy.

ESSENTIALLY DRY SPACE — A space which will remain dry during flooding, except for the passage of some water vapor or minor seepage; the structure is substantially impermeable to the passage of water.

EXOTIC PLANT SPECIES — Also called "non-native species," are plants that are not native to the United States but have become naturalized and reproduce in the wild without human intervention. Species that are not native to a region within the United States are also regarded as exotic.

FAMILY — A family is defined as:

- (1) A single person; or
- (2) Any number of persons related by blood, marriage or adoption, including foster children and including not more than two other persons, for example, boarders, lodgers or domestic help; or
- (3) Unrelated persons living together as a single cooperative household unit, however, excluding occupants of a rooming/boarding house or dormitory; or
- (4) 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 through 963). The Building/Zoning Officer shall have the authority to determine whether a group of individuals is living together as the functional equivalent of a family for purposes of this section.

FEE SIMPLE — A private property land right, also referred to as fee simple absolute, whereby a property owner is entitled to the entire property and unlimited as to duration, disposition and descendibility.

FEMA — Federal Emergency Management Agency.

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

FLAG LOT — An interior lot, which is connected to a public street, highway or public right-of-way by a minimum thirty-five-foot wide strip of land connecting the main portion of the lot with the aforesaid public street, highway or public right-of-way. The connecting strip of the lot shall be in fee simple ownership and may not be used for measuring the building setback line and may not be counted as part of the minimum lot area required under this chapter. Easements may be used as a substitute for the required fee simple ownership of the access strip, as approved by the Board of Supervisors. The front building setback line shall be measured from the front lot line which shall be the lot line most parallel and closest to the street right-of-way at the nearest point to the right-of-way where the lot attains substantially the minimum required lot width, and excluding that portion of the lot and lot lines included in the flag strip. Flag lots shall also meet regulations of this chapter and Chapter 300, Subdivision and Land Development. (See Figure 2-B)

FLOOR AREA or GROSS FLOOR AREA — The total area of all floors as measured to the outside surfaces of exterior walls, or from the center line of party walls separating two buildings, but excluding crawl spaces, garages, carports, attics without floors, open porches, terraces, cellars, or any interior space where the floor to ceiling height is less than six feet.

FOOTCANDLE — A unit of light intensity stated in lumens per square foot and measurable

with an illuminance meter, aka light meter.

FOREST – Any area defined as a “woodland” herein.

FOREST, INTERIOR – An area of woodland that provides specialized habitat for certain species, interior forest is a minimum of 3.75 acres and is located at least 300 feet from the outermost drip line of all trees in the larger woodland area. The larger woodland area must be a minimum of 25 contiguous acres.

FOREST, OLD GROWTH – Woodland areas that have been in existence for 100 years or more.

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.

FULFILLMENT CENTER—See “Trucking Terminal.”

GARAGE, PARKING — An accessory structure to a principal building, either attached to it or separate, or part of the principal building and used only for parking or storage of motor vehicles and not for the commercial repair or maintenance of motor vehicles.

GARAGE/YARD SALE — An accessory use for the temporary display and sale of goods and craft items on a residentially used property.

GASOLINE STATION, SERVICE STATION, or CAR WASH — An area of land, including structures thereon, or any building or part thereof, used for the retail sale of motor vehicle fuel or accessories, and which may or may not include facilities for lubricating, washing, or otherwise servicing or repairing motor vehicles as well as the sale of convenience store items, but which shall not include painting or body and fender repairs, or the storage for sale of new or used motor vehicles.

GEOTHERMAL ENERGY SYSTEM — A system that uses a heat pump to extract heat from the earth in heating mode and/or eject heat into the earth in cooling mode. It is also called a geothermal heat pump system, a ground-coupled heat pump system, an earth-source heat pump system, or a geoexchange system.

GEOTHERMAL ENERGY SYSTEM, CLOSED LOOP — A type of geothermal energy system that uses a network of buried pipes to circulate fluid through the ground while keeping the fluid contained within the closed loop of pipes, never directly interacting with the surrounding soil or groundwater.

GEOTHERMAL ENERGY SYSTEM, OPEN LOOP — A type of geothermal energy system that uses water from a well, runs it through a heat pump, and then releases it back into the ground or a body of water.

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.

GRADE — A reference plane representing the average of finished ground level adjoining a building at exterior walls or other structure, such as, but not limited to, a sign or swimming pool. 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 six feet from

the building, or two feet from the base of a structure, whichever is more restrictive.

GRADING — The changing of the surface of the ground by excavation or fill or a combination thereof; the act of moving earth.

GREENHOUSE, COMMERCIAL — A building whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature or humidity can be regulated for the cultivation of plants for subsequent sale.

GROSS LEASABLE AREA — The floor area of a building or structure which is used for or related to a business or use conducted within the building or structure, including all customer and sales areas, lavatory areas, individual business corridors, and offices and related accessory space such as office closets and kitchens, but excluding areas used to keep stock and inventory, basement storage areas, elevator shafts, stairwells, first floor lobby and other shared public corridors, and areas dedicated to heating, air conditioning, and other utility or equipment areas necessary for building operation. The combined excluded area shall not exceed 1,000 square feet.

GROUND FLOOR — The floor of a building most nearly on a level with the surrounding land surface; often called also the first floor.

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.

GROUNDWATER RECHARGE — The replenishment of water, contained in interconnected pores located below the water table in an aquifer or geologic formation, from the infiltration of precipitation, streams, lakes, or other water sources.

HEDGEROW — A hedgerow is a linear plant community dominated by trees and/or shrubs. Hedgerows often occur along roads, fence lines, property lines, or between fields, and may occur naturally or be specially planted (e.g., as a windbreak). For the purposes of this chapter, hedgerows are considered woodlands and regulated as such.

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

- (1) Listed individually on the National Register of Historic Places (managed by the Pennsylvania Historical and Museum Commission (PHMC) in Pennsylvania, and maintained by the National Park Service, Department of the Interior);
- (2) Determined by the National Park Service, Department of the Interior or PHMC respectively to be a contributing resource to the significance of a National Register listed or eligible historic district;
- (3) Determined to be eligible (DOE) for listing either individually or as part of a historic district on the National Register of Historic Places by the Pennsylvania Historical Museum Commission (PHMC); or
- (4) Listed on the West Caln Township Historic Resources Survey in accordance with Section 350-2003C of this Chapter.

HOME OCCUPATION/HOME-BASED BUSINESS (MAJOR AND MINOR/NO-IMPACT)

A business or commercial activity conducted for profit by persons residing on the premises that is clearly secondary to the existing primary residential use of the property. There shall be two categories of home occupations/home-based businesses: major and minor/no-impact. For the purposes of this chapter, the general term "home occupation" shall include "home-based business", and the term "minor home occupation" shall include "no-impact home based business", and likewise the term "major home occupation" shall include "major home based business". Such uses shall be permitted when in accordance with the following standards:

(1) MINOR HOME OCCUPATION/NO-IMPACT HOME-BASED BUSINESS

Minor home occupations shall meet the following requirements:

- (a) The business activity shall be compatible with the residential use of the property and surrounding uses.
- (b) The use is carried on entirely by the inhabitants of the dwelling, and shall employ no employees other than family members residing in the dwelling.
- (c) The use does not involve any customer, client, or patient visits, whether vehicular or pedestrian, to the dwelling.
- (d) Such use involves no pickup, delivery, or removal functions to or from the premises in excess of those normally associated with the residential use.
- (e) There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.
- (f) There shall be no outside appearance of a business use, including, but not limited to, parking, signs or lights.
- (g) The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.
- (h) The business activity may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.
- (i) The business activity shall only be conducted within the dwelling and the floor area devoted to such use shall not exceed 20% of the total floor area of the principal residential structure.
- (j) Such business use shall not involve any illegal activity.

(2) MAJOR HOME OCCUPATION/MAJOR HOME-BASED BUSINESS

A home occupation that does not meet one or more of the criteria listed under Subsection (1) of the definition of "home occupation/home-based business (major and minor/no-impact)" above shall be defined as a major home occupation/major home-based business. Major home occupations shall be permitted only by special exception in those zoning districts where major home occupations are permitted and where applicable criteria of this chapter can be met.

HOMEOWNERS' ASSOCIATION — A non profit organization comprised of homeowners or property owners, planned and operated under negotiated and approved rules and regulations, for the purpose of administering the needs of residents through the maintenance of community owned property.

HOTEL/MOTEL — A building used for the purpose of providing for compensation temporary lodging to the public, with or without meals, and having lodging accommodations in which access to guest rooms is from an interior lobby, corridor, or hallway accessed through a common entrance, or access to guest rooms may be from the exterior through individual exterior entrances by way of a common walkway or corridor.

HOTEL/MOTEL AND CONFERENCE FACILITY — A facility designed primarily for conventions, meetings, and related exhibits of business associations, civic groups, and similar organizations, or for training employees of a corporation or other organization and which may include meals and lodging to attendees of meetings, conferences, or conventions.

HOUSE TRAILER — Any vehicle used for temporary living or sleeping purposes for transient use.

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 SOIL —

- (1) Soil that is saturated, flooded, or ponded, long enough during the growing season to develop anaerobic conditions that favor the growth and regeneration of wetlands vegetation. Wetlands vegetation includes those plant species that have adapted to saturated soils and periodic inundations occurring in wetlands and/or any soil inventoried or described as hydric or as a soil with hydric inclusions according to the Soil Survey of Chester and Delaware Counties, Pennsylvania (most current data available) or other information provided by the U.S. Natural Resources Conservation Service (NRCS).
- (2) Where site conditions indicate that the location of hydric soils or the hydric inclusions differ from locations indicated by the Natural Resources Conservation Service, the burden shall be upon the applicant to verify such location(s) to the satisfaction of the Board of Supervisors, otherwise the Natural Resources Conservation Service information shall be presumed to be accurate. Where the applicant seeks reclassification of hydric soils and their location, such reclassification shall be undertaken by a certified or licensed soil scientist or other similarly qualified professional.

IDENTIFIED FLOODPLAIN AREA — The floodplain area specifically identified in this chapter as being inundated by the 100-year flood.

IMPERVIOUS COVER — Land that is occupied by principal and accessory structures, streets, driveways, parking areas and other similar surfaces that prohibit or slow the percolation and infiltration of water into the soil.

INDUSTRIAL PARK — A grouping of two or more industrial establishments on a lot held in single and separate ownership.

INSTITUTIONAL USE — A lawful nonprofit or public establishment involving building and grounds, including but not limited to schools, museums, places of worship, convents, retreats, and nursing homes.

INVASIVE (NOXIOUS) PLANT SPECIES — A species that has become a weed pest, a plant that grows aggressively, spreads, and displaces other plants. Invasive plants tend to appear on disturbed ground, and the most aggressive can actually invade existing ecosystems.

Invasive plants are generally undesirable because they are difficult to control, can escape from cultivation, and can dominate areas. In short, invasive plant infestations can be extremely expensive to control, as well as environmentally destructive. They can be native or exotic species. A list of invasive plant species is included in Appendix A.

JUNKYARD — An area of land with or without buildings used for storage of used and discarded materials, including but not limited to, wastepaper, rags, metal building materials, home furnishings, machinery, vehicles or parts thereof, with or without the dismantling processing, salvage, sale or other use or disposition of the same. The deposit or storage on a lot of two or more unlicensed, wrecked, or disabled vehicles, or the major part thereof, is considered a junkyard.

KENNEL — The use of land, building, or structure where eight or more cats or dogs or a combination thereof totaling more than eight animals, 10 weeks of age or older are kept for remuneration for boarding, grooming, breeding, training and/or selling purposes on a single lot or contiguous lots under single ownership or lease.

LABORATORY — A building or group of buildings in which are located the facilities for scientific research, investigation, testing and experimentation, but not including the manufacture of products for sale. Research on animals in West Caln Township is highly discouraged, and any such research shall be performed in accordance with applicable federal and state laws.

LAND DEVELOPMENT — Any one of the following activities:

- (1) The improvement of one or two or more contiguous lots, tracts, or parcels of land for any purpose involving:
 - (a) A group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or
 - (b) The division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups, or other features.
- (2) A subdivision of land.
- (3) A land development shall explicitly exclude:
 - (a) The conversion of an existing single family detached dwelling or single family semidetached dwelling into not more than three residential units, unless such units are intended to be a condominium;
 - (b) The addition of an accessory building, including farm buildings, on a lot or lots subordinate to an existing principal use, where permitted; or
 - (c) The addition or conversion of buildings or rides within the confines of an enterprise which would be considered an amusement park, however this exclusion shall not apply to newly acquired acreage by an amusement park until initial plans for the expanded area have been approved by the Township (see "amusement park").

LAND DISTURBANCE — Any activity which exposes soils, alters topography and/or alters vegetation, except for removal of hazardous or invasive vegetation. See "woodland disturbance."

LANDOWNER — The legal, equitable, 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 conditions), a lessee if he is authorized under the lease to exercise the rights of the landowner, or other person having a proprietary interest in the land.

LANDOWNER, PARTICIPATING - A landowner upon whose property all or a portion of a principal solar energy facility is located pursuant to an agreement with the facility owner or operator. In the case of a lease agreement, the participating landowner is the lessor and the facility owner or operator is the lessee.

LANDSCAPING — The planting of turf or other appropriate ground cover or the planting of deciduous and evergreen trees and shrubbery, including the maintenance thereof, for control of erosion, retention of precipitation, protection against the elements, and promotion of human comfort and welfare.

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

LOADING SPACE — A space, accessible from a street or way, in a building or on a lot, for the temporary use of vehicles, while loading or unloading merchandise or materials.

LOT — A designated parcel, tract or area of land established by a plat or otherwise as permitted by law and to be used, developed or built upon as a unit. A parcel of land which is occupied or is to be occupied by one principal.

LOT AREA or TRACT AREA — For the purposes of this chapter, the area of land contained within the limits of the property lines bounding a lot or tract, as shown on a deed, survey, plot, subdivision or land development plan, excluding any portion of a lot included in street and railroad rights-of-way, utility easements, stormwater management areas, and access easements.

LOT AREA OR TRACT AREA, GROSS — The entire area of a lot or tract.

LOT AREA OR TRACT AREA, NET — The area of a lot or tract exclusive of:

- (1) Any existing right-of-way or area that has been set aside as right-of-way or easement for a public or private street;
- (2) Any existing area comprising drainage or stormwater management easements or other utility easements;
- (3) Any existing water body or watercourse;
- (4) Any portion of the tract within the Identified Floodplain Area;
- (5) Any area containing wetlands as delineated and established in Article X;
- (6) Any existing area under conservation easement or agricultural easement that is restricted from further development;
- (7) An area equivalent to 85% of the portion of the lot or tract comprised of very steep

slopes; and

- (8) An area equivalent to 25% of the portion of the lot or tract comprised of moderately steep slopes.

If two or more features overlap, only the feature with the highest exclusion percentage shall be used for the area of overlap.

LOT COVERAGE — The percentage of lot area covered by any and all impervious materials, such as buildings, paved parking areas, paved walks, terraces and similar surfaces which do not normally absorb rainfall.

LOT LINE — A property boundary line of any lot held in single and separate ownership, or intended to be held in single and separate ownership, except that, in the case of any lot abutting the street, the lot line for such portion of the lot that abuts such street shall be deemed to be the same as the street line, and shall not be the center line of the street or any other line within the street lines even though such may be the property boundary line in a deed.

LOT LINE, FRONT — The lot line abutting a street and coinciding with the street line, and in the case of a corner lot, two such front lot lines shall be provided.

LOT LINE, REAR — A lot line opposite and most distant from the front lot line; if the rear lot line is less than 10 feet in length, or if the lot forms a point at the rear, the rear lot line shall be deemed to be a line 10 feet in length within the lot, parallel to and at the maximum distance from the front lot line (see Figure 2-E).

LOT LINE, SIDE — Any lot line not a front or rear lot line (see Figure 2-E).

LOT WIDTH — The distance, in feet, between the two opposite side lot lines, measured at and parallel to the building setback line (see Figure 2-E).

LOT, CORNER — A lot at the junction of and abutting two or more intersecting streets where the interior angle of intersection does not exceed 135°. A lot abutting a curved street shall be deemed a corner lot if the tangents to the curve at the points of intersection of the side lot lines within the street lines intersect at an interior angle of less than 135°. Each yard abutting a street shall be considered a front yard, and the remaining yards shall include a rear yard, opposite the street to which the United States Postal Service (USPS) mailing address is assigned, and a side yard, the remaining yard opposite the other street (see Figure 2-B).

LOT, DOUBLE FRONTAGE — A lot extending between and having frontage on two generally parallel streets.

LOT, REVERSE FRONTAGE — Lots which are situated between two generally parallel streets, but provide vehicular access solely from the street with the lesser road functional classification.

MANUFACTURED HOUSING UNIT — See "modular housing unit."

MANUFACTURING — Establishments engaged in the mechanical or chemical transformation of materials or substances into new products, including the assembling of component parts, creation of products, and blending of materials, such as, but not limited to, lubricating oils, plastics, resins, or liquid.

MANURE — Animal excrement used for fertilizing land.

MARQUEE or CANOPY — A permanent roof-like structure, supported by a wall of a

building generally above an entrance but having no relationship to the roof structure in the case of a marquee, or supported by freestanding pylon as in the case of an outdoor service or retail area, generally designed and constructed for protection against the weather in the case of a canopy.

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, vermiculite and clay, anthracite and bituminous coal, coal refuse, peat and crude oil and natural gas.

MINI-WAREHOUSE—See “self-storage units/mini-warehouse.”

MITIGATION —

- (1) An action undertaken to accomplish one or more of the following:
 - (a) Avoid and minimize impacts by limiting the degree or magnitude of the actions and its implementation.
 - (b) Rectify the impact by repairing, rehabilitating, or restoring the impacted environment.
 - (c) Reduce or eliminate the impact over time by preservation and maintenance operations during the life of the action.
- (2) If the impact cannot be eliminated by Subsection (1)(a), (b) and/or (c) above, the impact shall be compensated for by the project or by providing substitute resources or environments.

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 portion 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 exitway requirements; nor shall minor repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, oil, waste, vent, or similar piping, electric wiring or mechanical or other work affecting public health or general safety.

MIXED USE — The use of a building or a lot for two or more principal uses.

MOBILE HOME — A structure, transportable in one or more sections, which is built on a permanent chassis, and is designed for use as a single-family dwelling with or without a permanent foundation when attached to the required utilities.

MOBILE HOME LOT — A parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single mobile home.

MOBILE HOME PARK — A parcel or contiguous parcels of land which has been so designated and improved that it contains two or more mobile home lots for the placement thereon of mobile homes.

MODULAR HOUSING UNIT — A modular (manufactured, fabricated) housing unit is considered to be a single family detached residential dwelling provided that said unit shall be factory certified according to applicable industry standards, and is assembled in part via

factory sections being combined at the site and intended to be permanent and nontransportable.

MULTIFAMILY DEVELOPMENT — A building containing three or more dwelling units, including units that are located one over the other. Multifamily buildings include apartments, townhouses, condominiums, and quadraplexes.

MULTIMUNICIPAL PLAN — A plan developed and adopted by any number of contiguous municipalities, including a joint municipal plan as authorized by Act 247.

MUNICIPAL AUTHORITY — See "authority, municipal."

MUNICIPAL ENGINEER — A professional engineer licensed as such in the Commonwealth of Pennsylvania, duly appointed each year as the engineer for West Caln Township.

MUNICIPAL USE — Any building, structure, facility, complex, area, or use, provided, constructed, or maintained by the municipal government of West Caln Township, Chester County, Pennsylvania.

MUSHROOM PRODUCTION — A specialized form of agriculture involving the raising and harvesting of mushrooms, carried on inside buildings, including accessory operations such as, but not limited to, composting, pasteurization, packaging and shipping.

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. The term "native" species generally refers to a species whose range was located within a large area such as a continent or a nation. The term "indigenous" species is typically used to refer to a species whose original range extended into a smaller area such as a state, county, or watershed.

NATURAL RESOURCES — For the purposes of this chapter, these include water bodies, watercourses, floodplains, alluvial soils, wetlands, hydric soils, moderately steep and very steep slopes, riparian forest buffers, Class I, II, and III agricultural soils, critical habitat areas, woodlands, hedgerows, and specimen vegetation.

NATURAL RESOURCES, PRIMARY — Resources consisting of the Identified Floodplain Area, wetlands, and very steep slopes.

NATURAL RESOURCES, SECONDARY — Those resources listed in § 350-1126A(2).

NET-OUT OF NATURAL RESOURCES — The technique in which natural resources and other unusable areas of a lot or tract are subtracted out of the gross lot area or gross tract area prior to the determination of density or allowable number of dwelling units.

NEW CONSTRUCTION — Structures for which the start of construction commenced on or after September 5, 1978 and includes any subsequent improvements thereto.

NONCONFORMING LOT — A lot, the area or yard/setback of which fails to conform to the applicable requirements of the zoning district of this chapter in which it is located or any amendment hereafter enacted, where such lot was lawful prior to the enactment of such chapter or subsequent amendments.

NONCONFORMING STRUCTURE — A structure or part of a structure, which does not comply with the applicable provisions of this chapter or any amendment hereafter enacted, where such structure lawfully existed prior to the enactment of such chapter or subsequent amendments. Such nonconforming structures include, but are not limited to, nonconforming

signs.

NONCONFORMING USE — A use, whether of land or of structure, which does not comply with the applicable use provisions of this chapter or any amendment hereafter enacted, where such use lawfully existed prior to the enactment of such chapter or subsequent amendments.

NONCONFORMITY — A building or other structure, use or lot which by reason of design, size or use, does not comply with the applicable use or area and bulk requirements of this chapter or amendment thereto, hereafter enacted where such nonconformity was lawfully in existence prior to the application of such chapter or amendment to its location by reason of annexation.

NOXIOUS WEED — See "invasive plant species."

NURSING HOME or CONVALESCENT HOME — A facility providing housing and care of persons in need of specialized care and attention, bed care, or chronic or convalescent care who, by reasons of illness, physical infirmity or age, are unable to properly care for themselves, but which does not necessarily meet hospital level of services. A nursing home may also be referred to as a "skilled nursing facility" or "long-term care facility."

OLDFIELD — An area undergoing natural succession characterized by the presence of herbs, shrubs, and small trees (seedlings) whose branches do not form a complete or nearly complete canopy.

OPEN SPACE — The unoccupied area of a lot. Open space does not include the areas of principal and accessory structures, streets, driveways, or parking areas. Open space may include areas occupied by walkways, common use patios and porches without roofs, playgrounds and other areas occupied by outdoor recreation or play apparatus, gardens, and trees within the common open space area.

OPEN SPACE, COMMON — See "common open space."

OUTDOOR CAFE — An outdoor patio area of an associated restaurant or tavern 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 building in which the associated restaurant or tavern licensed by the Chester County Health Department and/or, as applicable, by the Pennsylvania Liquor Control Board pursuant to the regulations of the said Board (40 Pa. Code) to conduct business on the above-mentioned premises is located.

PADEP — Pennsylvania Department of Environmental Protection, or its successors.

PARAPET — The extension of the main walls of a building above the roof level.

PARCEL — See "lot."

PARENT AGRICULTURAL TRACT — A tract of land containing at least 10 acres devoted to agricultural uses, together with a dwelling and accessory uses, located in the Agricultural Preservation District on the effective date of this chapter, and held in single and separate ownership.

PARENT TRACT — A contiguous tract of land containing at least 10 acres located in the Agricultural Preservation District on the effective date of this chapter, and held in single and separate ownership.

PARKING LOT — An off-street surfaced area designed solely for the parking of motor vehicles, including driveways, passageways and maneuvering space appurtenant thereto.

PARKING SPACE — A space located off the public right-of-way designed and designated for parking a single motor vehicle.

PARKING SPACE ISLAND — A planting island within or at the end of a row of parking spaces, which is equal to or similar in size to a parking space.

PARTY WALL — A common shared wall between two separate structures, buildings, or dwelling units.

PATIO — An open paved or gravel area or deck constructed of wood or other material usually attached to, or part of, and directly accessible to or from a building.

PAVED — Areas, excluding buildings, surfaced with concrete, paving brick, bituminous, or other such material, to create a dustless, all-weather surface.

PENNSYLVANIA MUNICIPALITIES PLANNING CODE (MPC) — See "Act 247."

PERSON — An individual, partnership, public or private association or corporation, firm, trust, estate, municipality, governmental unit, public utility or any other legal entity whatsoever, which is recognized by law as the subject of rights and duties.

PERSONAL CARE HOME — A premise licensed by the Commonwealth of Pennsylvania in which food, shelter and personal assistance or supervision are provided for a period exceeding 24 hours, for four or more adults who are not relatives of the operator, who do not require the services in or of a licensed long-term care facility, but who do require assistance or supervision in activities of daily living or instrumental activities of daily living.

PLACE OF WORSHIP — A building used for public worship by a congregation, excluding buildings used exclusively for residential, educational, burial, recreational or other uses not normally associated with worship.

PLANNING COMMISSION — The Planning Commission of West Caln Township, Chester County, Pennsylvania.

PLAT — The map or plan of a subdivision or land development, whether preliminary or final.

PLAT, RECORDED — The final plat, or engineering layout of streets and lots, easements, common open spaces and public grounds, which has been duly approved by all necessary officials and bodies, and recorded in the Office of the Recorder of Deeds of Chester County, West Chester, Pennsylvania.

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 historic resources, this 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.

PRIME AGRICULTURAL LAND — Land used for agricultural purposes that contains soils of the first, second, or third class as defined by the United States Department of Agriculture Natural Resource and Conservation Services County Soil Survey.

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

PRINCIPAL SOLAR ENERGY FACILITY OPERATOR - The entity responsible for the day-to-day operation and maintenance of a principal solar energy facility.

PRINCIPAL SOLAR ENERGY FACILITY OWNER - The person or entity having an equity interest in the principal solar energy facility, including such person's heirs, successors and assigns.

PRIVATE — Any activity limited to members of an organization or to persons specifically invited where no advertisement or inducement has been made to the general public.

PRIVATE RESIDENTIAL DRIVEWAY — A privately owned driveway which shall be limited to access for not more than two residential dwelling units or access for not more than two other permitted principal uses within any residential district.

PRIVATE STREET — See "street, private."

PUBLIC — Any use in which the general public is involved.

PUBLIC GROUNDS — Public grounds are defined as the following:

- (1) Parks, playgrounds, trails, paths, and other recreational areas and other public areas.
- (2) Sites for schools, sewage treatment, refuse disposal, and other publicly owned or operated facilities.
- (3) Publicly owned or operated scenic and historic sites.

PUBLIC HEARING — A formal meeting held pursuant to public notice by the Board of Supervisors of West Caln Township or the Planning Commission of West Caln Township, intended to inform and obtain public comment, prior to taking action.

PUBLIC INFRASTRUCTURE AREA — A designated growth area and all or any portion of a future growth area described in a county or multi-municipal Comprehensive Plan where public infrastructure services will be provided and outside of which such public infrastructure services will not be required to be publicly financed.

PUBLIC INFRASTRUCTURE SERVICES — Services that are provided to areas with densities of one or more units to the acre, which may include sanitary sewers and facilities for the collection and treatment of sewage, water lines and facilities for the pumping and treating of water, parks and open space, streets and sidewalks, public transportation and other services that may be appropriated within a growth area, but shall exclude fire protection and emergency medical services and other services required to protect the health and safety of residents.

PUBLIC MEETING — A forum held pursuant to notice under 65 Pa.C.S.A. Chapter 7 (Relating to open meetings).

PUBLIC NOTICE — Notice published once each week for two successive weeks in a newspaper of general circulation in West Caln Township. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than 30 days and the second publication shall not be less than seven days prior to the date of the hearing.

PUBLIC 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, or municipal government agency, or any private individual, partnership, association, corporation, or other organization.

RADIO TOWER — See "antenna, radio or television."

RECONSTRUCTION — Any or all work needed to rebuild all or a part of any building to a sound condition, but not necessarily of original materials.

RECREATION, ACTIVE — Those recreational pursuits which 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, and swimming pools.

RECREATION, INDOOR — The use of a building or part thereof for indoor sports such as bowling, tennis, racquetball, squash, indoor basketball, indoor swimming, and those sports activities usually conducted indoors, but excluding activities that as to surrounding residents may be dangerous or disturbing.

RECREATION, OUTDOOR — A recreational use and associated facilities designed and equipped for the conduct of sports and leisure-time activities, including swimming, tennis, and other court games, baseball and other field sports, playground and other outdoor activities, but excluding amusement parks, go-cart tracks, and other activities which generate noise objectionable to or may be dangerous within a residential environment.

RECREATION, PASSIVE — Recreational pursuits which 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, biking, environmental education activity, and picnicking.

RECREATIONAL EQUIPMENT, MAJOR — Recreational equipment of a size and type that requires a trailer and/or motorized vehicle to transport for usage. This includes, but is not limited to, motorcycles, all-terrain vehicles, snowmobiles, portable aircraft, and recreational watercraft.

RECREATIONAL VEHICLE (RV) — A vehicle that is:

- (1) Built on a single chassis;
- (2) No more than 400 square feet, measured at the largest horizontal projections;
- (3) Designed to be self-propelled or permanently towable by a light duty truck; and
- (4) Not designed for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

RECYCLING CENTER — A business that accumulates material such as paper, glass, aluminum, and plastic that is no longer useful for its original purpose. The materials are then transported off the premises to be manufactured into a new product. A place for the collection and storage of materials suitable for recycling into usable products of the like, kind and quality of the materials collected.

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

RELIGIOUS USE — A nonprofit use of land or a building as a place of worship, convent, monastery or similar religious institution or use, including rectory and parish house.

RENTAL UNIT — An individual commercial or institutional space offered for rent or lease within a motel, hotel, rooming house, tourist home, institutional home, bed-and-breakfast, apartment building, dormitory, or in a professional or commercial office building.

REPETITIVE LOSS — Flood-related damages sustained by a structure on two separate occasions during a ten-year period for which the cost of repairs at the time of each such flood

event, on average, equals or exceeds 25% of the market value of the structure before the damages occurred.

RESIDENTIAL CONVERSION — See "conversion, residential."

RESIDENTIAL USE — A use of land, or improvements thereto, for a home, abode, or place where an individual is actually living at a specific point in time.

RESTAURANT — A place of business serving food and beverages prepared for consumption and providing table or sit-down service and/or counter service.

RETAIL — Establishments engaged in selling goods or merchandise to the general public for personal or household consumption and vending service incidental to the sale of such goods, such as, but not limited to, hardware stores, pharmacy, magazine/bookstore, florist or clothing store.

RIGHT-OF-WAY (ROW) — Land reserved for an easement, street, alley, walkway, crosswalk or other public or private purpose (see Figure 2-E).

RIGHT-OF-WAY, FUTURE — The right-of-way deemed appropriate to provide adequate width for future street improvements.

RIGHT-OF-WAY, LEGAL — The existing right-of-way of dedicated streets as established by the Commonwealth of Pennsylvania or other appropriate governing authority.

RIPARIAN FOREST BUFFER — A riparian forest buffer is an area of trees and other vegetation adjacent to a watercourse that forms a transition area between the aquatic and terrestrial environment. For the purpose of this chapter, the riparian forest buffer shall be divided into two zones (see Figure 2-I):

- (1) ZONE ONE (INNER RIPARIAN FOREST BUFFER) — This zone begins at the top of the stream bank of a watercourse and occupies a margin of land with a minimum width of 35 feet measured horizontally on a line perpendicular to the edge of the water at the top of the defined bank (at bankfull) as reviewed and approved by the Township Engineer. Where very steep slopes are located within 35 feet of a watercourse, Zone One shall extend the entire distance of the sloped area.
- (2) ZONE TWO (OUTER RIPARIAN FOREST BUFFER) — This zone begins at the outer edge of zone one and occupies a minimum width of 65 feet in addition to that of zone one to create a riparian forest buffer.
 - (a) In cases where zone one extends beyond 35 feet due to the presence of very steep slopes, the width of zone two shall be adjusted so that the full riparian forest buffer equals a total width of 100 feet.
 - (b) Where the zone two riparian forest buffer is not wooded, it shall be maintained as a filter strip of dense grass and forbs or other features to provide sediment filtering, nutrient uptake, and convert concentrated flow to uniform, shallow, sheet flow.

ROAD FUNCTIONAL CLASSIFICATION — A designation on the Functional Classification of Roads map (see attachment) given a road in accordance with its function as a carrier of traffic and from which specific setback distances and other regulations in this chapter apply. Classifications for new roads within the Township, or roads not designated on

the map, shall be determined by the Board of Supervisors after recommendation by the Planning Commission. For the purpose of this chapter, the following six classifications shall apply:

- (1) **FREEWAY/EXPRESSWAY** — These roads serve heavy volumes of traffic, have directional travel lanes that are usually separated by some type of physical barrier, and their access and egress points are limited to on- and off-ramp locations or a very limited number of at-grade intersections. These roadways are designed and constructed to maximize their mobility function, and abutting land uses are not directly served by them. Average daily trips range between 13,000 to 55,000. Expressways serve higher average trip lengths focusing on regional and interstate traffic. Expressways facilitate truck transport by providing the optimum conditions for truck traffic.
- (2) **MINOR ARTERIAL** — Minor arterials interconnect and augment the higher-level arterial roads, serve trips of moderate length at a somewhat lower level of mobility than principal arterials, distribute traffic to smaller geographic areas than those served by higher-level arterials, provide more land access than principal arterials without penetrating identifiable neighborhoods, and provide connections for collector roads. Average daily trips range between 3,000 to 14,000.
- (3) **MAJOR COLLECTOR** — Its purpose is to collect traffic from local roads and move it to the arterials. A major collector links residential and commercial/industrial areas by "collecting" traffic from residential areas and moving it to arterials. Compared to minor collectors, major collectors serve both land access and traffic circulation in higher density areas, penetrate residential neighborhoods for longer distances, distribute and channel trips between local and arterial roads over a greater distance, and have higher speeds and more signalized intersections. This road classification accommodates traffic averaging 1,100 to 6,300 trips per day.
- (4) **MINOR COLLECTOR** — Minor collectors serve the same function as major collectors, gathering traffic from local roads and moving it to the arterials. Compared to major collectors, minor collectors serve both land access and traffic circulation in lower density areas, penetrate residential neighborhoods for shorter distances, distribute and channel trips between local and arterial roads over a shorter distance, and have lower speeds and fewer signalized intersections. Average daily trips range between 1,100 to 6,300.
- (5) **LOCAL ROAD** — Local roads focus on providing direct access to abutting land, and often help to define the municipality's unique character. Roads in the neighborhoods are considered local and provide direct residential access. They are intended for very short distance travel and usually do not carry through-trips.

ROOMING/BOARDING HOUSE — A dwelling in which weekly or monthly sleeping accommodations are provided for rent to less than 10 persons, whether or not the serving of meals is included.

SANITARY LANDFILL — A lot or portion of a lot used for deposit and storage of refuse and in which all exposed refuse is covered with a minimum of six inches of earth. A sanitary landfill shall be operated in accordance with standards established by, and shall be subject to

inspection by, the Pennsylvania Department of Health and Pennsylvania Department of Environmental Protection.

SCREEN — A visual barrier shielding or obscuring one abutting or nearby structure or use (e.g., dumpster, trash storage area, junkyard) from another by the use of fencing, walls, berms, densely planted vegetation, or a combination thereof. In any case, the material or combination of materials chosen to be used in the screen as a general guideline should have a minimum standard of 85% obstruction or screen, or except as otherwise permitted in this chapter as determined by the Township Engineer.

SECONDARY FARM BUSINESS — A secondary business incidental and subordinate to an agricultural use and located on the same parcel or tract as the principal agricultural use, which is related to or supporting agricultural activities, as specified in §350-1101B(8).

SELECTIVE CUTTING — The felling of certain, but not all trees, in an area for the purpose of removing dead, diseased, damaged, mature, or marketable timber or for improving the quality of a tree stand. The removal of more than 35% of trees in an area shall be defined as "selective harvesting" and the requirements for a timber harvesting operation shall apply.

SELF-STORAGE UNITS/MINI-WAREHOUSE — Storage units provided for lease to the public for the purpose of storage of personal property generally stored in residential structures and in which each storage unit may have direct access from the outside, or where the individual storage units are contained within a building, each unit accessible through common hallways or corridors and where units frequently are climate controlled.

SETBACK — A line established by this chapter parallel to and at a prescribed distance from a public or private street, which determines an area within which no structure may be erected.

SEWAGE — Any substance that contains any waste products, commercial or industrial waste, or excrementitious matter or discharge from the bodies of human beings or animals, or any noxious or deleterious substances being harmful or inimical to public health or to animal or aquatic life, including but not limited to laundry, bathroom, and kitchen wastewater.

SEWAGE DISPOSAL SYSTEM —

- (1) **INDIVIDUAL (ON-LOT or OFF-LOT) SEWAGE DISPOSAL SYSTEM** — The disposal of sewage from one dwelling unit by use of septic tanks or other safe and healthful means, approved by the Chester County Health Department. Such system shall be totally within the confines of the lot on which the use is located ("on-lot"), or shall be located within an easement designated for such purpose on another lot ("off-lot").
- (2) **COMMUNITY COLLECTION AND TREATMENT SEWAGE DISPOSAL SYSTEM** — A sanitary sewage system which carries sewage from more than one individual discharger or other Township service area by a system of pipes to a common treatment and disposal facility, either on-site or off-site, and approved by the Pennsylvania Department of Environmental Protection, or other applicable regulatory agency.
- (3) **PUBLIC SEWAGE DISPOSAL SYSTEM** — An off-site system for treatment and disposal of sewage in which sewage is conveyed by interceptor to the treatment facility and disposed of through means approved by the Pennsylvania Department of Environmental Protection. Such service may be administered by government

agency, municipal authority, or public utility. Such system services a municipality(s) or generally larger areas within a municipality(s).

SHOPPING CENTER — A use containing three or more retail uses located in one building or on a single lot and preplanned and designed as a complex of related structures and circulation patterns.

SHORT-TERM RENTAL — An owner-occupied building designed, used and occupied as a single-family residence, having, as an accessory use therein or on the same property as the single-family residence, public lodging rooms and facilities for preregistered transient guests for a period of thirty (30) days or less, and as may be further defined and/or regulated in Chapter 262 of the West Caln Township Code.

SIGHT DISTANCE — The maximum extent of unobstructed vision (in a vertical or horizontal plan) along a street from a vehicle located at any given point on the street.

SIGN — Any permanent or temporary structure or part thereof or any device attached, painted or represented, directly or indirectly, on a structure or other surface that displays or includes any letter, word, insignia, flag, or representation used as or which is in the nature of an advertisement, announcement, visual communication, direction, or which is designed to attract the eye or bring the subject to the attention of the public. National flags, flags of political subdivisions, and symbolic flags of any business or institution or business, or cornerstones built into a wall of a building shall not be considered signs for the purpose of this chapter.

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-K).

SIGN TYPES — Sign types shall be as follows:

- (1) **ABANDONED SIGN** — A sign erected on, or related to, the use of a property which becomes vacant and unoccupied for a period of six months or more, or any sign that relates to a time, event, or purpose that is past.
- (2) **BANNER SIGN** — A temporary sign hung across a public street or private property, possessing characters or letters applied to a flexible, durable, and water-resistant material such as plastic or fabric of any kind. National flags, flags of political subdivisions, and symbolic flags of any business or institution or business, shall not be considered banners for the purposes of this chapter.
- (3) **BUSINESS SIGN (ON PREMISES)** — A sign directing attention to a business, commodity, or service conducted, sold or offered upon the same premises as that upon which the sign is located. This includes signs that identify or advertise home occupations or signs affixed to vehicles denoting a business-related activity.
- (4) **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. (See Figure 2-L) See "awning" and "marquee or canopy."
- (5) **CONSTRUCTION/DEVELOPMENT SIGN** — A type of temporary sign intended to display the name of the project and or the contractor, architect, engineer,

financier, or similar information pertaining to the project.

- (6) **DIRECTIONAL SIGN** — A type of sign designed to provide guidance on how to reach a destination.
- (7) **DOUBLE-FACED SIGN** — A sign that displays a message, information, or advertising on both faces (sides) of the sign.
- (8) **ELECTRONIC SIGN** — An electronic powered sign that has changeable displays that is permitted in limited areas within the Township. Such signs are prohibited from displaying any flashing, moving, sound producing, or animated parts.
- (9) **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. The height of a freestanding sign shall be measured from the proposed finished grade to the highest point of the sign structure (see Figure 2-M).
- (10) **GROUND SIGN** — A sign, other than a freestanding sign, placed directly on the ground or which emerges directly from the ground where the bottom edge is no more than two feet from the proposed finished grade on which it is placed and which may use supports or pylons, independent from any building or structure (see Figure 2-N).
- (11) **ILLUMINATED SIGN** — A sign that has characters, letters, figures, designs, or outlines illuminated by direct or indirect electric lighting or luminous tubes as part of the sign and designed so that no light is directly projected from such artificial source to areas other than the said sign being lit.
- (12) **OFFICIAL TRAFFIC SIGN** — Signs erected by the Pennsylvania Department of Transportation or West Caln Township which are designed to regulate traffic, describe road conditions, supply directions, or provide information.
- (13) **OFF-PREMISES SIGNS (BILLBOARDS)** — A sign that directs attention to a person, business, profession, product, or activity not conducted on the same premises as that where the sign is located.
- (14) **POLITICAL SIGN** — A temporary sign pertaining to political views, an individual seeking election or appointment to a public office, or a forthcoming public election or referendum.
- (15) **PORTABLE SIGN** — A type of temporary sign, with or without display or legend, that is self supporting without being firmly embedded in the ground and designed to be movable and is fixed on a movable stand, mounted on wheels or movable vehicles, or made easily movable in some other manner. Portable sign shall also include searchlight standards and hot air or gas filled balloons. (See Figure 2-O)
- (16) **PRIMARY SIGN** — A sign requiring a permit under the terms of this chapter.
- (17) **PROJECTING SIGN** — A sign affixed to a wall or other vertical building surface in such a manner that its leading edge extends more than six inches beyond the surface of such wall or building. (See Figure 2-J)
- (18) **REAL ESTATE SIGN** — A sign pertaining to the sale, lease, or rental of the

property on which it is located.

(19) TEMPORARY SIGN — A sign intended for short-term use and not permanently mounted, such as a promotional sign, including, but not limited to, signs pertaining to business events, community events, political issues, an individual seeking public office, or a forthcoming public election.

(20) WALL SIGN — A sign mounted parallel to a wall or other vertical building surface. Wall signs shall not extend more than six inches beyond the edge of any wall or other surface to which they are mounted; otherwise they shall be defined as a projecting sign. Wall signs shall include hanging signs, which are signs which hang by chain rope or similar means from the cornice of a roofline of a building, frequently from a porch over an entranceway (see Figure 2-P).

(21) WINDOW SIGN — A temporary or permanent sign that is oriented to the public right-of-way and is located on the inside or outside of a window.

SIGN, AREA OR SIZE — The total area on which the name, advertising material and/or logo or other representation is located, together with all moldings, battens, cappings, nailing strips, latticing, and platforms which are attached to the area on which the name, advertising material and/or logo is placed. In the case of signs which are composed of letters, words or representations only, as in the case of such material affixed to a building and which are not physically enclosed within a frame, the sign shall be considered to include as area, a square or rectangle drawn at the outer limits of the letters or representations (see Figure 2-J).

SILVICULTURE — The development and/or maintenance of a forest or wooded preserve.

SINGLE AND SEPARATE OWNERSHIP — The ownership of a property by any person, partnership, or corporation, in which the ownership is separate and distinct from that of any adjoining property.

SOLAR ENERGY FACILITY, ACCESSORY (ASEF) - An area of land or other area used for a solar collection system that is used to capture solar energy, convert it to electrical energy or thermal power and supply electrical or thermal power primarily for on-site use. An accessory solar energy facility consists of one or more free-standing ground mounted or roof mounted solar arrays or modules, and solar related equipment and is intended to primarily reduce on-site consumption of utility power or fuels.

SOLAR ENERGY FACILITY, PRINCIPAL (PSEF) - An area of land or other area used for a solar collection system that is used to capture solar energy, convert it to electrical energy or thermal power and supply electrical or thermal power primarily for off-site use. Principal solar energy facilities consist of one or more free-standing ground mounted solar collector devices, solar related equipment and other accessory structures and buildings including light reflectors, concentrators, and heat exchangers, substations, electrical infrastructure, transmission lines and other appurtenant structures.

SOLID WASTE — All refuse including garbage and trash, and all material which is putrescible and originating from the preparation, cooking and consumption of food and market produce.

SPECIAL EXCEPTION — See "use, special exception."

SPECIMEN TREE OR VEGETATION — Unique, rare or otherwise specifically selected

trees or vegetation which most typically represent a whole class or group, specifically in shape, form, or historical importance. Any tree or other vegetation determined to be of specimen quality by a registered landscape architect or which generally falls within the parameters of § 350-1002D(1)(a). The examples of specimen trees included in that section are intended to provide general guidelines and examples of what constitutes a specimen tree and are not considered all-inclusive for the purpose of defining a specimen tree.

STABLE — For the purposes of this chapter, a stable is:

- (1) **PRIVATE STABLE** — An accessory building in which horses, ponies, or mules are kept for private use and not for hire, remuneration or sale.
- (2) **PUBLIC STABLE** — A building in which any horses, ponies, or mules are kept for remuneration, hire or sale.

STEEP SLOPES — For the purposes of this chapter, steep slopes are divided into two categories:

- (1) **MODERATELY STEEP SLOPES** — Those areas of land where the grade is 15% to 25%.
- (2) **VERY STEEP SLOPES** — Those areas of land where the grade is 25% or greater.

Slope shall be measured as the change in elevation over the horizontal distance between consecutive contour lines. Slope shall be measured over three consecutive two- foot contour intervals (6 cumulative vertical feet of slope). Unless otherwise indicated by this chapter, all slope measurements shall be determined by a topographic survey signed and sealed by a registered surveyor or engineer licensed to practice in the Commonwealth of Pennsylvania.

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

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

STORAGE SHED — A one-story enclosed roofed structure with one side for access to be used for the purpose of storage. See "storage."

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

STORY — That portion of a building comprised between the surface of any floor and the surface of any floor or roof next above.

STREAM — See "watercourse."

STREET — Includes street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct, and any other ways used or intended to be used by vehicular traffic or pedestrians, whether public or private.

STREET LINE — The right-of-way, or the dividing line between a lot and the outside

boundary of a public street, road or highway, legally open or officially plotted, or between a lot and outside the boundary of a privately owned street, road or way over which the owners or tenants of two or more lots each held in single and separate ownership have the right-of-way (see Figure 2-E).

STREET, CENTERLINE OF — A line which is an equal distance from both street lines unless officially designated otherwise (see Figure 2-E).

STREET, PRIVATE — A thoroughfare serving abutting lots held in single and separate ownership and not deeded or dedicated to the Township.

STREET, PUBLIC — A public thoroughfare which has been dedicated and deeded to the Township and which affords the principal means of access to the abutting property.

STREET, SINGLE ACCESS — A street which has access to an existing public road and circulation system only at one point. A single access street includes culs-de-sac, loop roads, and dead end streets.

STRUCTURAL ALTERATION — Any change in or addition to the supporting or structural members of a building or other structure, such as, but not limited to, the bearing walls, partitions, columns, beams or girders, or any change which could convert an existing building or other structure into a different structure, or adapt it to a different use, or which, in the case of a nonconforming building or other structure, would prolong the life of such building or other structure.

STRUCTURAL UNIT — One or more buildings enclosed by continuous exterior walls and a continuous roof.

STRUCTURE — Any man-made object having an ascertainable stationary location on or in land or water, whether public or private, including, but not limited to, buildings, sheds, mobile homes, signs, fences or walls, antennae, porches, platforms, tennis courts, swimming pools, tanks, and towers, and similar items.

STRUCTURE, ACCESSORY — A structure subordinate to the principal use or structure on the lot or tract and used for purposes customarily incidental to those of the principal use or structure.

STRUCTURE, TEMPORARY — A structure without foundation or footings which is removed when the designated time period, activity, or use for which the temporary structure was erected has ceased.

SUBDIVISION — The division or re-division of a lot, tract or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land including, but not necessarily limited to, 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 parcels of more than 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 West Caln Township, Chester County.

SUBSTANTIAL DAMAGE — Damage from any cause sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50% or more of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT — Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage or "repetitive loss" regardless of the actual repair work performed. The term does not, however, include either:

- (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
- (2) Any alteration of a "historic resource," provided that the alteration will not preclude the structure's continued designation as a "historic resource."

UNIFORM CONSTRUCTION CODE (UCC) — The statewide building code adopted by The Pennsylvania General Assembly in 1999 applicable to new construction in all municipalities whether administered by the municipality, a third party or the Department of Labor and Industry. Applicable to residential and commercial buildings, the Code 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.

SUCCESSION — The observed process of change in the species structure on an ecological community.

SURFACE RUNOFF — That part of the precipitation that passes over the surface of the soil.

SURFACE WATER — Water on the Earth's surface exposed to the atmosphere such as, but not limited to, rivers, lakes, streams, and oceans.

SWIMMING POOLS — An enclosure, designed to be filled with water, permanently constructed or portable, with sides having a depth of more than 18 inches below the level of the immediate surrounding grade, or an above surface pool having a depth of more than 30 inches, designed, used, and maintained for swimming and recreation.

- (1) **PRIVATE SWIMMING POOL** — Any reasonably permanent pool or open tank not located within a completely enclosed building and containing or normally capable of containing water to a depth at any point greater than 1 1/2 feet. Ponds and/or lakes are not included, provided that swimming was not the primary purpose for their construction.
- (2) **PUBLIC SWIMMING POOL** — Any open or enclosed place open to the public for amateur and professional swimming or recreational bathing, whether or not a fee is charged for admission or for the use thereof.

TERMINAL VISTA - The scene terminating the view down a road or street, as at an intersection or on the outside of a curve.

TIMBER HARVESTING OPERATION — The uprooting or removal of more than four trees per acre from any lot for the purpose of allowing or encouraging the natural regeneration or preservation of a tree stand, on a lot which has a gross area prior to any subdivision or land development of more than three acres and which is undertaken in compliance with an approved timber harvesting plan. Forestry, as defined by Act 247, shall also be considered a

tree harvesting operation and shall require the submittal and approval of a timber harvesting plan. See "selective cutting."

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 professional forester with demonstrable expertise in best forest management practices including a degree in forestry from a college accredited by the Society of American Foresters, and shall document measures to be taken to:

- (1) Control erosion and sedimentation;
- (2) Protect water quality;
- (3) Minimize impacts from skid trails and logging roads, land areas, and the tree removal process; and
- (4) Ensure site restoration.

TIMBER HARVESTING/TREE HARVESTING/LOGGING — Forestry involving cutting down trees and removing logs from the forest for the primary purpose of sale or commercial processing into wood products.

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

TOWER — See "communications tower." **TOWNSHIP**

TOWNSHIP — The Township of West Caln.

TOWNSHIP ENGINEER — See "municipal engineer."

TRACT AREA, GROSS — See Lot Area or Tract Area, Gross

TRACT AREA, NET — See Lot Area or Tract Area, Net

TRAIL — A right-of-way containing a marked or beaten path, whether paved or unpaved, for pedestrians, equestrian, or bicycle use.

TREE DRIPLINE — The line marking the outer edges of the branches of the tree (see Figure 2-Q).

TREE PROTECTION ZONE — An area that is radial to the trunk of a tree in which no construction activity shall occur. The tree protection zone shall be 15 feet from the trunk of the tree to be retained, or the distance from the trunk to two feet beyond the dripline, whichever is greater. Where there is a group of trees or woodlands, the tree protection zone shall be the aggregate of the protection zones for the individual trees (see Figure 2-Q).

TRUCKING TERMINAL/DISTRIBUTION CENTER/FULFILLMENT CENTER — An area or structure where trucks load and unload goods, products, cargo, materials and/or freight and where the same may be broken down or aggregated into smaller or larger loads for transfer to other motor vehicles or modes of transportation or to other points or junctions. A truck terminal includes value-added services between a supplier and its customers, such as breaking down of large orders from a single source into smaller orders, product mixing, packaging, cross-docking, order fulfillment, or order returns, and the consolidation of several orders into one large order for distribution to several recipients and/or vice versa.

USE — Any 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, ACCESSORY — A use customarily incidental and subordinate to the principal use of a structure or of a lot.

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

USE, CONDITIONAL — A use which is generally not appropriate to a particular zoning district as a whole, but which may be suitable in certain localities within the district only when specific conditions and factors prescribed for such cases within this chapter are present. Conditional uses are allowed or denied by the Board of Supervisors after a public hearing and review and comments from the Planning Commission.

USE, SPECIAL EXCEPTION — A use which is not permitted as a right, but which, when provided for in this chapter and deemed suitable, with or without the imposition of conditions or restrictions under applicable standards, may be allowed by the Zoning Hearing Board after public hearing.

USED CAR LOT — Any land used or occupied for the purpose of buying and selling second-hand motor vehicles and storing said motor vehicles prior to sale, but excluding body or fender repair, painting, and the sale of fuel or lubricants for motor vehicles.

VARIANCE — Permission, approval or authorization granted by the Zoning Hearing Board meeting the applicable provisions of this chapter constituting a modification of or deviation from the exact provisions of this chapter as applied to a specific parcel of property and not to be construed as a precedent.

VETERINARY CLINIC — A medical facility specializing in the treatment of injury or disease afflicting animals, especially domestic animals and household pets, and the Boarding of animals for medical reasons is incidental to the medical facility use.

VILLAGE — An unincorporated settlement that is part of a Township where residential and mixed use densities of one unit to the acre or more exist or are permitted and commercial, industrial, or institutional uses exist or are permitted.

WALKWAY, PUBLIC — Any space designed or maintained solely for public pedestrian use, without regard to ownership.

WAREHOUSE — A building or group of buildings primarily used for the unloading and indoor storage, transfer, and distribution of products and materials with a use of the processing of materials so as to sort out which finished goods are to be transported to different locations, and the loading and unloading of such goods. A warehouse shall not include value-added services between a supplier and its customers, such as breaking down of large orders from a single source into smaller orders, product mixing, packaging, cross-docking, order fulfillment, or order returns, and shall not include the consolidation of several orders into one large order for distribution to several recipients and/or vice versa, or any manufacturing or processing. A warehouse shall only consist of indoor storage of products and materials.

WATER BODY—An area of surface water such as a pond, lake, or reservoir.

WATER SUPPLY — Water supply shall mean the following:

- (1) **INDIVIDUAL WATER SUPPLY** — A safe and healthful supply of water, to a single user from a private well permitted by Chester County Health Department or appropriate governmental/regulatory agency.
- (2) **COMMUNITY WATER SUPPLY SYSTEM** — A system for supplying water from a common source or sources to more than one dwelling and other buildings within a development, or other Township service area. The water supply source may be located on-site and/or off-site and may be publicly or privately owned.
- (3) **PUBLIC WATER SUPPLY SYSTEM** — A system for supplying water in sufficient quantities to more than one dwelling and other buildings, which is administered by a municipality, municipal authority, or public utility as defined and regulated by the Pennsylvania Public Utility Commission. Such system services a municipality(s) or generally larger areas within a municipality(s).
- (4) **OFF-SITE WATER SUPPLY** — A safe, adequate and healthful supply of water to more than one user from a common source approved by all governmental agencies having jurisdiction over such matters and either governmentally or privately owned or PUC controlled, and approved by the Chester County Health Department.

WATER SURVEY — An inventory of the source, quantity, yield, and use of groundwater and surface water resources within a municipality.

WATER TABLE — The upper surface of saturation, except where that surface is formed by an impermeable body.

WATERS OF THE COMMONWEALTH — Any and all rivers, streams, creeks, lakes, rivulets, dammed water, ponds, springs, and all other bodies of surface and underground water, or parts thereof, whether natural or artificial, within or on the boundaries of the Commonwealth of Pennsylvania.

WATERCOURSE — A river, brook, creek, stream or a channel or ditch for water, whether natural or man-made, with perennial or intermittent flow.

WETLANDS — Those areas that are inundated by surface or groundwater 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 similar areas. More specifically, any area meeting the official wetland definition of the U.S. Army Corps of Engineers and the Pennsylvania Department of Environmental Protection. Where a discrepancy exists between the wetland definitions of the U.S. Army Corps of Engineers and the Pennsylvania Department of Environmental Protection, the more restrictive definition shall apply.

WETLANDS MARGIN — An examined area measured from the outer limit of the wetland extending to the outer limit of the hydric soils contiguous to the wetland or 100 feet, whichever is less.

WHOLESALE — A commercial and/or industrial activity comprising the sale of commodities in large quantities or in bulk, as to retailers or jobbers, rather than to consumers directly, including warehousing, loading and unloading, and shipping of such commodities.

WIND ENERGY FACILITY, ACCESSORY (AWEF) - A wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics, which is designed as a secondary use on a lot, wherein the power generated is used primarily for on-

site consumption.

WOODLAND DISTURBANCE — Any activity which:

- (1) Alters the existing structure of a woodland or hedgerow. Alterations include the cutting or removal of canopy trees, subcanopy trees, understory shrubs and vines, and herbaceous woodland floor species; or Constitutes a land disturbance within a woodland or hedgerow.
- (2) Woodland disturbance does not include the selective cutting or removal of invasive or noxious trees, shrubs, vines, or herbaceous species. A list of invasive (noxious) plant species is included in Appendix A.

WOODLANDS — Woodlands consist of a tree mass or plant community in which the tree species are dominant or co-dominant and the branches of the trees form a complete, or nearly complete, canopy. Specifically, woodlands consist of a contiguous area 1/4 acre or greater, having more than one viable tree with a diameter at breast height (DBH) of six inches or greater per 1,000 square feet. The extent of the woodland plant community shall be measured from the outermost dripline of all trees in the community. Woodlands do not include orchards and old fields.

WOODLAND, CRITICAL — Interior forest areas, old growth forests, woodlands within a riparian forest buffer, woodlands within a wetland margin, or woodlands within a Core Habitat Area delineated by the Pennsylvania Natural Heritage Program or other habitat area determined to support rare, threatened, or endangered species, or species of special concern.

YARD — An open area around the inner periphery of a lot or tract on the same lot as a building, structure, and/or use; a yard extends parallel to lot lines and street lines, and is measured as a distance perpendicular to lot and street lines.

YARD, FRONT — An area between and parallel to the building setback line and the street line from which the lot has access or which abuts the lot, and extending the entire width of the lot along the front lot line at a specified distance from such front lot line. In the case of a corner lot, see "corner lot" (see Figure 2-E).

YARD, REAR — An area extending the entire width of the lot along the rear lot line at a specified distance from such rear lot line (see Figure 2-E).

YARD, SIDE — An area extending in depth on the lot from the front yard line to the rear yard line along a side lot line, a specified distance from such side lot line (see Figure 2-E).

ZONING DISTRICT, BASE — The basic system of zoning, which, under this chapter, divides all land in the Township into separate, distinct zoning district classes, 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 to the 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 West Caln Township.

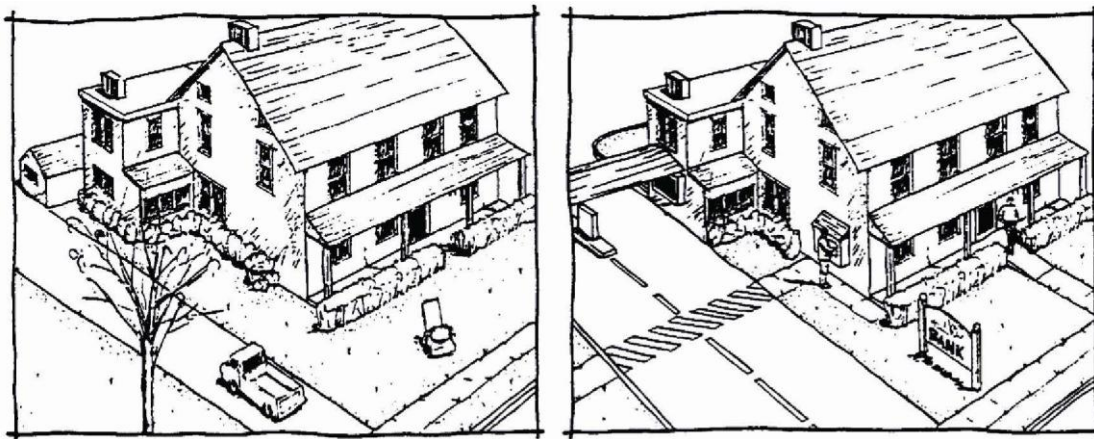
ZONING MAP — The Official Zoning Map of West Caln Township, Chester County.

ZONING OFFICER — An individual appointed by the Board of Supervisors on an annual basis to administer the provisions of this chapter who shall not hold any elective office within West Caln Township.

ZONING ORDINANCE — The designation of specified districts within West Caln Township, Chester County, reserving them for certain uses, together with limitations on lot size, heights of structures and other stipulated requirements within this chapter of West Caln Township.

ZONING PERMIT — A permit issued indicating that a proposed use, building or structure is in accordance with the provisions of this chapter, which authorizes an applicant to proceed with said use, building or structure.

**Figure 2-A.
Adaptive Reuse**



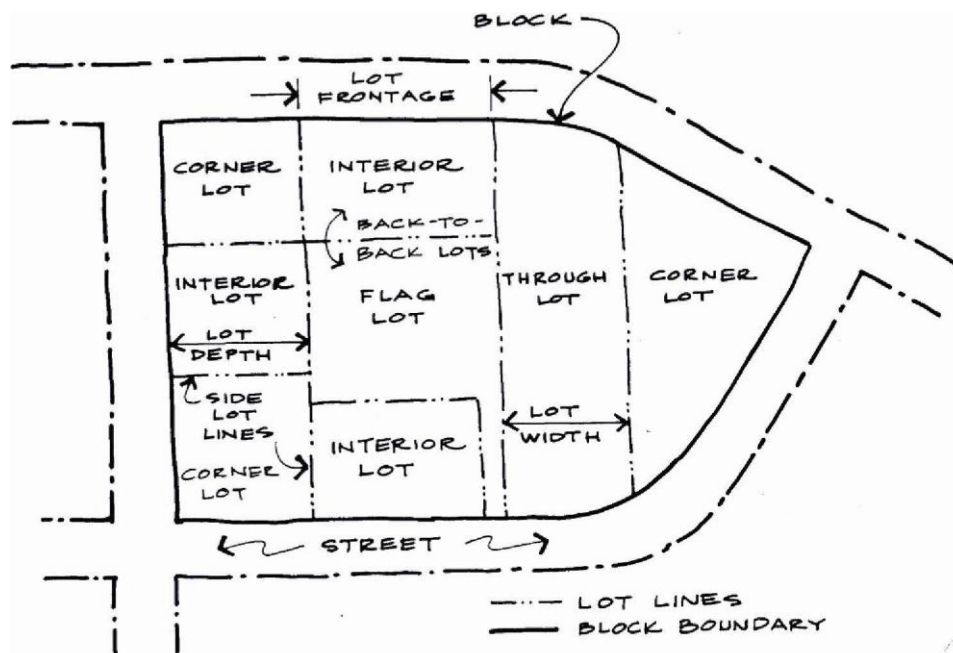
EXISTING USE (FARMHOUSE)

ADAPTIVE REUSE (BANK)

Source: Community Planning Handbook -
Volume I.

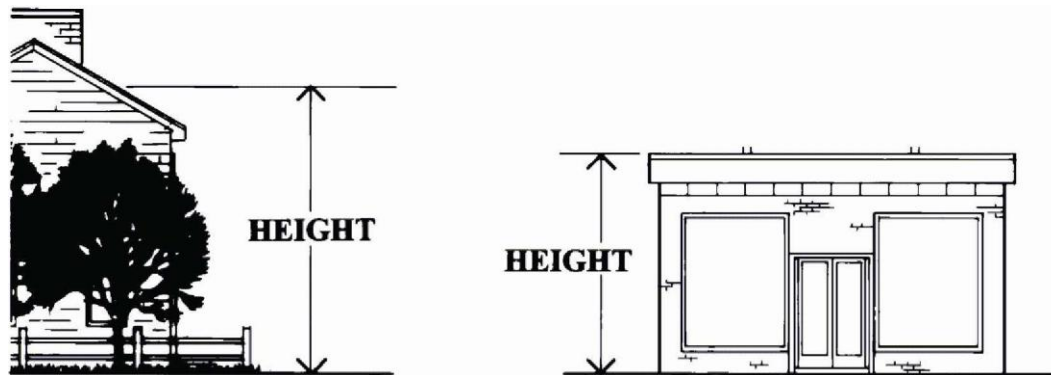
Chester County Planning Commission.
1997.

**Figure 2-B.
Lot Configuration**



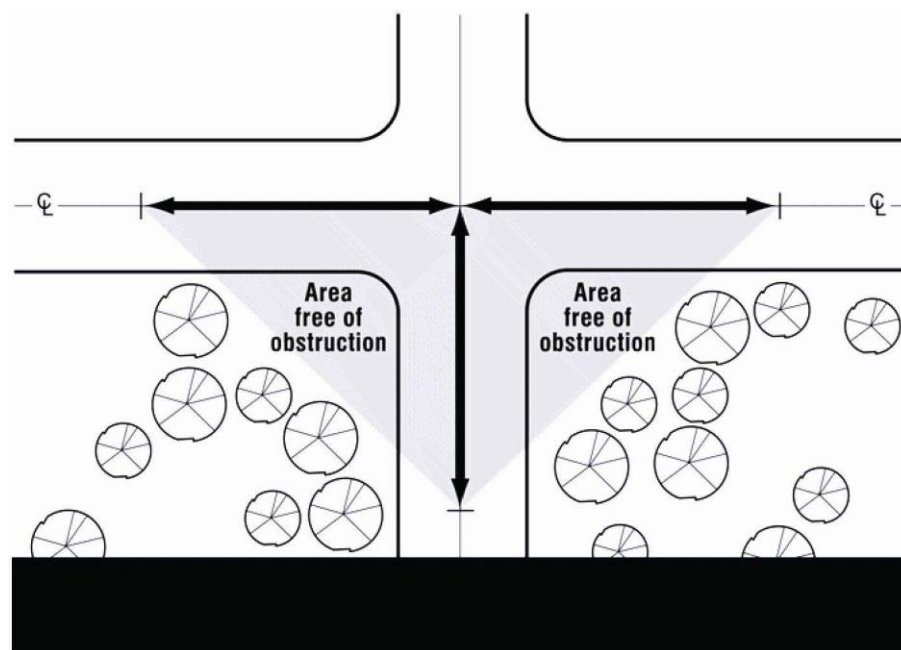
Source: A New Illustrated Book of Development Definitions. Harvey S. Moskowitz and
Carl G. Lindbloom. Center for Urban Policy Research, New Brunswick, New Jersey, 1997.

**Figure 2-C.
Building Height**



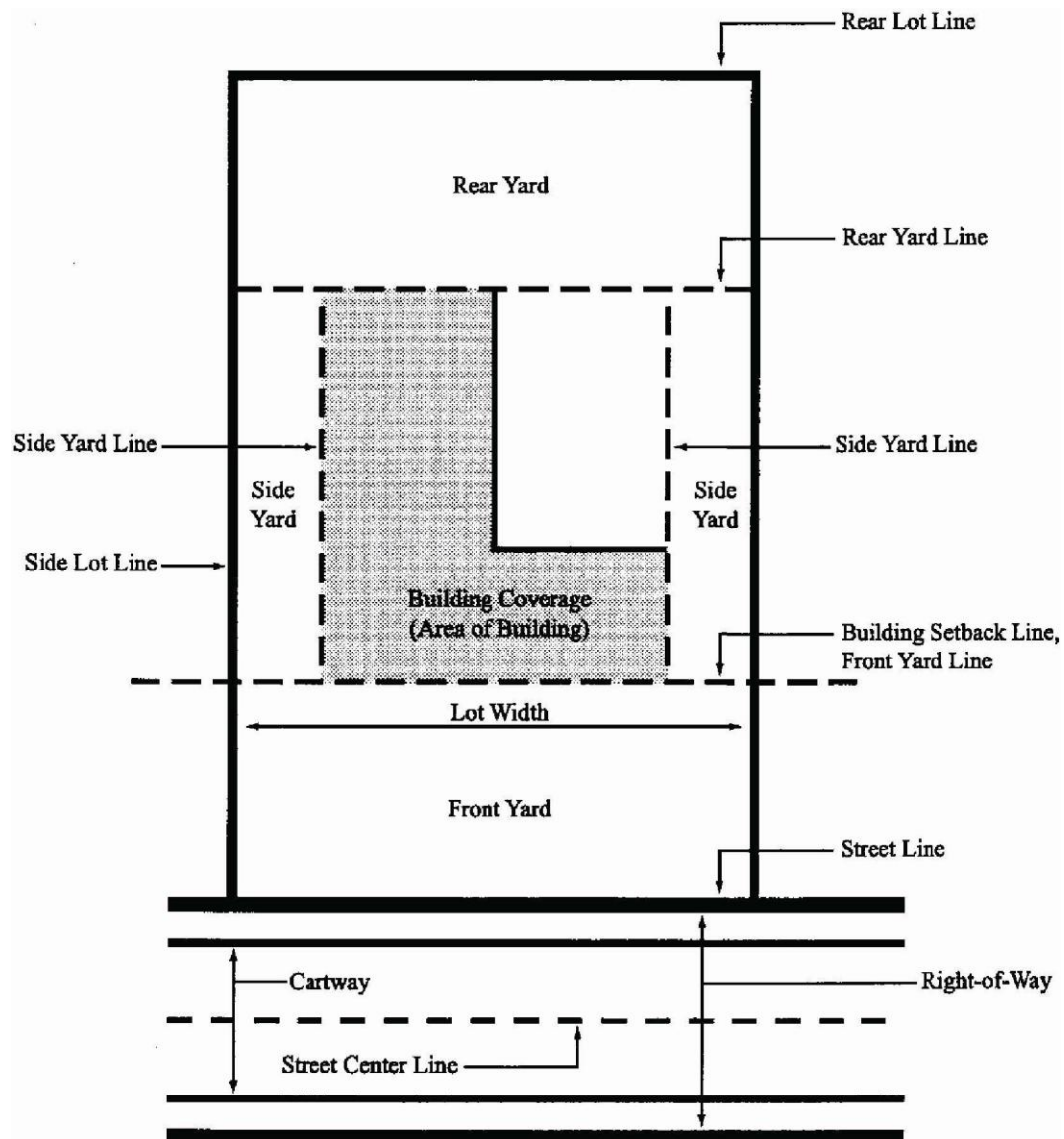
Source: Chester County Planning Commission, 2001.

**Figure 2-D.
Clear Sight Triangle**



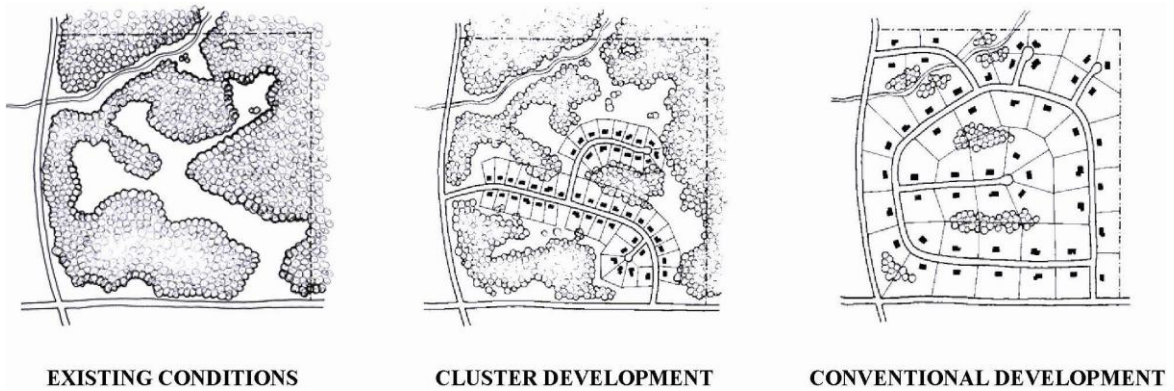
Source: Chester County Planning Commission, 2004.

**Figure 2-E.
Lot Dimensions**



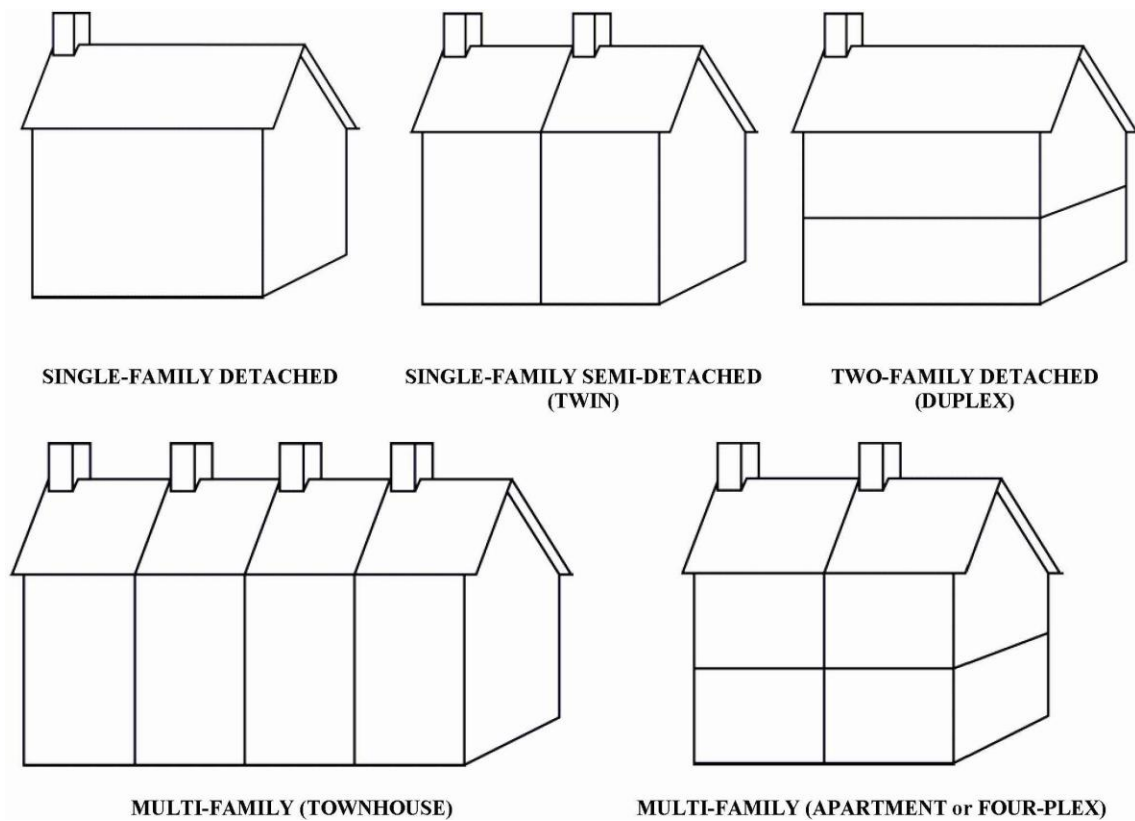
Source: Chester County Planning Commission, 1999.

**Figure 2-F.
Residential Development Patterns**

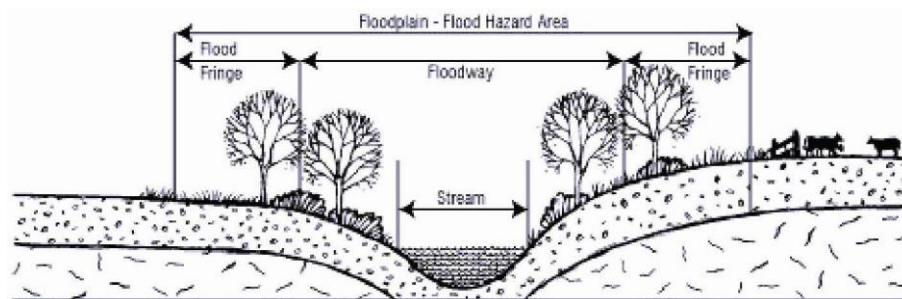


Source: Cluster Subdivision Design Guide. Chester County Planning Commission, 2004.

**Figure 2-G.
Dwelling Types**

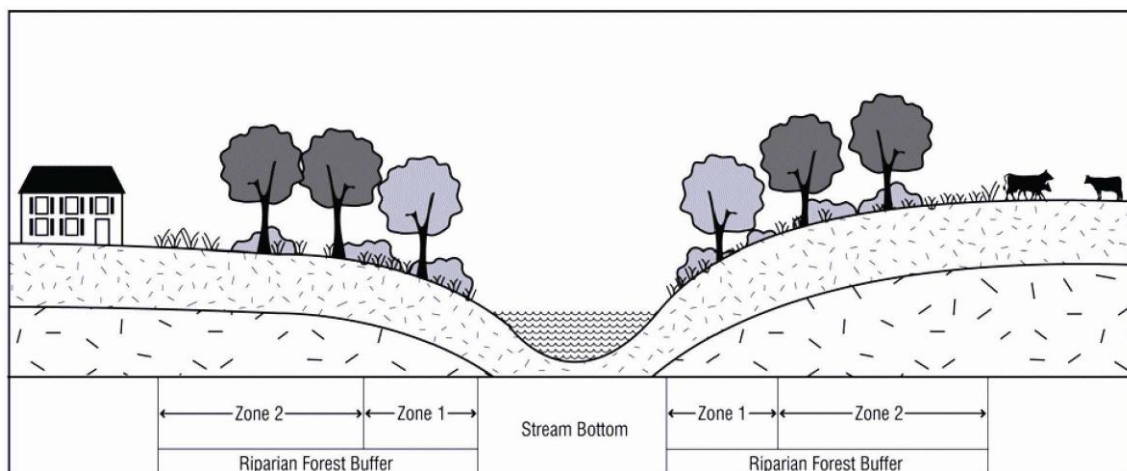


**Figure 2-H.
Floodplain**



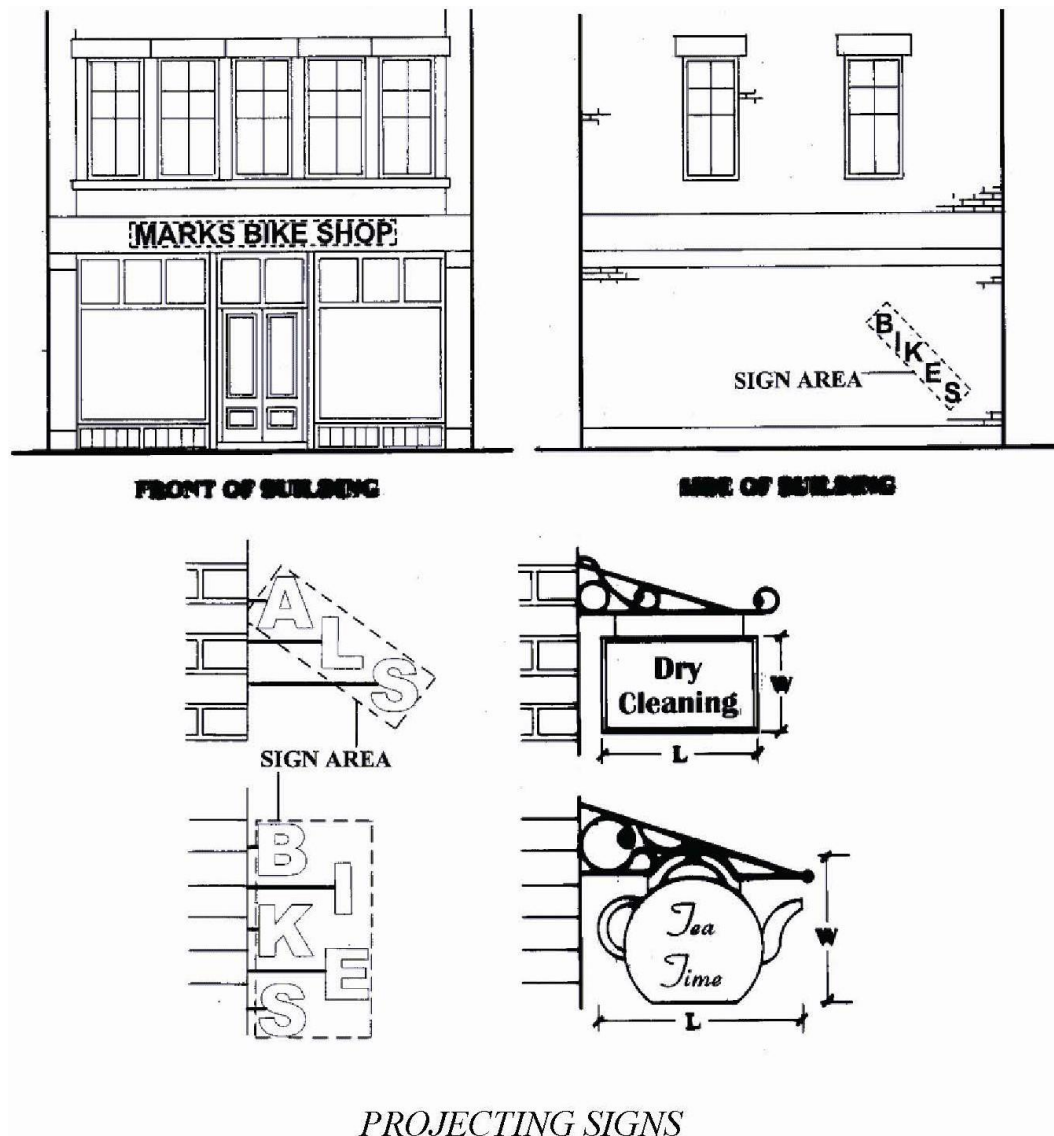
Source: Cluster Subdivision Design Guide. Chester County Planning Commission, 2003.

**Figure 2-I.
Riparian Forest Buffer**



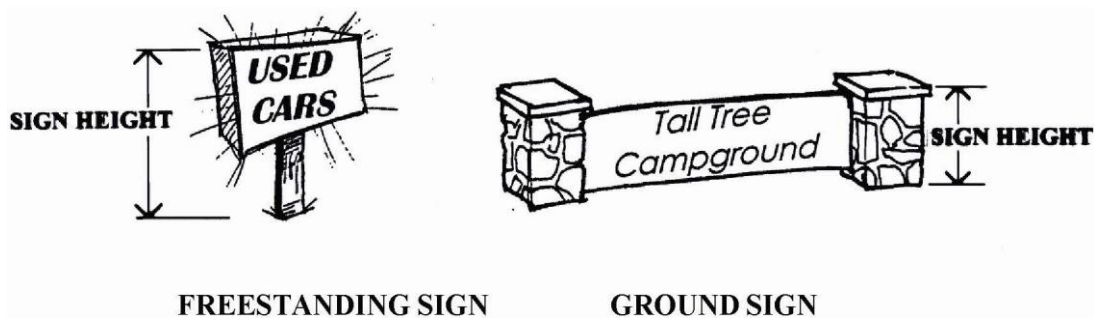
Source: An Integrated Water Resources Plan for Chester County, Pennsylvania and its Watersheds., Chester County Water Resources Authority, 2002.

**Figure 2-J.
Sign Area**



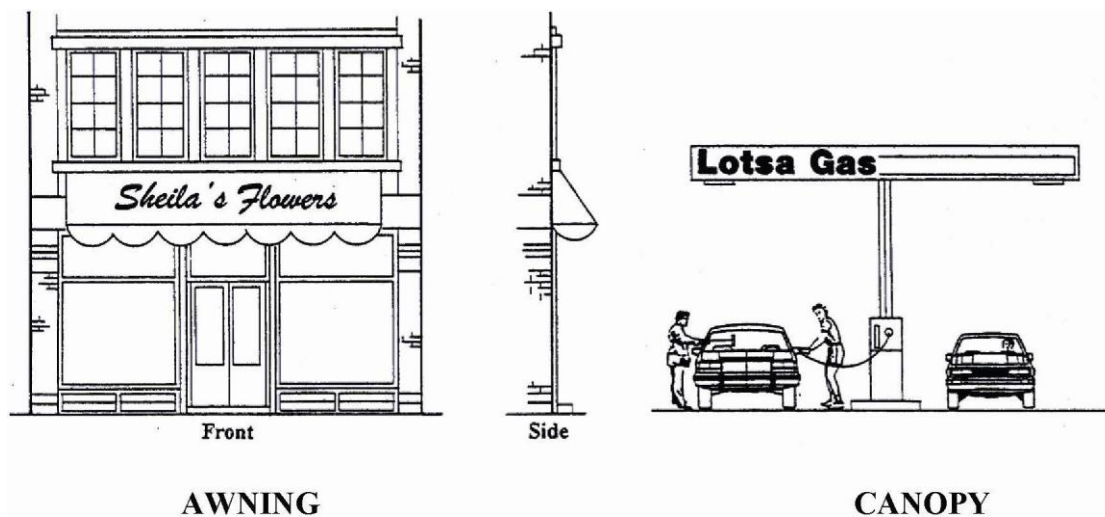
Source: Community Planning Handbook - Volume II. Chester County Planning Commission, 1999.

**Figure 2-K.
Sign Height**



Source: Community Planning Handbook - Volume II. Chester County Planning Commission, 1999.

**Figure 2-L.
Canopy, Marquee, or Awning Sign**



Source: Community Planning Handbook - Volume II. Chester County Planning Commission, 1999.

**Figure 2-M.
Freestanding Sign**



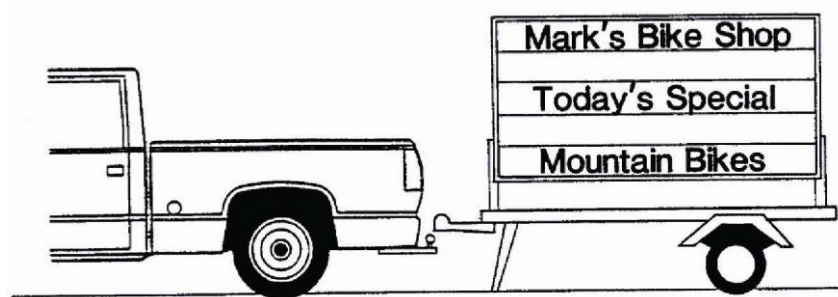
Source: Community Planning Handbook - Volume II. Chester County Planning Commission, 1999.

**Figure 2-N.
Ground Sign**



Source: Community Planning Handbook - Volume II. Chester County Planning Commission, 1999.

**Figure 2-O.
Portable Sign**



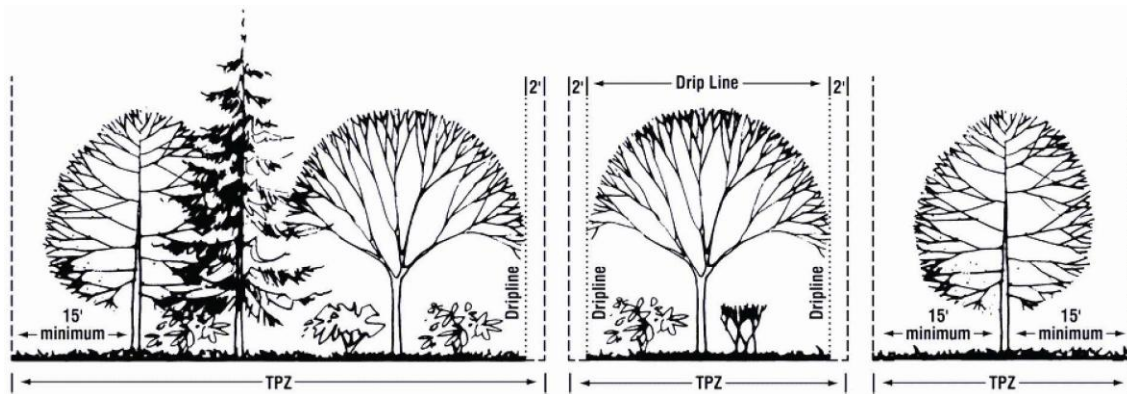
Source: Community Planning Handbook- Volume II. Chester County Planning Commission, 1999.

**Figure 2-P.
Wall Sign**



Source: Community Planning Handbook - Volume II. Chester County Planning Commission, 1999.

**Figure 2-Q.
Tree Protection Zone**



Source: Chester County Planning Commission, 2004.

ARTICLE III **Establishment of Districts**

§ 350-300. Establishment of zoning districts and controls.

- A. Base districts. For the purposes of this chapter, West Caln Township is hereby divided into zoning districts which shall be designated as follows:

Article IV:	AP - Agricultural Preservation District
Article V:	SRR - Site Responsive Residential District
Article VI:	RR - Rural Residential District
Article VII:	V - Village District
Article VIII:	RC - Rural Center District
Article IX:	MP - Multi-Purpose District

- B. Overlay districts. Overlay zoning districts are placed over base zoning districts or portions of base zoning districts and shall apply in addition to the underlying base zoning district provisions.
- C. All land areas of West Caln Township shall be deemed by this chapter to be within a zoning district, and every parcel and building or structure in the Township, except as provided by this chapter or other applicable law, shall be subject to the provisions specified for the district in which it is located.
- D. A building or structure may be constructed or used, and a lot may be used, developed, or occupied only for the uses permitted by right, accessory uses, conditional uses which adhere to certain standards and criteria, and uses by special exception or variance when approved by the Zoning Hearing Board, in the zoning district in which the building, structure, or lot is located.

§ 350-301. Zoning Map.

- A. The names, locations and boundaries of the Zoning Districts shall be as shown upon the Map attached to and hereby made a part of this chapter, which shall be designated "West Caln Township Zoning Map" and which Map, as may be amended from time to time, together with all explanatory matter (or notations, references and other data) shown thereon shall be as much a part of this chapter as if fully described herein.
- B. If, and whenever, an amendment to this chapter involving a change of district boundaries is approved by the Board of Supervisors, said change to the boundaries shall be reflected on the "West Caln Township Zoning Map" as maintained at the Township office following enactment of such amendment.

§ 350-302. Description of district boundaries.

The boundaries between Districts follow, unless otherwise indicated, either property lines, or the center lines of streets, lanes, watercourses, and rights-of-way of power lines, railroads, and other

public utilities existing at the time of enactment of this chapter, or such lines extended, or lines parallel thereto. Where the boundaries of a single district are indicated as including directly opposite sides of a street, lane, lake or watercourse, or right-of-way of a power line or other public utility, for any portion of its length, it shall be construed to apply to the entire bed of such street, lane, lake or watercourse, or right-of-way of such power lines, railroad, or other public utility lying within such portion of its length. Where uncertainty exists as to the location of any of said boundaries as shown on the Zoning Map, the following rules shall apply:

- A. Where a district boundary is indicated as approximately following the center line of a street, lane, lake or watercourse, or right-of-way of a power line or other public utility, such center line shall be construed to be such boundary.
- B. Where a district boundary is indicated as approximately following a lot or other property line, such lot or property line shall be construed to be such boundary.
- C. Where a boundary divides a lot or runs through undivided property, the location of such boundary, unless otherwise specified by dimensions on the Zoning Map, shall be determined by the use of the scale appearing on said map.
- D. Where figures are shown on the Zoning Map between a street and a district boundary, they shall indicate that the district boundary runs parallel to the center line of the street line at a distance therefrom equivalent to the number of feet so indicated, unless otherwise specified. When scaled distances do not agree with such figures, the figures shall control.
- E. In the event of dispute as to location of a district boundary line, the Zoning Officer shall investigate and render a decision, subject to the approval by the Board of Supervisors. Appeals to this decision shall be taken to the Zoning Hearing Board in accordance with provisions of Article XVII herein.

§ 350-303. District boundary tolerances.

Where a district boundary line divides a lot held in single and separate ownership at the effective date of this chapter, the use regulations applying to the less restrictive district may extend into the portion of the lot in the more restrictive district to the nearest lot line. Full use shall be made of the area of the lot in the less restrictive district before extension 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.

ARTICLE IV
AP - Agricultural Preservation District

§ 350-400. Purpose.

Purpose. In addition to the Purpose in § 350-101 and the Community Development Objectives in § 350-102 of this chapter, the purpose of this district is to:

- A. Preserve the rural character of the Township by promoting the preservation of farmland and the continuation of the agricultural industry, and to permit the continued traditional agricultural use and farm related activities in the Township.
- B. Locate the Agricultural Preservation District where agricultural operations are the primary land use.
- C. Promote the continuation of agriculture as a viable economic activity by protecting prime agricultural soils and existing farmland, maintaining large tracts of land for current or future agricultural operations, minimizing the irreversible conversion of land to non-agricultural uses, and reducing development pressure that can negatively impact the agricultural industry.
- D. Accommodate and encourage continued agricultural use on soils classified by the U.S. Department of Agriculture within agricultural capability Class I, Class II and Class III, as amended.
- E. Provide development options for farmers to subdivide their properties for development in a configuration that protects the viability of the remaining land for agricultural production.
- F. Provide for agricultural uses and uses compatible with or supportive of agriculture within the district.
- G. Limit the type and amount of nonagricultural uses within the district in order to avoid conflicts between agricultural and nonagricultural uses.
- H. Allow development compatible with this district on tracts that are not devoted to agricultural use.

§ 350-401. Use regulations.

- A. Uses by-right. A building or other structure may be erected, altered, or used, and a lot may be used or occupied for any one of the following purposes, and no other in accordance with the requirements of this article and other applicable provisions:
 - (1) Agricultural use, as per § 350-1103.
 - (2) Concentrated Animal Operation (CAO) or Concentrated Animal Feeding Operation (CAFO), as per § 350-1103.
 - (3) Combination of agricultural use and CAO, CAFO or mushroom production facility, as per § 350-1103.
 - (4) Mushroom production facility, as per § 350-1103.
 - (5) Agricultural accessory use, as per § 350-1101B, with the exception of § 350-1101B(9).

- (6) Dwelling of the owner or operator of the farm, on a parent tract.
 - (7) Single-family detached dwelling.
 - (8) Minor home occupation, as per § 350-1101C(11).
 - (9) Woodland, wildlife preserve, or conservation use.
 - (10) Forestry, as per § 350-1002D.
 - (11) Temporary structure, building, or use, as per § 350-1101F.
 - (12) Temporary community event, as per § 350-1101G.
 - (13) Residential accessory use, as per § 350-1101C, with the exception of § 350-1101C(12) .
- B. Uses by special exception. A building may be erected altered or used and a lot may be used or occupied when authorized as a special exception by the Zoning Hearing Board for any one of the following uses and in accordance with the requirements of this article and other applicable provisions:
- (1) Bed-and-breakfast, as per § 350-1107.
 - (2) Major home occupations, as per § 350-1101C(12).
- C. Uses by conditional use. A building or other structure may be erected or used, and a lot may be used or occupied when granted conditional use by the Board of Supervisors for any one of the following uses and in accordance with the requirements of this article and other applicable provisions.
- (1) Place of worship or religious use, as per § 350-1131.
 - (2) Additional farm-related dwelling, as per § 350-1101B(9).
 - (3) Veterinary clinic and animal shelter, with or without kennels, as per § 350-1120.
 - (4) Kennel, as per § 350-1120.
 - (5) Riding academy and stables, as per § 350-1134.
 - (6) Residential conversion of a single-family detached dwelling into a two or three family dwelling, as per § 350-1132.
 - (7) Uses within a historic resource, as per Article XX.

§ 350-402. Area and bulk regulations.

- A. Agricultural use, CAO, CAFO, or mushroom production facility. The following area and bulk regulations shall apply to all agricultural uses, CAOs, CAFOs, and mushroom production facilities:
- (1) Minimum lot area: 10 acres.
 - (2) Maximum lot coverage: 10%.

- (3) Maximum building height: 35 feet, except as provided for in accordance with §350-1103A(4).
- (4) Additional area and bulk regulations set forth in §350-1103 shall apply. The area and bulk regulations set forth in Pennsylvania statutes and regulations governing such uses shall remain equally applicable, such as the Pennsylvania Nutrient Management Act.
- B. Additional farm-related dwellings on parent agricultural tracts shall comply with §350-1101B(9).
- C. Subdivision of Parent Tract (tracts 10 acres or more).

- (1) The maximum number of lots or residential dwelling units subdivided from the parent tract shall be as shown in the table below. Any lots or dwelling units created pursuant to §350-1101B(9) and/or Act 319 Pennsylvania Farmland and Forest Land Assessment Act split-off provisions shall count toward the maximum number of permitted lots/units.

Size of Parent Tract (acres)	Number of Lots/Dwelling Units Permitted
10 – 14.99	1
15 - 34.99	2
35-59.99	3
60 – 89.99	4
90 – 119.99	5
120 – 149.99	6
150 and over	7, plus one for each 30 acres over 150

- (2) Tracts that result from any subdivision of a parent tract of record as of the effective date of this chapter, including the remaining parent tract, shall be limited to the maximum number of lots or dwelling units permitted for that parent tract according to the terms of any such subdivision approval.
- (3) Any subsequent owner of any parent tract or tract subdivided from a parent tract shall be bound by the provisions of this article and the actions of the previous owners of the parent tract, thus transfer of ownership shall not create a new right to subdivide.
- (4) The following dimensional standards shall apply to all uses subdivided from the parent tract, other than agricultural use, CAO, CAFO, or mushroom production facility, which shall be subject to §350-402A, above:
 - (a) Minimum lot area: one acre.
 - (b) Maximum lot area: two acres. If DEP regulations require an area greater than two acres for the dispersal of nitrate nitrogen, the land area necessary for this dispersal may be permitted to be a part of the lot. However, no further subdivision of the lot shall be permitted via deed restriction. The owner of the parent tract from which the lot is created shall record all necessary documentation to establish and grant a plume easement over adjoining land on the parent tract to provide for the necessary dispersal of the nitrate nitrogen in the septic effluent.
 - (c) Minimum lot width at building line: 100 feet.

- (d) Minimum lot width at street line: 50 feet.
- (e) Minimum front setback: 50 feet.
- (f) Minimum side yard: 25 feet.
- (g) Minimum rear yard: 50 feet.
- (h) Maximum building coverage: 10%.
- (i) Maximum lot coverage: 20%.
- (j) Maximum building height: 35 feet.
- (k) Residential setback: Residential dwellings shall be located a minimum of 100 feet from any adjacent agricultural use, CAO, CAFO, or mushroom production facility.
- (l) Vegetation setback: No shrub or tree shall be planted within 20 and 30 feet, respectively, of any parcel used for agricultural purposes.

D. Subdivision of tracts less than 10 acres.

- (1) The following dimensional standards shall apply to all uses subdivided from tracts less than 10 acres:
 - (a) Minimum lot area: 4 acres
 - (b) Minimum lot width at building line: 200 feet.
 - (c) Minimum lot width at street line: 150 feet.
 - (d) Minimum front setback: 50 feet.
 - (e) Minimum side yard: 25 feet.
 - (f) Minimum rear yard: 50 feet.
 - (g) Maximum building coverage: 5%.
 - (h) Maximum lot coverage: 10%.
 - (i) Maximum building height: 35 feet.
 - (j) Residential setback: Residential dwellings shall be located a minimum of 100 feet from any adjacent agricultural use, CAO, CAFO, or mushroom production facility.
 - (k) Vegetation setback: No shrub or tree shall be planted within 20 and 30 feet, respectively, of any parcel used for agricultural purposes.

E. Additional standards.

- (1) Configuration of lots.
 - (a) The layout of lots shall be grouped so that no more than one additional access to an existing public road will result.
 - (b) Lots shall be located on nonproductive or the least agriculturally productive soils,

- or on soils which cannot feasibly be farmed due to location, shape, or configuration of the lot or physical features not conducive to farming.
- (c) Lots shall be located in areas that will minimize interference with agricultural practices or operations.
 - (d) If it is proposed that lots cannot be located in accordance with subsections (a) and (b), above, then lots may be located on Class I, 2, or 3 soils but in any case on the least agriculturally productive land. The applicant to demonstrate why the lot cannot be subdivided in accordance with subsections (a) and (b), above.
- (2) Plan information. When undertaking a subdivision or land development on a parent tract, the following information in addition to any required in Chapter 300, Subdivision and Land Development, shall be submitted:
- (a) Location and the independently calculated area of all Class I, II, and III agricultural soils, as defined by the U.S. Department of Agriculture (USDA). The applicant may use the most current soil survey map available through the USDA Natural Resource Conservation Service to identify this information for these purposes.
 - (b) The calculation of permitted number of lots per the requirements of § 350-402 C(1), above.
 - (c) Location and the independently calculated area of constraints including: tract location, shape, or configuration, wetlands, areas of steep slope and rocky areas, streams, water bodies, identified floodplain area, area subject to conservation or agricultural easements, utility easements and rights-of-way.
 - (d) Approximate location of future subdivision of lots from the parent tract, when less than the maximum number of lots permitted is proposed.
- (3) Exemption from limitation on subdivision of land. A subdivision, the sole purpose of which is to transfer land to increase the size of a tract being used for agricultural purposes, where both the parent tract from which the land is being taken and the tract to which the land is being transferred will be 10 acres or more after such subdivision shall be considered exempt from § 350-402C(2).
- (4) Any plan for the subdivision or land development of any such lot or the erection of any building hereafter filed for a parent tract in the Agricultural Preservation District shall specify in a note on the recorded plan the number of lots and which lot(s) shall carry with them the right to erect or place thereon any unused quota of lots or buildings as determined and limited by the provisions of this article based on that permitted for the parent tract existing at the effective date of this chapter. The right of further subdivision or erection of buildings, or a statement that no further subdivision or erection of buildings is permitted shall be included in the deed for the newly created lots and of the parent tract.

§ 350-403. Nonagricultural dwelling or use notice.

The primary purpose of this district is to accommodate agricultural production. Owners, residents, and other users of property in this district shall be subject to common characteristics of agriculture activities which are sometimes regarded as objectionable, including, but not limited to, the creation

of noise, odors, dust, the operation of machinery of any kind during any time, the storage and application of manure, fertilizers, herbicides, etc., and the heavy or slow vehicle use of roads. Owners, residents, and users of this property should regard these activities as normal, ordinary, routine, and as unavoidable characteristics of an agricultural area and are furthermore assumed to have accepted these characteristics by willingly choosing to reside in the Agricultural Preservation District. Owners, residents, and users of this property should be familiar with and aware of Section 4 of Pennsylvania Act 133 of 1992 "The Right to Farm Law." (3 P.S. § 951 et seq.) This may bar them from obtaining a legal judgement against such normal agricultural operations.

§ 350-404. General design standards and regulations.

The following general design standards and regulations shall apply to all uses, as applicable, in this zoning district:

- A. Lighting shall be in accordance with Article XII.
- B. Signage shall be in accordance with Article XIV.
- C. Parking and loading shall be in accordance with Article XIII.
- D. Nonconforming uses shall be in accordance with Article XV.
- E. Natural resource protection standards shall be in accordance with Article X.
- F. Historic resource protection standards shall be in accordance with Article XX.
- G. All applicable supplemental use regulations in Article XI.
- H. All other applicable general regulations in Article XII, including but not limited to outdoor storage and display; fences, hedges, and walls; buffering screening, and landscaping; vehicular access and traffic control; interior circulation; keeping of animals; and performance standards.
- I. All other applicable design standards and regulations in this chapter; chapter 300, Subdivision and Land Development; and all other chapters of the Code of the Township of West Caln.

ARTICLE V
SRR - Site Responsive Residential District

§ 350-500. Purpose, description of options, and process.

- A. Purpose. In addition to the Purpose in § 350-101 and the Community Development Objectives in § 350-102 of this chapter, the purpose of this district is:
- (1) To support existing and future agricultural operations in the Township and protect the Township's rural, open character by.
 - (a) Providing the opportunity for agricultural use on tracts that are comparatively smaller than required in the AP district.
 - (b) Providing for low-density residential development.
 - (c) Providing for other limited uses related to the farming and rural community.
 - (2) To support the conservation of natural resources as defined in Article II.
 - (3) To protect and minimize the potential adverse effects of land development on historic resources as defined in Article II.

§ 350-501. Use regulations.

- A. Uses permitted by right. A building or other structure may be erected or used, and a lot may be used or occupied for any one of the following purposes and no other, in accordance with the requirements of this article and other applicable provisions:
- (1) Agricultural use, as per § 350-1103, which may also include the dwelling of the owner or operator of the agricultural use.
 - (2) Single-family detached dwelling.
 - (3) Municipal use.
 - (4) Forestry, as per § 350-1002D.
 - (5) Woodland, wildlife sanctuary, or other conservation use.
 - (6) Agricultural accessory use as per §350-1101B, with the exception of § 350-1101B(9).
 - (7) Residential accessory use, as per § 350-1101C, with the exception of § 350-1101C(12) and (13).
 - (8) Minor home occupation, as per § 350-1101C(11).
 - (9) Temporary structure, building, or use, as per § 350-1101F.
 - (10) Temporary community event, as per § 350-1101G.
- B. Special exception uses. A building or other structure may be erected or used, and a lot may be used or occupied when authorized as a special exception by the Zoning Hearing Board for any one of the following uses and in accordance with the requirements of this article and other applicable provisions:

- (1) Major home occupation, as per § 350-1101C(12).
 - (2) Bed-and-breakfast, as per § 350-1107.
 - (3) Cemetery, as per § 350-1108.
- C. Conditional uses. A building or other structure may be erected or used, and a lot may be used or occupied when granted conditional use by the Board of Supervisors for any one of the following uses and in accordance with the requirements of this article and other applicable provisions:
- (1) Veterinary clinic, with or without kennels, as per § 350-1120.
 - (2) Kennel, as per § 350-1120.
 - (3) Riding academy and stables, as per § 350-1134.
 - (4) Place of worship or religious use, as per § 350-1131.
 - (5) Supplemental dwelling unit, as per § 350-1101C(13).
 - (6) Commercial or institutional accessory use, as per § 350-1101D and E.
 - (7) Recreational use, as per § 350-1129.
 - (8) Two principal uses on the same lot subject to the following conditions:
 - (a) Only one principal use may be a permitted residential use;
 - (b) Sufficient land area shall exist on the lot to enable each principal use to each separately comply with applicable area and bulk requirements, except that yard setbacks need only be measured from the perimeter of the lot and not between individual principal uses;
 - (c) Adequate sewage disposal and water capacity shall be provided.
 - (9) Uses within a historic resource, as per Article XX.
 - (10) Educational use, as per § 350-1112.
 - (11) Club or lodge, as per § 350-1109.

§ 350-502. Area and bulk regulations.

- A. Single-family detached dwelling.
- (1) Area and bulk requirements.
 - (a) Minimum lot area: two acres.
 - (b) Minimum lot width at building line: 150 feet.
 - (c) Minimum lot width at street line: 115 feet.
 - (d) Maximum lot coverage (impervious): 15%.
 - (e) Maximum building coverage: 10%.

- (f) Minimum front setback: 50 feet.
- (g) Minimum side yard: 25 feet.
- (i) Minimum rear yard: 50 feet.
- (j) Maximum building height: 35 feet.
- (k) Residential dwellings shall be located a minimum of 100 feet from any adjacent CAO, CAFO or mushroom production facility.
- (l) Residential dwellings shall be located a minimum of 50 feet from any adjacent agricultural uses.

B. Agricultural uses.

- (1) Minimum gross tract area: five acres.
 - (a) Existing lots less than five acres in size as of the date of adoption of this chapter may be used for agricultural purposes subject to compliance with all other applicable regulations herein.
 - (b) Lots less than five acres in size, that are located adjacent to lots of five acres or greater in size and used by the same operator for other agricultural uses, shall be permitted when in accordance with the applicable requirements of this chapter.
- (2) Maximum lot coverage: 10%.
- (3) Maximum building height: 35 feet, except as provided for in accordance with §350-1103A(4).
- (4) Agricultural uses shall also be subject to the provisions of § 350-1103.

C. Other uses. Unless otherwise specified in this chapter, all other uses permitted in this district shall meet the following:

- (1) Minimum lot area: two acres.
- (2) Minimum lot width at building line: 200 feet.
- (3) Minimum lot width at street line: 100 feet.
- (4) Minimum front setback: 50 feet.
- (5) Minimum side yard: 25 feet.
- (6) Minimum rear yard: 50 feet.
- (7) Maximum building coverage: 10%.
- (8) Maximum lot coverage (impervious): 15%.
- (9) Maximum building height: 35 feet.

§ 350-503. Reserved.

§ 350-504. General design standards and regulations.

The following general design standards and regulations shall apply to all uses, as applicable, in this zoning district:

- A. Lighting shall be in accordance with Article XII.
- B. Signage shall be in accordance with Article XIV.
- C. Parking and loading shall be in accordance with Article XIII.
- D. Nonconforming uses shall be in accordance with Article XV.
- E. Natural resource protection standards shall be in accordance with Article X.
- F. Historic resource protection standards shall be in accordance with Article XX.
- G. All applicable supplemental use regulations in Article XI.
- H. All other applicable general regulations in Article XII, including but not limited to outdoor storage and display; fences, hedges, and walls; buffering screening, and landscaping; vehicular access and traffic control; interior circulation; keeping of animals; and performance standards.
- I. All other applicable design standards and regulations in this chapter; chapter 300, Subdivision and Land Development; and all other chapters of the Code of the Township of West Caln.

ARTICLE VI
RR - Rural Residential District

§ 350-600. Purpose, description of options, and process.

A. Purpose. In addition to the Purpose in § 350-101 and the Community Development Objectives in § 350-102 of this chapter, the purpose of this district is:

- (1) To support the conservation of natural resources as defined in Article II.
- (2) To retain and protect open space areas within residential development in the Township to protect the Township's rural, open character.
- (3) To protect and minimize the potential adverse effects of land development on historic resources.
- (4) To provide for opportunities for housing types at a density and in a cluster configuration that preserves and protects the rural character of West Caln Township.
- (5) To provide greater design flexibility and efficiency in the provision of services and infrastructure, including the opportunity to reduce the amount of impervious surfaces related to new development.
- (6) To provide for a diversity of lot sizes, building densities, and housing choices to accommodate a variety of age and income groups and residential opportunities.

§ 350-601. Use regulations.

A. Uses permitted by right. A building or other structure may be erected or used, and a lot may be used or occupied for any one of the following purposes and no other, in accordance with the requirements of this article and other applicable provisions:

- (1) Agricultural use, as per § 350-1103.
- (2) Single-family detached dwelling under cluster residential development, as per §§ 350-602A and 350-603.
- (3) Single-family detached dwelling under conventional development, as per §§ 350-602B and 350-604.
- (4) Municipal use.
- (5) Forestry, as per § 350-1002D.
- (6) Woodland, wildlife sanctuary or other conservation use.
- (7) Agricultural accessory use as per §350-1101B, with the exception of § 350-1101B(9).
- (8) Residential accessory use, as per § 350-1101C, with the exception of § 350-1101C(12) and (13).
- (9) Minor home occupation, as per § 350-1101C(11).
- (10) Temporary structure, building, or use, as per § 350-1101F.

- (11) Temporary community event, as per § 350-1101G.
- B. Special exception uses. A building or other structure may be erected or used, and a lot may be used or occupied when authorized as a special exception by the Zoning Hearing Board for any one of the following uses and in accordance with the requirements of this article and other applicable provisions:
- (1) Bed-and-breakfast, as per § 350-1107.
 - (2) Funeral home, as per § 350-1113.
 - (3) Major home occupation, as per § 350-1101C(12).
- C. Conditional uses. A building or other structure may be erected or used, and a lot may be used or occupied when granted conditional use by the Board of Supervisors for any one of the following uses and in accordance with the requirements of this article and other applicable provisions:
- (1) Club or lodge, as per § 350-1109.
 - (2) Riding academy and stables, as per § 350-1134.
 - (3) Place of worship or religious use, as per § 350-1131.
 - (4) Supplemental dwelling unit, as per § 350-1101C(13).
 - (5) Commercial or institutional accessory use, as per § 350-1101D and E.
 - (6) Recreational use, as per § 350-1129.
 - (7) Educational use, as per § 350-1112.
 - (8) Uses within a historic resource, as per Article XX.
 - (9) Nursing home, assisted living residence, or personal care home, as per § 350-1125.
 - (10) Mobile home park, as per § 350-1123.

§ 350-602. Area and bulk regulations.

- A. Cluster Residential Development Option.
- (1) Such tract using the cluster residential development option shall be held in single and separate ownership, or, if in multiple ownership, shall be filed in a single application by the owners for the entire tract in a single plan under a single direction with common authority and responsibility.
 - (2) Area and bulk regulations. The following area and bulk regulations apply to single-family detached dwellings under the cluster residential development option:
 - (a) Density: 0.75 dwelling units per acre of net tract area.
 - (b) Minimum lot area: 20,000 square feet.
 - (c) Minimum lot width at building line: 60 feet.

- (d) Minimum lot width at street line: 50 feet.
 - (e) Maximum building coverage: 25%.
 - (f) Maximum lot coverage (impervious): 40%.
 - (g) Minimum front setback: 25 feet.
 - (h) Minimum side yard: 25 feet aggregate with a minimum of 10 feet on one side.
 - (i) Minimum rear yard: 25 feet.
 - (j) Maximum building height: 35 feet.
 - (k) Minimum open space requirement: 50% of net tract area plus constrained land.
 - (l) Residential dwellings shall be located a minimum of 100 feet from any adjacent CAO, CAFO, or mushroom production facility.
 - (m) Residential dwellings shall be located a minimum of 50 feet from any adjacent agricultural uses.
- (3) Permitted number of dwelling units per tract calculation.
- (a) The number of dwelling units permitted within this development option shall be determined by multiplying the number of acres of net tract area, by 0.75 (based on the density of 0.75 dwelling units per net acre) and rounding to the nearest whole number, where a fraction of 0.5 or greater is rounded up, and a fraction of less than 0.5 rounded down. For example, on a 29 acre net tract size, 21.75 dwelling units rounded to 22 dwelling units would be permitted, whereas on a 28.3 acre net tract size, 21.225 dwelling units rounded to 21 dwelling units would be permitted.
 - (b) If there is an existing primary structure on the original parcel that is proposed to remain in residential use upon development of the site, that structure shall count against the permitted number of dwelling units, except that in the case of an existing historic resource that is to be preserved and renovated such historic resource shall not be counted against the permitted number of dwelling units on a tract and shall be in addition to the permitted number of dwelling units, provided the use of such historic resource complies with Article XX.

B. Conventional development option.

- (1) Area and bulk requirements. The following area and bulk regulations apply to single-family detached dwellings under the conventional development option:
 - (a) Density: 0.5 dwelling units per acre of net tract area.
 - (b) Minimum lot area: two acres.
 - (c) Minimum lot width at building line: 100 feet.
 - (d) Minimum lot width at street line: 75 feet.
 - (e) Maximum lot coverage (impervious): 15%.

- (f) Maximum building coverage: 10%.
 - (g) Minimum front setback: 50 feet.
 - (h) Minimum side yard: 25 feet.
 - (i) Minimum rear yard: 50 feet.
 - (j) Maximum building height: 35 feet.
 - (k) Residential dwellings shall be located a minimum of 100 feet from any adjacent CAO, CAFO, or mushroom production facility.
 - (l) Residential dwellings shall be located a minimum of 50 feet from any adjacent agricultural uses.
- (2) Permitted number of dwelling units per tract calculation.
- (a) The number of dwelling units permitted within this development option shall be determined by multiplying the number of acres of net tract area by 0.5 and rounding to the nearest whole number, where a fraction of 0.5 or greater is rounded up, and a fraction of less than 0.5 rounded down. For example, on a 29 acre net tract size, 15 dwelling units would be permitted whereas on a 28.3 acre net tract size, 14 dwelling units would be permitted.
 - (b) If there is an existing primary structure on the original parcel that is proposed to remain in residential use upon development of the site, that structure shall count against the permitted number of dwelling units, except that in the case of an existing historic resource that is to be preserved and renovated such historic resource shall not be counted against the permitted number of dwelling units on a tract and shall be in addition to the permitted number of dwelling units, provided the use of such historic resource complies with Article XX.

C. Agricultural uses.

- (1) Agricultural use.
 - (a) Minimum gross tract area: five acres.
 - (b) Existing lots less than five acres in size as of the date of adoption of this chapter may be used for agricultural purposes subject to compliance with all other applicable regulations herein.
 - (c) Lots less than five acres in size that are located adjacent to lots of five acres or greater in size and used by the same operator for other than intensive agricultural uses, shall be permitted when in accordance with the applicable requirements of this chapter.
- (2) Maximum lot coverage: 10%.
- (3) Maximum building height: 35 feet, except as provided for in accordance with §350-1103A(4).
- (4) Agricultural uses shall also be subject to the provisions of § 350-1103.

- D. Other uses. Unless otherwise specified in this chapter, all other uses permitted in this district shall meet the following:
- (1) Minimum lot area: 60,000 square feet.
 - (2) Minimum lot width at building line: 150 feet.
 - (3) Minimum lot width at street line: 100 feet.
 - (4) Minimum front setback: 50 feet.
 - (5) Minimum side yard: 25 feet.
 - (6) Minimum rear yard: 50 feet.
 - (7) Maximum building coverage: 10%.
 - (8) Maximum lot coverage (impervious): 15%.
 - (9) Maximum building height: 35 feet.

§ 350-603. Cluster residential development standards.

- A. Open space provisions. Open space in cluster residential development shall meet the following requirements:

- (1) Required common open space. A minimum 50% of the net tract area, plus the total acres of constrained land, shall be designated on the plan as common open space and held in a tract or tracts separate from the developable lots. The required amount of common open space shall be determined in accordance with the following table:

(a) Net tract area in acres (as defined in Article II)	= _____ acres
(b) Multiply (a) by 0.50	= _____ acres
(c) Total area of constrained land in acres (as defined in Article II)	= _____ acres
(d) Add (b) plus (c)	= _____ acres of common open space

- (2) Open space standards. Open space configuration, usage, ownership, maintenance, and protection standards are set forth in § 350-1126 and shall apply.
- B. Sewage disposal and water supply. Development permitted under the cluster development option shall be served by a public sewage disposal system and a public water supply system.
- C. Information required prior to cluster residential development - Option 1.
- (1) Delineation and the calculated area of all portions of the tract identified as primary natural resources and delineation and the calculated area of all portions of the tract identified as secondary natural resources.
 - (2) Delineation of drainage, stormwater management, or other utility easements, and rights-of-way or easements for public or private streets.
 - (3) Delineation of any existing area under conservation easement or agricultural easement

that is restricted from further development.

- (4) Calculation of the net tract area as defined in Article II.
- (5) The calculation of permitted number of lots/units per the requirements of § 350-602A(3).
- (6) The calculation of the required common open space acreage per the requirements of § 350-603A(1).
- (7) The location(s) of permanent open space or other protected land, either publicly or privately owned, eased, or deed restricted, on all applicable adjacent properties.
- (8) Delineation of the portion of the tract designated as permanent open space, the percentage of the tract represented by this open space, and the percentages of this open space consisting of natural resources as per this chapter and any other protected lands either publicly or privately owned, eased, or deed restricted.
- (9) Location of agricultural uses, and other permitted uses per §§ 350-601A(2) and 350-603A(2).

§ 350-604. Conventional development standards.

A. Information required prior to conventional development.

- (1) Delineation and the calculated area of all portions of the tract within the identified floodplain area, areas of very steep slope, and wetlands, as well as water bodies or watercourses.
- (2) Delineation of drainage, stormwater management, or other utility easements, and rights-of-way or easements for public or private streets.
- (3) Delineation of any existing area under conservation easement or agricultural easement that is restricted from further development.
- (4) Calculation of the net tract area as defined in Article II.
- (5) The calculation of permitted number of lots/units per the requirements of § 350-602B(2).
- (6) Location of permitted uses per § 350-601.

§ 350-605. General design standards and regulations.

The following general design standards and regulations shall apply to all uses, as applicable, in this zoning district:

- A. Lighting shall be in accordance with Article XII.
- B. Signage shall be in accordance with Article XIV.
- C. Parking and loading shall be in accordance with Article XIII.
- D. Nonconforming uses shall be in accordance with Article XV.
- E. Natural resource protection standards shall be in accordance with Article X.
- F. Historic resource protection standards shall be in accordance with Article XX.

- G. All applicable supplemental use regulations in Article XI.
- H. All other applicable general regulations in Article XII, including but not limited to outdoor storage and display; fences, hedges, and walls; buffering screening, and landscaping; vehicular access and traffic control; interior circulation; keeping of animals; and performance standards.
- I. All other applicable design standards and regulations in this chapter; chapter 300, Subdivision and Land Development; and all other chapters of the Code of the Township of West Caln.

ARTICLE VII
V - Village District

§ 350-700. Purpose.

- A. In addition to the Purpose in § 350-101 and the Community Development Objectives in § 350-102 of this chapter, the purpose of this district is:
- (1) To recognize the crossroads Villages of Compass, Wagontown, and Martin's Corner, and to maintain their traditional, historic village pattern by allowing for land uses that complement the existing character of each village, specifically as follows:
 - (a) Retain the historic integrity of the Villages of Compass, Wagontown, and Martin's Corner recognizing their historic attributes, context, and role in the development of West Caln Township.
 - (b) Provide for a mix of residential, institutional, and commercial uses at a scale that respects the historic use of the properties and is designed to accommodate the current and future residents of the village and promote a pedestrian oriented circulation system.
 - (c) Promote infill and adaptive reuse of existing buildings that retains the size, scale, and general character of the villages.
 - (d) Encourage design and building placement that are compatible with the traditional building form, scale and pattern of existing buildings.
 - (e) Provide for development that implements the related goals of the West Caln Township Comprehensive Plan.

§ 350-701. Use regulations.

- A. Compass Village use regulations.
- (1) Uses by-right. A building or other structure may be erected or used, and a lot may be used or occupied for any one of the following purposes and no other, in accordance with the requirements of this article and other applicable provisions:
 - (a) Single-family detached dwelling.
 - (b) Single-family semidetached dwelling.
 - (c) Two-family detached dwelling.
 - (d) Cemetery.
 - (e) The following uses not to exceed 2,000 square feet of gross leasable area:
 - [1] Individual retail store for the sale of antiques, gifts, food, meat and poultry, drugs, flowers, dry goods, household goods, hardware, newspapers, tobacco, stationery, jewelry, or similar uses.
 - [2] Restaurant or similar establishment, as per § 350-1133, with or without outdoor cafe, as per and § 350-1127, and without drive-through service.

- [3] Individual personal service shop including barber shop, beauty shop, real estate and insurance, tailor shop, photographic studio, shoe repair or similar uses, but excluding crematorium.
- [4] Individual professional, business, administrative, or medical office, as per § 350-1117.
- [5] Trade, service, or craftsman shop, such as bicycle repair, small electrical or other household appliance servicing, carpentry, cabinetmaker shop, plumbing shop, or similar uses.
- [6] Bank or financial institution, as per § 350-1106, without drive-through service.
- (f) Municipal, governmental, and public service use, including post office, fire station, parks, or similar public-oriented uses that promote a local West Caln village in a rural area.
- (g) Agricultural use, as per § 350-1103.
- (h) Forestry, as per § 350-1002D.
- (i) Residential accessory use, as per § 350-1101C with the exception of § 350-1101C(12) and (13).
- (j) Commercial or institutional accessory use, as per § 350-1101D and E.
- (k) Minor home occupation, as per § 350-1101C(11).
- (l) Temporary structure, building, or use, as per § 350-1101F.
- (m) Temporary community event, as per § 350-1101G.
- (2) Uses by special exception. A building may be erected or used and a lot may be used or occupied when authorized as a special exception by the Zoning Hearing Board for any one of the following uses and in accordance with the requirements of this article and other applicable provisions:
 - (a) Bed-and-breakfast, as per § 350-1107.
 - (b) Residential conversion, as per § 350-1132.
 - (c) Club or lodge, as per § 350-1109.
 - (d) Funeral home, as per § 350-1113.
 - (e) Place of worship or religious use, as per § 350-1131.
 - (f) Major home occupation, as per § 350-1101C(12).
 - (g) Supplemental dwelling unit, as per § 350-1101C(13).
- (3) Conditional uses. A building may be erected or used and a lot may be used or occupied when granted conditional use by the Board of Supervisors for any one of the following uses and in accordance with the requirements of this article and other applicable provisions:

- (a) Day-care center, as per § 350-1110.
 - (b) Veterinary clinic, without kennels, as per § 350-1120.
 - (c) Educational use, as per § 350-1112.
 - (d) Gasoline and/or service station, as per § 350-1114, but specifically excluding automobile body repair shops.
 - (e) Car wash, as per § 350-1114, and only with connection to public water or if a draw-down test for water capacity adequacy is completed prior to final approval of this use, as per Chapter 300, Subdivision and Land Development.
 - (f) Uses when built in an existing historic resource as per Article XX except that, where applicable, the use shall be allowed to increase the square footage requirements in § 350-701A(1)(e) by 15% provided alterations to historic resources retain the general exterior integrity and do not enlarge such resources by more than 15%.
 - (g) A combination of two to four permitted uses on a single lot and within a single building for buildings as existing at the effective date of this chapter. Each use shall meet the minimum square footage and lot size requirements for individual uses in this district but need not exceed a minimum of two acres total lot area for the combination of uses. Where a residential use is combined with a nonresidential use in the Compass Village, the first floor shall be occupied by the nonresidential use and the upper floor(s) by the residential use, as per § 350-1122. Mixed uses encourage the retention and conversion of an existing structure, while encouraging, directing, and concentrating uses in an appropriate area of the Township. For this expanded use opportunity, the Board of Supervisors as part of a conditional use may give consideration to expansions of buildings as existing at the effective date of this chapter in order to help encourage their reuse.
- B. Wagontown and Martin's Corner use regulations.
- (1) Uses by-right. A building or other structure may be erected or used, and a lot may be used or occupied for any one of the following purposes and no other, in accordance with the requirements of this article and other applicable provisions:
 - (a) Single-family detached dwelling.
 - (b) Single-family semidetached dwelling.
 - (c) Two-family detached dwelling.
 - (d) Cemetery.
 - (e) The following uses not to exceed 2,000 square feet of gross leasable area:
 - [1] Individual retail store for the sale of antiques, gifts, food, meat and poultry, drugs, flowers, dry goods, household goods, hardware, newspapers, tobacco, stationery, jewelry, or similar uses.
 - [2] Restaurant or similar establishment, as per § 350-1133, with or without outdoor cafe, as per and § 350-1127, and without drive-through service.

- [3] Individual personal service shop including barber shop, beauty shop, real estate and insurance, tailor shop, photographic studio, shoe repair or similar uses, but excluding crematorium.
- [4] Individual professional, business, administrative, or medical office, as per § 350-1117.
- [5] Trade, service, or craftsman shop, such as bicycle repair, small electrical or other household appliance servicing, carpentry, cabinetmaker shop, plumbing shop, or similar uses.
- [6] Bank or financial institution, as per § 350-1106, without drive-through service.
- (f) Municipal, governmental, and public service use, including post office, fire station, parks, or similar public-oriented uses that promote Wagontown or Martin's Corner, respectively, as a local West Caln village in a rural area.
- (g) Agricultural use, as per § 350-1103.
- (h) Forestry, as per § 350-1002D.
- (i) Residential accessory use, as per § 350-1101C with the exception of § 350-1101C(12) and (13).
- (j) Commercial or institutional accessory use, as per § 350-1101D and E.
- (k) Minor home occupation, as per § 350-1101C(11).
- (l) Temporary structure, building, or use, as per § 350-1101F.
- (m) Temporary community event, as per § 350-1101G.
- (2) Uses by special exception. A building may be erected or used and a lot may be used or occupied when authorized as a special exception by the Zoning Hearing Board for any one of the following uses and in accordance with the requirements of this article and other applicable provisions:
 - (a) Bed-and-breakfast, as per § 350-1107.
 - (b) Residential conversion, as per § 350-1132.
 - (c) Club or lodge, as per § 350-1109.
 - (d) Funeral home, as per § 350-1113.
 - (e) Place of worship or religious use, as per § 350-1131.
 - (f) Major home occupation, as per § 350-1101C(12).
 - (g) Supplemental dwelling unit, as per § 350-1101C(13).
- (3) Conditional uses. A building may be erected or used and a lot may be used or occupied when granted conditional use by the Board of Supervisors for any one of the following uses and in accordance with the requirements of this article and other applicable provisions:

- (a) Day-care center, as per § 350-1110.
- (b) Veterinary clinic, without kennels, as per § 350-1120.
- (c) Educational use, as per § 350-1112.
- (d) Uses when built in an existing historic resource as per Article XX except that, where applicable, the use shall be allowed to increase the square footage requirements in § 350-701B(1)(e) by 15% provided alterations to historic resources retain the general exterior integrity and do not enlarge such resources by more than 15%.

§ 350-702. Area and bulk regulations.

- A. The following area and bulk regulations apply to all uses, except agricultural uses, in the Villages of Compass, Wagontown, and Martin's Corner:
 - (1) Lot area: Minimum lot area shall be 20,000 square feet, and the maximum lot area shall be one acre, with the exception of § 350-701A(3)(g).
 - (2) Minimum lot width at building line: 75 feet.
 - (3) Minimum lot width at street line: 75 feet.
 - (4) Front yard setback. Minimum front yard setback shall be determined by averaging the front setbacks of the adjacent buildings, however, in any case the minimum front yard setback shall be a minimum of 10 feet and a maximum of 30 feet from the street line
 - (5) Minimum side yard setback: 10 feet on each side
 - (6) Minimum rear yard setback: 25 feet.
 - (7) Maximum lot coverage: 25% for residential uses. 50% for nonresidential uses.
 - (8) Maximum building height: 35 feet.
- B. Agricultural uses in Compass, Wagontown, and Martin's Corner. Agricultural uses existing at the effective date of this chapter shall be permitted in the Village District as follows:
 - (1) Minimum gross tract area: five acres.
 - (2) However, existing agricultural lots less than five acres in size as of the date of adoption of this chapter may be used for agricultural purposes subject to compliance with all other applicable regulations herein.
 - (3) Maximum building height: 35 feet, except as provided for in accordance with §350-1103A(4) .

§ 350-703. Village District Special Design Standards.

In addition to the general design standards in §350-704, below, all development proposed within the Village District, as well as any new use or the change in use of a building shall comply with the following:

- A. New development shall be designed to complement the traditional, historic character of the village as well as the overall rural character of the Township in terms of building placement,

dimensions, construction, and site design.

- B. New uses and development should be constructed using a traditional grid pattern system. The use of curvilinear and cul-de-sac streets is highly discouraged.
- C. As uses are grouped within proximity to one another in the Village District, a pedestrian and bicycle circulation system is an important feature in a village and linkages between uses through sidewalks, walking and biking paths shall be provided, where appropriate as required by the Board of Supervisors and Chapter 300, Subdivision and Land Development.
- D. Parking, loading, and service areas for non-residential uses shall be located in the side or rear yard of buildings. Where any parking, loading, or service areas for a non-residential use is located in the front or side yard, it shall be screened from the street with appropriate landscaping, walls, or fencing, or a combination thereof, in compliance with § 350-1206. Parking and garages should not be the dominant features of proposed new uses. The use of secondary access streets or alleys is encouraged as a means of accessing off-street parking and loading areas.
- E. Where feasible, garages and off-street parking for residential uses should be located to the rear of the principal dwelling with access from a rear or side alley, or private drive. Parking and garages should not be the dominant features of proposed new uses. The use of secondary access streets or alleys is encouraged as a means of accessing off-street parking. Garages accessed from the street frontage shall be setback a minimum of twenty (20) feet from the front façade of the dwelling.
- F. All activities shall be conducted within enclosed buildings (except for the operation of gasoline service stations) and outdoor storage of materials, equipment or similar items shall be permitted only in the rear yard and must be adequately screened when adjacent to residential uses or districts in compliance with § 350-1206. Outdoor display of merchandise for sale may be permitted as per § 350-1204.
- G. Mechanical systems, trash receptacles, and dumpsters shall be located in rear or side yard and shall be screened from view in compliance with § 350-1206.
- H. Every effort should be made to locate new structures with regard for site features and in such a manner as to minimize changes to the existing contours and original topography of the site.
- I. No outdoor vending machine, gasoline station facilities, service station facilities, or car wash facilities, or similar use shall be allowed in any required yard setback abutting a street or public sidewalk, or on a public sidewalk.
- J. Flag lots shall not be permitted in this district.

§ 350-704. General design standards.

The following general design standards shall govern all uses, as applicable, in this zoning district:

- A. Lighting shall be in accordance with Article XII.
- B. Signage shall be in accordance with Article XIV.
- C. Parking and loading shall be in accordance with Article XIII.

- D. Nonconforming uses shall be in accordance with Article XV.
- E. Natural resource protection standards shall be in accordance with Article X.
- F. Historic resource protection standards shall be in accordance with Article XX.
- G. All applicable supplemental use regulations in Article XI.
- H. All other applicable general regulations in Article XII, including but not limited to outdoor storage and display; fences, hedges, and walls; buffering screening, and landscaping; vehicular access and traffic control; interior circulation; keeping of animals; and performance standards.
- I. All other applicable design standards and regulations in this chapter; chapter 300, Subdivision and Land Development; and all other chapters of the Code of the Township of West Caln.

Article VIII
RC - Rural Center District

§ 350-800. Purpose.

In addition to the Purpose in § 350-101 and the Community Development Objectives in § 350-102 of this chapter, the purpose of this district is:

- A. To provide for a focused growth area in proximity to the US 30 interchanges that retains the area's rural integrity and:
 - (1) Accommodates future potential residential, commercial, and institutional development, and the efficient use and provision of infrastructure and public facilities in order to promote economic development while preserving open space, natural resources, and agriculture in surrounding, less-intensive districts.
 - (2) Accommodates a variety of housing types at a density and in a configuration consistent and complimentary of existing uses in the area.
 - (3) Provides for a diversity of lot sizes, building densities, and housing choices to accommodate a variety of age and income groups and residential opportunities.
 - (4) Provides opportunities for commercial uses to serve residents.

§ 350-801. Use regulations.

- A. Uses permitted by right. A building or other structure may be erected or used, and a lot may be used or occupied for any one of the following purposes and no other, in accordance with the requirements of this article and other applicable provisions:
 - (1) Single-family detached dwelling.
 - (2) Single-family semidetached dwelling (Twin).
 - (3) Two-family detached dwelling (Duplex).
 - (4) Rural center mixed residential development, as per §§ 350-802C and 350-1124.
 - (5) Multifamily dwelling as part of a rural center mixed residential development, as per §§ 350-802C, 350-802D and 350-1124.
 - (6) Retail store for the sale of antiques, gifts, food, meat and poultry, drugs, flowers, dry goods, household goods, hardware, newspapers, tobacco, stationery, jewelry, or similar uses.
 - (7) Restaurant or similar establishment, as per § 350-1133, with or without outdoor cafe, as per § 350-1127, and with or without drive-through service, as per § 350-1111.
 - (8) Place of worship or religious use, as per § 350-1131.
 - (9) Bed-and-breakfast, as per § 350-1107.
 - (10) Personal service shop including barber shops, beauty shops, real estate and insurance,

tailor shop, photographic studios, shoe repair or similar uses, but excluding crematoriums.

- (11) Individual professional, business, administrative, or medical office, as per § 350-1117.
 - (12) Trade, service, or craftsman shop, such as bicycle repair, small electrical or other household appliance servicing, carpentry shop, plumbing shop, or similar uses.
 - (13) Municipal use (public service facility), including post office, fire station, parks, libraries, ambulance service, or similar uses as approved by the Board of Supervisors.
 - (14) Banks and financial institution, as per § 350-1106, with or without drive through service, as per § 350-1111.
 - (15) Day-care center, as per § 350-1110.
 - (16) Veterinary clinic, without kennels, as per § 350-1120.
 - (17) Forestry, as per § 350-1002D.
 - (18) Minor home occupation, as per § 350-1101C(11).
 - (19) Major home occupation, as per § 350-1101C(12).
 - (20) Residential accessory use, as per § 350-1101C with the exception of § 350-1101C(13).
 - (21) Commercial or institutional accessory use, as per § 350-1101D and E.
 - (22) Temporary structure, building, or use, as per § 350-1101F.
 - (23) Temporary community event, as per § 350-1101G.
- B. Special exception uses. A building or other structure may be erected or used, and a lot may be used or occupied when authorized as a special exception by the Zoning Hearing Board for any one of the following uses and in accordance with the requirements of this article and other applicable provisions:
- (1) Club or lodge, as per § 350-1109.
 - (2) Funeral home, as per § 350-1113.
- C. Conditional uses. A building or other structure may be erected or used, and a lot may be used or occupied when granted conditional use by the Board of Supervisors for any one of the following uses and in accordance with the requirements of this article and other applicable provisions:
- (1) Supplemental dwelling unit, as per § 350-1101C(13).
 - (2) Automobile sales, as per § 350-1105.
 - (3) Recreational use, as per § 350-1129.
 - (4) Gasoline and/or service station, as per § 350-1114.
 - (5) Hotel or motel, as per § 350-1116.

- (6) Educational use, as per § 350-1112.
- (7) Cemetery, as per § 350-1108.
- (8) Nursing home, assisted living residence, personal care home, or continuing care retirement community (CCRC), as per § 350-1125.
- (9) Age-restricted residential community, as per § 350-1140.
- (10) A combination of commercial uses on the first floor and residential uses on the upper floors(s), as per § 350-1122, on a single lot within a single building. Each use shall meet the minimum square footage and lot size requirements for individual uses in this district. Mixed uses encourage the retention and conversion of existing structures and allow newer structures in a compatible development pattern, while encouraging directing and concentrating uses in an appropriate area of the Township.
- (11) Uses within a historic resource, as per Article XX.

§ 350-802. Area and bulk regulations.

- A. Water and sewer facility options. Unless specifically stated otherwise, water and sewer service facility options available in the Rural Center District are as follows:
 - (1) Facility Option 1. Proposed development to be served by community or public water supply system and a community or public sewage disposal system.
 - (2) Facility Option 2. Proposed development to be served by community or public water supply system and individual on-lot sewage disposal system.
 - (3) Facility Option 3. Proposed development to be served by individual water supply system and a community or public sewage disposal system.
 - (4) Facility Option 4. Proposed development to be served by individual water supply system and individual on-lot sewage disposal system.
 - (5) In areas impacted by a superfund site, public water shall be provided without any increase in permitted density.
- B. Single-family detached dwelling, single-family semidetached dwelling (twin), or two-family detached dwelling (duplex):
 - (1) Area and bulk regulations.

Area and Bulk Regulations - Single-family detached dwelling, single-family semidetached dwelling (twin), or two-family detached dwelling (duplex)				
	Option 1	Option 2	Option 3	Option 4
Maximum density (dwelling units(du) per acre of net tract area)	4 du/acre of net tract area	1.25 du/ acre of net tract area	1.25 du/ acre of net tract area	1 du/ acre of net tract area
Minimum lot area	10,000 square feet	25,000 square feet	25,000 square feet	30,000 square feet
Minimum lot width at building line	75 feet	100 feet	100 feet	100 feet
Minimum lot width at street line	50 feet	75 feet	75 feet	75 feet
Maximum building coverage	30%	15%	15%	10%

Area and Bulk Regulations - Single-family detached dwelling, single-family semidetached dwelling (twin), or two-family detached dwelling (duplex)				
	Option 1	Option 2	Option 3	Option 4
Maximum lot coverage	40%	25%	25%	20%
Minimum front setback	30 feet	40 feet	40 feet	40 feet
Minimum side yard	10 feet	25 feet	25 feet	25 feet
Minimum rear yard	20 feet	40 feet	40 feet	40 feet
Maximum building height	35 feet	35 feet	35 feet	35 feet
Minimum open space (% of net tract area plus constrained land) ¹	10%	10%	10%	10%

¹Minor subdivisions shall be exempt from the maximum open space requirement.

- (2) Open space standards. Where applicable, a minimum of 10% of the net tract area plus constrained land shall be designated as open space (multiply net tract area by 0.10 then add total constrained land). Open space configuration, use, ownership, maintenance, and protection standards set forth in § 350-1126 shall apply.

C. Rural center mixed residential development.

- (1) Permitted uses. This development type shall contain a mix of single-family detached dwellings, single-family semidetached dwellings (twins) or two-family detached dwellings (duplexes), and multifamily dwellings, in order to provide for a variety of housing types at an intensity and in a manner to promote the purposes of the Rural Center.
- (2) The minimum tract area for a rural center mixed residential development shall be 10 gross acres.
- (3) The maximum density of a rural center mixed residential development shall not exceed 4 dwelling units per acre of net tract area.
- (4) Required residential mix.
 - (a) A minimum of thirty (30) percent of the total number of dwelling units shall be single-family detached dwellings.
 - (b) A minimum of twenty (20) percent of the total number of dwelling units shall be single-family semidetached dwellings (twins) or two-family detached dwellings (duplexes).
 - (c) A minimum of twenty (20) percent of the total number of dwelling units shall be multi-family dwellings.
- (5) Sewer and water facilities. Community or public sewer and water shall be used for this type of development, unless otherwise permitted by the Board of Supervisors upon recommendation from the Township Engineer.
- (6) Area and bulk regulations. Area and bulk regulations shall be as provided in § 350-802 B and D, as applicable.
- (7) Open space standards. A minimum of 10% of the net tract area plus constrained land shall be designated as open space (multiply net tract area by 0.10 then add total

constrained land). Open space configuration, use, ownership, maintenance, and protection standards set forth in § 350-1126 shall apply.

D. Multifamily dwelling as part of a rural center mixed residential development.

- (1) Area and bulk regulations. The following area and bulk regulations apply to multifamily dwellings:

Area and Bulk Regulations - Multifamily Dwelling	
Regulation	Option 1
Minimum width at street line	75 feet
Minimum width at setback line	50 feet
Minimum front yard	25 feet
Minimum side yard	20 feet
Minimum rear yard	40 feet
Maximum building coverage	40%
Maximum lot coverage	80%
Maximum building height	35 feet

E. Other uses.

- (1) Area and bulk regulations. The following area and bulk regulations apply to nonresidential uses permitted in this district, except as otherwise specified in Article XI:

Area and Bulk Regulations - Other Uses				
Regulation	Option 1	Option 2	Option 3	Option 4
Minimum net lot area	10,000 square feet	35,000 square feet	35,000 square feet	43,560 square feet
Minimum lot width at building line	75 feet	100 feet	100 feet	125 feet
Minimum lot width at street line	50 feet	75 feet	75 feet	75 feet
Maximum building coverage	40%	25%	25%	25%
Maximum lot coverage	80%	50%	50%	50%
Minimum front setback	15 feet	25 feet	25 feet	25 feet
Minimum side yard	10 feet	25 feet	25 feet	25 feet
Minimum rear yard	25 feet	40 feet	40 feet	40 feet
Maximum building height	35 feet	35 feet	35 feet	35 feet

§ 350-803. Rural center special regulations.

The following special regulations shall apply to uses in the Rural Center Zoning District:

- A. New development proposed for the rural center shall be designed to complement the traditional character of the rural center as well as the overall rural character of the Township in terms of building placement, dimensions, construction, and site design.

- B. Outdoor storage of materials, equipment or similar items shall be permitted only in the rear yard and must be adequately screened when adjacent to residential uses or districts in compliance with § 350-1206. Outdoor display of merchandise for sale shall be permitted as per § 350-1204.
- C. Mechanical systems, trash receptacles, and dumpsters shall be located in rear or side yard and shall be screened from view in compliance with § 350-1206.
- D. A pedestrian and bicycle circulation pattern shall be promoted and sidewalks, walking and biking paths shall be installed where appropriate as required by the Board of Supervisors and Chapter 300, Subdivision and Land Development.
- E. The use of alleys is encouraged as a means of accessing off-street parking or interior lots, however, driveways are encouraged where associated with the adaptive reuse of existing structures.
- F. Parking, loading, or service areas for non-residential uses shall be located in side or rear yards. Where any parking, loading, or service areas for a non-residential use is located in the front or side yard, it shall be screened from the street with appropriate landscaping, walls, or fencing, or a combination thereof, in compliance with § 350-1206. Parking and garages should not be the dominant features of proposed new uses. The use of secondary access streets or alleys is encouraged as a means of accessing off-street parking and loading areas.
- G. Where feasible, garages and off-street parking for residential uses should be located to the rear of the principal dwelling with access from a rear or side alley, or private drive. Parking and garages should not be the dominant features of proposed new uses. The use of secondary access streets or alleys is encouraged as a means of accessing off-street parking. Garages accessed from the street frontage shall be setback a minimum of twenty (20) feet from the front façade of the dwelling.
- H. Every effort shall be made to locate new structures with regard for site features, the traditional development patterns of the Rural Center District, and in such a manner as to minimize changes to the existing contours and original topography of the site.
- I. Flag lots shall not be permitted in this district.

§ 350-804. General design standards and regulations.

The following general design standards and regulations shall apply to all uses, as applicable, in this zoning district:

- A. Lighting shall be in accordance with Article XII.
- B. Signage shall be in accordance with Article XIV.
- C. Parking and loading shall be in accordance with Article XIII.
- D. Nonconforming uses shall be in accordance with Article XV.
- E. Natural resource protection standards shall be in accordance with Article X.
- F. Historic resource protection standards shall be in accordance with Article XX.
- G. All applicable supplemental use regulations in Article XI.

- H. All other applicable general regulations in Article XII, including but not limited to outdoor storage and display; fences, hedges, and walls; buffering screening, and landscaping; vehicular access and traffic control; interior circulation; keeping of animals; and performances standards.
- I. All other applicable design standards and regulations in this chapter; chapter 300, Subdivision and Land Development; and all other chapters of the Code of the Township of West Caln.

ARTICLE IX
MP - Multi-Purpose District

§ 350-900. Purpose.

In addition to the Purpose in § 350-101 and the Community Development Objectives in § 350-102 of this chapter, the purpose of this district is:

- A. To provide for multiple higher intensity land uses with a focus on industrial development that are, in keeping with the rural character of the Township, located in a concentrated area to allow more efficient delivery of services and goods, and use of infrastructure, and adjacent to like uses in the neighboring Township.
- B. To allow for industrial and commercial uses that will contribute to the economic and employment base of the Township.
- C. To provide opportunities for higher intensity uses that will have minimal impact on land, water, and air resources, by way of emissions, traffic, parking, or other potential impacts.

§ 350-901. Use regulations.

Uses shall be permitted as follows, provided that any use or activity shall not be noxious or offensive by reason of odor, dust, fumes, smoke, gas, vibration, noise, emissions, or radiation, or constitute a public hazard by reason of fire, explosion, or otherwise. Prior to approval of any of these uses, the applicant shall provide proof to the Township Engineer that all state and federal regulations have been met prior to construction and obtainment of a building permit.

- A. Uses by-right. A building or other structure may be erected or used, and a lot may be used or occupied for any one of the following purposes and no other, in accordance with the requirements of this article and other applicable provisions:
 - (1) Agricultural use, as per § 350-1103, including dwelling of the owner or operator of the farm when an accessory use to the agricultural use.
 - (2) Agricultural accessory use, as per § 350-1101B.
 - (3) Temporary structure, building, or use, as per § 350-1101F.
 - (4) Temporary community event, as per § 350-1101G.
 - (5) Forestry, as per § 350-1002D.
- B. Special exception uses. A building or other structure may be erected or used, and a lot may be used or occupied when authorized as a special exception by the Zoning Hearing Board for any one of the following uses and in accordance with the requirements of this article and other applicable provisions:
 - (1) Recycling center, as per § 350-1130.
 - (2) Gasoline and/or service station, and/or car wash, as per § 350-1114.
 - (3) Commercial, industrial, or institutional accessory use, as per § 350-1101D and E.

- C. Conditional uses. A building or other structure may be erected or used, and a lot may be used or occupied when granted conditional use by the Board of Supervisors for any one of the following uses and in accordance with the requirements of this article and other applicable provisions:
- (1) Production, manufacturing, and processing operations of materials, goods, foods and products.
 - (2) Public service facility.
 - (3) Trucking terminal/distribution center/fulfillment center, as per § 350-1142.
 - (4) Auto body shop.
 - (5) Yard for storage, sale or distribution of lumber of building materials.
 - (6) Recreational use, as per § 350-1129.
 - (7) Junkyard or salvage yard, as per § 350-1119.
 - (8) Crematorium or mortuary.
 - (9) Laboratory for scientific research, testing, and development.
 - (10) CAO, CAFO or mushroom production facility, as per § 350-1103, including dwelling of the owner/operator of the farm, when an accessory use to the CAO, CAFO or mushroom production facility.
 - (11) Facilities for the commercial processing and warehousing of agricultural products, commercial slaughtering or rendering operations, canneries, or tanneries; and facilities for the warehousing, sales, and service of agricultural equipment or supplies.
 - (12) Commercial composting facilities.
 - (13) Industrial or office park consisting of two or more uses, as per § 350-1118.
 - (14) Wholesaling or warehouse, as per § 350-1143.
 - (15) Light manufacturing involving assembly, fabrication, compounding or finishing of products from previously manufactured or processed materials.
 - (16) Printing, publishing, or photocopying facility.
 - (17) Packaging or cleaning operation, including dry cleaning plant.
 - (18) Individual professional, business, administrative, or medical office, as per § 350-1117.
 - (19) Municipal use.
 - (20) Adult commercial use, as per § 350-1102.
 - (21) Quarrying and mining operation, as per § 350-1128.
 - (22) Municipal sanitary landfill, as per § 350-1121.
 - (23) Transfer station, as per § 350-1137.

- (24) Craftsman, trade, repair, contractor shop or office, such as carpentry, plumbing, welding, electrical, or machine shop.
- (25) Educational use (commercial)/trade school, as per § 350-1112.
- (26) Automotive or truck sale, as per § 350-1105.
- (27) Motel or hotel and/or conference facility, as per § 350-1116.
- (28) Self-storage units/mini-warehouse use, as per § 350-1135.
- (29) Drive-through service, as per § 350-1111.
- (30) Shopping center, as per § 350-902B and § 350-1136.
- (31) Multifamily development, as per § 350-902C and § 350-1124.
- (32) Mobile home park, as per § 350-1123.
- (33) Data center, as per § 350-1141.
- (34) Uses within a historic resource, as per Article XX.
- (35) Any other use of a similar character of those permitted in this district.

§ 350-902. Area and bulk regulations.

- A. The following regulations shall apply to all uses permitted in this district, except for specific standards for uses as otherwise indicated in Article XI, shopping centers, and multifamily dwellings:
 - (1) Minimum lot area: one acre.
 - (2) Minimum lot width at building line: 150 feet.
 - (3) Minimum lot width at street line: 125 feet.
 - (4) Front yard setback: 50 feet; 75 feet when abutting or across from nonindustrial uses or districts.
 - (5) Minimum side yard setback: 30 feet; 75 feet when abutting or across from nonindustrial uses or districts.
 - (6) Minimum rear yard setback: 50 feet; 75 feet when abutting or across from nonindustrial uses or districts.
 - (7) Maximum building coverage: 45%.
 - (8) Maximum lot coverage: 55%.
 - (9) Maximum building height: 50 feet.
- B. Shopping center.
 - (1) Minimum lot area: three acres.
 - (2) Minimum lot width at building line: 200 feet.

- (3) Minimum lot width at street line: 150 feet.
- (4) Front yard setback: 100 feet when abutting or across from residential uses or districts; 75 feet when abutting or across from nonresidential uses or districts.
- (5) Minimum side yard setback: 30 feet when abutting or across from residential uses or districts; 75 feet when abutting or across from nonresidential uses or districts.
- (6) Minimum rear yard setback: 50 feet when abutting or across from residential uses or districts; 75 feet when abutting or across from nonresidential uses or districts.
- (7) Maximum building coverage: 45%.
- (8) Maximum lot coverage: 55%.
- (9) Maximum building height: 35 feet.

C. Multifamily dwelling development.

- (1) Permitted uses. Multifamily use (apartments, quadraplexes, or townhouses).
- (2) Sewer and water facilities. Community or public sewer and water shall be used for this type of development.
- (3) Area and bulk regulations. The following area and bulk regulations apply to a multifamily dwelling development:

Multifamily Development Option	
Area and Bulk Regulations	Option 1
Minimum gross tract size	10 gross acres
Maximum density (dwelling units(du) per acre of net tract area)	6 du/acre of net tract area
Minimum width at street line	400 feet
Minimum width at setback line	400 feet
Minimum front yard	75 feet
Minimum side yard	60 feet
Minimum rear yard	75 feet
Maximum building coverage	35%
Maximum lot coverage	45%
Maximum building height	35 feet
Minimum open space (% of net tract area plus constrained land)	10%

- (4) Open space standards. A minimum of 10% of the net tract area plus constrained land shall be designated as open space (multiply net tract area by 0.10 then add total constrained land). Open space configuration, use, ownership, and maintenance, and protection

standards set forth in § 350-1126 shall apply.

§ 350-903. General design standards and regulations.

The following general design standards and regulations shall govern all uses, as applicable, in this zoning district:

- A. Flag lots shall not be permitted in this district.
- B. Lighting regulations, screening and buffering, and storage shall be in accordance with Article XII.
- C. Signage regulations shall be in accordance with Article XIV.
- D. Parking and loading shall be in accordance with Article XIII.
- E. Nonconforming uses shall be in accordance with Article XV.
- F. Natural resource protection standards shall be in accordance with Article X.
- G. Historic resource protection standards shall be in accordance with Article XX.
- H. All applicable supplemental use regulations in Article XI.
- I. All other applicable general regulations in Article XII, including but not limited to outdoor storage and display; fences, hedges, and walls; buffering screening, and landscaping; vehicular access and traffic control; interior circulation; keeping of animals; and performance standards.
- J. All other applicable design standards and regulations in this chapter; chapter 300, Subdivision and Land Development; and all other chapters of the Code of the Township of West Caln.

ARTICLE X

Natural Resource Protection Standards

§ 350-1000. Purpose.

The following natural resource protection standards are established to protect the public health, safety, and welfare by minimizing adverse environmental impacts and are specifically authorized by Section 604 of Act 247. These standards are intended to meet the following purposes:

- A. Promote and implement Sections 603(c)(7), 603 (g)(2), 604(1), and 604(3) of Act 247 providing for the protection and preservation of environmentally sensitive areas, prime agricultural land, and natural resources through Zoning Ordinances.
- B. Delineate selected natural resources within the Township and establish resource protection standards to assist the Township in reducing the impact proposed uses will have on the environment.
- C. Conserve and protect valuable natural resources within the Township in accordance with the goals of the West Caln Township Comprehensive Plan (2020), as may be amended or updated, and the West Caln Township Open Space, Recreation, and Environmental Resources Plan (1995), as may be amended or updated:
- D. Reduce adverse financial impacts to the community that may result from degradation of natural resources.
- E. Capitalize on financial benefits derived from the natural infrastructure functions that natural resources provide, such as stormwater management, filtration of contaminants, and flood control.
- F. Preserve the natural and scenic resources and landscapes that are integral to the Township's rural identity and character.

§ 350-1001. Applicability and general provisions.

- A. It shall be a violation of this chapter to regrade, fill, pipe, divert, channel, build upon, or otherwise alter or disturb a natural resource protected by this article prior to the submission, review, and approval of applications for zoning or building permits; conditional use or special exception approvals; zoning variances; or submission of plans for subdivision or land development.
 - (1) Where disturbance of a natural resource is permitted, it shall not take place until it has been determined that such disturbance is consistent with the provisions of this article and other applicable Township ordinance provisions or federal or state regulations.
 - (2) Restrictions to the disturbance of resources shall apply before, during, and after construction on a site.
- B. In the event that the provisions of this article and the provisions of other applicable Township standards or federal or state regulations are in conflict, the more restrictive provisions shall apply.
- C. In the event that two or more natural resources identified in this article overlap, the resources with the most restrictive standard (the least amount of permitted alteration,

regrading, clearing, or building) shall apply to the area of overlap.

- D. Plan information required by § 350-1003 shall be verified as correct by the Township Engineer or other qualified professional as determined by the Township Engineer.

§ 350-1002. Protection standards.

A. Floodplain regulations.

(1) General provisions.

(a) Intent. The intent of this chapter is to:

- [1] Promote the general health, welfare, and safety of the community.
- [2] Encourage the utilization of appropriate construction practices in order to prevent or minimize flood damage in the future.
- [3] Minimize danger to public health by protecting water supply and natural drainage.
- [4] Reduce financial burdens imposed on the community, its governmental units, and its residents, by preventing excessive development in areas subject to flooding.
- [5] Comply with federal and state floodplain management requirements.

(b) Applicability. It shall be unlawful for any person, partnership, business or corporation to undertake, or cause to be undertaken, any construction or development anywhere within the Identified Floodplain Area of the Township unless a permit has been obtained from the Floodplain Administrator.

(c) Abrogation and greater restrictions. This chapter supersedes any other conflicting provisions which may be in effect in Identified Floodplain Areas. However, any other ordinance provisions shall remain in full force and effect to the extent that those provisions are more restrictive. If there is any conflict between any of the provisions of this chapter, the more restrictive shall apply.

(d) Severability. If any section, subsection, paragraph, sentence, clause, or phrase of this chapter shall be declared invalid for any reason whatsoever, such a decision shall not affect the remaining portions of this chapter, which shall remain in full force and effect, and for this purpose the provisions of this chapter are hereby declared to be severable.

(e) Warning and disclaimer of liability.

- [1] The degree of flood protection sought by the provisions of this chapter is considered reasonable for regulatory purposes and is based on accepted engineering methods of study. Larger floods may occur or flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This chapter does not imply that areas outside any identified floodplain areas, or that land uses permitted within such areas will be free from flooding or flood damages.

- [2] This chapter shall not create liability on the part of the Township or any officer or employee thereof for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.

(2) Administration.

(a) Designation of the Floodplain Administrator.

- [1] The Zoning Officer of the Township is hereby appointed to administer and enforce this chapter and is referred to herein as the Floodplain Administrator. The Floodplain Administrator may:

- [a] Fulfill the duties and responsibilities set forth in these regulations;
- [b] Delegate duties and responsibilities set forth in these regulations to qualified technical personnel, plan examiners, inspectors, and other employees; or
- [c] Enter into a written agreement or written contract with another agency or private sector entity to administer specific provisions of these regulations. Administration of any part of these regulations by another entity shall not relieve the community of its responsibilities pursuant to the participation requirements of the National Flood Insurance Program as set forth in the Code of Federal Regulations at 44 CFR 59.22.

- [2] In the absence of a designated Floodplain Administrator, the Floodplain Administrator duties are to be fulfilled by the Assistant Zoning Officer.

(b) Permits required. A permit shall be required before any construction or development is undertaken within any Identified Floodplain Area of the Township.

(c) Duties and responsibilities of the Floodplain Administrator.

- [1] The Floodplain Administrator shall issue a permit only after it has been determined that the proposed work to be undertaken will be in conformance with the requirements of this and all other applicable codes and ordinances.
- [2] Prior to the issuance of any permit, the Floodplain Administrator shall review the application for the permit to determine if all other necessary government permits required by state and federal laws have been obtained, such as those required by the Pennsylvania Sewage Facilities Act (Act 1966-537, as amended); the Pennsylvania Dam Safety and Encroachments Act (Act 1978-325, as amended); the Pennsylvania Clean Streams Act (Act 1937-394, as amended); and the U.S. Clean Water Act, Section 404, 33, U.S.C. 1344. No permit shall be issued until this determination has been made.
- [3] In the case of existing structures, prior to the issuance of any development/permit, the Floodplain Administrator shall review the proposed cost of improvements or repairs and the preimprovement market value of the structure, so that a substantial improvement/substantial damage

determination can be made, in accordance with FEMA's Substantial Improvement/ Substantial Damage Desk Reference.

- [4] During the construction period, the Floodplain Administrator or other authorized official shall inspect the premises to determine that the work is progressing in compliance with the information provided on the permit application and with all applicable municipal laws and ordinances. He/she shall make as many inspections during and upon completion of the work as are necessary.
- [5] In the discharge of his/her duties, the Floodplain Administrator shall have the authority to enter any building, structure, premises or development in the identified floodplain area, upon presentation of proper credentials, at any reasonable hour to enforce the provisions of this chapter.
- [6] In the event the Floodplain Administrator discovers that the work does not comply with the permit application or any applicable laws and ordinances, or that there has been a false statement or misrepresentation by any applicant, the Floodplain Administrator shall revoke the Permit and report such fact to the Board of Supervisors for whatever action it considers necessary.
- [7] The Floodplain Administrator shall maintain in perpetuity, or for the lifetime of the structure, all records associated with the requirements of this chapter including, but not limited to, finished construction elevation data, permitting, inspection and enforcement.
- [8] The Floodplain Administrator is the official responsible for submitting a biennial report to FEMA concerning community participation in the National Flood Insurance Program as requested.
- [9] The responsibility, authority and means to implement the commitments of the Floodplain Administrator can be delegated from the person identified. However, the ultimate responsibility lies with the person identified in the floodplain ordinance as the floodplain administrator/manager.
- [10] The Floodplain Administrator shall consider the requirements of the 34 Pa Code and the 2009 IBC and the 2009 IRC, or the latest revision thereof as adopted by the Commonwealth of Pennsylvania.

(d) Application procedures and requirements.

- [1] Application for such a permit shall be made, in writing, to the Floodplain Administrator on forms supplied by the Township. Such application shall contain the following:
 - [a] Name and address of applicant
 - [b] Name and address of owner of land on which proposed construction is to occur.
 - [c] Name and address of contractor.

- [d] Site location including address.
 - [e] Listing of other permits required.
 - [f] Brief description of proposed work and estimated cost, including a breakout of flood-related cost and the market value of the building before the flood damage occurred where appropriate.
 - [g] A plan of the site showing the exact size and location of the proposed construction as well as any existing buildings or structures.
- [2] If any proposed construction or development is located entirely or partially within any identified floodplain area, applicants for permits shall provide all the necessary information in sufficient detail and clarity to enable the Floodplain Administrator to determine that:
- [a] All such proposals are consistent with the need to minimize flood damage and conform with the requirements of this and all other applicable codes and ordinances;
 - [b] All utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damage;
 - [c] Adequate drainage is provided so as to reduce exposure to flood hazards;
 - [d] Structures will be anchored to prevent flotation, collapse, or lateral movement;
 - [e] Building materials are flood-resistant;
 - [f] Appropriate practices that minimize flood damage have been used; and
 - [g] Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities have been designed and located to prevent water entry or accumulation.
- [3] Applicants shall file the following minimum information plus any other pertinent information as may be required by the Floodplain Administrator to make the above determination:
- [a] A completed Permit Application Form.
 - [b] A plan of the entire site, clearly and legibly drawn at a scale of one inch being equal to 100 feet or less, showing the following:
 - [i] North arrow, scale, and date;
 - [ii] Topographic contour lines, if available;
 - [iii] The location of all existing and proposed buildings, structures, and other improvements, including the location of any existing or proposed subdivision and development;
 - [iv] The location of all existing streets, drives, and other access ways;

and

- [v] The location of any existing bodies of water or watercourses, identified floodplain areas, and, if available, information pertaining to the floodway, and the flow of water including direction and velocities.
- [c] Plans of all proposed buildings, structures and other improvements, drawn at suitable scale showing the following:
- [i] The proposed lowest floor elevation of any proposed building based upon North American Vertical Datum of 1988;
 - [ii] The elevation of the base flood;
 - [iii] Supplemental information as may be necessary under 34 Pa Code, the 2009 IBC or the 2009 IRC, or the latest revision thereof as adopted by the Commonwealth of Pennsylvania.
- [d] The following data and documentation:
- [i] Detailed information concerning any proposed floodproofing measures and corresponding elevations.
 - [ii] If available, information concerning flood depths, pressures, velocities, impact and uplift forces and other factors associated with a base flood.
 - [iii] Documentation, certified by a registered professional engineer, to show that the effect of any proposed development within a floodway area (See § 350-1002A(3)(b)[1]) will not increase the base flood elevation at any point.
 - [iv] Documentation, certified by a registered professional engineer, to show that the cumulative effect of any proposed development within an AE Area/District without floodway when combined with all other existing and anticipated development, will not increase the base flood elevation more than one foot at any point within the community.
 - [v] A document, certified by a registered professional engineer or architect, which states that the proposed construction or development has been adequately designed to withstand the pressures, velocities, impact and uplift forces associated with the base flood. Such statement shall include a description of the type and extent of flood proofing measures which have been incorporated into the design of the structure and/or the development.
 - [vi] Detailed information needed to determine compliance with subsequent sections regarding Storage, and Development Which May Endanger Human Life, including:

- [A] The amount, location and purpose of any materials or substances referred to in such sections which are intended to be used, produced, stored or otherwise maintained on site.
- [B] A description of the safeguards incorporated into the design of the proposed structure to prevent leaks or spills of the dangerous materials or substances listed during a base flood.
- [vii] The appropriate component of the Department of Environmental Protection's "Planning Module for Land Development."
- [viii] Where any excavation or grading is proposed, a plan meeting the requirements of the Department of Environmental Protection, to implement and maintain erosion and sedimentation control.
- [4] Applications for permits shall be accompanied by a fee, payable to the Township based upon the estimated cost of the proposed construction as determined by the Floodplain Administrator.
- (e) Review by County Conservation District. A copy of all applications and plans for any proposed construction or development in any Identified Floodplain Area to be considered for approval may be submitted by the Floodplain Administrator to the County Conservation District for review and comment prior to the issuance of a permit.
- (f) Review of application by others. A copy of all plans and applications for any proposed construction or development in any Identified Floodplain Area to be considered for approval may be submitted by the Floodplain Administrator to any other appropriate agencies and/or individuals (e.g., planning commission, municipal engineer, etc.) for review and comment.
- (g) Changes. After the issuance of a permit by the Floodplain Administrator, no changes of any kind shall be made to the application, permit or any of the plans, specifications or other documents submitted with the application without the written consent or approval of the Floodplain Administrator. Requests for any such change shall be in writing, and shall be submitted by the applicant to Floodplain Administrator for consideration.
- (h) Placards. In addition to the permit, the Floodplain Administrator shall issue a placard, or similar document, which shall be displayed on the premises during the time construction is in progress. This placard shall show the number of the permit, the date of its issuance, and be signed by the Floodplain Administrator.
- (i) Start of construction.
 - [1] Work on the proposed construction or development shall begin within 180 days after the date of issuance of the development permit. Work shall also be completed within 12 months after the date of issuance of the permit or the permit shall expire unless a time extension is granted, in writing, by the Floodplain Administrator. The issuance of development permit does not refer to the zoning approval.

- [2] The "actual start of construction" means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. "Permanent construction" does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the "actual start of construction" means the first, alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.
- [3] Time extensions shall be granted only if a written request is submitted by the applicant, who sets forth sufficient and reasonable cause for the Floodplain Administrator to approve such a request and the original permit is compliant with this chapter and FIRM/FIS in effect at the time the extension is granted.
- (j) Enforcement, penalties and appeal rights. Any person who fails to comply with any or all of the floodplain provisions set forth therein shall be subject to Article XVI, Administration and Enforcement, and the procedures and appeal processes set forth in Article XVII, Zoning Hearing Board.
- (3) Identification of floodplain areas.
 - (a) Identification.
 - [1] The identified floodplain area shall be:
 - [a] Any areas of the West Caln Township, classified as Special Flood Hazard Areas (SFHAs) in the Flood Insurance Study (FIS) and the accompanying Flood Insurance Rate Maps (FIRMs) dated September 29, 2017, and issued by the Federal Emergency Management Agency (FEMA) or the most recent revision thereof, including all digital data developed as part of the Flood Insurance Study.
 - [2] The above referenced FIS and FIRMs, and any subsequent revisions and amendments are hereby adopted by the Township and declared to be a part of this chapter.
 - (b) Description and special requirements of identified floodplain areas. The identified floodplain area shall consist of the following specific areas:
 - [1] The Floodway Area shall be those areas identified in the FIS and the FIRM as floodway and which represent the channel of a watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without increasing the water surface elevation by more than one foot at any point. This term shall also include floodway areas which have been identified in other available studies or sources of information for those

Special Flood Hazard Areas where no floodway has been identified in the FIS and FIRM.

- [a] Within any floodway area, no encroachments, including fill, new construction, substantial improvements, or other development shall be permitted unless it has been demonstrated through hydrologic and hydraulic analysis performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.
 - [b] Within any floodway area, no new construction or development shall be allowed, unless the appropriate permit is obtained from the Department of Environmental Protection Regional Office.
- [2] The AE Area/District shall be those areas identified as an AE Zone on the FIRM included in the FIS prepared by FEMA for which base flood elevations have been provided.
- [a] The AE Area adjacent to the floodway shall be those areas identified as an AE Zone on the FIRM included in the FIS prepared by FEMA for which base flood elevations have been provided and a floodway has been delineated.
 - [b] AE Area without floodway shall be those areas identified as an AE zone on the FIRM included in the FIS prepared by FEMA for which base flood elevations have been provided but no floodway has been determined.
 - [i] No encroachments, including fill, new construction, substantial improvements, or other development shall be permitted in an AE Zone without floodway, unless it has been demonstrated through hydrologic and hydraulic analysis performed in accordance with standard engineering practice that the proposed development together with all other existing and anticipated development, would not result in an increase in flood levels of more than one-foot within the entire community during the occurrence of the base flood discharge.
 - [ii] No new construction or development shall be located within the area measured 50 feet landward from the top-of-bank of any watercourse, unless the appropriate permit is obtained from the Department of Environmental Protection Regional Office.
- [3] The A Area/District shall be those areas identified as an A Zone on the FIRM included in the FIS prepared by FEMA and for which no base flood elevations have been provided. For these areas, elevation and floodway information from other federal, state, or other acceptable sources shall be used when available. Where other acceptable information is not available, the base flood elevation shall be determined by using the elevation of a point on the boundary of the identified floodplain area which is nearest the

construction site.

[4] The AO and AH Area/District shall be those areas identified as Zones AO and AH on the FIRM and in the FIS. These areas are subject to inundation by 1%- annual-chance shallow flooding where average depths are between one and three feet. In Zones AO and AH, drainage paths shall be established to guide floodwaters around and away from structures on slopes.

[5] In lieu of the above methods, the Township may require the applicant to determine the elevation with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough technical review by the Township. In the absence of any of the above data or documentation, the community may require elevation of the lowest floor to be at least three feet above the highest adjacent grade.

(c) Changes in identification of area. The Identified Floodplain Area may be revised or modified by the Board of Supervisors where studies or information provided by a qualified agency or person documents the need for such revision. However, prior to any such change to the Special Flood Hazard Area, approval must be obtained from FEMA. Additionally, as soon as practicable, but not later than six months after the date such information becomes available, a community shall notify FEMA of the changes to the Special Flood Hazard Area by submitting technical or scientific data. See § 350-1002A(4)(a)[2] for situations where FEMA notification is required.

(d) Boundary disputes. Should a dispute concerning any identified floodplain boundary arise, an initial determination shall be made by the Township, with input from the Township Engineer, and any party aggrieved by this decision or determination may appeal to the Zoning Hearing Board. The burden of proof shall be on the appellant.

(e) Jurisdictional boundary changes. Prior to development occurring in areas where annexation or other corporate boundary changes are proposed or have occurred, the Township shall review flood hazard data affecting the lands subject to boundary changes. The Township shall adopt and enforce floodplain regulations in areas subject to annexation or corporate boundary changes which meet or exceed those in 44 CFR 60.3.

(4) Technical provisions.

(a) General.

[1] Alteration or relocation of watercourse.

[a] No encroachment, alteration, or improvement of any kind shall be made to any watercourse until all adjacent municipalities which may be affected by such action have been notified by the municipality, and until all required permits or approvals have first been obtained from

the Department of Environmental Protection Regional Office.

- [b] No encroachment, alteration, or improvement of any kind shall be made to any watercourse unless it can be shown that the activity will not reduce or impede the flood carrying capacity of the watercourse in any way.
 - [c] In addition, FEMA and the Pennsylvania Department of Community and Economic Development, shall be notified prior to any alteration or relocation of any watercourse.
- [2] When the Township proposes to permit the following encroachments: any development that causes a rise in the base flood elevations within the floodway; or any development occurring in Zones A1-30 and Zone AE without a designated floodway, which will cause a rise of more than one foot in the base flood elevation; or alteration or relocation of a stream (including but not limited to installing culverts and bridges), the applicant shall (as per 44 CFR 65.12):
- [a] Apply to FEMA for conditional approval of such action prior to permitting the encroachments to occur.
 - [b] Upon receipt of the FEMA Administrator's conditional approval of map change and prior to approving the proposed encroachments, a community shall provide evidence to FEMA of the adoption of floodplain management ordinances incorporating the increased base flood elevations and/or revised floodway reflecting the post-project condition.
 - [c] Upon completion of the proposed encroachments, the applicant shall provide as-built certifications. FEMA will initiate a final map revision upon receipt of such certifications in accordance with 44 CFR Part 67.
- [3] Any new construction, development, uses or activities allowed within any Identified Floodplain Area shall be undertaken in strict compliance with the provisions contained in this chapter and any other applicable codes, ordinances and regulations.
- [4] Additional use regulations.
- [a] Uses permitted by-right. The following uses are permitted within the Identified Floodplain Area, provided they are conducted in accordance with the provisions of the Clean Streams Law of Pennsylvania, Act 349 of 1937, 35 P.S. § 691-691.1001, the rules and regulations of the PaDEP, all other applicable provisions of this chapter and other local, state, and federal regulations.
 - [i] Agricultural uses such as general farming, pasture, orchard, grazing, outdoor plant nurseries, truck farming, forestry, and wild crop harvesting, provided no impervious materials are used.
 - [ii] Recreational uses such as: park, camp, picnic grounds, golf

- courses, golf driving range, hiking, equestrian, and cycling trails, hunting and fishing areas, game farm, fish hatchery, woodland preserve, game preserve, nature preserve, wildlife sanctuary, swimming areas or other conservation use, provided no impervious materials are used.
- [iii] Municipal or public use, including recreational areas, provided no impervious materials are used.
 - [iv] Uses accessory to those permitted by the underlying zoning district, including yards, driveways, and parking, provided no impervious materials are used.
 - [v] Dams, culverts, impounded basins, and bridges approved by the PaDEP and the U.S. Army Corps of Engineers, where applicable.
- [b] Special exception uses. The following uses may be permitted upon the issuance of a special exception by the Zoning Hearing Board as provided herein this chapter and in this section, provided they are conducted in accordance with the provisions of the Clean Streams Law of Pennsylvania, Act 349 of 1937, 35 P.S. §§ 691.1 through 691.1001, as amended, the rules and regulations of the PaDEP, all other applicable provisions of this chapter and other local, state and federal regulations. In issuing any special exception, the Zoning Hearing Board may attach such reasonable conditions and safeguards, in addition to those expressed in this chapter, as it may deem necessary to implement the purposes of this chapter:
- [i] Accessory uses customarily incidental to any of the foregoing permitted uses.
 - [ii] Temporary uses such as circuses, festivals, and similar transient amusement enterprises, provided that natural vegetative ground cover remains as it was prior to the temporary event and is not destroyed, removed, or altered in any way to create sedimentation or erosion.
 - [iii] Roadside stands and signs.
 - [iv] Utilities and public facilities including streets, water lines, storm sewers and sewage treatment plants.
 - [v] Modifications to structures existing as of the date of adoption of this chapter, subject to the provisions of this section.
 - [vi] Adaptive reuse of an existing building or structure in accordance with the underlying zoning district.
- (b) Elevation and floodproofing requirements. Within any Identified Floodplain Area, with the exception of uses permitted by right or by special exception as listed above, any new construction or substantial improvements shall be prohibited. If a variance or special exception is granted, or the use is permitted

by right, then the following provisions apply to improvements constructed within the Identified Floodplain Area:

[1] Residential structures.

- [a] In AE, A1-30, and AH Zones, any new construction or substantial improvement shall have the lowest floor (including basement) elevated up to, or above, the regulatory flood elevation.
- [b] In A Zones, where there are no base flood elevations specified on the FIRM, any new construction or substantial improvement shall have the lowest floor (including basement) elevated up to, or above, the regulatory flood elevation determined in accordance with this chapter.
- [c] In AO Zones, any new construction or substantial improvement shall have the lowest floor (including basement) at or above the highest adjacent grade at least as high as the depth number specified on the FIRM.
- [d] The design and construction standards and specifications contained in the 2009 International Building Code (IBC) and in the 2009 International Residential Code (IRC) or the latest edition thereof adopted by the Commonwealth of Pennsylvania, and ASCE 24 and 34 Pa Code (Chapters 401-405 as amended) shall be utilized, where they are more restrictive.

[2] Nonresidential structures.

- [a] In AE, A1-30 and AH Zones, any new construction or substantial improvement of a nonresidential structure shall have the lowest floor (including basement) elevated up to, or above, the regulatory flood elevation, or be designed and constructed so that the space enclosed below the regulatory flood elevation:
 - [i] Is floodproofed so that the structure is watertight with walls substantially impermeable to the passage of water; and
 - [ii] Has structural components with the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;
- [b] In A Zones, where no base flood elevations are specified on the FIRM, any new construction or substantial improvement shall have the lowest floor (including basement) elevated or completely floodproofed up to, or above, the regulatory flood elevation determined in accordance with this chapter.
- [c] In AO Zones, any new construction or substantial improvement shall have their lowest floor elevated or completely floodproofed above the highest adjacent grade to at least as high as the depth number specified on the FIRM.
- [d] Any nonresidential structure, or part thereof, made watertight below the regulatory flood elevation shall be floodproofed in accordance with

the W1 or W2 space classification standards contained in the publication entitled "Flood-Proofing Regulations" published by the U.S. Army Corps of Engineers (June 1972, as amended March 1992) or with some other equivalent standard. All plans and specifications for such floodproofing shall be accompanied by a statement certified by a registered professional engineer or architect which states that the proposed design and methods of construction are in conformance with the above referenced standards. There should be a statement submitted with the permit application and a statement submitted with the as-built Floodproofing Certificate prior to the issuance of the Certificate of Occupancy.

- [e] Any nonresidential structure that will be floodproofed must submit the following to the Floodplain Administrator along with the nonresidential Floodproofing Certificate and prior to the issuance of the Certificate of Occupancy:
 - [i] An inspection and maintenance plan detailing the annual maintenance of floodproofed components ensuring that all components will operate properly under flood conditions. Components that must be inspected include at a minimum:
 - [A] Mechanical equipment such as sump pumps and generators;
 - [B] Flood shields and closures;
 - [C] Walls and wall penetrations; and
 - [D] Levees and berms (as applicable).
 - [ii] Flood emergency operation plan detailing the procedures to be followed during a flooding event, and must include information pertaining to how all components will operate properly under all conditions, including power failures. The design professional must produce the plan. An adequate plan must include the following:
 - [A] An established chain of command and responsibility with leadership responsibilities clearly defined for all aspects of the plan.
 - [B] A procedure for notification of necessary parties when flooding threatens and flood warnings are issued. Personnel required to be at the building should have a planned and safe means of ingress and should have no other emergency response duties during a flood event. Alternates should be assigned in the event that the primary persons responsible are unable to complete their assigned duties under the plan.
 - [C] A list of specific duties assigned to ensure that all responsibilities are addressed expeditiously. The locations of materials necessary to properly install all floodproofing

components must be included in the list.

- [D] An evacuation plan for all personnel or occupants; those without duties for the flood emergency as well as those with duties for implementing the plan. All possible ingress and egress routes must be identified.
 - [E] A periodic training and exercise program to keep personnel and occupants aware of their duties and responsibilities. Training drills should be held at least once a year and should be coordinated with community officials.
 - [F] The design and construction standards and specifications contained in the 2009 International Building Code (IBC) and in the 2009 International Residential Code (IRC) or the latest revision thereof as adopted by the Commonwealth of Pennsylvania, and ASCE 24 and 34 Pa Code (Chapters 401-405 as amended) shall be utilized, where they are more restrictive.
- [3] Space below the lowest floor.
- [a] Fully enclosed space below the lowest floor (excluding basements) which will be used solely for the parking of a vehicle, building access, or incidental storage in an area other than a basement, shall be designed and constructed to allow for the automatic entry and exit of flood waters for the purpose of equalizing hydrostatic forces on exterior walls. The term "fully enclosed space" also includes crawl spaces.
 - [b] Designs for meeting this requirement must either be certified by a registered professional engineer or architect, or meet or exceed the following minimum criteria:
 - [i] A minimum of two openings having a net total area of not less than one square inch for every square foot of enclosed space installed on two separate walls.
 - [ii] The bottom of all openings shall be no higher than one foot above grade.
 - [iii] Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
- [4] Historic structures. Historic structures undergoing repair or rehabilitation that would constitute a substantial improvement as defined in this chapter, must comply with all ordinance requirements that do not preclude the structure's continued designation as a historic structure. Documentation that a specific ordinance requirement will cause removal of the structure from the National Register of Historic Places or the State Inventory of Historic places must be obtained from the Secretary of the Interior or the State Historic Preservation Officer. Any exemption from ordinance requirements

will be the minimum necessary to preserve the historic character and design of the structure.

- [5] Accessory structures. Structures accessory to a principal building need not be elevated or floodproofed to remain dry, but shall comply, at a minimum, with the following requirements:
 - [a] The structure shall not be designed or used for human habitation, but shall be limited to the parking of vehicles, or to the storage of tools, material, and equipment related to the principal use or activity.
 - [b] Floor area shall not exceed 200 square feet.
 - [c] The structure will have a low damage potential.
 - [d] The structure will be located on the site so as to cause the least obstruction to the flow of flood waters.
 - [e] Power lines, wiring, and outlets will be elevated to the regulatory flood elevation.
 - [f] Permanently affixed utility equipment and appliances such as furnaces, heaters, washers, dryers, etc., are prohibited.
 - [g] The structure shall be adequately anchored to prevent flotation, collapse, and lateral movement and shall be designed to automatically provide for the entry and exit of floodwater for the purpose of equalizing hydrostatic forces on the walls. Designs for meeting this requirement must either be certified by a registered professional engineer or architect, or meet or exceed the following minimum criteria:
 - [i] A minimum of two openings having a net total area of not less than one square inch for every square foot of enclosed space.
 - [ii] The bottom of all openings shall be no higher than one foot above grade.
 - [iii] Openings may be equipped with screens, louvers, etc., or other coverings or devices provided that they permit the automatic entry and exit of flood waters.
 - [h] For accessory structures that are in excess of 200 square feet and that are below the base flood elevation, a variance is required. If a variance is granted, a signed Declaration of Land Restriction (Nonconversion Agreement) shall be recorded on the property deed prior to issuance of the Certificate of Occupancy.
 - [i] Prohibit the storage of hazardous materials, including those on the specific list contained in this article, within accessory structures.
- (c) Design and construction standards. The following minimum standards shall apply for all construction and development proposed within any identified floodplain area:

- [1] Fill. Within any Identified Floodplain Area, the use of fill shall be prohibited. If a variance is obtained in accordance with required criteria, then the following provisions apply:
 - [a] If fill is used, it shall:
 - [i] Extend laterally at least 15 feet beyond the building line from all points;
 - [ii] Consist of soil or small rock materials only. Sanitary landfills shall not be permitted;
 - [iii] Be compacted to provide the necessary permeability and resistance to erosion, scouring, or settling;
 - [iv] Be no steeper than one vertical to two horizontal feet unless substantiated data justifying steeper slopes are submitted to, and approved by the Floodplain Administrator; and
 - [v] Be used to the extent to which it does not adversely affect adjacent properties.
- [2] Drainage facilities. Storm drainage facilities shall be designed to convey the flow of stormwater runoff in a safe and efficient manner. The system shall ensure proper drainage along streets, and provide positive drainage away from buildings. The system shall also be designed to prevent the discharge of excess runoff onto adjacent properties.
- [3] Water and sanitary sewer facilities and systems.
 - [a] All new or replacement water supply and sanitary sewer facilities and systems shall be located, designed and constructed to minimize or eliminate flood damages and the infiltration of flood waters.
 - [b] Sanitary sewer facilities and systems shall be designed to prevent the discharge of untreated sewage into flood waters.
 - [c] No part of any on-site waste disposal system shall be located within any identified floodplain area except in strict compliance with all state and local regulations for such systems. If any such system is permitted, it shall be located so as to avoid impairment to it, or contamination from it, during a flood.
 - [d] The design and construction provisions of the UCC and FEMA No. 348, "Protecting Building Utilities From Flood Damages" and "The International Private Sewage Disposal Code" shall be utilized.
- [4] Other utilities. All other utilities such as gas lines, electrical and telephone systems shall be located, elevated (where possible) and constructed to minimize the chance of impairment during a flood.
- [5] Streets. The finished elevation of all new streets shall be no more than one foot below the regulatory flood elevation.

- [6] Storage. All materials that are buoyant, flammable, explosive, or in times of flooding, could be injurious to human, animal, or plant life, and not listed in the section entitled Development Which May Endanger Human Life, shall be stored at or above the regulatory flood elevation or floodproofed to the maximum extent possible.
- [7] Placement of buildings and structures. All buildings and structures shall be designed, located, and constructed so as to offer the minimum obstruction to the flow of water and shall be designed to have a minimum effect upon the flow and height of flood water.
- [8] Anchoring.
 - [a] All buildings and structures shall be firmly anchored in accordance with accepted engineering practices to prevent flotation, collapse, or lateral movement.
 - [b] All air ducts, large pipes, storage tanks, and other similar objects or components located below the regulatory flood elevation shall be securely anchored or affixed to prevent flotation.
- [9] Floors, walls and ceilings.
 - [a] Wood flooring used at or below the regulatory flood elevation shall be installed to accommodate a lateral expansion of the flooring, perpendicular to the flooring grain without causing structural damage to the building.
 - [b] Plywood used at or below the regulatory flood elevation shall be of a marine or water-resistant variety.
 - [c] Walls and ceilings at or below the regulatory flood elevation shall be designed and constructed of materials that are water-resistant and will withstand inundation.
 - [d] Windows, doors, and other components at or below the regulatory flood elevation shall be made of metal or other water-resistant material.
- [10] Paints and adhesives.
 - [a] Paints and other finishes used at or below the regulatory flood elevation shall be of marine or water-resistant quality.
 - [b] Adhesives used at or below the regulatory flood elevation shall be of a marine or water-resistant variety.
 - [c] All wooden components (doors, trim, cabinets, etc.) used at or below the regulatory flood elevation shall be finished with a marine or water-resistant paint or other finishing material.
- [11] Electrical components.
 - [a] Electrical distribution panels shall be at least three feet above the base flood elevation.

- [b] Separate electrical circuits shall serve lower levels and shall be dropped from above.
- [12] Equipment.
 - [a] Water heaters, furnaces, air conditioning and ventilating units, and other electrical, mechanical or utility equipment or apparatus shall not be located below the regulatory flood elevation and shall be anchored to resist flotation, collapse, and lateral movement.
 - [b] Ductwork shall be elevated to or above the regulatory flood elevation or floodproofed to remain water resistant.
- [13] Fuel supply systems. All gas and oil supply systems shall be designed to prevent the infiltration of flood waters into the system and discharges from the system into flood waters. Additional provisions shall be made for the drainage of these systems in the event that flood water infiltration occurs.
- [14] Uniform construction code coordination. The standards and specifications contained in 34 Pa Code (Chapters 401-405), as amended and not limited to the following provisions shall apply to the above and other sections and subsections of this chapter, to the extent that they are more restrictive and supplement the requirements of this chapter.
 - [a] International Building Code (IBC) 2009 or the latest revision thereof as adopted by the Commonwealth of Pennsylvania: Sections 801, 1202, 1403, 1603, 1605, 1612, 3402, and Appendix G.
 - [b] International Residential Building Code (IRC) 2009 or the latest revision thereof as adopted by the Commonwealth of Pennsylvania: Sections R104, R105, R109, R322, Appendix E, and Appendix J.
- (d) Development which may endanger human life. Within any Identified Floodplain Area, any structure of the kind described below, shall be prohibited, and shall not be eligible for variance consideration.
 - [1] In accordance with the Pennsylvania Floodplain Management Act, and the regulations adopted by the Department of Community and Economic Development as required by the Act, any new or substantially improved structure which: will be used for the production or storage of any of the following dangerous materials or substances; or, will be used for any activity requiring the maintenance of a supply of more than 550 gallons, or other comparable volume, of any of the following dangerous materials or substances on the premises; or, will involve the production, storage, or use of any amount of radioactive substances; shall be prohibited. The following list of materials and substances are considered dangerous to human life:
 - [a] Acetone.
 - [b] Ammonia.
 - [c] Benzene.

- [d] Calcium carbide.
 - [e] Carbon disulfide.
 - [f] Celluloid.
 - [g] Chlorine.
 - [h] Hydrochloric acid.
 - [i] Hydrocyanic acid.
 - [j] Magnesium.
 - [k] Nitric acid and oxides of nitrogen.
 - [l] Petroleum products (gasoline, fuel oil, etc.)
 - [m] Phosphorus.
 - [n] Potassium.
 - [o] Sodium.
 - [p] Sulphur and sulphur products.
 - [q] Pesticides (including insecticides, fungicides, and rodenticides).
 - [r] Radioactive substances, insofar as such substances are not otherwise regulated.
- (e) Special requirements for subdivisions and development. All subdivision proposals and development proposals containing at least 50 lots or at least five acres, whichever is the lesser, in Identified Floodplain Areas where base flood elevation data are not available, shall be supported by hydrologic and hydraulic engineering analyses that determine base flood elevations and floodway information. The analyses shall be prepared by a licensed professional engineer in a format required by FEMA for a Conditional Letter of Map Revision (CLOMR) and Letter of Map Revision (LOMR). Submittal requirements and processing fees shall be the responsibility of the applicant.
- (f) Special requirements for manufactured homes.
- [1] Within any Floodway Area/District, manufactured homes shall be prohibited. If a variance is obtained in accordance with the required criteria, then the following provisions apply.
 - [2] Within any Identified Floodplain Area manufactured homes shall be prohibited within the area measured 50 feet landward from the top-of-bank of any watercourse.
 - [3] Where permitted by variance within any Identified Floodplain Area, all manufactured homes, and any improvements thereto, shall be:
 - [a] Placed on a permanent foundation;

- [b] Elevated so that the lowest floor of the manufactured home is at least 1 1/2 feet above base flood elevation; and
 - [c] Anchored to resist flotation, collapse, or lateral movement.
 - [4] Equipment requirement:
 - [a] Water heaters, furnaces, air conditioning and ventilating units, and other electrical, mechanical or utility equipment or apparatus shall not be located below the regulatory flood elevation and shall be anchored to resist flotation, collapse, and lateral improvement.
 - [b] Ductwork shall be elevated to or above the regulatory flood elevation or floodproofed to remain water resistant.
 - [5] Installation of manufactured homes shall be done in accordance with the manufacturers' installation instructions as provided by the manufacturer. Where the applicant cannot provide the above information, the requirements of Appendix E of the 2009 "International Residential Building Code" or the "U.S. Department of Housing and Urban Development's Permanent Foundations for Manufactured Housing," 1984 Edition, draft or latest revision thereto and 34 Pa Code Chapter 401-405 shall apply.
 - [6] Consideration shall be given to the installation requirements of the 2009 IBC, and the 2009 IRC or the latest revision thereto as adopted by the Commonwealth of Pennsylvania, and 34 Pa Code, as amended where appropriate and/or applicable to units where the manufacturers' standards for anchoring cannot be provided or were not established for the proposed unit(s) installation.
 - (g) Special requirements for recreational vehicles. Within any Identified Floodplain Area recreational vehicles shall be prohibited. If a variance is obtained in accordance with the required criteria, then the following provisions apply:
 - [1] Recreational vehicles in Zones A, A1-30, AH and AE must:
 - [a] Be on the site for fewer than 180 consecutive days, and
 - [b] Be fully licensed and ready for highway use.
- (5) Prohibited activities.
 - (a) General. In accordance with the administrative regulations promulgated by the Department of Community and Economic Development to implement the Pennsylvania Floodplain Management Act, the following activities shall be prohibited within any Identified Floodplain Area.
 - [1] The commencement of any of the following activities; or the construction, enlargement, or expansion of any structure used, or intended to be used, for any of the following activities:
 - [a] Hospitals.
 - [b] Nursing homes.

- [c] Jails or prisons.
- [2] The commencement of, or any construction of, a new manufactured home park or manufactured home subdivision, or substantial improvement to an existing manufactured home park or manufactured home subdivision.
- (6) Existing structures in identified floodplain areas.
 - (a) Existing structures. The provisions of this chapter do not require any changes or improvements to be made to lawfully existing structures. However, when an improvement is made to any existing structure, the following provisions shall apply.
 - (b) Improvements. The following provisions shall apply whenever any improvement is made to an existing structure located within any Identified Floodplain Area:
 - [1] No expansion or enlargement of an existing structure shall be allowed within any Floodway Area/District that would cause any increase in BFE.
 - [2] No expansion or enlargement of an existing structure shall be allowed within AE Area/District without floodway that would, together with all other existing and anticipated development, increase the BFE more than one foot at any point.
 - [3] Any modification, alteration, reconstruction, or improvement of any kind to an existing structure to an extent or amount of 50% or more of its market value, shall constitute a substantial improvement and shall be undertaken only in full compliance with the provisions of this chapter.
 - [4] The above activity shall also address the requirements of the 34 Pa Code, as amended and the 2009 IBC and the 2009 IRC or most recent revision thereof as adopted by the Commonwealth of Pennsylvania.
 - [5] Within any Floodway Area/District, no new construction or development shall be allowed, unless the appropriate permit is obtained from the Department of Environmental Protection Regional Office.
 - [6] Within any AE Area/District without Floodway, no new construction or development shall be located within the area measured 50 feet landward from the top-of-bank of any watercourse, unless the appropriate permit is obtained from the Department of Environmental Protection Regional Office.
- (7) Variances.
 - (a) General. If compliance with any of the requirements of this chapter would result in an exceptional hardship to a prospective builder, developer or landowner, the Zoning Hearing Board may, upon request, grant relief from the strict application of the requirements.
 - (b) Variance procedures and conditions.
 - [1] Requests for variances shall be considered by the Zoning Hearing Board in accordance with the procedures contained in Article XVII and the

following:

- [a] No variance shall be granted for any construction, development, use, or activity within any Floodway Area/District that would cause any increase in the BFE.
- [b] No variance shall be granted for any construction, development, use, or activity within any AE Area/District without floodway that would, together with all other existing and anticipated development, increase the BFE more than one foot at any point.
- [c] No variances shall be granted for a proposed accessory structure that exceeds 600 square feet in size. A signed Non-Conversion Agreement is required as a condition of receiving the variance.
- [d] Except for a possible modification of the regulatory flood elevation requirement involved, no variance shall be granted for any of the other requirements pertaining specifically to Prohibited Activities, or to Development Which May Endanger Human Life.
- [e] If granted, a variance shall involve only the least modification necessary to provide relief.
- [f] In granting any variance, the Zoning Hearing Board shall attach whatever reasonable conditions and safeguards it considers necessary in order to protect the public health, safety, and welfare, and to achieve the objectives of this chapter.
- [g] Whenever a variance is granted, the Zoning Hearing Board shall notify the applicant in writing that:
 - [i] The granting of the variance may result in increased premium rates for flood insurance.
 - [ii] Such variances may increase the risks to life and property.
- [h] In reviewing any request for a variance, the Zoning Hearing Board shall consider, at a minimum, the following:
 - [i] That there is good and sufficient cause.
 - [ii] That failure to grant the variance would result in exceptional hardship to the applicant.
 - [iii] That the granting of the variance will:
 - [A] Neither result in an unacceptable or prohibited increase in flood heights, additional threats to public safety, or extraordinary public expense;
 - [B] Nor create nuisances, cause fraud on, or victimize the public, or conflict with any other applicable state or local ordinances and regulations.

- [i] A complete record of all variance requests and related actions shall be maintained by the Zoning Hearing Board. In addition, a report of all variances granted during the year shall be included in the annual report to the FEMA.
- [2] Notwithstanding any of the above, however, all structures shall be designed and constructed so as to have the capability of resisting the 1% annual chance flood.

(8) Definitions.

- (a) General. Unless specifically defined below, words and phrases used in this chapter shall be interpreted so as to give this chapter its' most reasonable application.
- (b) Specific definitions. As used in this section, the following terms shall have the meanings indicated:

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.

BASE FLOOD — A flood which has a 1% chance of being equaled or exceeded in any given year (also called the "100-year flood" or 1% annual chance flood).

BASE FLOOD DISCHARGE — The volume of water resulting from a Base Flood as it passes a given location within a given time, usually expressed in cubic feet per second (cfs).

BASE FLOOD ELEVATION (BFE) — The elevation shown on the Flood Insurance Rate Map (FIRM) for Zones AE, AH, A1-30 that indicates the water surface elevation resulting from a flood that has a 1% or greater chance of being equaled or exceeded in any given year.

BASEMENT — Any area of the building having its floor below ground level on all sides.

BUILDING — A combination of materials to form a permanent structure having walls and a roof. Included shall be all manufactured homes and trailers to be used for human habitation.

DECLARATION OF LAND RESTRICTION (NON-CONVERSION AGREEMENT) — A form signed by the property owner to agree not to convert or modify in any manner that is inconsistent with the terms of the permit and these regulations, certain enclosures below the lowest floor of elevated buildings and certain accessory structures. The form requires the owner to record it on the property deed to inform future owners of the restrictions.

DEVELOPMENT — Any man-made change to improved or unimproved real estate, including but not limited to the construction, reconstruction, renovation, repair, expansion, or alteration 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.

EXISTING MANUFACTURED HOME PARK OR SUBDIVISION — A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION — The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

FLOOD — A temporary inundation of normally dry land areas.

FLOOD INSURANCE RATE MAP (FIRM) — The Official Map on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY (FIS) — The official report provided by the Federal Emergency Management Agency that includes flood profiles, the Flood Insurance Rate Map, the Flood Boundary and Floodway Map, and the water surface elevation of the base flood.

FLOODPLAIN AREA — A relatively flat or low land area which is subject to partial or complete inundation from an adjoining or nearby stream, river or watercourse; and/or any area subject to the unusual and rapid accumulation of surface waters from any source.

FLOODPROOFING — Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

FLOODWAY — The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

HIGHEST ADJACENT GRADE — The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

HISTORIC STRUCTURES — Any structure that is:

- [1] Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- [2] Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

- [3] Individually listed on a state inventory of historic places in states which have been approved by the Secretary of the Interior; or
- [4] Individually listed on a local inventory of historic places in communities with historic preservation that have been certified either:
 - [a] By an approved state program as determined by the Secretary of the Interior or
 - [b] Directly by the Secretary of the Interior in states without approved programs.

IDENTIFIED FLOODPLAIN AREA — This term is an umbrella term that includes all of the areas within which the community has selected to enforce floodplain regulations. It will always include the area identified as the Special Flood Hazard Area on the Flood Insurance Rate Maps and Flood Insurance Study, but may include additional areas identified by the community.

LOWEST FLOOR — The lowest floor of the lowest fully enclosed area (including basement). An unfinished, flood resistant partially enclosed area, used solely for parking of vehicles, building access, and incidental storage, in an area other than a basement area is not considered the lowest floor of a building, provided that such space is not designed and built so that the structure is in violation of the applicable non-elevation design requirements of this chapter.

MANUFACTURED HOME — A structure, transportable in one or more sections, which is built on a permanent chassis, and is designed for use with or without a permanent foundation when attached to the required utilities. The term includes park trailers, travel trailers, recreational and other similar vehicles which are placed on a site for more than 180 consecutive days.

MANUFACTURED HOME PARK OR SUBDIVISION — A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

NEW CONSTRUCTION — Structures for which the start of construction commenced on or after September 29, 2017, and includes any subsequent improvements to such structures. Any construction started after January 17, 1985, and before September 29, 2017, is subject to the ordinance in effect at the time the permit was issued, provided the start of construction was within 180 days of permit issuance.

NEW MANUFACTURED HOME PARK OR SUBDIVISION — A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

PERSON — An individual, partnership, public or private association or corporation, firm, trust, estate, municipality, governmental unit, public utility or any other legal entity whatsoever, which is recognized by law as the subject of rights and duties.

POST-FIRM STRUCTURE — Is a structure for which construction or substantial improvement occurred after December 31, 1974, or on or after the community's initial Flood Insurance Rate Map (FIRM) dated January 17, 1985, whichever is later, and, as such, would be required to be compliant with the regulations of the National Flood Insurance Program.

PRE-FIRM STRUCTURE — Is a structure for which construction or substantial improvement occurred on or before December 31, 1974, or before the community's initial Flood Insurance Rate Map (FIRM) dated January 17, 1985, whichever is later, and, as such, would not be required to be compliant with the regulations of the National Flood Insurance Program.

RECREATIONAL VEHICLE — A vehicle which is:

- [1] Built on a single chassis;
- [2] Not more than 400 square feet, measured at the largest horizontal projections;
- [3] Designed to be self-propelled or permanently towable by a light-duty truck,
- [4] Not designed for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

REGULATORY FLOOD ELEVATION — The base flood elevation (BFE) or estimated flood height as determined using simplified methods plus a freeboard safety factor of 1 1/2 feet. The freeboard safety factor also applies to utilities and ductwork.

SPECIAL FLOOD HAZARD AREA (SFHA) — An area in the floodplain subject to a 1% or greater chance of flooding in any given year. It is shown on the FIRM as Zone A, AO, A1-A30, AE, A99, or, AH.

START OF CONSTRUCTION — Includes substantial improvement and other proposed new development and means the date the permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days after the date of the permit and shall be completed within 12 months after the date of issuance of the permit unless a time extension is granted, in writing, by the Floodplain Administrator. The "actual start" means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufacture home on a foundation. "Permanent construction" does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

STRUCTURE — A walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.

SUBDIVISION — The division or redivision of a lot, tract, or parcel of land by any means into two 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 parcels of more than 10 acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.

SUBSTANTIAL DAMAGE — Damage from any cause sustained by a structure whereby the cost of restoring the structure to its before- damaged condition would equal or exceed 50% or more of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT — Any reconstruction, rehabilitation, addition, or other improvement of a structure, of which the cost equals or exceeds 50% of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage" regardless of the actual repair work performed. The term does not, however, include any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions.

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

VIOLATION — The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in 44 CFR 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

B. Steep slopes. The following protection standards shall apply for steep slopes:

(1) Measurement of slopes.

(a) Steep slopes. For the purposes of this chapter, steep slopes are divided into two categories:

[1] Moderately steep slopes, as defined in Article II.

[2] Very steep slopes, as defined in Article II.

- (b) Slopes shall be measured as the change in elevation over the horizontal distance between consecutive contour lines and expressed as a percent. For the purpose of application of these regulations, slope shall be measured over three or more two- foot contour intervals (six cumulative vertical feet of slope). All slope measurements shall be determined by a topographic survey signed and sealed by a registered surveyor or engineer licensed to practice in the Commonwealth of Pennsylvania.

(2) Resource protection standards.

- (a) Steep slope areas shall be preserved in their natural state whenever possible. Where construction of roads, buildings, driveways, or infrastructure cannot be avoided, disturbance shall be kept to the minimum necessary and, in no case, shall it exceed the following permitted disturbance limits:

- (b) Disturbance limits.

- [1] Moderately steep slopes. No more than 30% of moderately steep slopes shall be regraded, cleared, built upon, or otherwise altered or disturbed.

- [2] Very steep slopes. No more than 15% of very steep slopes shall be regraded, cleared, built upon, or otherwise altered or disturbed. In addition, the disturbance permitted on very steep slopes shall be limited to the following activities:

- [a] Timber harvesting, when conducted in compliance with the required timber harvesting plan. Clear-cutting or grubbing of trees is prohibited on very steep slopes.

- [b] Grading for the minimum portion of a road or driveway necessary for access to the principal use and sewer, water, and other utility lines when it can be demonstrated that no other routing is feasible.

- (c) Each building or structure shall be constructed in such a manner as to provide the least alteration necessary of the existing grade, vegetation, and natural soils condition.

- (d) A grading plan shall be provided identifying the existing contours of the site, proposed finished grades, and the proposed location of all buildings and structures.

- (e) New roads and improvements to existing roads should be designed within the existing contours of the land to the extent possible and strive for compatibility with the character of rural roads.

- (f) Finished slopes of permitted cut and fill shall not exceed 33% slope unless the applicant can demonstrate to the satisfaction of the Township Engineer the method by which steeper slopes can be stabilized and maintained adequately.

- (g) All stockpiles of earth shall be seeded or otherwise stabilized to the satisfaction of the Township Engineer or the Chester County Conservation District when

stored for more than 21 days. Cut and fill resulting in slopes of greater than 25% shall be protected with an erosion control blanket.

- (h) Any disturbance of land shall be in compliance with the erosion and sedimentation control standards of Chapter 300, Subdivision and Land Development, and 25 Pa. Code §§ 102.1 through 102.51.

- [1] An erosion and sedimentation control plan and soil stabilization plan shall be submitted consistent with the requirements of Chapter 300, Subdivision and Land Development.

- [2] The plan shall demonstrate how soil will be protected from erosion during construction and how soil will be stabilized upon the completion of construction.

- (i) Where the following information has not been previously submitted as part of a subdivision or land development plan application, such information shall be submitted to the Township with permit, conditional use, special exception, or zoning applications, when applicable:

- [1] The adequacy of access to the site for emergency vehicles shall be subject to review by the Fire Marshal or his designee. The necessary information shall be submitted by the applicant to the Fire Marshal or his designee for his review.

- [2] The grading plan and erosion and sedimentation control plans in § 350-1002B(2)(h), above.

- [3] For slopes of greater than 25%, an architectural plan, including materials and type of foundation to be used to overcome structural problems associated with slope conditions.

- (3) Delineation. The applicant shall delineate the two categories of steep slopes (moderately steep, very steep) which are on the site in accordance with this section.

C. Watercourses/riparian forest buffers.

- (1) Measurement of riparian forest buffer. For the purpose of this chapter, the riparian forest buffer shall be divided into two zones:

- (a) Zone One: inner riparian forest buffer, as defined in Article II.

- (b) Zone Two: outer riparian forest buffer, as defined in Article II.

- (2) Resource protection standards.

- (a) Zone One protection standards.

- [1] Except as specified in Subsection C(2)(a)[2] below, no vegetation disturbance or other land disturbance shall be permitted within a Zone One riparian forest buffer.

- [2] The following uses and activities shall be permitted within a Zone One riparian forest buffer.

- [a] Regulated activities permitted by the Commonwealth of Pennsylvania (i.e., permitted stream or wetland crossing) not to exceed a maximum permitted disturbance of 5%;
 - [b] Provision for unpaved trail access or trail system;
 - [c] Selective removal of hazardous or invasive plant species as approved by the Township Zoning Officer. A list of invasive plant species is included in Appendix A.
 - [d] Vegetation management in accordance with an approved landscape plan or open space management plan; or
 - [e] A soil or stream conservation project, including reforestation and stream bank stabilization, as approved by the Chester County Conservation District (CCCD).
- (b) Zone Two protection standards.
- [1] Except as specified below, no more than 20% of a Zone Two riparian forest buffer shall be regraded, filled, built upon, or otherwise altered or disturbed.
 - [2] Those activities permitted in a Zone One riparian forest buffer, with the exception of regulated activities permitted by the Commonwealth of Pennsylvania (i.e., permitted stream or wetland crossing), shall be permitted in the Zone Two riparian forest buffer and shall not be counted towards the 20% disturbance allowance.
 - [3] A maximum disturbance of 5% is permitted for regulated activities permitted by the Commonwealth of Pennsylvania (i.e., permitted stream or wetland crossings) and shall count towards the 20% disturbance allowance.
 - [4] Where the riparian buffer is reduced to less than a 100-foot width, the following techniques shall be implemented:
 - [a] Conservation design that will minimize the amount of stormwater generated and maximize the use of pervious areas for infiltration of rainfall and stormwater.
 - [b] Comprehensive stormwater management to ensure that post-development conditions are consistent with the natural characteristics of the receiving stream, including stormwater best management practices (BMPs). BMPs shall include, but not be limited to, the use of level spreaders, meadow grass filter strips, or similar techniques to disperse overland or sheet flow prior to entering the protected riparian buffer area.
 - [5] In no case shall the total riparian forest buffer width be reduced to less than 75 feet in width, measured from the top of the stream bank.
 - [6] An erosion and sedimentation control plan, in accordance with Pa. Code Title 25 Chapter 102, shall be required for any land disturbance within 500 feet of any watercourse.

- [7] Timber harvesting shall only be permitted within the 20% disturbance limits of a zone two riparian forest buffer and shall be restricted to selective cutting as approved by the Township Zoning Officer. Clear-cutting or grubbing of trees or other vegetation is prohibited within all riparian forest buffers. Permitting tree harvesting shall be undertaken only when in accordance with a timber harvesting plan consistent with the requirements of § 350-1002D and the model timber harvesting plan included in Appendix B.
- (3) Riparian forest buffer establishment. Where a subdivision or land development is proposed on a parcel containing a stream corridor where there is no established vegetated or wooded buffer (such as areas previously cultivated for agriculture) a 100-foot riparian forest buffer shall be established and maintained in accordance with the following guidelines:
- (a) Trees and other vegetation shall be established through natural succession. Selective planting shall be incorporated on sites devoid of vegetation to stimulate native species and discourage invasive species. An approved list of native trees and shrubs is included in Appendix A.
- (b) Plant selection and planting practices shall be consistent with Chester County Conservation District, PaDEP, or USDA riparian forest buffer guidance. The applicant is encouraged to involve a landscape architect or similarly qualified professional to aid in the design and placement of additional plant material and local volunteer groups in the buffer planting.
- D. Woodlands, hedgerows, and specimen vegetation.
- (1) Resource protection standards.
- (a) Specimen trees shall not be removed from any lot or tract except where the applicant demonstrates to the satisfaction of the Board of Supervisors that such removal is essential to eliminate a hazardous condition(s); where permitted, removal of specimen vegetation shall be minimized. The following are examples of specimen trees.

Species	Min. Size (dbh) (inches)
Apple	24
Ash	32
Beech	32
Cherry	24
Elm	30
Hemlock	30
Hickory	32
Locust	30
Maple	32

Species	Min. Size (dbh) (inches)
Oak	32
Osage Orange	20
Pine	30
Sassafras	20
Spruce	30
Sycamore	36
Tulip poplar	36
Walnut	30

(b) Disturbance allowance for woodlands and hedgerows.

[1] Unless undertaken as an approved timber harvesting operation conducted in compliance with the required timber harvesting plan consistent with the requirements of the model timber harvesting plan included in Appendix B, the following woodland disturbance limitations shall apply.

[a] No more than 5% of critical woodlands shall be regraded, cleared, built upon, or otherwise altered or disturbed.

[b] No more than 35% of non-critical woodlands shall be regraded, cleared, built upon, or otherwise altered or disturbed for residential uses.

[c] No more than 50% of non-critical woodlands shall be regraded, cleared, built upon or otherwise altered for nonresidential uses.

[d] Woodland disturbance limitations shall be measured based on the extent of the woodland at the time of first submission of the applicable application(s) after the adoption of this section, and shall be indicated on the applicable plan(s). The extent of any area of woodland disturbance shall be measured to include the entire area within the drip line of any tree where any part of the area within the drip line of said tree is subject to woodland disturbance. Any disturbance limitation shall run with the land. Subsequent applications shall be subject to the initial determination of disturbance limitations, regardless of intervening disturbance which may have occurred. If, at any time within three years prior to an applicable application, there had existed a greater extent of woodland, such greater area shall be utilized to calculate the extent of woodland disturbance and the limitations set forth herein.

[2] Guidelines for determining permitted woodlands disturbance. In determining where permitted woodlands disturbance will occur, the following factors shall be considered:

- [a] The location(s) and benefit(s) of conservation of healthy stands of mature woodlands vegetation.
 - [b] Each building or structure shall be laid out and constructed in such a manner as to provide the least alteration or disturbance necessary of the existing woodlands and other vegetation. Clear-cutting shall be minimized and trees shall be selectively removed to accommodate necessary features.
 - [c] Remaining undisturbed woodlands and other vegetation shall interconnect with woodlands or wooded areas of adjacent properties to preserve continuous woodlands corridors and allow for natural or biotic diversity and the normal movement, dispersion, and migration of wildlife. The applicant shall consider the impacts, in terms of functions and values to wildlife, of separating, dividing, or encroaching on wildlife travel corridors or extensive habitat areas, especially woodlands exceeding 10 acres in area.
- [3] Protection of woodlands to remain on site. Tree protection zone. In order to prevent injury to those trees or other vegetation which have been designated for protection, a tree protection zone (TPZ) shall be established where such vegetation is to be retained. (See Figure 2-Q)
- [a] Prior to construction, protective fencing shall be installed around the boundaries of the tree protection zone. The fencing shall be installed along the outer edge of the delineated TPZ and shall be maintained until all construction activities have been completed. The temporary fencing shall be a minimum of four feet in height.
 - [b] Grade changes and excavation activity shall not encroach upon any area designated as a TPZ.
 - [c] Trees being removed shall not be felled, pushed, or pulled into a TPZ.
 - [d] No toxic materials shall be stored within 100 feet of a TPZ, including petroleum-based and derived products.
 - [e] The area within the TPZ shall not be built upon, nor shall any materials be stored there either temporarily or permanently. Vehicles and equipment shall not be parked or permitted to encroach upon the TPZ.
 - [f] Sediment, retention, and detention basins shall not be located within the TPZ, nor shall they discharge into the TPZ.
 - [g] Preserved woodlands, hedgerows, and specimen vegetation may be used to satisfy landscaping and screening requirements in accordance with the provisions of § 350-1206. Where necessary to meet the intent of the requirements of § 350-1206 additional plantings may be required to supplement existing preserved vegetation.
- (2) Delineation. The applicant shall delineate or identify the limits of woodlands, hedgerows, or specimen vegetation on the site in accordance with § 350-1206. Where

these features on the site are to be preserved, they shall be clearly delineated on the plan as areas to be protected.

E. Wetlands and wetlands margins.

(1) Resource protection standards.

(a) Wetlands protection standards.

- [1] Any applicant proposing a use, activity, or improvement which would entail the regrading or placement of fill in wetlands shall provide the Township with proof that the PaDEP (Bureau of Dams and Waterway Safety and Bureau of Water Quality Management) and the U.S. Army Corps of Engineers have been contacted to determine the applicability of state and federal wetland regulations. The applicant shall concurrently provide to the Township a copy of the application and any other wetlands information submitted by PaDEP and the U.S. Army Corps of Engineers.
- [2] Wetlands shall not be regraded, filled, diverted, channeled, built upon, or otherwise altered or disturbed except where state or federal permits have been obtained.
- [3] Existing wetlands shall not be used for stormwater management except where the wetlands are highly degraded and a mitigation program is provided.

(b) Wetlands margins protection standards.

- [1] Except as noted below, no more than 20% of a wetland margin shall be regraded, filled, built upon, or otherwise altered or disturbed.
- [2] The following uses or activities shall be permitted in the wetland margin and shall not be counted towards the 20% disturbance allowance, except as noted otherwise.
 - [a] A maximum disturbance of 5% is permitted for regulated activities permitted by the Commonwealth of Pennsylvania (i.e., permitted stream or wetland crossings) and shall count towards the 20% disturbance allowance.
 - [b] Provision for unpaved trail access;
 - [c] Selective removal of hazardous or invasive vegetative species;
 - [d] Vegetation management in accordance with an approved landscape plan or open space management plan; and
 - [e] A soil or stream conservation project approved by the Chester County Conservation District.
- [3] Timber harvesting shall only be permitted within the 20% disturbance allowance and shall be restricted to selective cutting. Clear-cutting or grubbing of trees is prohibited within the wetland margin. Permitted timber harvesting shall be undertaken in accordance with a timber harvesting plan

consistent with the requirements of § 350-1002D, herein, and the model timber harvesting plan included in Appendix B.

(2) Delineation.

- (a) Wetlands. The applicant shall delineate the limits of wetlands on the site in accordance with § 350-1003, in addition the following information shall be provided:

[1] A full wetland delineation report conducted by a qualified wetland biologist, soil scientist, or environmental professional of satisfactory demonstrated qualifications shall be submitted to the Township. If there is a question as to the accuracy of the wetland delineation report, the Township may hire a qualified consultant to review the delineation and recommend revisions at the applicant's expense.

[a] Such a professional shall certify that the methods used correctly reflect the currently accepted technical concepts, including identification and analysis of wetland vegetation, hydric soils, and hydrologic indicators. Methods used in the delineation report shall be acceptable to the Township Engineer or other qualified consultant hired by the Township.

[b] The wetland report shall include a determination of whether wetlands are present on the site and a full delineation, area measurement (in square feet), and description of any wetlands determined to be present.

- (b) Wetland margins. The applicant shall delineate the limits of the wetland margins in accordance with the provisions of § 350-1003.

F. Groundwater protection.

- (1) Well yield requirements and approvals. Proposed potable water supply wells intended to serve as an individual water supply shall provide a minimum well yield of two gallons per minute and shall be consistent with the minimum storage capacity and other well requirements established by Section 501 of the Chester County Health Department's rules and regulations, or any successor provisions thereto. Proof of approval of the proposed water supply by the Chester County Health Department shall be provided by the applicant. In cases where review by the Delaware River Basin Commission, Susquehanna River Basin Commission, and/or the Commonwealth of Pennsylvania is required, proof of this review shall also be submitted.
- (2) Groundwater quantity protection strategies. The following strategies for the minimization of net groundwater loss shall apply to any land use involving 2,500 square feet or more of land disturbance.
- (a) New developments and their stormwater management systems shall be designed so that net post-development conditions achieve at least "meadow condition" hydrologic characteristics by infiltrating the net increase in volume (from "meadow condition" to post-development condition) of the runoff of the two-year storm.

- [1] Where it is demonstrated to the satisfaction of the Township Engineer, through testing completed by a certified hydrogeologist, that site conditions preclude meeting this criteria, then the net increase in volume of the runoff of the one-inch storm shall be infiltrated.
- [2] Areas of existing commercial or industrial development that are undergoing redevelopment shall utilize two-year or one inch opportunities or provide equivalent mitigation measures.
- (b) Impervious cover shall be kept to the minimum required for the development and shall, in no case, exceed the permitted impervious coverage allowances of this chapter. Strategies such as the use of porous paving, grassed swales in place of curbs, planted islands in cul-de-sac turnarounds, reduction of driveway lengths by adhering to minimum building setbacks, and other similar techniques shall be used wherever possible, and at the discretion of the Board of Supervisors.
- (c) The use of pervious areas for on-site rainfall infiltration shall be maximized and stormwater Best Management Practices (BMPs) that first manage stormwater by dispersing runoff as sheet flow over pervious areas or into infiltration BMPs (i.e., routing runoff as sheet flow through forested riparian buffers, into wetlands, rain gardens, level spreaders, etc.) shall be incorporated into proposed developments wherever applicable. The "disconnection" or interspersation of large impervious surfaces with pervious breaks shall be implemented wherever possible to maximize infiltration of stormwater runoff.
- (d) Conservation design practices and infiltration BMPs to increase infiltration and eliminate the need for, or reduce the size of, stormwater basins for flood peak attenuation shall be incorporated into plans, as appropriate based on site conditions. Wet retention ponds shall be considered first, extended retention basins shall be a second choice, and the use of dry detention basins shall be the least preferred method, to provide additional infiltration and pollutant removal of stormwater prior to its release into streams.
- (e) Proposed development shall be consistent with the principles and practices set forth in the most current edition of the Pennsylvania Handbook of Best Management Practices for Developing Areas, or the most current PaDEP manual, as amended from time to time, for erosion control and the management of stormwater runoff or this chapter, whichever is more restrictive.
- (f) Land application of treated wastewater shall be the preferred method of sewage disposal over stream discharge wherever feasible and shall return the treated wastewater to the watershed that is the source of the water.
- (3) Resource protection standards. The following standards for the protection of groundwater quality shall be implemented where applicable and feasible:
 - (a) Wells shall be constructed and unused wells promptly plugged and sealed in accordance with the Chester County Health Department's rules and regulations, Pa DEP, and any other applicable government authority.
 - (b) Water quality BMPs shall be implemented to remove pollutants from the runoff of the first one-inch of rainfall prior to release of stormwater to surface water

bodies.

- (c) Water quality stormwater BMPs shall be implemented to remove pollutants from stormwater discharges originating from land uses with potential for very high pollutant loadings ("hotspots") prior to infiltration to the groundwater.
- (d) Where groundwater contamination is known to exist, new land development shall be coordinated to avoid the further expansion of the contaminant plume that may be caused by pumping of wells for the new development.
- (e) Where soils or subsurface contamination is present, infiltration of stormwater recharge shall be avoided to prevent adverse affects to groundwater quality. Where such conditions exist, other design techniques or BMPs shall be incorporated to reduce as much as possible the total volume of stormwater released to streams and equivalent mitigation of the loss of infiltration shall be provided.
- (f) Community water supply wells shall, to the greatest extent possible, be protected with a land use restricted buffer (i.e., no development activities or storage of chemicals or materials that could potentially contaminate the well) with a minimum radius of 200 feet around the wellhead. A community water supply well shall be defined as a water system that provides water for human consumption to at least 15 service connections, or serves an average of at least 25 people for at least 60 days each year.
- (g) Nutrient and pesticide management plans shall be required for landscaped areas of five acres or more in size requiring regular maintenance and management and/or using nutrient and pesticides on 50% or more of the gross lot area. Such management plans shall be developed in accordance with recommended guidelines for turf management of the Penn State College of Agricultural Sciences. Examples of such uses include, but are not limited to, golf courses, athletic fields, hospital or school grounds, and extensive open space areas maintained as mown lawns. Single-family residential dwellings on individual lots of less than two acres shall be exempt from this requirement.

§ 350-1003. Application of standards.

A. Plan information and delineation of protected natural resources.

- (1) To ensure compliance with the natural resource protection standards of this article, the following information shall be submitted by the applicant when applying for a zoning or building permit, conditional use or special exception approval, zoning variance, or subdivision and land development approval where land disturbance is contemplated.
 - (a) A site plan which identifies the limits of each of the natural resources on the site, including areas of woodlands or other vegetation to be preserved, and the proposed use of the site including any existing or proposed structures.
 - (b) The limits of all encroachments and disturbances necessary to establish the proposed use on the site, including a grading plan showing existing and proposed contours.

- (c) Calculations indicating the area of the site with natural resources and the area of natural resources that would be disturbed or encroached upon. The calculations shall be shown on the plan as indicated in the following table. The figures in Column D (Proposed Disturbance) shall be less than or equal to the corresponding figures in Column C (Maximum Amount of Permitted Disturbance) for each protected resource.

Protected Resource	Column A Amount of Land in Protected Resource* (square feet)	Column B Maximum Disturbance Allowance** (percent)	Column C Maximum Amount of Permitted Disturbance (square feet)	Column D Proposed Disturbance of Resource (square feet)
Floodplain		0%		
Moderately Steep Slopes		30%		
Very Steep Slopes		15%		
Wetlands		0%		
Wetland Margins		20%		
Zone 1 Riparian Buffer		0%		
Zone 2 Riparian Buffer		20%		
Critical woodlands		5%		
Non-critical woodlands				
Residential uses		35%		
Nonresidential uses		50%		
Total				

* See § 350-1001C, herein.

** Disturbance allowances may be modified where federal or state permits have been obtained by the applicant and provided to the Township.

- (2) In those cases where only a limited portion of the site or tract will be subject to disturbance (i.e., 1,000 square feet or less), the Township Zoning Officer may determine the area of land required to be shown on the plan information that will adequately demonstrate compliance with the natural resource protection standards of this section. Where less than the entire site is to be shown on the plan, the application shall be accompanied by a written explanation from the applicant as to why it is not necessary to include the entire site with the plan information.
- B. Continued protection of identified natural resources. To ensure the continued protection of identified natural resources, the following requirements shall apply:
- (1) Protected resource areas on individual lots.
- (a) For resource protected areas on individual lots, restrictions meeting Township specifications shall be placed in the deeds for each site or lot that has resource protection areas within its boundaries. Such deed restrictions shall also be clearly stated on the approved final plan.
- (b) Deeds shall clearly state that the maintenance responsibility lies with the individual property owner. The restrictions shall provide for the continuance of the resource protection areas in accordance with the provisions of this chapter.
- (c) 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.

- (2) Protected resource areas held in common.
 - (a) For resource protected areas held in common, the open space maintenance provisions and ownership options of § 350-1126, shall apply.
 - (b) In addition to the provisions of § 350-1126, restrictions meeting Township specifications shall be placed on the natural area to be held in common.
 - (c) The party or organization responsible for the maintenance of the natural area shall be clearly identified in the deed. The restrictions shall provide for the continuance of the resource protected areas in accordance with the provisions of this chapter. In addition, restrictions on protected areas shall be included in the development's declaration of covenants, easements, or restrictions or similar documents regulating the use of property and setting forth methods for maintaining open space. 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 subject to additional review and re-approval in accordance with the natural resource protection standards of Article X of Chapter 350, Zoning, of the Code of the Township of West Caln."

Article XI Supplemental Use Regulations

§ 350-1100. Purpose.

This article establishes supplemental regulations for certain uses that require special design considerations due to their nature. The supplemental regulations serve to regulate impacts of these uses and achieve compatibility with general character of the Township and other permitted uses. These regulations shall apply to all zoning districts in which the particular use being regulated is permitted. It is the intent of the Township that where these particular uses are permitted they comply strictly with the standards in this article that have been created to address their particular impacts and characteristics. The provisions of this article shall be in addition to applicable zoning district regulations, and any applicable sections of this or other ordinances.

§ 350-1101. Accessory uses, buildings, and structures.

- A. General. Uses, inclusive of buildings and structures, in this section may be permitted as accessory uses and shall meet the following:
- (1) Accessory uses shall meet the following:
 - (a) Incidental and subordinate to the principal use on the tract or lot.
 - (b) Specifically be deemed accessory in accordance with the following terms of this section.
 - (2) Accessory uses, inclusive of buildings and structures, in § 350-1101C through G and § 350-1101B(6) shall meet the following:
 - (a) Located on the same tract or lot as the principal use.
 - (b) Located in the rear or side yard of the lot.
 - (c) Located no further forward on the tract or lot than the front line of the principal building, except for garages and post & rail fencing or a similar type of non-opaque fencing that does not restrict views into the tract or lot. No fencing in the front yard shall exceed four (4) feet in height.
 - (3) Except as otherwise required for specific uses, including but not limited to accessory alternative energy systems and data centers, a minimum setback of not less than 10 feet from the lot lines shall be provided, except that a minimum setback of not less than 15 feet for active accessory uses, such as tennis courts or swimming pools, or for accessory buildings or uses larger than 50 square feet shall be provided. Properly permitted fences or walls shall be setback a minimum of not less than 10 feet from any ultimate right-of-way line and a minimum of not less than 2 feet from any rear or side yard lot line.
 - (4) A maximum height of 15 feet, except as otherwise expressly permitted in this chapter.
- B. Agricultural accessory uses. The following uses shall be permitted when incidental and subordinate to an agricultural use, CAO, CAFO, or mushroom production facility, and when located on the same lot or tract as the principal use. Maximum height shall follow height regulations for the district in which the use is located, unless otherwise expressly permitted by this chapter.

- (1) Storage of farm products and farm machinery.
- (2) Barns and stables sheltering livestock, silos, poultry, and farm products.
- (3) Preparation of agricultural products produced on the premises.
- (4) Garages and outbuildings.
- (5) Signs identifying the name of a farm in accordance with Article XIV.
- (6) Residential accessory uses, as per § 350-1101C.
- (7) Sale of agricultural products. The display and sale of agricultural products shall be an accessory use permitted from a permanent building or from a temporary stand dismantled and removed at the end of the growing season and solely by the owner or operator of the farm provided that:
 - (a) There shall be a maximum of one sale of agricultural product accessory use per agricultural use. At least 50% of agricultural products displayed for sale shall be produced on the agricultural land contiguous to said building or stand.
 - (b) Agricultural sales shall clearly be subordinate to the principal agricultural uses.
 - (c) Any building, stand, sales, display, or parking area shall be at least 30 feet from any street line, and shall be at least 50 feet from a side or rear yard lot line abutting a residential use or district. Such building or stand shall be no more than 1,500 square feet in size.
 - (d) A minimum of three parking spaces, or one space for each 300 square feet of building or stand total floor area, whichever shall be greater, shall be provided behind the street right-of-way line.
 - (e) Signs associated with the sale of farm products shall conform to the sign regulations under Article XIV.
- (8) Secondary farm business. This accessory use would allow for a secondary source of income for a farmer and shall be allowed as a use solely by the owner or operator of the farm, so as to promote the continuation of existing agricultural uses and the Township agricultural character, and shall be in accordance with the following:
 - (a) A maximum of two secondary farm businesses shall be allowed per agricultural use.
 - (b) A maximum of two employees shall be permitted in conjunction with the secondary farm business in addition to family members or farm laborers employed in the primary farm business.
 - (c) Secondary farm family businesses may include the following and shall be carried on within a barn or shed of a typical size within the Township:
 - [1] Veterinary offices which primarily serve farm animals, stables, and supplies.
 - [2] Manufacturing and sale of crafts.
 - [3] Manufacturing of household articles, such as chairs, cabinets, clocks, and

similar carpentry type articles for use in the home.

- [4] Processing of locally produced agricultural products, such as a home cannery or home slaughtering.
 - [5] Sales of seeds and fertilizers.
 - [6] Facilities for the sales, repair, and service of agriculturally related equipment and supplies.
 - [7] Custom farm work.
 - [8] Cattle and grain hauling.
 - [9] Grain mills or portable grinding mills.
 - [10] Blacksmith shop.
- (9) Additional farm-related dwelling. Additional farm-related dwellings shall be subject to the following regulations:
- (a) Additional farm-related dwellings shall only be used by family members or farm workers of the associated agricultural use.
 - (b) Additional farm-related dwellings shall meet the area and bulk regulations of §350-402C(4) of the Agricultural Preservation District, however any additional dwellings shall be set back a minimum of 25 feet from all lot lines.
 - (c) A maximum of two additional farm-related dwellings shall be permitted on a parent agricultural tract as follows:
 - [1] One additional farm-related dwelling unit is permitted on parent agricultural tracts from 10 to 25 acres; and
 - [2] An additional farm-related dwelling is permitted on parent agricultural tracts larger than 25 acres.
 - (d) The following options and the associated regulations are available to the landowner for development of additional farm-related dwellings:
 - [1] Agricultural accessory dwelling unit. An agricultural accessory dwelling unit created by expanding an existing dwelling shall be permitted only in single-family detached dwellings.
 - [a] The agricultural accessory dwelling unit shall remain accessory and secondary to the principal single-family detached dwelling.
 - [b] The agricultural accessory dwelling unit shall be permitted in the existing principal single-family dwelling and may be a conversion of an existing part of the building, such as an attached garage or upper story of the dwelling, and designed so that to the greatest extent possible, the appearance of the principal dwelling remains that of a single-family detached dwelling.
 - [c] Additions of no greater than 100% of the gross floor area of the existing

dwelling or 2,000 square feet, whichever is less shall be permitted in conjunction with the creation of an accessory dwelling unit in order to facilitate more logical design or layout or as may be needed for enclosed stairwells or to meet Township and state safety codes. Additions shall comply with all applicable setback requirements in the district in which the use is located.

[d] Either the principal single-family dwelling or the agricultural accessory dwelling unit shall be occupied by the bona fide owner of the property on which both dwelling units are located.

[2] Conversion. The conversion of an existing structure on an agricultural parcel may be used for not more than one farm-related dwelling unit and shall follow the regulations as per § 350-1132.

[3] Additional single-family detached dwelling units. Additional single-family detached dwelling units shall be permitted on an agricultural parent parcel in accordance with the requirements of this section and Article IV.

(10) Accessory alternative energy facility, as per § 350-1139.

C. Residential accessory uses, buildings, or structures. The following uses shall be permitted when incidental and subordinate to a residential use and only when noncommercial and only for the use of residents of the dwelling):

(1) Garage or parking area for the parking of passenger automobiles including noncommercial trucks and vans.

(2) Structures such as shelter for household pets, storage sheds, bathhouses, gazebos, decks, patios, tennis courts, flagpoles, stables meeting the requirements of § 350-1212, and noncommercial greenhouses.

(3) Noncommercial swimming pool subject to the following:

(a) Noncommercial swimming pool, including both above-ground or in-ground pools, designed with a depth of two feet or more shall be for use of residents and their guests and shall not be operated commercially as to charge a fee for its use.

(b) A permit shall be required to locate and construct a noncommercial swimming pool.

(c) Swimming pools and buildings related to the pool may be located in the rear or side yard of the lot.

(d) Outdoor lighting, if any, shall be shielded and/or reflected away from adjacent properties so that the lighting is neither directed nor reflected upon adjacent properties.

(e) Noncommercial swimming pools shall be completely enclosed by a permanent fence of durable material at least four feet in height which shall be maintained in a good, safe condition. The fence shall be erected prior to the filling of the swimming pool and shall have self-closing and self-latching access gates that shall open away from the pool and where the release mechanism is located on the pool side of the gate. However, in the case of a shared community swimming pool such as in a

multifamily development, the access gate to the pool area shall be locked when the pool is not in use. The fence and access gates shall be constructed so as not to have opening exceed four square inches in any direction. This fencing provision shall not apply to a swimming pool four feet or more above grade when equipped with removable steps or ladders, provided that said steps or ladders shall be removed when the pool is not in use. In addition to the above requirements, all fences, barriers and gates for swimming pools shall comply with the applicable requirements of the Uniform Construction Code including more stringent requirements related to safety.

- (f) At the time of application for a building permit, it shall be demonstrated that the pool contains a filtration system, and that drainage of the pool is adequate and will not interfere with the water supply system, with existing sewage facilities, with public streets, and shall not drain into the neighboring property.
 - (g) Freestanding independent hot tubs and those associated with a noncommercial swimming pool shall be covered and latched when not in use.
- (4) Garage or yard sales.
- (a) Such temporary uses shall last no more than three consecutive days, and shall be limited to not more than four times within one calendar year. There shall be at least 30 days between each occurrence.
 - (b) Signs advertising garage or yard sales shall be limited to four square feet in size, and shall be posted no more than two days prior to the sale and removed by the day after the final day of the sale. No more than four off-premise signs shall be placed, and the location of off-premises signs shall be approved by the property owners of the properties on which they are placed.
 - (c) No more than one vehicle for sale or show shall be displayed on a residential lot.
 - (d) The garage sale shall occur in the front yard or garage.
- (5) Radio and television antenna, or microwave dish antenna subject to § 350-1104.
- (6) Fences or walls in accordance with the provisions set forth in § 350-1101.A(2) and (3) with respect to required setbacks and location upon the lot and also in accordance with Article XII.
- (7) Signs associated with the occupants of the dwelling in accordance with Article XIV.
- (8) Uses designed to serve the residents of a residential development, including areas for washing machines and dryers, lockers or storage areas, recreational facilities and lounges.
- (9) Trailers or recreational vehicles designed for use as vacation travel trailers placed, stored or parked on an occupant's or owner's lot shall not be used at any time during such placement for sleeping or living quarters or for any accessory use in conjunction with the principal use of the lot.
- (10) Temporary or nightly, outdoor parking or storage of commercial vehicles shall be limited to one vehicle per lot within the lot boundaries. There shall be a maximum of one such

vehicle per lot, and such vehicle shall be a maximum length of 35 feet. Such vehicle shall be owned or operated by the resident of the lot.

(11) Minor home occupation in accordance with § 350-1115.

(12) Major home occupation in accordance with § 350-1115.

(13) Supplemental dwelling unit. This accessory use, not related to agricultural uses, allows a smaller secondary dwelling unit within an existing single-family detached dwelling or within an existing accessory building on the same lot as the principal single-family detached dwelling without substantial exterior modification to the existing building. The purpose of this use is to protect and allow efficient use of the existing housing stock, and to provide an opportunity to allow housing to meet the specific housing needs of Township families as well as allow the owners to remain residents of that dwelling and the Township.

(a) A supplemental dwelling unit shall be permitted only in single-family detached dwellings or within an existing accessory building on the same lot as the principal single-family detached dwelling.

(b) The supplemental dwelling unit shall remain accessory and secondary to the principal single-family detached dwelling.

(c) The area and bulk regulations of the zoning district shall apply to the lot on which the supplemental dwelling unit is located.

(d) No more than one supplemental dwelling unit shall be allowed on each lot.

(e) The supplemental dwelling unit shall be permitted only in one of the following configurations:

[1] Located in the existing principal dwelling and may be a conversion of an existing part of the building, such as an attached garage or upper story of the dwelling, and designed so that to the greatest extent possible, the appearance of the principal dwelling remains that of a single-family detached dwelling. Entrances to the supplemental dwelling unit shall be located to the rear or side of the building.

[2] Contained within an existing accessory building on the same lot as the principal dwelling.

[3] Additions of no greater than 15% of the of the gross floor area of the existing dwelling or accessory building shall be permitted in conjunction with the creation of an supplemental dwelling unit in order to facilitate more logical design or layout or as may be needed for enclosed stairwells or to meet Township and state safety codes. Additions shall comply with all applicable setback requirements in the district in which the use is located.

(f) Either the principal single-family dwelling or the supplemental dwelling unit shall be occupied by the bona fide owner of the property on which both dwelling units are located.

(g) The supplemental dwelling unit shall be no more than 30% of the principal

dwelling's total floor area, and shall have a minimum floor area of 400 square feet.

- (h) Two off street parking spaces shall be provided for a supplemental dwelling unit in addition to the parking requirements for the principal use, in accordance with Article XIII.

(14) Short-term Rental. A Short-term Rental, as specifically defined in Article 2 of this Chapter, shall be permitted as an accessory use to an owner-occupied, single-family detached residential use in strict accordance with Chapter 262 of the West Caln Township Code including the requirement that the principal single-family dwelling shall be occupied by the bona fide owner of the property on which the short-term rental is located. A Short-Term Rental is subject to the same design configurations as a Supplemental Dwelling Unit.

(15) Accessory alternative energy facility, as per § 350-1139.

D. Commercial or industrial accessory uses, buildings, or structures. The following uses shall be permitted when incidental and subordinate to a commercial or industrial use:

- (1) Off-street parking facilities in accordance with Article XIII.
- (2) Signage in accordance with Article XIV.
- (3) Outdoor storage or display of materials in accordance with Article XII.
- (4) Fences or walls in accordance with Article XII.
- (5) Radio and television antenna, or microwave dish antenna subject to § 350-1104.
- (6) Flagpoles.
- (7) Cafeteria.
- (8) Accessory alternative energy facility, as per § 350-1139.

E. Institutional accessory uses, building, or structures. The following uses shall be permitted when incidental and subordinate to an institutional use:

- (1) Off-street parking facilities in accordance with Article XIII.
- (2) Signage in accordance with Article XIV.
- (3) Outdoor storage or display of materials in accordance with Article XII.
- (4) Fences or walls in accordance with Article XII.
- (5) Radio and television antenna, or microwave dish antenna subject to § 350-1104.
- (6) Flagpoles.
- (7) Cafeteria.
- (8) Accessory alternative energy facility, as per § 350-1139.

F. Temporary structure, building, or use. Temporary Structures, Buildings, or Uses shall be subject to the following:

- (1) A temporary permit shall be required for structures or uses necessary during construction

or other special circumstances of a nonrecurring nature, subject to the Township permitting process.

- (2) A temporary structure or use could include, but is not limited to offices for contractors, temporary residential uses, political campaign headquarters, temporary structures for business operations which have been displaced from the principal building due to damage, or other similar uses.
- (3) The time period of the initial permit shall be six months. The permit may be renewed for three months if the applicant can demonstrate reasonable progress towards the completion of the project necessitating the temporary structure, building, or use. A temporary use and occupancy permit shall not be required unless such uses remain in the same location for more than two consecutive days.
- (4) It shall be the responsibility of the applicant to demonstrate the need for a temporary use and occupancy permit.
- (5) Such structure, building, or use shall be removed completely within 14 days of the expiration of the permit without cost to the Township. A removal bond in a form satisfactory to the Township Solicitor from the owner or operator of the temporary structure or use may be required at the request of the Board of Supervisors.

G. Temporary community event. A temporary permit shall be required for a temporary community event, subject to the Township's permitting process. A temporary activity could include, but is not limited to, special events, flea markets, public exhibitions, municipal activities, nonprofit events, street fairs, festivals, fund-raisers, and similar organizational activities, subject to the following:

- (1) Such temporary uses shall be limited to not more than seven consecutive days per event, and shall be limited to not more than four events in a calendar year for each organization. There shall be a thirty-day period between each event.
- (2) Temporary signs advertising a temporary community event shall be subject to the provisions of Article XIV.
- (3) The applicant for the use shall provide the Township with plans satisfactory to the Township to ensure adequate parking, emergency access, road access, sanitary facilities, refuse collection, noise control, adequate lighting, and clean-up after the event. The Planning Commission shall make a recommendation to the Township as to whether the proposed plans are adequate.

§ 350-1102. Adult commercial uses.

Adult commercial entertainment shall be subject to the following regulations:

A. The following location standards shall be met:

- (1) Adult entertainment uses shall be located a minimum of 1,000 feet from another adult entertainment use in West Caln Township.
- (2) Adult entertainment uses shall be located a minimum of 500 feet from any residential zoning district, church, school, day care facility, or public playground or park in West Caln Township.

- B. Signs and visible messages based on the allowable sign area within the applicable zoning district shall be permitted, provided:
- (1) Sign messages shall be limited to verbal description of materials or services available on the premises and shall not be obscene in nature.
 - (2) Sign messages may not include any graphic or pictorial depiction of material or services available on the premises.
 - (3) Messages which are visible or intended to be visible from outside the property, such as on or within the doors or windows, shall not display materials, items, publications, pictures, films, or printed material available on the premises.
- C. Adult commercial uses shall require application for a conditional use permit from the Board of Supervisors prior to commencement of operation. Application for such a conditional use permit shall consist of:
- (1) A description of the premises for which the permit is sought.
 - (2) A statement of the intended use(s).
 - (3) Hours of operation.
 - (4) Type, size, and location of proposed sign(s).
 - (5) Any additional information required by Article XVI.
- D. Should any adult commercial use cease or discontinue operation for a period of 90 or more consecutive days, it shall not resume, nor may it be replaced by another adult entertainment use unless said use complies with all the requirements of this section and conditional use approval.
- E. Nothing in this chapter shall be deemed to allow any uses that are "obscene" as that term has been interpreted from time to time by the courts of the United States or the Commonwealth of Pennsylvania.
- F. There shall be no alcoholic beverages in associations with an adult commercial use without proper state licensing and permission from the PA Liquor Control Board.

§ 350-1103. Agricultural uses, CAOs, CAFOs, and mushroom production facilities.

Agricultural uses, CAOs, CAFOs, and mushroom production facilities and uses associated with agriculture shall be subject to the following regulations:

- A. General regulations.
- (1) Gardening, incidental to residential use, shall be permitted in any district without restriction in regard to lot area.
 - (2) The keeping of farm animals, exclusive of customary household pets and except as otherwise permitted shall be in accordance with the provisions of § 350-1212.
 - (3) Setbacks.
 - (a) Any structures used for the shelter or housing of livestock or poultry shall be located

not less than 100 feet from any lot line.

- (b) There shall be a fall zone for silos and other like farm structures whereby such structure shall be situated a minimum distance equivalent to the height of the structure plus 10% of that height from all property lines and public rights-of-way. In no case shall any such structure be constructed closer than 50 feet to any abutting property line or public right-of-way, except that where setbacks provided in the applicable district differ from 50 feet, the greater dimension shall apply
 - (c) Except as provided for dwellings or for riding rings, no other farm building or structure shall be constructed closer than 50 feet to any abutting property line or public right-of-way. Where setbacks provided in the applicable district differ from 50 feet, the greater dimension shall apply.
 - (4) Barns, silos, and bulk bins shall be exempt from the maximum building height limit when attached to an existing structure or located such that the distance from the base of the barn, silo, or bulk bin to both the nearest property line and the nearest street right-of-way line is no less than the height of said barn, silo, or bulk bin plus 10% of that height. In no case shall any building or structure exceed 85 feet in height.
 - (5) No discharge of liquid waste shall be permitted into a reservoir, sewage or storm sewer disposal system, holding pond, stream or open body of water or groundwater, as prohibited by the Clean Streams Law, 35 P.S. 69 I. I et seq., and the associated regulations of the Pennsylvania Department of Environmental Protection and Ordinances of West Caln Township.
 - (6) All grazing and pasture areas where animals are kept shall be fenced.
 - (7) The Township highly encourages a conservation plan and nutrient management plan to be completed for all agricultural uses, as specified by the Chester County Conservation District and under the Nutrient Management and Odor Management Act, 3 Pa.C.S.A. § 501 et seq., as amended, and such plans shall be mandatory when required by aforesaid Act.
 - (8) The display and sale of agricultural products and the operation of a secondary farm business shall be in accordance with § 350-1101B(7) and B(8), respectively.
 - (9) All agriculture activities shall be conducted in a manner consistent with accepted agriculture best management practices, and best available technologies, as issued by the Pennsylvania Department of Agriculture, the State Conservation Commission, the Pennsylvania Department of Environmental Protection, Pennsylvania State University - College of Agriculture, or similar recognized entities and shall be subject to all local, state and federal regulations.
- B. Agricultural uses other than CAOs, CAFOs, and mushroom production facilities. Agricultural uses, other than CAOs, CAFOs, and mushroom production facilities, and customary buildings associated with such agricultural uses shall be in accordance with the following standards:
- (1) Except as permitted in § 350-1101B(8), no slaughtering, processing, or production operations for commercial purposes shall be permitted.
 - (2) For an agriculture use involving the generation and handling of manure, a copy of

the Nutrient Management Plan or Manure Management Plan as prepared for the operation, shall be provided to the Township, as shall copies of all amendments to the Plan as they are made.

- (3) The storage or stock-piling of manure, organic matter, or other odor or dust producing substance shall be designed to prevent stormwater runoff into streams, streets, and adjacent properties, and shall not be permitted within 100 feet of any abutting property or public right-of-way; closer than 100 feet to any wells, springs, sinkholes, wetlands, streams, or waterbodies; on slopes adjacent to any wetlands, streams, or waterbodies; or within any swale or drainageway. Manure shall only be stored or stockpiled on an approved impervious surface that will restrict the associated nutrients from being released onto and into adjacent soils and the groundwater aquifer.
 - (4) Lots shall be graded so that animal wastes are confined, stockpiled, stored, or disposed of within the lot on which they originate. Waste disposal shall also be in accordance with the "Waste Disposal Ordinance of West Caln Township of 1983," as applicable.
- C. CAO or CAFO uses. CAO or CAFO uses and customary buildings associated with CAO or CAFO uses shall be in accordance with the following standards:
- (1) Residential dwellings shall be located a minimum of 100 feet from any adjacent CAO or CAFO use.
 - (2) A Nutrient Management Plan as originally submitted and later in the form approved by the Pennsylvania State Conservation Commission or Chester County Conservation District under the guidelines of PA Act 38, Nutrient Management Act shall be provided to the Township at the time of submission and again at time of approval with a copy of the issued approval letter. All subsequent amendment applications and approval letters shall also be provided to the Township. Likewise, the design/construction plans as certified by an engineer, for manure storage facilities governed by the provisions of 25 Pa. Code § 83.351, as then in effect, shall be provided to the Township at the time of submission to and approval by the State Conservation Commission or Chester County Conservation District. An engineer certificate shall also be provided to the Township certifying that the new facility was constructed in conformity with the submitted plan.
 - (3) An Odor Management Plan developed by a Certified Odor Management Specialist, as originally submitted and later in the form approved by the Pennsylvania State Conservation Commission or Chester County Conservation District under the guidelines of PA Act 38, Nutrient Management Act shall be provided to the Township at the time of submission and at the time of approval, with a copy of the issued approval letter. All subsequent amendment applications and approval letters shall also be provided to the Township.
 - (4) A copy of the Nutrient Management Plan Summary Information required to be submitted to the State Conservation Commission pursuant to 25 Pa. Code Section 83.281 shall be provided to the Township.
 - (5) A copy of any required National Pollutant Discharge Elimination System (NPDES)

Permit application submitted to the Pennsylvania Department of Environmental Protection shall be provided to the Township. A copy of the NPDES Permit issued, and all exhibits, as approved by the Pennsylvania Department of Environmental Protection, shall also be provided to the Township.

- (6) A Stormwater Management Plan shall be prepared and shall be provided to the Township for review and approval.
- (7) A driveway occupancy permit shall be secured from the Township after a review by the Township Engineer, or from the Pennsylvania Department of Transportation, with a copy to the Township, to establish that access onto the Township or State roads is suitable to accommodate the amounts and sizes of truck traffic that will be generated by the CAO or CAFO use.
- (8) No farm structure or other accessory outbuilding for CAO or CAFO use (excluding manure storage facilities governed by the provisions of 25 Pa. Code §83.351) shall be constructed or expanded closer than: 200 feet from any residential zoning district line; or, 200 feet from an existing dwelling or existing commercial building in which people are employed located on an adjoining lot.
- (9) Composting on a commercial basis is prohibited. Any on-site composting shall be limited to use on the premises upon which such compost is made.

D. Mushroom production facility and mushroom composting.

- (1) Mushroom production facilities and customary buildings associated with Mushroom production facilities shall be in accordance with the following standards:
 - (a) Mushroom production operations, including composting, shall be in specific conformity with the DEP manual entitled Best Practices for Environmental Protection in the Mushroom Farm Community. The applicant shall provide documentation to the Township that the operation has a mushroom farm environmental management plan that meets best management practices and is approved by the Chester County Conservation District.
 - (b) Minimum lot area shall be 10 acres.
 - (c) All buildings, structures, and loading facilities shall be set back a minimum of 100 feet from any adjoining property line or public right-of-way.
 - (d) Maximum lot coverage shall not exceed 50%.
 - (e) A landscaped buffer with a minimum width of 25 feet shall be located along property lines. No structures, storage, parking, or any other related activity shall be permitted within this buffer. Vegetative screening shall meet the requirements of § 350-1206.
- (2) Mushroom composting.
 - (a) Mushroom composting shall be an accessory use on the same property used for a mushroom production facility.
 - (b) Outdoor preparation and storage of compost shall be located at least one-

hundred and fifty (150) feet from any dwelling other than that of the property owner and a minimum of one hundred (100) feet from any adjoining property line.

- (c) Setbacks for enclosed composting shall meet § 350-1103D(1)(c).
- (d) Mushroom composting shall meet § 350-1103D(1)(a) and the requirements of Chester County Conservation District and/or Pennsylvania Department of Environmental Protection for leachate and compost pad runoff.
- (e) Stockpiling shall meet § 350-1103B or as otherwise determined in the approved mushroom farm environmental management plan.
- (f) Disposal and application of spent compost shall be permitted, provided the compost is used as fill, applied to fields, or transported to a facility for processing into another form and shall meet § 350-1103B.

§ 350-1104. Antenna (radio, television, microwave dish, and commercial communication).

A. Microwave dish, radio or television antenna. Such antenna shall be considered a permissible accessory use, subject to the following standards:

- (1) Radio or television antenna. Radio or television antenna shall be subject to the following:
 - (a) Where applicable, structures shall comply with Federal Communications Commission (FCC) regulations and the Township Building Code.
 - (b) The structure shall meet all yard requirements of the zoning district in which it is located, however no portion of the base of a freestanding antenna shall be located closer to any lot line than the height of the antenna, measured from the base of the antenna to the highest point.
 - (c) The highest point of an antenna shall not exceed the peak of the roof of the principal building by more than 15 feet, or if a freestanding antenna the highest point shall be 50 feet.
 - (d) No more than two antenna of any kind, including radio, television or microwave dish antenna, shall be permitted per lot, nor shall more than one freestanding radio or television antenna or one microwave dish antenna be permitted per lot.
- (2) Microwave dish antenna. Microwave dish antennas shall be subject to the following requirements:
 - (a) Microwave dish antenna residential accessory use. Microwave dish antennas shall be considered as a permissible accessory residential use, subject to the following:
 - [1] When freestanding, (not roof mounted), the following shall apply:
 - [a] The total height of the microwave dish antenna shall not exceed 10 feet.
 - [b] Such an arrangement shall be screened with staggered plantings or fencing to the extent that such screening does not substantially interfere

- with reception.
- [c] Supporting material shall comply with the Township Building Code.
- [d] The microwave dish antenna shall be located only in the side or rear yard, as is feasible with regard to reception, and shall not be closer than 10 feet to any property line.
- [2] When roof or wall mounted, the following shall apply:
 - [a] The microwave dish antenna shall be located on a portion of the roof or wall facing away from the front of the lot and no part thereof shall project above the ridge line or be visible from the front of the lot, unless approved as a special exception by the Zoning Hearing Board.
 - [b] Mounting materials and methods shall comply with the Township Building Code.
- [3] No more than one microwave dish antenna shall be permitted on any lot.
- (b) Microwave dish antenna commercial, institutional, or industrial accessory use. Microwave antennas shall be considered a permissible commercial, institutional, or industrial accessory use, subject to the following regulations:
 - [1] Microwave dish antennas up to three feet in diameter may be installed, subject to those specific regulations set forth for residential accessory uses, above.
 - [2] Microwave dish antennas exceeding three feet in diameter shall be permitted, subject to the following:
 - [a] The total height of the microwave dish antenna shall not exceed 12 feet, unless approved as a special exception by the Zoning Hearing Board.
 - [b] The microwave dish antenna shall be located only in the side or rear yard, as feasible with regard to reception, and not less than 25 feet from any property line.
 - [c] Screening shall be provided in accordance with those stipulated for residential microwave dish antenna, above.
 - [d] Before erection or installation of any such microwave dish antenna, a permit application shall be made to the Township and a fee paid, as may be established by Board of Supervisors, and shall be accompanied by plans to scale, showing:
 - [i] The dimensions of the lot and location of the buildings thereon.
 - [ii] Details of all microwave antenna anchors, supports and foundations, and the exact proposed location thereon on the lot.
 - [iii] Design wind load on each anchor and allowable wind load on each anchor.
 - [iv] Forces on foundation, including live load and dead load.

- [v] Allowable soil bearing pressure and actual soil bearing pressure.
 - [vi] Strength and allowable stresses of cables, rods or braces. Actual force and allowable force for each cable, rod or brace.
 - [vii] When microwave antennas are attached to an existing structure, provide details of how microwave antenna loads will be distributed to the existing structure.
 - (c) General regulations. Microwave dish antennas in all districts shall be subject to the following additional general regulations:
 - [1] All microwave dish antenna shall remain accessory to the principal use of the lot on which it is located.
 - [2] No microwave antenna may be erected in any district or any location within a district which is prohibited by regulation of the FCC or other regulatory agency having jurisdiction.
 - [3] Except in the Agricultural Preservation District, Multi-Purpose District, and Rural Center District, microwave dish antenna shall be used solely for the reception of radio and electromagnetic waves.
 - [4] Dishes may be inspected annually by the Township for safety concerns.
- B. Commercial communications antenna and facilities. The following regulations shall apply to all commercial communication antenna and facilities constructed in the Township.
 - (1) Purpose.
 - (a) Accommodate the need for commercial communications facilities while regulating their location and number in the Township.
 - (b) Encourage the joint use of any new antenna support structures in order to reduce the number of such structures needed in the future.
 - (c) Minimize adverse visual effects of commercial communications facilities, and antenna support structures through proper design, siting, and vegetative screening.
 - (d) Avoid potential damage to adjacent properties from antenna support structure failure and falling ice, through proper structural engineering and proper site location of antenna support structures.
 - (2) Standards for the location of commercial communications facilities. All commercial communication antenna and facilities shall meet the following locational requirements:
 - (a) An antenna that is attached to a communications tower, smoke stack, water tower, or other tall structure, is only permitted in the Agricultural Preservation District, Multi-Purpose District, and Rural Center District as a use by-right and shall not exceed the height of the existing structure by more than 15 feet, otherwise Subsection B(2)(b), below, shall apply. If the antenna is to be mounted on an existing structure, or within an existing structural element such as a steeple, a full site plan shall not be required.

- (b) A commercial communications facility with an antenna that is either not mounted (freestanding) on an existing structure, or is greater than 15 feet in height than the structure onto which it is mounted, requires approval as a conditional use in accordance with Article XVI. Such use shall only be permitted in the Agricultural Preservation District and the Multi-Purpose District.
 - (c) All other uses ancillary to the antenna and associated equipment (including a business office, maintenance depot, vehicle storage, etc.) are prohibited from the commercial communications facility, unless otherwise permitted in the zoning district in which the commercial communications facility is located.
 - (d) If located on the same lot with another permitted use, the antenna shall not be located in the front or side yard. This requirement shall not apply to an antenna mounted on an existing structure.
 - (e) The support structure and antenna shall fall within the lot lines of the property on which it is located and shall not intrude upon the road right-of-way.
- (3) Standards for approval applicable to all commercial communication facilities. All commercial communication facilities shall meet the following requirements:
- (a) Height. The applicant shall demonstrate that the antenna is the minimum height required to function satisfactorily, unless it can be demonstrated that the purpose of increased height beyond the minimum necessary is to allow for future co- location of facilities on said antenna, which in no case shall exceed 200 feet for antenna not mounted to an existing structure. Antenna height is the vertical distance measured from grade at the base of the antenna to the highest point of the support structure or antenna, whichever is higher. If the support structure is on sloped grade, the lowest grade shall be used in the calculation of the height.
 - (b) Setbacks. If a new antenna support structure is to be constructed, the minimum distance between the base of the support structure or any guy wire anchors, and any property line shall be equal to or greater than the antenna height, as defined in Subsection B(3)(a), above. However, setback required can be modified by the Board of Supervisors, if the Board of Supervisors determines that a lesser setback will reduce the commercial communication antenna's visual impact and if safety issues are satisfied, such that there is evidence satisfactory to the Township Engineer that the antenna and support structure have a located pattern of collapse (the antenna and support structure is collapsible on itself).
 - (c) Structure safety. The applicant shall demonstrate that the proposed antenna and support structure are safe, designed and built in accordance with the Township Building Code, Federal Aviation Administration (FAA) regulations, and other applicable codes and standards, and that the surrounding areas will not be negatively affected by antenna support structure failure, falling ice or other debris, electromagnetic fields, or radio frequency interference. The proposed antenna and support structure shall be designed to withstand a wind load of 125 mile per hour. All antenna support structures shall be fitted with anti-climbing devices, as approved by the manufacturer. The owner or operator of the commercial communication antenna shall submit to the Township an annual inspection report regarding the structural safety of the commercial communications antenna support

structure and facility.

- (d) Fencing. A fence shall be required around the antenna support structure and other equipment, unless the antenna is mounted on an existing structure. The fence shall be 12 feet in height.
- (e) Landscaping. Landscaping shall be required to screen as much of the antenna support structure, associated building and equipment, fence, and other ground level features as possible. A combination of existing vegetation, topography, walls, decorative fences, or other features may be permitted if they achieve the same degree of screening as required below. If the antenna is mounted on an existing structure, such landscaping shall not be required.
 - [1] An evergreen screen consisting of either a hedge planted every four feet minimum or evergreen trees planted every 10 feet.
 - [2] Existing vegetation on and around the site shall be preserved to the greatest extent possible.
- (f) Joint use. To reduce the number of antenna support structures needed in the community in the future, antenna shall co-locate and the proposed support structure shall be required to accommodate other users, including other commercial communication companies, and local police, fire, and ambulance companies, unless there are mechanical, structural or other factors preventing the joint use of facilities.
- (g) Licensing. The commercial communications company must provide evidence to the Township that it is licensed by the FCC.
- (h) Electromagnetic emission. The commercial communications company shall comply with FCC regulations and requirements promulgated by the FCC for safe human exposure to radio frequency electromagnetic fields, and shall provide copies to the Township of the latest FCC information regarding emission standards and shall also submit information on the power intensity of the facility annually demonstrating compliance with current FCC standards. Once installed, any increase in power or output of the facility shall be reported immediately to the Township. There shall be no interference with existing radio, television, or other reception as per § 350-1214H. In the event that a commercial community facility or antenna causes interference with radio or television reception on any property within the Township, or with any police, fire, or other emergency services communication for a period of greater than three consecutive days, the property owner may notify the Township which may notify the applicant of such interference and the applicant, at their expense, shall thereafter ensure that any interference issues are corrected in a timely manner. If the applicant fails or refuses to correct such issues in a timely manner, the applicant shall be subject to the enforcement provisions of this chapter.
- (i) Parking. If the commercial communications site is fully automated, adequate parking shall be required for maintenance workers. If the site is not automated, the number of parking spaces shall equal the number of people on the largest shift, with a minimum of one required parking space.
- (j) Design. Commercial communication antenna mounted on an existing structure shall be designed and maintained, to the greatest extent feasible, to blend with the

existing structure, Commercial communication antenna support structures shall, to the greatest extent feasible, blend with the existing surroundings, and antenna support structures shall be painted or have a galvanized finish to reduce visual impact. Painting of antenna support structures shall meet all FAA regulations.

- (k) Lighting. No antenna support structure shall be artificially lighted except as required by the FAA. Such lights shall be shielded so as to reduce intrusion upon nearby properties.
- (l) The applicants shall provide to the satisfaction of the Township proof of evidence from a licensed professional engineer that the placement of the commercial communications antenna will not interfere with public safety nor the usual and customary transmission or reception of radio, television, or other communication services for adjacent residential and nonresidential properties.
- (m) Access drive requirements.
- (n) Site plan. Site Plan Requirements are as follows:
 - [1] A site plan shall be required for all commercial communication sites proposing a new structure or an antenna 15 feet or higher than the existing structure on which it is mounted. The site plan shall show the antenna, antenna support structure and specifications, equipment facility, building, fencing, buffering, grading, ingress and egress, grounding, datum/benchmark utilized in preparation of the plan, key map showing the parcel(s) and the relation to adjoining property, streets roads and municipal boundaries including adjacent uses within 200 feet of the site, all existing and proposed easements or rights-of-way, name of record owner of the tract and source of title as shown by the Chester County Recorder of Deeds, name address, license number and seal of registered professional engineer responsible for the plan, total parcel(s) boundary lines with accurate distances to the hundredths of a foot and bearings in degrees, minutes and seconds, all monumentation, description and illustration of the design of the commercial communication antenna as well as all other provisions named in § 350-1104B(3) in order for the Township to assess visual impact. The site plan shall meet all other applicable requirements of this chapter for the district in which it is located. Additionally, a report prepared by a qualified licensed professional engineer in the Commonwealth of Pennsylvania shall certify as to the proper design of the foundation and support structure in accordance with all applicable requirements.
 - [2] The site plan shall not be required if the antenna is to be mounted on an existing structure and is less than 15 feet higher than the existing structure. In such cases, information necessary for the applicable zoning permit and building permit shall be provided as well as a report prepared by a qualified licensed professional engineer in the Commonwealth of Pennsylvania shall certify as to the proper design of the foundation and support structure in accordance with all applicable requirements.
- (4) Standards for commercial communication facility requiring conditional use approval. In addition to the requirements of Article XVI and this section, the following standards shall be met when a commercial communications facility requires approval as a

conditional use:

- (a) The commercial communications company is required to demonstrate, using technological evidence, that the antenna must be located where it is proposed in order to satisfy its function in the company's grid system, and demonstrate that there is a need for this facility in the community where it will be located.
 - (b) If the commercial communications company proposes to build a communication tower or other antenna support structure, as opposed to mounting the antenna on an existing structure, it is required to demonstrate that it contacted the owners of tall structures within a 1/4 mile radius of the site proposed, requesting permission to install the antenna on those structures, offered market compensation to such owners, and was denied permission for reasons other than economic ones. Tall structures shall include, but are not limited to, smoke stacks, water towers, tall buildings, and antenna support structures of other communications towers (fire, police, etc.). The Township may deny the application to construct a new tower if the applicant has not made a good faith effort to mount the antenna on an existing structure.
 - (c) If conditional use is granted, it shall be subject to the condition that the use of the commercial communication antenna support structure shall be made available to other users as per § 350-1104B(3)(f), above.
 - (d) The applicant shall document the ownership or lease of land on which the communication facility is to be located.
- (5) Installation and maintenance. Commercial communications facility and antenna owners shall employ ordinary and reasonable care in the installation and maintenance of such facilities. They shall maintain no less than the best available technology for preventing failures and accidents which are likely to cause damage, injury or nuisance to the public.
- (6) Removal of commercial communication antenna. The commercial communication antenna/facility owner is required to notify the Township immediately upon cessation and abandonment of the operation. Commercial communication antenna that are no longer licensed and active commercial transmitting facilities shall be removed at the owner's expense within 60 days after the last date that the facility was licensed by the FCC. At the time of issuance of the permit for construction of the commercial communication antenna/facility, a bond or escrow account shall be posted with the Township in an amount approved by the Township sufficient to ensure the expense of the dismantling and removal of said structure. The antenna and facility shall be removed within one foot of ground level.
- (7) Fees. An applicant seeking the approval of a commercial communication antenna shall establish an escrow account with the Township from which the Township will make payment of fees and charges for consultants it deems necessary for the processing and for reasonable expenses related to the application for a commercial communication antenna/facility.

§ 350-1105. Automobile or truck sales.

Automotive and truck sales facilities shall be subject to the following regulations:

- A. The minimum lot size for automobile and truck sales is two acres.

- B. Building and permanent structures must be setback a minimum of 75 feet from all property lines. Parking and display areas for automobiles and trucks and service and loading areas shall be a minimum of 50 feet from all residential uses and districts.
- C. A minimum of 20% of the lot shall be landscaped and open areas
- D. Primary access shall be from a collector or arterial road, as designated on the Functional Classification of Roads map (see attachment), and as herein defined.
- E. This use may contain up to a maximum of 60,000 square feet of total floor area. For the purposes of this section, an individual 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.
- F. Except where buildings directly abut one another, no individual building shall be placed closer to any other building than the height of the taller of such adjacent buildings.
- G. Parking lot design, landscaping, buffering, lighting, signs, and access shall be in accordance with the applicable sections of this chapter.
- H. There shall be no commercial sale of gasoline. Gasoline on the premises shall only be for use related to the primary business of automotive and truck sales.
- I. Waste shall be removed from the property by a certified waste removal agency and shall follow all applicable PaDEP regulations

§ 350-1106. Bank and financial institution.

Banks or other financial institutions shall be subject to the following regulations:

- A. The use shall have direct access to a collector or arterial road, as designated on the Functional Classification of Roads map (see attachment), and as herein defined.
- B. There shall be no more than one point of egress to each street on which the lot abuts.
- C. The access shall be set back at least 40 feet from street intersections. The distance shall be measured from the street right-of-way to the edge of the access driveway.
- D. Drive-through windows or automated tellers shall be subject to the regulations of § 350-1111.

§ 350-1107. Bed-and-breakfast.

Bed-and-breakfast facilities shall be subject to the following regulations:

- A. The bed-and-breakfast shall remain incidental and secondary to the principal use of the building as a dwelling. A bed-and-breakfast shall be permitted only in a single-family detached dwelling.
- B. The principal operator of a bed-and-breakfast shall reside in the dwelling house of said facility. Nonresident employees shall be restricted to two in addition to the resident members of the family.
- C. Exterior and interior alterations shall be limited to those customarily associated with

residential use or those which may be required by the Pennsylvania Department of Labor and Industry, or for safety reasons as required by any 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 residence.

- D. There shall be no separate cooking facilities in any guestroom. Food served to guests on the premises shall be limited to breakfast and tea and eating facilities shall be open only to guests.
- E. When located within 100 feet of a residential use, the use of active recreation amenities, such as a swimming pool or tennis court, shall not be lighted and shall be limited to the hours 9:00 a.m. to 10:00 p.m.
- F. Where an on-lot sewage disposal system is to be used, the application for the use shall be accompanied by a valid Chester County Health Department permit verifying that the existing or proposed sewage system can accommodate the maximum potential usage and that an appropriate site for a replacement system is available should the existing system fail.
- G. Adequate lighting and off-street parking shall be provided in accordance with Article XII and Article XIII.
- H. Signs associated with the bed-and-breakfast facility shall be in accordance with Article XIV.
- I. The minimum lot size for a bed-and-breakfast shall be 20,000 square feet in the Village District and Rural Center District, and shall be one acre in other districts where the use is permitted.
- J. Off-street parking shall be as provided in Article XIII.

§ 350-1108. Cemetery.

Cemeteries shall be subject to the following regulations:

- A. Proper landscaping and ground cover shall be maintained at all times. Retention of natural buffer areas shall be maintained to the greatest degree possible along with the use of landscape material to mitigate impacts to scenic landscapes and water recharge capacity.
- B. No buildings other than crematoriums, mausoleums, mortuaries and the like shall be permitted and no building shall be more than 15 feet in height.
- C. No cemetery (except where located on the same lot as a church) shall be less than 10 acres in size, except that a pet cemetery shall have a minimum lot area of five acres. Cemeteries associated with places of worship shall have a minimum lot size of one acre.
- D. An application for a cemetery use shall include the following:
 - (1) A master plan identifying the overall layout of plots, internal road network, buildings, and other improvements.
 - (2) A valid permit issued by the Pennsylvania Department of Health, when applicable.
 - (3) A narrative of how the cemetery will be developed and maintained.
 - (4) That the recharge of the groundwater is not adversely impacted by the cemetery design shall be demonstrated by the applicant. The layout or burial grounds, structures, and

other impervious surfaces and the design of stormwater management facilities shall optimize opportunities for natural recharge. Sufficient hydrological information shall be provided by the applicant to the Township Engineer to satisfy that the potential for groundwater contamination from the development of the burial grounds shall not be hazardous to any neighboring water supply wells.

- E. Individual plots shall be set back a minimum of 50 feet from all lot boundaries and public rights-of-way.
- F. No vault shall be located where at its greatest depth below the ground surface it may intrude upon the seasonal high water table.
- G. In order to provide for adequate percolation of groundwater, all burial vaults shall be placed such that minimum horizontal separation between vaults is no less than two feet. This provision shall not apply to burial vault(s) completely enclosed within a mausoleum.

§ 350-1109. Club or lodge.

A club or lodge shall be subject to the following regulations:

- A. The minimum area for a club or lodge shall be three acres.
- B. The use of the facility shall be for authorized members and guests only.
- C. Lodging of overnight guests is prohibited in any building that is a club or lodge.
- D. Outdoor activity areas shall be setback a minimum of 50 feet from any property line. The Zoning Hearing Board or Board of Supervisors, as applicable, may establish other setbacks in the event of incompatible activities or uses between the club or lodge and adjacent uses.
- E. When located within or adjoining a residential district or use, the hours of operation shall be established by the Zoning Hearing Board and shall not interfere with neighboring properties and uses.
- F. Outdoor lighting shall comply with the appropriate provisions in Article XII.
- G. A buffer, in accordance with Article XII shall be maintained adjacent to any residential use or district. All structures, parking, and facilities for outdoor activity shall be screened.
- H. The use of firearms, paintball guns and apparatus, archery, and similar activities shall be prohibited.

§ 350-1110. Day-care center (commercial or nonprofit).

Day-care centers shall be subject to the following regulations:

- A. Approvals and licensing. Operators are responsible for compliance with all pertinent approval and license requirements from appropriate state, county, and other agencies. Prior to issuing a permit by the Township Zoning Officer, the applicant shall have received and hold all pertinent approvals and licenses, and where applicable, the applicant shall also provide evidence that all conditions set by the Zoning Hearing Board during the special exception approval process have been met.
- B. Child day-care center. Minimum indoor areas and outdoor play area requirements per child

shall meet all applicable current Pennsylvania Department of Human Services requirements. In addition, an outdoor play area shall be provided according to the following:

- (1) The outdoor play area shall be located to the rear or side of the building.
- (2) The outdoor play area shall be enclosed by a fence suitable to restrict children to the play area and fencing shall be a minimum of five feet in height.
- (3) The outdoor play area shall not include driveways, parking areas, or any other area unsuited to active recreation.
- (4) The outdoor play area shall be on the same site as the principal structure.
- (5) Outdoor play areas shall be sufficiently screened as to protect adjacent residential areas from noise and disturbance.
- (6) Outdoor play shall be limited to daylight hours.

C. Adult day-care center. Minimum indoor and outdoor recreation area requirements shall meet all applicable current state requirements per adult. In addition, an outdoor recreation area shall be provided according to the following:

- (1) The outdoor recreation area shall be located to the rear or side of the building.
- (2) The outdoor recreation area shall be enclosed by a fence suitable to restrict adults to the area and fencing shall be a minimum of five feet in height.
- (3) The outdoor recreation area shall not include driveways, parking areas, or any other area unsuited to active recreation.
- (4) The outdoor recreation area shall be on the same site as the principal structure.
- (5) Outdoor recreation areas shall be sufficiently screened as to protect adjacent residential areas from noise and disturbance.

D. Signage shall be permitted in accordance with Article XIV.

E. Off-street parking and passenger unloading and loading space shall be provided to prevent interference with traffic flow on any adjacent street or road, in accordance with Article XIII.

F. There shall be sufficient outdoor lighting and walkways from the principal building in which the use is located to parking areas. Outdoor lighting shall be in accordance with Article XII.

§ 350-1111. Drive-through service.

Drive-through service shall comply with the following provisions:

- A. The use shall have direct access to either a collector or arterial road, as designated in the Comprehensive Plan, and as herein defined.
- B. For a drive-through window located adjacent to a residential use or district, screening shall be maintained along all property lines abutting the residential use or district, as specified in § 350-1206.
- C. Drive-through service windows for restaurants must have a cartway that has a dedicated area

for conducting business, a vehicle stacking lane which can accommodate a minimum of eight cars for restaurant and a minimum of five cars for banking and other uses for those waiting to conduct business, and an area for departing vehicles. The stacking lane shall not be used for parking lot circulation aisles or in any way conflict with parking or circulation. The stacking lane shall be clearly marked to distinguish it from other traffic.

- D. Access shall be a minimum of 40 feet from street intersections. The distance shall be measured from the street right-of-way line to the edge of the access driveway.
- E. When this use is adjacent to or on the same lot as other commercial establishments, it shall use a common access with the other establishments and not have a separate entrance to the street.
- F. A sidewalk shall be provided between an existing sidewalk and the entrance to the restaurant. If there is no existing sidewalk, one shall be provided along the street frontage.
- G. Trash receptacles shall be provided outside the restaurant for patron use and shall be located in a manner that drive-through customers have access to from an automobile, but trash receptacles shall not be located within 15 feet of any residential properties. A trash storage unit shall also be provided which is designed to be screened from the street and adjacent properties.

§ 350-1112. Educational use.

Educational uses shall be permitted when in accordance with the following standards:

- A. Public or private nonprofit school. A public or private nonprofit school (one which is not conducted as a private gainful business) and is licensed under the proper governmental authority shall be subject to the following provisions:
 - (1) Access shall be taken from a collector or arterial road, as designated in the Comprehensive Plan, and as herein defined.
 - (2) The minimum required lot size shall be by conditional use, dependent on the type and intensity of educational use.
 - (3) Outdoor play or recreation areas adjacent to a residential use or district shall be a minimum of 75 feet from side and rear property lines and shall be sufficiently screened to minimize disturbance of residential areas. Outdoor play or recreation areas adjacent to a nonresidential use or district shall be a minimum of 50 feet from side and rear property lines.
- B. Commercial (for-profit) or trade school.
 - (1) The minimum required lot size for a commercial (for-profit) school, including trade or professional schools and art, music, or dancing schools shall be one acre.
 - (2) Building or structures associated with this use shall be setback a minimum of 50 feet from residential uses or districts.
 - (3) Off-street parking shall be in accordance with Article XIII.
- C. The applicant shall demonstrate that all necessary approvals and permits from state and local agencies have been obtained or waived.

§ 350-1113. Funeral home.

Funeral homes shall comply with the following provisions:

- A. The minimum lot area per such use shall be one acre.
- B. The hours of operation shall not interfere with neighboring properties, and shall be set by the Zoning Hearing Board.
- C. Off-street parking and loading shall comply with Article XIII.

§ 350-1114. Gasoline station, service station, or car wash.

Gasoline station, service station, or car wash shall be permitted in accordance with the following standards:

- A. A minimum lot width of not less than 200 feet shall be provided along each street on which access is proposed. This requirement shall not apply to facilities solely providing repair services, in which case the required lot width of the underlying district shall apply.
- B. Access shall be set back at least 40 feet from the intersection of any street.
- C. Fuel pumps shall be at least 20 feet from any street right-of-way.
- D. All automotive parts, refuse, and similar articles shall be stored within a building or enclosed area.
- E. All automotive repair or service activities, except those performed at fuel pumps, shall take place within a completely enclosed building. Vehicles waiting for repairs shall not be stored outdoors for more than 10 days. Junk vehicles may not be stored in the open at any time. There shall be no more than two parked vehicles per service bay. Any extra vehicles shall be in an enclosed or fenced area.
- F. There shall be barrier protection for fuel pumps in accordance with PA Department of Transportation regulations and any other applicable regulations.
- G. The applicant shall demonstrate that all discharge from the use on the property shall be contained and that there shall be no off-site release of discharge.
- H. All gasoline station and/or service station uses shall adhere to applicable PaDEP regulations.
- I. Of-street parking and stacking spaces shall be provided in accordance with the requirements of Article XIII. Buffering and outdoor storage shall be in accordance with Article XII.

§ 350-1115. Home occupation/home-based business (major and minor/no impact).

Minor home occupation/No impact home-based business and Major home occupation/Major home based business shall be permitted when in accordance with the following standards:

- A. Minor home occupation. Minor home occupations shall meet all of the following requirements:
 - (1) The business activity shall be compatible with the residential use of the property and surrounding uses.

- (2) The use is carried on entirely by the inhabitants of the dwelling, and shall employ no employees other than family members residing in the dwelling.
 - (3) The use does not involve any customer, client, or patient visits, whether vehicular or pedestrian, to the dwelling.
 - (4) Such use involves no pickup, delivery, or removal functions to or from the premises in excess of those normally associated with the residential use.
 - (5) There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.
 - (6) There shall be no outside appearance of a business use, including, but not limited to, parking, signs or lights.
 - (7) The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.
 - (8) The business activity may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.
 - (9) The business activity shall only be conducted within the dwelling and the floor area devoted to such use shall not exceed 20% of the total floor area of the principal residential structure.
 - (10) Such business use shall not involve any illegal activity.
- B. Major home occupation. A home occupation that does not meet one or more of the criteria listed under Subsection A above shall be defined as a major home occupation/major home-based business. Major home occupations shall be permitted only when other applicable criteria of this section and chapter can be met.
- C. Prohibited home occupations. Home occupations shall not include the following uses, which shall be classified as commercial or institutional uses:
- (1) Animal shelter, commercial kennel or veterinary office;
 - (2) Rooming or boarding home;
 - (3) Bed-and-breakfast;
 - (4) Funeral home;
 - (5) Restaurant;
 - (6) Outdoor cafe;
 - (7) Club or lodge;
 - (8) Medical or dental clinic (two or more doctors or dentists);
 - (9) Retail shop;
 - (10) Rental business;

- (11) Furniture stripping;
 - (12) Auto or small engine repair;
 - (13) Painting of vehicles, trailers, or boats;
 - (14) Manufacturing, repairing or other mechanical work performed in connection with the home occupation performed in any outdoor area;
 - (15) Private school with organized classes;
 - (16) Welding shop; or
 - (17) Other uses of similar character to those listed above.
- D. The Township Zoning Officer shall determine whether a proposed home occupation falls under the category of minor, major, or prohibited. The applicant shall be responsible for supplying such information as deemed necessary by the Township Zoning Officer to make this determination. The following requirements for approval and permitting shall apply:
- (1) Upon determining that the proposed use is a minor home occupation and is in conformance with the requirements of this chapter, the Township Zoning Officer shall issue a zoning permit.
 - (2) Where the Township Zoning Officer determines that the proposed use is a major home occupation, the use shall be permitted only as a special exception and shall require review and approval by the Zoning Hearing Board in accordance with the provisions of § 350-1708, Granting of special exceptions, and the criteria of this section. The Zoning Hearing Board may attach such reasonable conditions and safeguards as it deems necessary to implement the purposes of this chapter. Following approval, the Township Zoning Officer shall issue a zoning permit.
 - (3) A home occupation permit shall not be transferable to another property or to another type of home occupation. The permit issued shall only be valid for the use and on the property for which it was originally issued. In the event that a property with an existing home occupation is sold, leased, or rented to someone other than the original permit holder, the new owner, lessee or renter, shall be required to obtain a home occupation permit, demonstrating full compliance with the requirements of this chapter and any other applicable regulations.
 - (4) A Township official shall be permitted to inspect the home occupations by request to ensure that the requirements of this section and other applicable Township regulations are being carried out.
- E. General standards applicable to home occupations. The following standards shall apply to all home occupations, whether major or minor:
- (1) No more than one home occupation shall be permitted per lot.
 - (2) The practice of a home occupation shall be carried on entirely within the dwelling which is the bona fide residence and under ownership of the principal practitioner or contained entirely within an accessory building and located on the same lot as the dwelling.
 - (3) All applicants for a home occupation shall be required to obtain a permit from the

Township in accordance with the requirements of Subsection D above within 30 days prior to beginning operation of the use.

- (4) There shall be no change in the exterior appearance of the dwelling, any accessory building and/or the lot, which would cause the premises to differ from its residential character by the use of advertising, materials, show windows, or special lighting visible from the outside of the premises to attract customers or clients, except those signs permitted by this chapter for major home occupations. No public display of any goods and/or product, information and/or advertising concerning any goods and/or product or interior display shall be visible from the outside.
 - (5) The home occupation shall not cause noise, glare, vibration, fumes, dust and/or electrical interference detectable to normal senses beyond the property in excess of levels customarily generated by a residential use.
 - (6) There shall be no storage or use upon the premises of toxic, explosive, polluting, dangerous, or other substances defined as hazardous by the PaDEP, or through applicable regulations.
 - (7) With the exception of family day care home, no home occupation activity shall be conducted between the hours of 8:00 p.m. prevailing time, and 7:00 a.m. prevailing time which involves individuals entering or leaving the premises or mechanical operations.
 - (8) Deliveries from major commercial suppliers which may be disruptive to the neighborhood shall not be made between the hours of 8:00 p.m. prevailing time and 8:00 a.m. prevailing time.
 - (9) There shall be no unenclosed exterior storage of material or refuse resulting from the home occupation. All home occupations shall meet applicable outdoor storage standards of § 350-1204.
 - (10) All commercial vehicles shall be parked on the same lot as the home occupation, and only one commercial vehicle may be parked outside of a garage, enclosed structure, or screened parking space within the lot boundaries. Such a commercial vehicle shall have no more than two axles. There shall be no storage of tractor-trailers on the lot on which the home occupation is located.
- F. Standards applicable to minor home occupations. In addition to other applicable criteria of this chapter, the following standards shall apply to minor home occupations:
- (1) No employees shall be permitted, except the inhabitants of the dwelling in which the home occupation is located.
 - (2) A minor home occupation shall be permitted in any dwelling type.
- G. Standards applicable to major home occupations. In addition to other applicable criteria of this chapter, the following standards shall apply to major home occupations:
- (1) Major home occupations shall be permitted only in single-family detached dwellings or an accessory structure to a single-family detached dwelling.
 - (2) The area used for a major home occupation shall not exceed 30% or 600 square feet of the total floor area of the principal residential structure or accessory structure, except for

family day care home which shall meet applicable state requirements.

- (3) No more than one person, other than resident members of the immediate family may be employed or subcontracted at the residence. Use of nonresident employees must have prior approval from the Zoning Hearing Board.
- (4) No more than two clients at any one given time shall be permitted to visit the premises to conduct business related to the major home occupation.
- (5) One exterior sign no greater than a total of four square feet in size shall be permitted per major home occupation. It shall not be illuminated or animated.
- (6) No articles shall be sold or offered for sale except those produced on the premises. Such sales must have prior approval by the Zoning Hearing Board.
- (7) Where employees or customer visits are anticipated, off-street parking shall be provided in sufficient capacity to prevent interference with normal residential parking in the neighborhood. Minimum off-street parking requirements shall apply as designated in Article XIII.
- (8) Beauty parlors and barber shops may be permitted as a major home occupation provided that no more than two stylist or barber chairs are provided and all other provisions of this chapter are met.
- (9) Instructional services may be permitted as a major home occupation provided that a maximum of three students may be instructed at any one time, and there shall be no more than two trips per hour.
- (10) Family day care home. Family day care home is a major home occupation in which a private residence is used for the care and supervision of between four and six children or adults, not related to the caregiver. A family day care home shall be registered with the Pennsylvania Department of Human Services. When in compliance with the provisions outlined below and all other applicable requirements, family day care home shall be permitted as a major home occupation:
 - (a) Prior to final Township approval of this use and the issuing of a permit by the Township Zoning Officer, the applicant shall demonstrate receipt and holding of all pertinent approvals and registration certificates from appropriate state or county agencies, and shall provide evidence that all criteria set by the Zoning Hearing Board have been met. These shall be conditions of Township permit approval.
 - (b) Family day care home uses shall only be permitted in a single-family detached dwelling.
 - (c) There shall be no alterations to exterior facades of residential structures to accommodate family day care home facilities in a residential district, except for safety purposes which shall be confined to rear or side walls not visible from any public right-of-way.
 - (d) For family day care home for children, a minimum outdoor play area meeting the most current Pennsylvania Department of Welfare regulations shall be provided for each child. The outdoor play area shall be located to the side or rear of the property. Setbacks for this play area shall meet the side and rear setback requirements for the

applicable district.

- (e) For family day care home for adults, a minimum outdoor recreation area meeting all current applicable state requirements shall be provided. The outdoor recreation area shall be located to the side or rear of the property. Setbacks for this area shall meet the side and rear setback requirements for the applicable district.
- (f) The outdoor play area for children shall be enclosed by a suitable fence with a minimum height of four feet or other barrier suitable to prevent children from crossing. This requirement shall also apply to adult family day care home where outdoor recreation or sitting areas are provided for the use of clients.
- (g) In addition to the off-street parking required for a single-family detached dwelling, at least one additional space is required for each nonresident employee. There shall be sufficient area on the lot or available parking on the street abutting the lot to accommodate the pick-up and drop-off of children without interference with local traffic.

§ 350-1116. Hotel or motel and/or conference facility.

A hotel or motel shall be subject to the following regulations:

- A. The minimum lot area for a hotel or motel is one acre, however the minimum lot size of a hotel/motel and conference facility is five acres.
- B. The principal access to a hotel or motel shall be directly from an arterial or collector road, as designated in the Comprehensive Plan, and as herein defined.
- C. Access shall be in accordance with § 350-1207.
- D. The following uses are permitted within an application when designed as an integral part of a hotel or motel:
 - (1) Lodging facilities;
 - (2) Dining facilities;
 - (3) Conference and meeting facilities;
 - (4) Recreation facilities;
 - (5) Gift shop; and
 - (6) Accessory maintenance facilities.

§ 350-1117. Individual professional, business, administrative, or medical office.

Office uses shall be permitted when in accordance with the following standards:

- A. The use shall have direct access to a collector or arterial road, as designated in the Comprehensive Plan, and as herein defined.
- B. Access shall be in accordance with § 350-1207.
- C. The access shall be set back at least 40 feet from street intersections. The distance shall be measured from the street right-of-way to the edge of the access driveway.

- D. Off-street parking shall be provided in accordance with the requirements of Article XIII. Buffering shall be in accordance with Article XII.
- E. Medical offices shall adhere to any applicable federal and state regulations.

§ 350-1118. Industrial or office park.

The following restrictions shall apply in all districts in which industrial or office parks are permitted:

- A. The tract of land to be developed shall be in one ownership, or in the case of a multiple ownership, it shall be developed according to a single overall master plan with common authority and responsibility.
- B. The tract and uses therein shall have access only to an arterial or collector road, as designated in the Comprehensive Plan, and as herein defined, via a common ingress and egress.
- C. Use regulations. An industrial park may be used for any one or more of the following purposes:
 - (1) Uses permitted in the district in which the park is located.
 - (2) Accessory uses, buildings, and structures, subject to the provisions of this article.
- D. Area and bulk regulations.
 - (1) Minimum tract size: 10 contiguous acres.
 - (2) Tract perimeter setbacks and screening. Landscaping, screening, and buffering in accordance with Article XII shall be required in addition to the following minimum setbacks along the perimeter of the industrial or office park:
 - (a) Fifty feet from external public roads.
 - (b) Fifty feet from any agricultural use, industrial use, commercial use or district.
 - (c) One hundred feet from any residential use or district.
 - (3) Lot area. The average area of individual lots within an industrial or office park development shall be a minimum of two acres, but no individual lot shall be less than one acre.
 - (4) Lot width.
 - (a) Tract width. Minimum tract frontage along the arterial or collector road from which the park takes access shall be 150 feet.
 - (b) Individual lot widths. The width at the building line and at the street line shall be in accordance with the provisions set forth in § 350-902A.
 - (5) Building coverage. The area of individual lots covered by buildings shall not exceed the following:
 - (a) 45% for lots one to less than three acres.
 - (b) 40% for lots of three acres or more.

- (6) Lot coverage. The area of individual lots covered by impervious surface shall not exceed the following:
 - (a) 55% for lots one to less than three acres.
 - (b) 50% for lots of three acres or more.
 - (7) Setbacks. The minimum setbacks for individual lots shall be in accordance with the provisions of § 350-902A.
 - (8) Building height. Building height shall be in accordance such requirements of the district in which such use is located.
- E. At least 70% of the total floor area of the office or industrial park shall be devoted to office or industrial uses.

§ 350-1119. Junkyard or salvage yard.

Junkyards or salvage yards shall be subject to the following regulations in addition to Chapter 205, Junkyards and Junk Dealers, of the Code of the Township of West Caln, as amended. To the extent that there are any inconsistencies between the provisions of this chapter and Chapter 205, Junkyards and Junk Dealers, the chapter imposing the higher standards shall prevail.

- A. The tract serving as a junkyard or salvage yard shall contain a maximum of 40,000 square feet undivided by streets, streams, or rights-of-way. No part of the operation shall be located within the any designated floodplain are or within 100 feet of any river, stream, run, creek, irrigation ditch or other natural watercourse.
- B. Where a junkyard or salvage yard is located on a property which is adjacent to a residential district or use, the junkyard or salvage yard shall be set back at least 100 feet from the residential district or use.
- C. The tract serving as a junkyard or salvage yard shall be located on land with less than 15% slope, which shall comply with the requirements of Chapter 300, Subdivision and Land Development, of the Code of the Township of West Caln.
- D. The maximum lot coverage including storage, buildings, and structures shall not exceed 60%.
- E. The area where junk and any other material is stored shall be enclosed with a wall or fence at least six feet in height and which is designed and constructed so as to be at least 90% solid or opaque. Entrances and exits shall not be wider or more numerous than reasonably necessary for the conduct of the licensed business. An effective year-round screen shall be provided pursuant to the screening and landscaping provisions in § 350-1206.
- F. Storage piles shall not exceed six feet in height within 50 feet of the screening or fence line. Junk or other material shall be permitted to be piled not exceeding eight feet in the remaining area of the junkyard. No more than two adjoining rows of junked cars shall be stored together.
- G. There shall be provided at least a fifteen-foot wide accessway which shall be clear and free at all times to provide for access to all parts of the premises for fire-fighting and other safety or emergency purposes. Additionally, no junk or other material shall be stored within 25 feet of the point located at the center line of access from the premises to a street.
- H. Waste generated by the junkyard or salvage yard shall be managed in accordance with all

applicable Township ordinances, federal, state, and county regulations including the Solid Waste Management Act, the Clean Streams Law, and the Air Pollution Control Act¹ of the Commonwealth of Pennsylvania.

- (1) Automotive fluids (including gasoline, oil, antifreeze, transmission fluids, and similar fluids), Freon, and other flammable or toxic substances shall be removed from any junk or other items stored on the premises and shall be properly containerized and stored. Such materials shall not be released into the air or into the ground or watercourses and shall be transported and disposed of or recycled in accordance with applicable state and federal regulations.
 - (2) Automotive batteries shall be removed from junked vehicles and properly stored until they are disposed of or recycled.
 - (3) Removal of such fluids, batteries, and other hazardous materials shall take place on an impervious surface where they can be properly contained without danger of spilling or being transported into the ground.
- I. No junk or other material shall be burned on the premises. Each junkyard or salvage yard shall have available in proper working condition equipment that will control, contain, and suppress fires or other hazards.
- J. Tire storage piles shall not exceed 200 tires. In addition, when whole or processed tires are stored outdoors, each waste tire pile shall meet the following requirements:
- (1) Piles shall not cover a surface area of greater than 1,000 square feet.
 - (2) Corridors of at least 15 feet in width shall be maintained as firebreaks on all sides of tire piles. No point in the pile shall be more than 25 feet from a firebreak. Firebreaks shall be kept free from obstructions that could limit access in the event of an emergency and vegetation shall be maintained below 10 inches.
- K. No garbage or other organic waste, liable to give off a foul odor or to attract vermin or insects, shall be kept on the premises.
- L. Prior to the issuance of a license by the Township, the applicant shall provide sufficient information for the Township Zoning Officer to determine that all applicable federal, county, and Township requirements and regulations can be met by the proposed operation. Prior to the issuance of the license, the applicant shall also provide evidence that all applicable conditions set by the Board of Supervisors during the conditional use approval process and application procedures have been met.
- M. A stormwater management plan and erosion and sedimentation control plan shall be submitted as part of the land development application for a junkyard or salvage yard pursuant to the provisions of Chapter 300, Subdivision and Land Development, and Chapter 294, Stormwater Management.
- N. The permittee shall allow inspection of the business premises by the Township or its approved representative at any reasonable time.
- O. Due to their hazard potential, junkyards and salvage yards shall require a yearly license from the Township in accordance with Township regulations.

§ 350-1120. Kennel/animal shelter/veterinary clinic.

Kennel, animal shelter, and veterinary clinic uses shall be in accordance with the following standards:

- A. Each use shall have a minimum lot size of one acre, and there shall be no more than 10 dogs or other domestic animals per one acre, excluding dogs under six months old.
- B. Each use shall have all exercise areas or pens entirely fenced to prevent animals from leaving the property and set back a minimum of 100 feet from all lot lines, a minimum of 125 feet from any wells, springs, sinkholes, on slopes of any degree adjacent to any ponds or streams or within any swale or drainageway. All accessory buildings and structures shall be set back a minimum of 25 feet from rear and side property lines.
- C. All buildings and structures associated with a kennel shall be sound insulated.
- D. The sale of related products shall remain accessory to the use, and shall occupy no more than 25% of the total floor area of the principal building.
- E. There shall be no outdoor storage of materials unless screened from adjoining properties in accordance with Article XII.
- F. All such uses shall meet all applicable Pennsylvania state licensing and codes.
- G. All animals shall be inside an enclosed building between the hours of 8:00 p.m. prevailing time and 7:00 a.m. prevailing time.
- H. All kennel, animal shelter, and veterinary clinic uses shall provide private removal of waste from the site which the use is located on a weekly basis.

§ 350-1121. Landfill (sanitary) and hazardous waste.

A municipal landfill shall be permitted when in accordance with the following standards:

- A. Municipal landfills shall only be permitted when municipally owned, and the service area shall serve the residents of the Township on an equal basis with its other customers.
- B. The tract serving as a landfill shall contain a minimum of 50 contiguous acres, undivided by streets, streams or rights-of-way. All operations, including buildings, structures and grading, shall be set back a minimum of 100 feet from any property line, Identified Floodplain Area boundary, stream, or other body of water.
- C. All landfills shall be designed and operated in accordance with the statutes of the Commonwealth of Pennsylvania, the rules and regulations of the PaDEP and the provisions of this chapter. The applicant shall have the burden of proof that the landfill use complies with the standards and regulations as set forth by the aforementioned. Prior to the use of the site for a landfill and prior to issuance of a use and occupancy permit by the Township, a permit shall be obtained from the PaDEP for said use. The permit shall be clearly displayed and made available for inspection at all times. In the event that any of the provisions of this chapter are less restrictive than any present or future rules or regulations of the PaDEP, the more restrictive regulations shall supersede and control.
- D. The operation of a landfill shall at all times be under the direction of a responsible party qualified by experience or training to operate a landfill. Unloading of waste shall be

continuously supervised. A proper screening device shall be provided to detect any and all non-disposable items.

- E. Access to the site shall be limited to posted times when an attendant is on duty. In order to control access at other than designated access areas, a landfill shall be protected by locked barricades, fences, gates or other means designed to deny access to the area at unauthorized times or locations. All landfills shall be completely enclosed by a fence or wall, kept in good repair and maintained in a uniform color, of a minimum of eight feet in height to deter trespassing, and to prevent debris from blowing onto adjoining properties. There shall be no openings greater than three inches by three inches in the fence or wall. The fence or wall shall be setback a minimum of 50 feet from any street or property line. An intensive buffer shall be provided between the fence and the street or property line in accordance with the requirements of Article XII. A staging area within the lot shall be provided so as to prevent back-up of trucks onto the street.
- F. Salvaging shall be conducted by the operator only and shall be organized so that it will not interfere with prompt sanitary disposal of waste or create unsightliness or health hazards.
- G. Access to a landfill facility shall be from the highest functional classification of road available as designated on the Functional Classification of Roads map (see attachment) and as herein defined, for the district in which a landfill is permitted, to limit traffic congestion and excessive wear on local roads.
- H. All trucks entering and leaving the landfill shall be covered, and roads for access shall be patrolled daily to pick up and dispose of scattered and blowing litter. Tire scrubbers shall be provided at all points of truck egress.
- I. The landfill shall be properly maintained to ensure no nuisance or danger exists to adjoining property owners, surface water and groundwater supplies. The tract shall be stabilized and a ground cover established to avoid erosion and sedimentation problems. The landfill shall contain a treatment system to protect the surface and groundwater.
- J. The hours of operation shall be limited to 6:00 a.m. prevailing time to 6:00 p.m. prevailing time, Monday through Saturday.
- K. For purposes of this § 350-1121, hazardous materials, include but are not limited to, substances or materials that the Secretary of Transportation has determined are capable of posing an unreasonable risk to health, safety, and property when transported in commerce, and has designated as hazardous under Section 5103 of Federal hazardous materials transportation law (49 U.S.C. § 5103). The term includes hazardous substances, hazardous wastes, marine pollutants, elevated temperature materials, materials designated as hazardous in the Hazardous Materials Table (see 49 CFR 172.101), and materials that meet the defining criteria for hazard classes and divisions in Part 173 of Subchapter C of Title 49 CFR Parts 100-185. The disposal of sewage other than biosolids and hazardous materials other than those permitted pursuant to applicable governmental regulations shall be specifically prohibited in a landfill.
- L. A performance bond shall be posted by the applicant with a sufficient amount to cover the cost, as estimated by the Township Engineer, when performing the various responsibilities imposed upon the applicant as required by this chapter. The amount and form of the bond shall be approved by the Board of Supervisors.

M. The following shall be submitted with a conditional use application:

- (1) A statement from PaDEP as to the general feasibility of the site for use as a landfill.
- (2) The identity of the owner of the site, relationship of applicant to the owner, a notarized statement by the owner that a landfill is permitted on the site, and a statement of the prior expertise of the applicant in the operation of a landfill.
- (3) An estimate of the useful life expectancy of the site for use as a landfill and condition of the site upon completion of the landfill operation.
- (4) The estimated number of vehicles weighing over 26,000 pounds that are expected to use the site on a daily basis.
- (5) The route of entry through the Township to the landfill use. Depending on the route of entry to the landfill use and the adequacy and carrying capacity of the roadways along such route of entry, the Township may require that a traffic study be performed to determine the number of trucks transversing that area of the Township and issues related to safety through populated areas. The Township also may require the posting of a bond for road maintenance for heavily traveled routes associated with the landfill use.

N. Applicable provisions for transfer stations, § 350-1137, and for recycling centers, § 350-1130, shall apply for landfill uses.

§ 350-1122. Mixed use.

Where a combination of residential uses and commercial uses, such as a retail use with an upper story dwelling or office, is proposed upon a single lot or within a single building, each of those uses shall be required to meet the following criteria:

- A. Only those uses in the district in which this use is located shall be permitted.
- B. Where an upper story dwelling unit is proposed, the requirements of § 350-1132C through F, residential conversion shall be met for the residential use.
- C. Off-street parking requirements shall be calculated for each use in accordance with Article XIII, but may be designed as a common parking lot.

§ 350-1123. Mobile home park.

Mobile home parks shall comply with the provisions of Article VI, Regulations for Mobile Home Parks, of Chapter 300, Subdivision and Land Development.

§ 350-1124. Multifamily development.

Multifamily developments shall be in accordance with the following standards:

- A. The area and bulk regulations under the applicable zoning district shall be met.
- B. The maximum length of a multifamily building shall be 120 feet.
- C. Multifamily buildings are encouraged to be located in clusters which create common courtyards and open space areas rather than situated parallel to one another. Where clustering is

not feasible due to site conditions, there shall be no more than three abutting buildings parallel to each other within the development.

- D. Buildings within the development shall be designed to provide individual dwelling units with views and direct access to required open space area.
- E. The following building separation distances shall be met in order to provide individual units with some level of privacy:
 - (1) Facing front or rear walls: 50 feet.
 - (2) Facing end walls (short wall): 25 feet.
- F. Entrances to dwelling units shall be provided with walkways to parking and refuse collection areas.
- G. The design, ownership and maintenance responsibilities for required open space shall be in accordance with the provisions of § 350-1126.
- H. Off-street parking for the proposed development shall be in accordance with the provisions of Article XIII.
- I. Screening and landscaping of the proposed development shall be in accordance with Article XII.
- J. Dwelling units shall be set back a minimum of 20 feet from common parking lots, refuse collection centers, and the edge of the shoulder of any access drive to or through the development.
- K. The number of townhouse units attached in a common row shall not exceed 6 dwelling units.
- L. Staggered setbacks of individual dwelling units accompanied by a variation in facade design shall be required so the buildings offer visual variety and provide private yard areas. In the case of multifamily townhouse development, no more than two contiguous units shall have the same facade setback within a building. Changes in unit setback shall involve a minimum of four feet.
- M. Outdoor lighting shall be in accordance with Article XII.
- N. Exterior storage areas for refuse shall be screened from public view and shall be contained in covered, vermin-proof containers. Interior storage areas for refuse shall at all times be kept in an orderly and sanitary fashion.
- O. Non-residential uses and major home occupations shall not be permitted in a multi-family dwelling. Such ancillary facilities as laundry areas, service buildings, recreational facilities and the like for the exclusive use of the residents of the project shall be permitted.
- P. Conceptual architectural renderings, models or photos for multi-family dwelling projects shall be provided at the time of submission of application for Preliminary Plan approval to illustrate the general character of the intended exterior design of structures, including scale, height, roof pitch, relationship between varying façade elements, and principal exterior materials. Exterior design features may be modified during the Final Plan review process with any modifications subject to approval by the Board of Supervisors. The exterior appearance of the building(s) shall be designed, constructed and maintained to retain the character of the surrounding

neighborhood. Fire escapes, when required, shall be in the rear of the building and shall not be located on any wall facing a street unless any building, fire or other code so requires.

§ 350-1125. Nursing home/skilled nursing facility/long-term care facility, assisted living residence, personal care home, continuing care retirement community (CCRC).

A nursing home/skilled nursing facility/long-term care facility, assisted living residence, personal care home, or continuing care retirement community (CCRC) as defined in this chapter, is a form of residential use designed and operated for mature adults, which meets the definition of "housing for older persons" as set forth in the Fair Housing Amendments Act of 1988, as amended, and where permitted shall be in accordance with the following standards:

- A. A building or buildings may be erected, altered or used and a lot or premises may be used or occupied for any of the following uses:
 - (1) Nursing home/skilled care facility/long-term care facility.
 - (2) Assisted care residence.
 - (3) Personal care home.
 - (4) Continuing care retirement community, which shall include independent living units and at least two of the above uses in A(1) through (3)
 - (5) Accessory uses, which shall incidental to the principal use(s) and may include offices, activity areas, craft, woodworking and hobby shops, recreation facilities, pools, gift shops, adult day care, child day care, ancillary personal services facilities, dining facilities, ancillary health care facilities, maintenance facilities, bank, library, central kitchen and dining room, snack bar, village store, pharmacy, chapel, and similar uses. The total square footage of all accessory uses shall not exceed 20% of the square footage of all buildings. This percentage shall not be exceeded in any one phase of the development. No individual retail accessory use may exceed 2,000 square feet in size.
 - (6) Prohibited uses. No building shall be erected, altered or used and no premises shall be used for any activity which is continuously noxious, injurious, or offensive by reason of dust, smoke, odor, fumes, noise, vibration, gas, illumination, or similar substances or conditions.
- B. The proposed use shall obtain all applicable state and federal permits, licenses, and certificate of need, as applicable to the proposed use.
- C. The tract of land on which the use is conducted shall, in its entirety, be owned and operated as a single or common management and maintenance unit.
- D. Additional standards:
 - (1) The following minimum tract size shall be met:
 - (a) Continuing Care Retirement Community: 30 acres.
 - (b) Nursing home, assisted-care facility, or personal care home, which is not part of a CCRC: one acre.
 - (2) Water and sewage facilities. Any nursing home, assisted-care facility, personal care

- home, or CCRC shall be serviced by a community or public water supply system and a community or public sewage disposal system.
- (3) Density. The maximum density shall not exceed five dwelling units per acre of net tract area. Equivalent density shall be calculated as follows:
 - (a) Each independent living unit = one dwelling unit.
 - (b) Assisted-care facility: each bed = 1/2 dwelling unit.
 - (c) Personal-care home: each bed = 1/2 dwelling unit
 - (d) Nursing home/skilled care facility/long-term care facility: each bed = 1/2 dwelling unit.
 - (4) The maximum lot coverage shall be 45%.
 - (5) Maximum building height. The maximum height of all buildings shall be as provided for in the zoning district in which the building is located.
 - (6) Building length. The maximum horizontal length of a building shall be 160 feet. At its discretion, the Board may authorize an increase in length to 200 feet where the design includes architecturally attractive offsets.
 - (7) Setbacks. The following minimum setbacks shall be observed:
 - (a) All buildings, structures and accessory uses shall be setback 50 feet from any perimeter property line, and 150 feet from the right-of-way of any existing public road.
 - (b) Where the perimeter property line abuts an agricultural use, CAO, CAFO, or mushroom production facility, the minimum setback shall be increased to 100 feet.
 - (8) Building separation. The following separation distances shall be observed:
 - (a) Three (3) times the height of the taller of two structures where any part of either structure faces or backs upon another structure, but in no case less than seventy-five (75) feet.
 - (b) The height of the taller structure, when two structures abut end to end, but in no case less than twenty-five (25) feet.
 - (9) Common open space. An area of not less than 40% of the gross tract area shall be retained and designated as common open space. The common open space shall be in accordance with § 350-1126.
 - (10) Recreation spaces. One or more recreation spaces (each with a minimum area of 1,200 square feet) shall be provided within areas of common open space. The total area of such recreation spaces shall be not less than 100 square feet per unit. All recreation spaces shall be located in areas suitable for the type of outdoor active or passive recreation being proposed. All recreation spaces shall be at least 20 feet from any building. The types of recreation spaces shall relate to the expected ages of the residents.
 - (11) Common areas and facilities. Where facilities serving the entire nursing home, assisted-care facility, personal care home, or CCRC, such as parking lots, pedestrian ways,

driveways, alleys, lighting facilities, drainage facilities, landscape planting areas, and recreation areas, are provided in common areas, provisions for their perpetual ownership, maintenance, and care shall be established by, and shall be the complete responsibility of the property owner.

- (12) Where independent living apartment units are provided, each group of apartment units shall be associated with at least one indoor and one outdoor common area designated for the exclusive benefit of the group.
- (13) Access to buildings and structures.
 - (a) Every building erected shall be on a lot adjacent to a public street or have access to an approved internal driveway network.
 - (b) All structures shall be located so as to provide safe and convenient access for servicing fire protection and off-street parking.
 - (c) Sidewalks shall be provided in locations as deemed appropriate by the Board, to assure adequate pedestrian access to buildings, parking areas, accessory uses, community services and facilities, and recreation and open space areas. Sidewalk construction shall conform to the standards in Chapter 300, Subdivision and Land Development.
 - (d) Wheelchair access shall be provided to all dwellings and all accessory uses.
- (14) As part of a conditional use application, the standards of this subsection E may be modified at the discretion of the Board of Supervisors.

§ 350-1126. Open space configuration, use, ownership, maintenance and protection.

The following regulations shall apply to areas of required open space.

A. Configuration of open space. Configuration of required open space shall be as follows:

- (1) All primary natural resources shall be included in the common open space.
- (2) The following secondary natural resources, listed in order of priority, shall be included in the common open space to the fullest extent practicable:
 - (a) Critical habitat areas.
 - (b) Woodlands, particularly those performing important ecological functions such as soil stabilization and protection of streams, wetlands and wildlife habitats.
 - (c) Steep slopes 15-25 percent, particularly those adjoining streams and waterbodies.
 - (d) Hedgerows, groups of trees, specimen trees and other unique or significant vegetation features.
 - (e) Areas where precipitation is most likely to recharge local groundwater resources because of topographic and soil conditions affording high rates of infiltration and percolation.

- (f) Class I, II and III agricultural soils as defined by the USDA Natural Resources Conservation Service.
 - (g) Historic resources.
 - (h) Visually prominent topographic features such as knolls, hilltops and ridges, and views of such features as seen from public roads and from public parks (particularly those with historic features).
 - (i) Existing or proposed trails connecting the tract to other locations in or beyond the Township
 - (3) Except as specified in Subsection (6), below, where common open space is designated as separate, noncontiguous parcels, no single parcel shall consist of less than one acre in area. No single area or portion of an area designated as common open space shall be counted toward the minimum required open space wherever such area or portion is less than 150 feet in width except in the case of a trail corridor or other linkage between two larger, noncontiguous, open space areas. Any such trail corridor or linkage shall be a minimum of 15 feet in width.
 - (4) Where adjacent parcels contain existing or proposed open space areas, either publicly owned or otherwise deed restricted as permanent open space, common open space at least 150 feet deep within which no new structures shall be constructed, shall be located contiguously to this adjacent open space whenever possible to create larger open space networks. The burden shall be on the applicant to either locate the common open space contiguous to this adjacent open space or to demonstrate, to the Township's satisfaction, that there is no feasible way to so locate said common open space or that doing so would create an undue hardship.
 - (5) The common open space shall be located and designed to add to the visual amenities of the development and to the surrounding area, by maximizing the visibility of common open space as terminal vistas at the ends of streets or along the outside edges of street curves, and as perimeter greenbelts. Greenbelts shall be designed to provide buffers and to protect views of visually prominent topographic features such as knolls, hilltops and ridges, and views of such features as seen from public roads and from public parks (particularly those with historic features).
 - (6) A minimum of 15% of the required common open space shall be in the form of common greens surrounded by streets on at least 2 sides and around which dwellings are organized. Common greens shall be dispersed throughout the development and shall be planted with shade trees along their edges, at intervals not greater than 40 feet.
- B. Use of open space. The following are uses permitted in the open space:
- (1) Conservation of open land in its natural state (i.e., woodland, fallow field, or managed meadow).
 - (2) Agricultural and horticultural uses, including raising crops or livestock, associated buildings, excluding residences that are specifically needed to support an active, viable agricultural or horticultural operation. Specifically excluded are commercial livestock operations involving highly offensive odors. To encourage the retention of agricultural

lands, the Township or homeowners' association, as the case may be, may permit all or portions of the open space lands to be leased back to a farmer. Approval of the leaseback option shall be conditioned on appropriate agreements between the titleholder and the farmer, concerning permitted agricultural practices and use of the land in the event the agricultural activities cease.

- (3) Pastureland or areas for horses.
 - (4) Forestry.
 - (5) Passive noncommercial recreational uses such as village greens, commons, picnic areas, community gardens, trails, and similar low-impact uses specifically excluding wheeled vehicle activities (other than wheelchairs), rifle ranges and golf courses.
 - (6) Active noncommercial recreation uses such as playing fields, playgrounds, courts, provided such areas do not consume more than half of the minimum required open space land or five acres, whichever is less. Playing fields, playgrounds, and courts shall not be located within 50 feet of abutting properties.
 - (7) Water supply and sewage disposal systems, spray or drip irrigation fields, and stormwater detention areas designed, landscaped to replicate naturalistic conditions, and all the foregoing shall be available for use as an integral part of the open space. Community sewage treatment systems shall not be permitted in the common open space.
 - (8) Easements for drainage, access, sewer or water lines, or other public purposes, provided such areas do not occupy greater than 25% of the common open space.
 - (9) Underground utility rights-of-way, aboveground utility and street rights-of-way may traverse conservation areas but shall not count toward the minimum required common open space, provided such areas do not occupy greater than 25% of the common open space.
 - (10) Dwelling and accessory structures associated with a farmstead that occupied the site on the effective date of this chapter.
 - (11) Historic resources, in accordance with the provisions of Article XX.
- C. Open space ownership and management standards. Designated open space shall be held under any one or more of the following forms or ownership, listed in order of preference, upon receiving approval of the Township:
- (1) Retained ownership of restricted open space, which shall be applicable to uses other than cluster residential development.
 - (a) Restricted open space may be retained in ownership by the applicant or may be transferred to other private parties subject to compliance with all standards and criteria for restricted open space herein.
 - (b) All or portions of the designated restricted open space may be included within or divided among one or more of the individual lots. Where deemed appropriate, the Board of Supervisors may require that responsibility for maintenance of restricted open space be conferred upon and/or divided among the owners of one or more individual lots.

- (2) Leaseback option. The Township, homeowners' association, or the condominium agreement, as the case may be, may permit all or portions of the open space lands to be leased back to a farmer. Approval of the leaseback option shall be conditioned on the following:
 - (a) Appropriate lease agreements between the title holder and the farmer concerning permitted farming practices; and
 - (b) Use of the land shall comply with all standards and criteria for restricted open space as provided herein in the event farming practices cease.
 - (c) The land is permanently restricted from future subdivision and development through a conservation easement, except for those uses listed in § 350-1126B.
- (3) Homeowners' association. Common facilities may be held in common ownership by a homeowners' association, subject to all of the provisions for homeowners associations set forth in applicable Pennsylvania statutes and regulations. In addition, the following standards shall be met:
 - (a) The applicant shall provide the Board of Supervisors with a description of the organization of the proposed association, including its bylaws, and all documents governing ownership, maintenance, and use restrictions for common facilities;
 - (b) The proposed association shall be established by the owner or applicant and shall be operating with financial subsidization by the owner or applicant, if necessary before the sale of any dwelling units in the development;
 - (c) Membership in the association shall be automatic and mandatory for all purchasers of dwelling units therein and their successors in title, who shall have joint and undivided interests in any common areas;
 - (d) The association shall be responsible for maintenance of common facilities and providing a policy of appropriate liability insurance in connection therewith;
 - (e) The bylaws shall confer legal authority on the association to place a lien on the real property of any member who falls delinquent in his dues and/or assessments. Such dues and/or assessments shall be paid with all accrued interest before the lien may be lifted;
 - (f) Written notice of any proposed transfer of common facilities by the association or the assumption of maintenance of common facilities by another party must be given to all members of the association and to the Board of Supervisors not less than 30 days prior to such event;
 - (g) The association shall have adequate staff to administer, maintain, and operate such common facilities;
 - (h) The terms, conditions and content of the homeowners' association document agreement shall be reviewed and approved by the Township Solicitor;

- (i) Members of the association shall share equitably the cost of maintaining open space owned by the association. Shares and procedure shall be outlined in the association bylaws; and
 - (j) A Township Administration representative shall be an ex officio, nonvoting member of the Homeowners' association Board. Additionally, the Homeowners Associations bylaws shall provide that the Township shall receive copies of all minutes and all financial statements and reports of the Association which shall be delivered to the Township.
- (4) Condominium association. Common facilities may be controlled through the use of condominium agreements. Such agreements shall be in accordance with the Pennsylvania Uniform Condominium Act of 1980, as amended. All open land and common facilities shall be held as "common elements."
- (5) Dedication to private conservation organization or to the county. With permission of the Board of Supervisors, an owner may transfer either fee simple title of the open space or easements on the open space to a private nonprofit conservation organization or to the County provided that:
- (a) The conservation organization is acceptable to the Board of Supervisors and is a bona fide conservation organization intended to exist indefinitely;
 - (b) The conveyance contains appropriate provisions for proper reverter or retransfers in the event that the organization becomes unwilling or unable to continue carrying out its functions;
 - (c) The open space land is permanently restricted from future development through a conservation easement and the Board of Supervisors is given the ability to enforce these restrictions;
 - (d) A maintenance agreement acceptable to the Board of Supervisors is established between the owner and the organization; and
 - (e) A satisfactory maintenance agreement, including but not limited to, adequate provision to be made for enforcement of the maintenance agreement by the Board of Supervisors, shall be reached between the owner and the Board of Supervisors.
- (6) Dedication of easements to the Township. The Board of Supervisors may, but shall not be required to, accept easements for public use of any portion of the common land or facilities. In such cases, the facility remains in the ownership of the condominium association, homeowners' association, or private conservation organization while the easements are held by the Board of Supervisors. In addition, the following regulations shall apply:
- (a) There shall be no cost of acquisition to the Board of Supervisors; and
 - (b) Any such easements for public use shall be accessible to the residents of the Township.
- (7) Fee simple dedication to the Township. The Board of Supervisors may, but shall not be required to, accept any portion of the common facilities, provided that:
- (a) There is no cost of acquisition to the Township;
 - (b) The Board of Supervisors agrees to and has access to maintain such facilities; and

- (c) Where improvements exist on the property, the Board of Supervisors may require the posting of financial security to ensure structural integrity of said improvements as well as the functioning of said improvements for a term not to exceed 18 months from the date of acceptance of dedication. The amount of financial security shall not exceed 15% of the actual cost of installation of said improvements.
- D. Maintenance. Unless otherwise agreed to by the Board of Supervisors, the cost and responsibility of maintaining common facilities and open space land shall be borne by the property owner, condominium association, homeowners' association, or conservation organization.
 - (1) Maintenance plan. The applicant shall, at the time of preliminary plan submission, provide a plan for perpetual maintenance of open space lands and operation of common facilities in accordance with the following requirements:
 - (a) The plan shall describe the manner in which the restricted open space and any facilities included therein will be owned and by whom it will be managed and maintained;
 - (b) The plan shall establish necessary regular and periodic operation and maintenance responsibilities for the various kinds of open space (i.e. lawns, playing fields, meadow, pasture, cropland, woodlands) and land management practices used to conserve and perpetually protect this open space;
 - (c) The plan shall estimate staffing needs, insurance requirements, and associated costs, and define the means for funding the maintenance of the open space land and operation of any common facilities on an ongoing basis. Such funding plan shall include the means for funding long-term capital improvements as well as regular yearly operating and maintenance costs;
 - (d) At the Board of Supervisors' discretion, the applicant may be required to escrow sufficient funds for the maintenance and operation costs of common public facilities for up to one year; and
 - (e) Any changes to the maintenance plan shall be approved by the Board of Supervisors.
 - (2) Delinquency of maintenance. Regardless of the ownership option used for the designated open space, the following requirements shall apply:
 - (a) Township notice. In the event an organization undertakes the responsibility of maintaining the designated open space and improvements and fails to maintain the same in reasonable order and conditions in accordance with the development plan, the Township may serve written notice (pursuant to Section 616.1 of Act 247, as amended) upon the person, organization, or party responsible or residents in the development setting forth the manner in which the organization has failed to properly maintain the common areas, and directing the responsible person, organization, or party to remedy the situation within a specified period of time.
 - (b) Township action. The Township may, but shall not be obligated, upon thirty-day advance written notice to the responsible person, organization, or party to enter upon the open space and perform the necessary maintenance and take any other action to remedy the condition set forth in the Township's notice.
 - (c) Township reimbursement. Any and all costs incurred by the Township in connection

- with such notice and maintenance shall be paid by the responsible person, organization, or party within 10 days after written demand by the Township. Upon failure of the responsible person, organization or party to pay such costs by the time required, there shall be added thereto interest at the rate of 15% per annum as well as all costs incurred by the Township in collection thereof.
- (d) Such efforts shall not constitute a taking of the property nor vest the public any right to use the same. The cost of maintenance by the Township shall be assessed ratably against the person, organization, or party responsible for maintenance. Such assessments shall be perfected by filing in the Office of the Prothonotary of Chester County, Pennsylvania.
- E. Open Space Permanent Protection. A conservation easement restricting the common open space in perpetuity against further subdivision or development shall be executed between the landowner and the Township or a qualified land conservancy acceptable to the Township. Deed restrictions may also be used in certain applications, in accordance with Subsection (2) below.
- (1) Conservation easements held by an entity that takes responsibility for monitoring the land. Conservation easements shall conform to the following minimum requirements:
- (a) Conservation easements shall be granted to a land conservancy meeting the requirements in Section 350-1126C(5). The Grantee shall have the rights of reasonable entry and enforcement.
 - (b) The property made subject to the conservation easement shall be described by metes and bounds, by an exhibit containing the subdivision plan and designating the property, and photographs which illustrate the nature and character of the property and any special environmental features identified by the Planning Commission during the subdivision process.
 - (c) Grantors shall declare that the terms of the easement shall run with the land and bind the property in perpetuity for the benefit of the Grantee.
 - (d) The uses of land subject to the conservation easement shall be limited by the permitted uses specified in Subsection B, above.
 - (e) The property shall not be further subdivided into additional building lots.
 - (f) Permitted construction activities, including cutting and removing of trees and other vegetation shall be permitted only in compliance with the maintenance plan specified in Subsection D, above.
 - (g) The terms and restrictions of the conservation easement shall be approved by the Board of Supervisors before final approval of the development plan.
- (2) Deed restrictions, which do not involve monitoring of the land, may be used in the place of conservation easements only under the following circumstances and in accordance with the following standards:
- (a) When the common open space totals less than 5 acres, a deed restriction may be used.
 - (b) If no entity is available or willing to hold a conservation easement on the common open space, a deed restriction may be used.

- (c) The Township may be party to the deed restriction. The deed restriction shall be used only if approved by the Township.
- (d) Restrictions, meeting Township specifications, shall be placed in the deed for each lot with common open space. The deed restriction shall ensure the permanent protection and continuance of the common open space and shall define permitted uses.
- (e) It shall be clearly stated in the individual deeds that maintenance responsibility for common open space lies with the property owner.

§ 350-1129. Recreational use (outdoor and indoor).

Recreational uses shall be permitted when in accordance with the following standards:

A. Noncommercial recreational uses or facilities.

- (1) Permitted uses. These uses include, but are not limited to, parks, play fields, playgrounds, hiking paths, arboretums, conservation areas, wildlife sanctuaries, cross country skiing, swimming pools, boating, horseback riding, fishing, foot, bicycle and bridle paths, picnic areas, tennis and other racquet game courts or any similar uses characteristically identified with open space areas, and of a noncommercial nature, but in accordance with the following development standards:
 - (a) Impervious cover for the use shall not exceed 25% of the lot area, including pedestrian or bicycle paths.
 - (b) Any structure, building, parking, storage, loading, or paved areas, excluding foot and bicycle paths and necessary accessways to a public street, shall not be located closer than 50 feet to any lot line or 100 feet to any residential zoning district boundary or lot line of a property that is in residential use, and shall be screened from any such residential district or use in accordance with Article XII.
 - (c) Any permanent outdoor facility including, but not limited to, tennis courts and swimming pools which concentrates activities shall be set back a minimum of 100 feet from any property line and shall be screened from any residential district or use in accordance with Article XII.
- (2) Minimum lot size: five acres.
- (3) Lighting shall be in accordance with Article XII.

B. Commercial recreational uses or facilities. The standards under this Subsection B shall apply to such privately established recreational uses such as, but not limited to, country clubs, golf, swim, and tennis clubs, ice-skating rinks, theaters, and bowling alleys.

- (1) Minimum lot area.
 - (a) The following aggregate minimum lot areas shall be required based on each proposed use:

Use	Minimum Lot Area
Golf course (per 9 holes)	50 acres
Theater	1 acre
Bowling alley	1 acre
Outdoor swim or tennis club	5 acres
Indoor tennis, racquetball, or ice rink	5 acres

- (b) The minimum aggregate lot area for commercial recreational uses or facilities that are not listed above shall be determined by the application of standards herein as well as applicable regulations contained in Chapter 300, Subdivision and Land Development, and any other Township, county, state, or federal regulations.
- (2) Impervious coverage for the proposed use shall not exceed the maximum lot coverage standard of the applicable zoning district.
- (3) Any structure, building, parking, storage loading, or paved areas, excluding foot and bicycle paths, and necessary accessways to a public street, shall not be located closer than 50 feet to any lot line or 100 feet to any residential zoning district boundary or lot line of a property that is in residential use, and shall be screened from any such residential district or use in accordance with Article XII.
- (4) Any permanent outdoor facility including, but not limited to, tennis courts and swimming pools which concentrates activities shall be set back a minimum of 100 feet from any property line and shall be screened from any residential district or use in accordance with Article XII.
- (5) Auxiliary uses, such as a restaurant or banquet facilities, shall be restricted in their use to employees, patrons, members and guests of the principal use.
- (6) Lighting shall be in accordance with Article XII.
- (7) Campground.
 - (a) Campgrounds shall be developed under a plot plan for the entire site indicating driveways, sewage disposal facilities, evidence of sewage facilities by the authority having jurisdiction, type and method of water supply, and certification of approval of the plan by the Planning Commission.
 - (b) Campgrounds may be a permanent, year-round installation provided however that no campground user shall be permitted to remain in such camp ground for a period exceeding 30 days. The operator of the campground shall deliver to the Board of Supervisors written management procedures sufficient to assure compliance with the thirty-day time limit, satisfactory to the Board of Supervisors, which shall be made a condition of the zoning permit.
 - (c) The use shall have direct access to a collector or arterial road, as designated on the Functional Classification of Roads map (see attachment), and as herein defined.
 - (d) There shall be no more than one point of egress to each street on which the lot abuts.

- (e) The access shall be set back at least 40 feet from street intersections. The distance shall be measured from the street right-of-way to the edge of the access driveway.
- (f) No speaker shall be installed at such use that would cause sounds to emanate beyond the exterior of the premises.
- (g) At least one attendant shall be on duty at all times.
- (h) Campsites for tents shall be limited to 20 tents per acre.
- (i) Campsites for recreational vehicles shall be limited to 10 pads or sites per acre.
- (j) No temporary or permanent campsite shall be located closer than 100 feet from any adjoining property line or street right-of-way line.
- (k) The permitted uses within the commercial campground shall be limited to one single-family detached unit; one retail store with sales limited to items for the convenience of campers; and accessory structures including an office, maintenance buildings and storage areas.
- (l) Exterior storage areas for refuse shall be properly screened with secured fencing and landscaping materials. All containers shall be airtight, vermin-proof and have adequate storage capacity to accommodate the projected volumes of solid waste. No such storage area will be permitted within 100 feet from any lot line.
- (m) All perimeter boundary lines of the campground shall be adequately screened with a fifty-foot-wide landscaped buffer yard.

§ 350-1127. Outdoor cafe.

An outdoor cafe shall adhere to the following:

- A. The outdoor cafe shall be part of an indoor restaurant with a minimum indoor seating capacity of 10 persons.
- B. Outdoor cafe uses, abutting or adjacent to residential uses, shall stop serving customers on or before 9:00 p.m. prevailing time on weekdays and clear all tables of food, beverages, and customers on or before 10:00 p.m., and shall stop serving customers on or before 10:00 p.m. prevailing time on weekends and clear all tables of food, beverages, and customers on or before 11:00 p.m.
- C. Beverages shall not be served in glass containers.
- D. This use shall not be located on or extend onto a public sidewalk or right-of-way.
- E. This use shall be associated with a principal use of a restaurant or tavern and shall be located abutting that building in which the principal use is located, and shall be located on the same lot as that principal use.
- F. The outdoor cafe should be separated from parking areas or traffic flow area by fencing or buffering, however in any location where the outdoor cafe is not separated from the flow of traffic or parking areas, no table shall be located within five feet of the curb or the boundary of that area, whichever is closer.

- G. The outdoor cafe must provide table service.
- H. The applicant shall maintain the outdoor cafe in accordance with all Township ordinances and state and federal laws, rule and regulations, as well as rules and regulations promulgated and adopted by the Township which pertain to this use.
- I. The applicant shall remove the outdoor cafe within 10 days after written notice by the Township Zoning Officer if determined that this use is detrimental to the health, safety, and general welfare of the Township or its residents as follows:
 - (1) The outdoor cafe is no longer being used as such.
 - (2) This use has been temporarily or permanently closed for violation of any Township, county, state, or federal law and/or regulation.
 - (3) This use is operated in violation of any ordinance or regulations of the Township.
- J. The Township may, from time to time, add regulations or rules that it deems necessary to facilitate the purposes, as defined, and functioning of this use, and these rules and regulations shall be approved by the Board of Supervisors.

§ 350-1128. Quarrying or mining operation.

Quarrying and mining operations shall be subject to the following regulations:

- A. Minimum site area: 50 acres.
- B. Minimum setbacks from property lines:
 - (1) Front yard: 300 feet.
 - (2) Side yard: 200 feet.
 - (3) Rear yard: 200 feet.
- C. Required information. When applying for a zoning permit, the applicant shall provide the following information in addition to that required by the standard zoning permit:
 - (1) General site area. Plan of general area within one mile radius of the site, at a scale of no greater than 1,000 feet to the inch with a twenty-foot or less contour interval. The general site area plan shall include:
 - (a) Location of proposed site;
 - (b) Roads, including widths, weight loads, types of surfaces, and current traffic data;
 - (c) Existing land use pattern including the location of existing buildings and historical sites and buildings; and
 - (d) Existing and proposed uses or facilities within a one mile radius of the site including: subdivisions, parks, schools, churches, highways, and other uses potentially affecting or affected by the proposed quarry or mining operation.
 - (2) Proposed site area. Plan of proposed site at a scale of no greater than 100 feet to the inch with a five-foot or less contour interval. The proposed site area plan shall include:

- (a) Soils and geology;
- (b) Groundwater data and watercourses;
- (c) Vegetation and dominant species;
- (d) Wind data with directions and percentage of duration; and
- (e) Proposed usage and operation including:
 - [1] Final grading by contours;
 - [2] Interior road pattern, its layout in relation to the operation yard and points of ingress and egress to state and Township roads;
 - [3] Estimated amount and description of aggregate and overburden to be removed;
 - [4] Ultimate use and ownership of site after completion of operation;
 - [5] Source and amount of water to be used;
 - [6] Proposed screening as per Article XII;
 - [7] Soil embankments for noise, dust, and visual barriers and heights of spoil mounds;
 - [8] Machinery type and associated noise levels; and
 - [9] Safety measures and plan for monitoring of complaints.
- (3) The route of entry through the Township to the quarrying or mining operation use. Depending on the route of entry to the quarrying or mining operation use and the adequacy and carrying capacity of the roadways along such route of entry, the Township may require that a traffic study be performed to determine the number of trucks transversing that area of the Township and issues related to safety through populated areas. The Township also may require the posting of a bond for road maintenance for heavily traveled routes associated with the quarrying or mining operation use.
- D. Performance standards. The following performance standards shall apply to quarrying or mining operations:
 - (1) No excavation, quarry wall, storage, or area in which processing is conducted shall be located within the required setbacks.
 - (2) All excavations, except stone quarries over 25 feet in depth, shall be graded in such a way as to provide an area harmonious with the surrounding terrain and which does not pose a safety hazard. Grading and backfilling shall be accomplished continually and as soon as practicable after excavation.
 - (3) Drainage, either natural or artificial, shall be provided so that disturbed areas shall not collect water or permit stagnant water to remain.
 - (4) The principal access shall be directly from a collector or arterial road, as designated on

the Functional Classification of Roads map (see attachment), and as herein defined. Access to roads shall be a minimum of 40 feet from the intersection of any street and shall be so arranged as to minimize danger to traffic and avoid nuisance to surrounding properties.

- (5) When vegetative cover is the final use to which the tract is to be put, all that is not covered by water shall be covered with a sufficient amount of arable soil to support vegetation. A landscaping plan, per the standards in § 350-1206 and any other applicable standards of Chapter 300, Subdivision and Land Development, shall be prepared for the entire finished tract using plant material included on the approved plant list, in Appendix A, for the prevention of erosion.
- (6) Blasting shall not occur between the hours of 6:00 p.m. prevailing time and 7:00 a.m. prevailing time and shall adhere to the standards set forth in § 350-1214.
- (7) The quarrying or mining operation shall be filled in with soils or water upon completion of the site's use as a quarry or mining operation.
- (8) Stone quarries whose ultimate depth is more than 20 feet shall be provided with the following protection and screening:
 - (a) A chain link fence at least 10 feet high with a slanted barbed wire top section that completely surrounds the area;
 - (b) Warning signs shall be placed on the fence at intervals of no more than 100 feet and no lower than six feet above ground level;
 - (c) Gates shall be closed and locked whenever the quarry is not in operation; and
 - (d) When adjacent to a residential or commercial district or use, a screen planting around the perimeter of the fence in accordance with the provisions of Article XII.

§ 350-1130. Recycling Center.

A recycling center shall be permitted when in accordance with the following standards:

- A. Operation of a recycling facility shall at all times be in full compliance with the statutes of the Commonwealth of Pennsylvania, the rules and regulations of PaDEP, and the provisions of this chapter. In the event that any of the provisions of this chapter are less restrictive than any present or future rules or regulations of PaDEP, the more restrictive regulations shall supersede and control.
- B. Minimum lot size. Minimum lot size shall be based on applicable standards set by PaDEP, or any other applicable state or federal regulations. In no case shall the minimum lot size for a recycling center be less than five acres.
- C. Storage of recycled material shall:
 - (1) Be within containers that prevent the material from being carried from the work area by wind or water;
 - (2) Prevent the inhabitation of vectors;
 - (3) Be set back a minimum of 100 feet from a property line and street line.

- (4) Any materials stored outdoors shall be properly screened so as not to be visible from any adjacent streets or property. The storage of paper shall be within a fully enclosed building or trailer.
- D. 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, every recycling center shall be protected by locked barricades, fences, gates, or other means designed to deny access to the area at unauthorized times or locations. Such barricades shall be at least six feet high and shall be kept in good repair and maintained in a uniform color.
- E. Litter control shall be exercised to confine blowing litter to the work area and a working plan for clean up of litter shall be submitted to the Township. To control blowing paper, a fence shall be erected with a minimum height of eight feet, with openings not more than three inches by three inches along all boundaries.
- F. An intensive buffer, per the requirements of Article XII, shall be required between the required fence and the street line and along any edge of the property adjacent to a residential use or district.
- G. Unloading of materials shall be continuously supervised by a facility operator.
- H. Hazardous waste included on the list of hazardous waste maintained by PaDEP shall not be disposed of at a recycling center. No municipal, solid, or hazardous waste shall be processed or stored at a recycling center.
- I. The route of entry through the Township to the recycling center. Depending on the route of entry to the recycling center and the adequacy and carrying capacity of the roadways along such route of entry, the Township may require that a traffic study be performed to determine the number of trucks transversing that area of the Township and issues related to safety through populated areas. The Township also may require the posting of a bond for road maintenance for heavily traveled routes associated with the recycling center.
- J. When this use is combined with a transfer station, the separation of material shall be done so that the recycling process does not interfere with the prompt disposal of the municipal solid waste.
- K. The principal access to the site shall be from a collector or arterial road, as designated on the Functional Classification of Roads map (see attachment), and as herein defined.
- L. A zoning permit shall be obtained and renewed on an annual basis.

§ 350-1131. Religious use or place of worship.

Churches, places of worship, and other religious uses shall be subject to the following regulations:

- A. The minimum lot area shall be two acres, except that in the AP District the minimum lot area shall be one acre and the maximum lot area shall be two acres.
- B. Uses permitted under this category:
 - (1) Church, synagogue, or other place of worship.
 - (2) Accessory uses, including the following:

- (a) Institutional classrooms or educational use.
 - (b) Kitchen.
 - (c) Gymnasium/recreational facility.
 - (d) Day-care center (commercial and nonprofit) as per § 350-1110.
 - (e) Rectory or other lodging for minister, priest, rabbi, or similarly qualified individual.
 - (f) Cemetery as per § 350-1108.
 - (g) Columbarium.
- C. Accessory uses to a religious use and on the same lot as a primary religious use shall meet the following:
- (1) Accessory uses shall meet area and bulk requirements of the zoning district in which they are located and shall be in accordance with this article.
 - (2) Accessory uses shall be setback a minimum of 50 feet from a residential use or district. Any outdoor play areas shall be in accordance with § 350-1112A(3).
- D. Off-street parking facilities shall be in accordance with Article XIII.
- E. Screening and buffering shall be in accordance with Article XII.
- F. Lighting shall be in accordance with Article XII.

§ 350-1132. Residential conversion.

The following requirements shall apply for residential conversions:

- A. Single-family detached dwellings converted to two or more dwelling units shall maintain the appearance of a single-family detached dwelling with a single front entrance. The resulting dwelling units may share a single front entrance. Additional entrances, when required, may be placed on the side or rear of the buildings. Exterior stairways and fire escapes shall be located on the rear wall in preference to either side wall, and shall in no case be located on a front facade facing a street. Except as may be necessary for these reasons of safety, there shall be no major structural change of the building in connection with the residential conversion.
- B. The minimum lot area and bulk regulations for single-family detached dwellings in the district in which the residential conversion is proposed shall be met.
- C. The following minimum floor areas requirements shall be met:

Type of Unit	Minimum Floor Area (square feet)
Efficiency	450
1 bedroom	550

Type of Unit	Minimum Floor Area (square feet)
2 bedrooms	700
3 bedrooms (maximum permitted)	800

- D. Separate kitchen and bathroom facilities shall be provided per unit. All applicable Township Building Code and Chester County Health Department regulations and permits requirements regarding the installation of these facilities shall be met and indicated on all plans. Approval from all applicable agencies is necessary prior to issuance of a building permit by the Township.
- E. Trash receptacles shall be screened so as not to be visible from the street or abutting properties except on scheduled days for trash pick-up.
- F. Site and floor plans for the residential conversion shall be included with the application for conversion indicating both exterior and interior building alterations.
- G. The off-street parking space requirements shall be met, in accordance with Article XIII.

§ 350-1133. Restaurant.

The following requirements shall apply for restaurants:

- A. The use shall have access to either a collector or arterial road, as designated on the Functional Classification of Roads map (see attachment), and as herein defined.
- B. Trash receptacles shall be provided outside of the restaurant for patron use, but shall not be located closer than 25 feet to any residential use or district.
- C. A trash storage area shall be provided which is screened from the street and adjacent properties to create a visual barrier from the street and adjacent properties and to prevent trash from blowing from the area in accordance with § 350-1206. Trash areas shall be located to permit safe and accessible trash removal.
- D. When this use is adjacent to or on the same lot with other commercial uses, there shall be a common accessway. Access shall be a minimum of 40 feet from street intersections, and shall meet the access requirements of § 350-1207. The distance shall be measured from the street right-of-way to the edge of the access driveway.
- E. Lighting, screening, and landscaping shall be provided in accordance with the provisions of Article XII.

§ 350-1134. Riding academy and stables.

- A. The minimum size of a riding academy shall be four acres for the first horse and one acre for each additional horse which is maintained, stabled or pastured on the premises.
- B. No facility including rings, jumping or show areas shall be closer than 50 feet to street line and residential uses or districts, and 30 feet to other property lines.
- C. The entire periphery of all grazing areas must be enclosed by a well-maintained fence.

- D. In the event a bridle path crosses a road, the property owner shall be responsible for posting a sign indicating such use, in compliance with applicable procedure and regulations for road signs and signage in Article XIV and Pennsylvania Department of Transportation requirements.
- E. Lighting, screening, and landscaping shall be provided in accordance with the provisions of Article XII.
- F. Erosion and sedimentation control in accordance with Chapter 300, Subdivision and Land Development.

§ 350-1135. Self-storage units/mini-warehouse.

Self-storage uses shall be permitted when in accordance with the following standards:

- A. Access shall be from a collector or arterial road, as designated on the Functional Classification of Roads map (see attachment), and as herein defined.
- B. The minimum aisle width between buildings shall be 20 feet.
- C. The use shall be subject to review by police and fire officials regarding security and fire protection.
- D. Storage of explosive, radioactive, toxic, highly flammable, or otherwise hazardous materials shall be prohibited.
- E. No business activity other than leasing of storage units shall be conducted on the premises.
- F. All storage shall be within closed buildings built on a permanent foundation of durable materials. Trailers, box cars or similar impermanent or movable structures shall not be used for storage.
- G. Outdoor storage shall comply with the following requirements:
 - (1) Outdoor storage of automobiles, boats, and recreation vehicles is permitted provided they are screened so as not to be visible from adjacent streets, residential uses or residentially zoned land.
 - (2) A maximum of 20% of the total site area may be used for such outdoor storage.
 - (3) Stored vehicles shall not interfere with traffic movement through the complex.
 - (4) The storage facilities complex shall be surrounded by a fence at least eight feet in height.
 - (5) Lighting shall be in accordance with the requirements of Article XII.
 - (6) Screening when abutting a residential use or district shall be in accordance with the commercial buffer requirements.

§ 350-1136. Shopping center.

A shopping center shall follow the following standards. These criteria shall also apply to any single proposed retail use more than 20,000 square feet in gross floor area:

- A. The area and bulk regulations for shopping center under the applicable zoning districts shall apply.

- B. Primary access shall be from a collector or arterial road, as designated on the Functional Classification of Roads map (see attachment), and as herein defined.
- C. All uses within a shopping center shall be harmoniously planned within a single building or within groups of buildings. Planned out parcels, pad sites or detached buildings may be permitted, provided the use is located within a separate lot meeting the appropriate minimum and maximum dimensional requirements for that specific use pursuant to the provisions applicable to the zoning district in which the shopping center is proposed. The applicant shall identify the planned uses within the shopping center and demonstrate how these uses can function harmoniously during all hours of operation.
- D. No building or permanent structure, other than a sign, shall be permitted within 25 feet from a lot line and 15 feet of the street line, except that in the event a proposed shopping center abuts a residential zoning district or a lot containing an existing residential dwelling unit, a minimum building or structure setback of 100 feet from the boundary of such residential zoning district or 100 feet from such residential property line shall be provided.
- E. No parking, loading, or service area shall be less than 25 feet from any property line and less than 10 feet from any street line, except that in the event a proposed shopping center abuts a residential zoning district or a lot containing an existing residential dwelling unit, a minimum setback of 50 feet from the boundary of such residential zoning district or 50 feet from such residential property line shall be provided.
- F. Off-street parking shall be in accordance with Article XIII.
- G. This use, including parking, loading, service, and exterior storage areas, shall be fully buffered from all adjacent residential uses and districts as per the commercial buffer requirements in Article XII.
- H. Outdoor storage and lighting shall comply with standards set forth in Article XII.
- I. Interior roadways for access and circulation shall be provided in accordance with the standards in Chapter 300, Subdivision and Land Development, and shall be designed so as to prevent traffic congestion at points of ingress and egress. All proposed areas designated for the loading or unloading of trucks and/or other commercial vehicles shall be planned and arranged so they may be utilized without interfering with the interior traffic circulation and parking facilities.
- J. Establishments furnishing shopping carts shall provide defined areas on the site for the storage of such carts that shall be clearly marked and designed for such use.
- K. Trash receptacles for patron use shall be provided outside of any establishment with takeout service or convenience shopping.
- L. Sidewalks shall be provided along all street frontage and pedestrian access to sidewalks on or adjacent to the property shall be provided. The continuation of the sidewalk network is encouraged within the Rural Center and Village Zoning Districts.
- M. A system of interior pedestrian circulation throughout the shopping center shall be provided,

utilizing sidewalks and crosswalks, in order to accommodate safe pedestrian movements between the buildings and parking areas. Said circulation system shall extend to adjoining streets in order to provide for existing or future pedestrian connection to such streets.

N. The shopping center use shall contract with a security firm to provide on-site security.

§ 350-1137. Transfer station.

A transfer station shall be permitted when in accordance with the following standards:

- A. Operation of a transfer station shall at all times be in full compliance with the statutes of the Commonwealth of Pennsylvania, the rules and regulations of PaDEP, and the provisions of this chapter. In the event that any of the provisions of this chapter are less restrictive than any present or future rules or regulations of PaDEP, the more restrictive regulations shall supersede and control.
- B. Litter control shall be exercised to confine blowing litter to the work area and a working plan for clean up of litter shall be submitted to the Township. To control blowing paper, a fence shall be erected with a minimum height of eight feet, with openings not more than three inches by three inches, along all boundaries.
- C. An intensive buffer shall be required between the fence and the street line and property line, in accordance with Article XII.
- D. 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, every transfer station shall be protected by locked barricades, fences, gates, or other means designed to deny access to the area at unauthorized times or locations. Such barricades shall be at least eight feet high and shall be kept in good repair and maintained in a uniform color.
- E. The entire transfer process, which includes unloading, compaction, and loading onto the transfer trucks shall occur inside a building. Unloading of materials shall be continuously supervised by a facility operator.
- F. At the end of each work day, all municipal solid waste shall be compacted in a transfer container. Oversized items and items that cannot be compacted because of their size or construction shall be stored in the building. These items shall not remain on the site for more than 15 days.
- G. A contingency plan for disposal of municipal solid waste during a plant shutdown must be submitted to the Township and approved by Board of Supervisors.
- H. Leachate from the municipal solid waste and water used to wash vehicles or any part of the operation shall be disposed of in a manner in compliance with PaDEP regulations. If the leachate is to be discharged to a municipal sewage treatment plant, appropriate permits shall be obtained from the applicable agencies and authorities. In no event shall the leachate be disposed of in a storm sewer, to the ground, or in any other manner inconsistent with PaDEP regulation.
- I. Sanitary landfill operations and open burning of any materials shall be specifically prohibited.
- J. A zoning permit shall be obtained and renewed on an annual basis, and any required fees shall be in accordance with the Township fee schedule.
- K. A transfer station may include the separation and collection of material for the purpose of recycling if the standards of § 350-1130 for a recycling center are met.

- L. Transfer stations shall be constructed on an all-weather, impervious surface to avoid the negative environmental impact of direct seepage of waste into the ground during operation.
- M. The route of entry through the Township to the transfer station. Depending on the route of entry to the transfer station and the adequacy and carrying capacity of the roadways along such route of entry, the Township may require that a traffic study be performed to determine the number of trucks transversing that area of the Township and issues related to safety through populated areas. The Township also may require the posting of a bond for road maintenance for heavily traveled routes associated with the transfer station.

§ 350-1138. Reserved.

§ 350-1139. Accessory alternative energy systems (solar, wind, geothermal, outdoor wood-fired boilers, and emerging energy systems).

A. Accessory solar energy facilities (ASEF):

- (1) A solar energy system shall be permitted as an accessory use in all zoning districts, subject to the provisions set forth herein, as well as all other applicable state or federal regulations. The energy generated in excess of the requirements of the principal use of the property may be purchased or acquired by a public utility in accordance with all applicable laws and government regulations.
- (2) An accessory solar energy facility (ASEF) may be roof-mounted or ground-mounted subject to the criteria in § 350-1139A(11), or § 350-1139A(12), as applicable.
- (3) An ASEF installed prior to enactment of this Section is not required to comply with the terms of this Section. However, any physical modification that materially alters the size, type and number of solar panels or other equipment shall require approval under this Ordinance and meet the requirements of the applicable building, electrical, and fire code(s).
- (4) Design and permitting. The design and installation of the ASEF 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. Township permits shall be required. Applicable manufacturer specifications shall be submitted as part of the application for any permit.
- (5) Grid connection. The applicant for an ASEF connected to the utility grid shall provide to the Township written authorization from the local utility company acknowledging and approving such connection.
- (6) Radiation and glare. Solar collectors shall be placed such that concentrated solar radiation and reflective glare shall not be directed onto nearby properties or streets, or interfere with aviation or airport flight patterns. Acknowledgement of same from the Federal Aviation Administration, Pennsylvania Bureau of Aviation, or other agency or entity, may be necessary at the discretion of the Board of Supervisors.
- (7) Solar access easements. The Township does not guarantee and will not protect any individual property rights with respect to solar access. The ASEF should be located to

ensure solar access without reliance on adjacent properties, and the ASEF owner is encouraged to obtain solar access easements from neighboring landowners to ensure solar access. Where necessary to ensure that solar access to an ASEF shall not be obstructed over time by permissible uses or activities on any adjacent property (e.g., by planting or growth of vegetation, new construction, etc.), it shall be the responsibility of the owner of the ASEF 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 in the office of the Chester County Recorder of Deeds.

- (8) Historic resources. If an ASEF is proposed to be mounted on or located within one-hundred (100) feet of any historic resource, such system shall be subject to conditional use approval at the sole discretion of the Township following review and recommendation from the Historical Commission and upon a finding that the proposed system will not adversely impact the historical significance or landscape context of the subject historic resource. If approval is granted, the ASEF shall be installed in accordance with the guidelines as set forth by the National Park Service publication: Solar Panels on Historic Properties (latest edition).
- (9) Upon completion of installation, the ASEF shall be maintained in good working order in accordance with standards of the Township codes under which it was constructed. Failure of the property owner to maintain the ASEF in good working order is grounds for appropriate enforcement actions by the Township in accordance with applicable ordinances.
- (10) An ASEF, including associated equipment, shall be removed at the owner's sole expense within 12 months of the date when the use has been discontinued or abandoned by the system owner and/or operator, or upon termination of the useful life of the system. The ASEF shall be presumed to be discontinued or abandoned if no electricity is generated by the system for a period of 12 continuous months. The ASEF owner shall, at the request of the Township, provide information concerning the amount of energy generated by the ASEF in the previous 12 months.
- (11) Roof-mounted ASEF shall comply with the following standards:
 - (a) The roof-mounted ASEF may be installed on a principal or accessory building.
 - (b) No portion of an ASEF shall extend beyond the edges of the roof.
 - (c) No portion of an ASEF attached to a pitched roof shall extend above the ridgeline of the pitched roof.
 - (d) For an ASEF attached to a flat roof, the highest point of the system shall be permitted to exceed the height limit of the zoning district in which it is located by up to 6 feet above the rooftop to which it is attached.
 - (e) No equipment associated with the roof-mounted ASEF shall be permitted in the front yard; however, equipment affixed to the roof of the principal or accessory structure and visible from the front yard shall be permitted.
 - (f) An effort shall be made to make the wiring and hardware blend in with the roof and building façade.

(12) Ground-mounted ASEF shall comply with the following standards:

- (a) Ground-mounted ASEF and all associated mechanical equipment shall meet the setback requirements for an accessory use for the zoning district in which they are located, and shall not be located within any required front yard setback, along any street frontage, or within any required easement, right-of-way, or stormwater conveyance system.
- (b) Ground-mounted ASEF shall not exceed a height of 15 feet. A ground-mounted ASEF may exceed a height of 15 feet if it will cover an impervious surface parking area and the applicant can demonstrate to the Township that greater height is needed to allow clearance for emergency service and service vehicles.
- (c) All exterior electrical and/or plumbing lines from the solar energy system to any building or other structure shall be located underground.
- (d) For the purposes of the Township Stormwater Management Ordinance, the total horizontal projection area of all ground-mounted and free-standing solar collectors, including solar photovoltaic cells, panels, and arrays, shall be considered pervious so long as the designs note that natural vegetative cover will be preserved and/or restored underneath the solar photovoltaic cells, panels, and arrays, and the area disturbed is planned as a vegetative pervious surface. Any other associated buildings, equipment, or structures shall be considered impervious surface. For the purposes of determining compliance with lot coverage standards of the applicable zoning district, the footprint of the ground-mounted ASEF, calculated as the dimension of the footprint of the cumulative solar panels plus the area of any associated buildings, equipment, or structures shall count toward the overall lot coverage regardless of whether it is determined to be impervious. For a tracking array or other moveable system the footprint of the solar panels shall be calculated at a 33 degree tilt angle.
- (e) All ground-mounted ASEF shall be located so that tree removal is not required to the extent practical.

(13) Ground-mounted ASEF exceeding 500 square-feet in surface area shall be subject to conditional use approval and shall comply with the following conditions, in addition to the standards set forth in §350-1139(12), with the exception of §350-1139(12)(a):

- (a) The ground-mounted ASEF shall be setback a minimum of 300 feet from property lines and road rights-of-way unless the Board of Supervisors determines that the existing topography and/or landscaping provide an adequate barrier. The ground-mounted ASEF shall not be located within any required front yard setback or within any required easement, right-of-way, or stormwater conveyance system. No lesser setback specified in this chapter shall apply to ground-mounted ASEF exceeding 500 square-feet in surface area.
- (b) Native grasses and/or other native vegetation satisfactory to the Township shall be planted and maintained below and between ground-mounted solar panels, modules and/or arrays, unless other ground cover is required by a state or federal agency or recommended by the Township Engineer, consultant, or licensed landscape architect and approved by the Board of Supervisors.

- (c) In no event shall the ground-mounted ASEF exceed one acre unless the Board of Supervisors determines that there are compelling reasons for it to exceed one acre.

B. Accessory wind energy facilities (AWEF):

- (1) A wind energy facility shall be permitted as an accessory use in all zoning districts, subject to the provisions set forth herein, as well as all other applicable local, state, and federal regulations and construction and electrical codes. A system is considered an accessory wind energy facility only if it supplies electrical or thermal power primarily for on-site use. The energy generated in excess of the requirements of the principal and/or accessory use of the property may be purchased or acquired by a public utility in accordance with all applicable laws and government regulations.
- (2) An accessory wind energy facility (AWEF) may be roof-mounted or ground-mounted subject to the applicable criteria in this § 350-1139.
- (3) An AWEF installed prior to enactment of this Section is not required to comply with the terms of this Section. However, any physical modification that materially alters the size, type and number of wind turbines or other equipment shall require approval under this Ordinance and meet the requirements of the applicable building code(s).
- (4) The layout, design, and installation of AWEF shall conform to applicable industry standards, including those of the American National Standards Institute (ANSI), Underwriters Laboratories (UL), Det Norske Veritas, Germanischer Lloyd Wind Energies, the American Society of Testing and Materials (ASTM), or other pertinent certifying organizations and comply with the PA Uniform Construction Code and all applicable building code and fire and safety requirements. The applicant shall submit manufacturer's specifications as part of an application.
- (5) The applicant for an AWEF connected to the utility grid shall provide to the Township written authorization from the local utility company acknowledging and approving such connection.
- (6) Historic resources. If an AWEF is proposed to be mounted on or located within one-hundred (100) feet of any historic resource, such system shall be subject to conditional use approval at the sole discretion of the Township following review and recommendation from the Historical Commission and upon a finding that the proposed system will not adversely impact the historical significance or landscape context of the subject historic resource.
- (7) Viewsheds. To the maximum extent possible, all AWEF shall be sited on the subject property so as to limit its visual impact when viewed from adjoining public roads, parks, nature preserves, and neighboring properties.
- (8) Noise.
 - (a) Equipment selected for use as an AWEF shall incorporate the latest technology for producing low ambient noise levels.
 - (b) The sound produced by the AWEF shall not exceed 45dBA as measured at the property line at ground level.

- (c) Noise limits may be exceeded during short-term events such as utility outages and/or severe windstorms.
- (9) When an accessory building is necessary for energy storage cells or related mechanical equipment, the accessory building shall comply with the accessory building requirements of the zoning district in which the AWEF is located.
- (10) All ground-mounted electrical and control equipment shall be labeled and secured to prevent unauthorized access.
- (11) Clearly visible warning signs concerning falling objects shall be placed within the principal structure yard setbacks and spaced not more than 100 feet apart, to the extent possible, to warn against ice and rotor throws. Signs are to be placed a minimum of three (3) feet from the ground and be a minimum of one (1) square foot, but not exceeding two (2) square feet, in surface area.
- (12) The owner shall post electrical hazard warning signs on or near the AWEF.
- (13) All on-site utility, transmission lines, and cables shall be placed underground.
- (14) The display of advertising is prohibited except for identification of the manufacturer of the system.
- (15) AWEF shall not be lighted except for any lighting required to comply with Federal Aviation Administration (FAA) or Pennsylvania Department of Transportation Bureau of Aviation (BOA) regulations.
- (16) AWEF shall be painted a non-reflective, flat color such as white, off-white, or gray unless required to be colored differently from FAA or BOA regulations.
- (17) AWEF shall have an automatic braking, governing or feathering system to prevent uncontrolled rotation, over speeding and excessive pressure on the tower structure, rotor blades and turbine components.
- (18) AWEF shall not cause shadow flicker on any occupied building on a non-participating landowner's property.
- (19) No part of any AWEF shall be located within or above the required setbacks of any lot, extend over parking areas, access drives, driveways or sidewalks.
- (20) The owner of the AWEF shall provide evidence that the owner's insurance policy has been endorsed to cover an appropriate level of damage or injury that might result from the installation and operation of the wind energy system.
- (21) The potential ice throw or ice shedding for an AWEF shall not cross the property line of the lot on which the AWEF is located nor impinge on any right-of-way or overhead utility line.
- (22) The owner of the AWEF shall ensure that the design and operation of the AWEF avoid disruption or loss of radio, telephone, television, cell, Internet or similar signals, and shall mitigate any harm caused thereby.
- (23) Permit requirements.

- (a) Zoning/building permit applications for AWEF shall be accompanied by a site plan which includes the following:
 - [1] Property lines and physical dimensions of the property;
 - [2] Location of the proposed AWEF on the property;
 - [3] Location, dimensions, and types of existing structures on the property;
 - [4] The right-of-way of any adjacent public road(s);
 - [5] Location of any above-ground utility lines on the property or adjoining lots;
 - [6] Location of any historic resources on the property or adjoining lots and within 100 feet of the AWEF;
 - [7] AWEF system specifications, including manufacturer and model, rotor diameter, tower height, and tower type; and
 - [8] Standard drawings of the wind turbine structure and stamped engineered drawings of the tower, base, footings, and/or foundation as provided by the manufacturer.
 - (b) The applicant shall demonstrate that, to the maximum extent possible, the AWEF will not interfere with scenic viewsheds as viewed from public roads, parks, nature preserves, and neighboring properties. Such evidence may include graphic renderings, maps, and/or photographs demonstrating sightlines from the AWEF.
 - (c) Permits shall be kept on the premises where the AWEF is constructed.
 - (d) The zoning/building permit shall be revoked if the AWEF, whether new or pre-existing, is moved or otherwise altered, either intentionally or by natural forces, in a manner which causes the AWEF not to be in conformity with this Ordinance.
 - (e) For standard soil conditions (not including gravel, sand, or muck), foundations developed by the wind turbine manufacturer shall be acceptable for AWEF installations of 20kW or less and will not require project-specific soils studies. Applicants proposing projects involving substandard soil conditions or installations of AWEF greater than 20kW may be required by the Zoning Officer to submit detailed soil studies.
 - (f) The AWEF shall be properly maintained and be kept free from all hazards, including but not limited to, faulty wiring, loose fastenings, being in an unsafe condition or detrimental to public health, safety or general welfare. In the event of a violation of any of the foregoing provisions, the Zoning Officer shall give written notice specifying the violation to the owner of the AWEF to conform or to remove the AWEF.
- (24) An AWEF, including associated equipment, shall be removed and properly disposed of at the owner's sole expense within 12 months of the date when the use has been discontinued or abandoned by the system owner and/or operator, or upon termination of the useful life of the system. The system shall be presumed to be discontinued or abandoned if no electricity is generated by the system for a period of 12 continuous

months. The AWEF owner shall, at the request of the Township, provide information concerning the amount of energy generated by the AWEF in the previous 12 months.

(25) Roof-mounted AWEF shall comply with the following:

- (a) There shall be no commercial use of a roof-mounted AWEF for generation of energy.
- (b) The applicant shall provide certification from a Pennsylvania licensed professional engineer that the building is structurally sufficient to withstand the weight of the wind turbine being installed as well as the projected wind load to be placed upon the wind turbine.
- (c) The roof-mounted wind turbine shall be mounted in accordance with the manufacturer's installation requirements. The mounting equipment shall be certified by a Pennsylvania licensed professional engineer that the mounting equipment is sufficient to withstand the weight of the wind turbine being installed as well as the projected wind load to be placed upon the wind turbine.
- (d) Roof-mounted AWEF shall not exceed a height of 8 feet measured from the center of the wind turbine's nose cone to the roofline on which it is mounted.
- (e) Roof-mounted wind turbine blades shall have a minimum clearance of three (3) feet between the tip of the blades and roofline as well as other obstructions including but not limited to antennae, satellite dishes, vent stacks, and chimneys.
- (f) Roof-mounted wind turbines shall be set back from any adjacent occupied building a distance of not less than 30 feet.
- (g) All exterior wiring and hardware shall blend in with the roof and building façade.

(26) Ground-mounted AWEF shall be comply with the following:

- (a) There shall be no off-site primary use of the AWEF for generation of energy.
- (b) No ground-mounted AWEF shall be located in a front yard.
- (c) Ground-mounted AWEF shall not exceed a height of 85 feet. The height of a ground-mounted AWEF shall be measured from the average approved finished grade at the perimeter of the base of the ground-mounted AWEF to the highest vertical point of the rotor at its maximum vertical position.
- (d) For a ground-mounted AWEF, only a single pole or monopole structure shall be permitted. The pole shall be self-supporting upon its foundation without the use of guy wires or other supports and shall be certified by the wind turbine's manufacturer that the pole is sufficient to withstand the weight of the wind turbine being installed as well as the projected wind load to be placed upon the wind turbine.
- (e) The minimum height of the lowest position of the ground-mounted wind turbine rotor shall be 15 feet above the surface of the ground.
- (f) All ground-mounted electrical and control equipment shall be labeled and secured to prevent unauthorized access.

- (g) To prevent climbing, a ladder or steps affixed to a ground-mounted wind turbine shall not be provided any lower than 15 feet above its base.
- (h) Setbacks for ground-mounted AWEF:
 - [1] AWEF shall be set back from property lines, occupied buildings, above-ground utility lines, road and/or railroad rights-of-way by a distance equal to no less than 1.1 times the total height of the turbine.
 - [2] AWEF shall be allowed closer to a property line than the prescribed setbacks if the abutting property owner(s) grants written permission in the form of a signed easement and the installation poses no interference with public utility lines, public roads and rail right-of ways.
 - [3] No lesser setback specified in this chapter shall apply to ground-mounted AWEF.
- (i) The number of ground mounted AWEF permitted on a lot shall be based upon lot size and follow the schedule below:

Lot Size	Maximum Number of Ground-Mounted AWEF
<1 acre to 4.99 acres	1
5+ acres to <10 acres	2
10+ acres	3

C. Accessory geothermal energy facilities.

- (1) A closed-loop geothermal energy system shall be permitted in all zoning districts as an accessory use, where the energy supplied is solely for the use of principal and/or accessory uses permitted on the subject property.
- (2) Open-loop geothermal energy systems are prohibited.
- (3) It shall be unlawful to install a new geothermal well or modify an existing geothermal well without a valid permit in accordance with Chester County Health Department Rules and Regulations, Chapter 500, as may be amended.
- (4) All mechanical equipment associated with a geothermal energy system shall comply with the accessory setback requirements and lot coverage requirements of the zoning district in which it is located.
- (5) Recognizing that certain portions of West Caln Township are underlain by karst or carbonate geology and are prone to the potential formation of sinkholes, all applicants for geothermal energy systems located in such areas shall acknowledge, and by virtue of the application for a permit for installation of a geothermal energy system, shall agree to the following:
 - (a) In all situations when boreholes or trenches are (or have been) excavated, or natural conditions have otherwise been disturbed, the likelihood of sinkhole formation increases;
 - (b) The applicant (or subsequent owner) accepts all responsibility and liability for any sinkholes that do form in association with the applicant's geothermal energy system;

and

- (c) The applicant (or subsequent owner) agrees to repair any and all sinkholes that form in association with the geothermal energy system.
- (6) If the geothermal energy system is abandoned or enters into a state of disrepair, it shall be the responsibility of the property owner, through a County-licensed contractor, to repair or decommission the system in accordance with Chapter 500 of the Chester County Health Department Rules and Regulations, as amended. Any earth disturbance as a result of the removal or permanent sealing of the geothermal energy system shall be reseeded and revegetated with native species to its pre-disturbance condition.

D. Accessory outdoor wood-fired boilers.

- (1) Outdoor wood-fired boilers (OWB) shall be permitted as an accessory use in all zoning districts, where the energy supplied is solely for the principal use permitted on the subject property.
- (2) An OWB installed prior to enactment of this Section is not required to comply with the terms of this Section. However, any physical modification that materially alters the size, type and number of OWBs or other associated equipment shall require approval under this Ordinance and meet all applicable local, state, and federal codes and regulations.
- (3) OWBs shall be certified by the United States Environmental Protection Agency (EPA) and shall comply with EPA New Source Performance Standards (NSPS) as meeting the Step 2 emission rate of 0.10 pounds per million Btu heat output.
- (4) OWBs shall be located on the property in compliance with the manufacturer's recommendations with respect to clearance for combustible materials. Due consideration shall also be given to prevailing wind directions when locating any furnace. In no case shall an OWB be located within any required front yard setback, along any street frontage, or within any required easement, right-of-way, or stormwater conveyance system.
- (5) OWBs shall be setback a minimum of 50 feet from the nearest property line, except that where a greater setback is required by the applicable zoning district, such greater setback shall apply.
- (6) Wood-fired boilers shall have a permanently attached smokestack installed according to the manufacturer's specifications that extends a minimum of 15 feet above the ground, measured as the average finished grade of the site upon which the OWB is located, and that also extends at least 2 feet above the highest peak of any residence located less than 150 feet from the OWB.
- (7) OWBs shall only burn clean wood, wood pellets made from clean wood, home heating oil, natural gas or propane fuels, or other fuel approved in writing by the PA DEP.
- (8) The following fuels shall be specifically prohibited:
 - (a) Any material not listed in Subsection D(7), above.
 - (b) Wood that has been painted, varnished or coated with similar material.
 - (c) Pressure-treated wood or pallets or pressure-treated lumber.

- (d) Residential or commercial garbage.
- (e) Lawn clippings or yard waste.
- (f) Materials containing rubber, including tires.
- (g) Materials containing plastic.
- (h) Waste petroleum products, paints or paint thinners, or asphalt products.
- (i) Materials containing asbestos.
- (j) Construction or demolition debris.
- (k) Paper products, cardboard, plywood, or particleboard. The prohibition against burning these materials does not prohibit the use of fire starters made from paper, cardboard, sawdust, wax, and similar substances for the purpose of starting a fire in a wood heater.
- (l) Railroad ties.
- (m) Manure or animal remains.
- (n) Salt water driftwood or other previously salt water saturated materials.
- (o) Unseasoned wood.
- (p) Any materials that are not included in the warranty and owner's manual for the subject wood heater.
- (q) Any materials that were not included in the certification tests for the subject wood heater.
- (r) Any additional materials that may be prohibited by the US EPA or PA DEP.

E. Emerging Energy Systems.

- (1) An emerging energy system, other than those specifically defined in this Chapter, may be permitted by special exception as an accessory use provided that such system is located on a lot with a permitted use in accordance with the applicable provisions of this Chapter.
- (2) An emerging energy system may be located on or attached to an occupied building provided that the structural components of the emerging energy system does not exceed the permitted building height requirements of the zoning district in which it is located.
- (3) All components of the emerging energy system shall comply with the building setback requirements and lot coverage requirements of the zoning district in which it is located.
- (4) A site plan, prepared, signed, and sealed by a qualified professional licensed in the Commonwealth of Pennsylvania, shall be submitted, which identifies property lines, lot area, location of existing natural and manmade features, location of the proposed emerging energy system, ownership information for adjoining properties, and setback measurements from property lines, street lines, and occupied buildings.
- (5) An emerging energy system may be located on a lot provided that it is located, designed,

and installed considering the health, safety, and general welfare of the adjacent property owners. The emerging energy system and associated building, structures, and equipment shall be secured and clearly visible warning signs concerning voltage and other potential hazards shall be placed as needed.

- (6) As part of the special exception application, the Zoning Hearing Board may attach reasonable conditions and safeguards.

§ 350-1140. Age-restricted residential community.

Age-restricted residential communities, as defined in Article II, shall be permitted when in compliance with the following standards:

- A. The minimum tract size shall be 30 gross acres held in single and separate ownership.
- B. The tract shall be developed according to a single plan under single direction and in the manner approved.
- C. All of the uses contained within the age-restricted residential community shall be served by community or public water facilities and community or public sewer facilities
- D. The maximum density shall not exceed 4 dwelling units per acre of net tract area.
- E. A minimum of 40% of the gross area of the tract shall be designated and used exclusively for common open space, subject to § 350-1126 and the following:
 - (1) There shall be a reasonable mix of active and passive recreation areas, with maximum preservation of existing environmental features in the areas left for passive recreational use.
 - (2) Adequate open space area shall be provided for active recreational use, and all open space areas shall be designed and developed in such manner and with facilities compatible with the population who will reside in the community.
- F. The following uses shall be permitted within an age-restricted residential community:
 - (1) Any combination of single-family detached, single-family semidetached dwelling (twin), or multifamily townhouse dwellings.
 - (2) Any of the following accessory uses, which shall be for the exclusive use of residents of the age-restricted residential community and their guests:
 - (a) Community center, which may include dining facilities, activity rooms, auditoriums, lounges, and libraries; a chapel or other religious use; and office, retail, and personal service facilities, including gift shop, coffee shop, barber or beauty shop, bank, and pharmacy.
 - (b) Community gardens and outdoor recreational facilities, including tennis courts, walking/jogging/bicycling trails/paths, and similar facilities.

- (c) Secured or gated entrance to the community.
- G. A minimum of 10% of the dwelling units shall be reserved for households with a documented household income at or below sixty percent (60%) of the area median income (AMI) for the Philadelphia Metropolitan Statistical Area; or income that is determined to be "Very Low Income" or "Extremely Low Income" "as adjusted", as defined by the United States Department of Housing and Urban Development.
- H. A minimum setback of fifty (50) feet from tract boundaries and external streets shall be provided. Where the tract boundary abuts an agricultural use, CAO, CAFO, or mushroom production facility, the minimum setback shall be increased to 100 feet. Buffers and screening shall be incorporated within setback areas in accordance with §350-1206.
- I. All buildings shall be setback a minimum of 20 feet from internal streets, parking areas, and refuse collection centers.
- J. All residential uses shall be setback a minimum of 50 feet from any outdoor active recreational facility.
- K. Minimum building separation distances shall be provided as follows:
- (1) Facing front or rear walls (long wall): 50 feet.
 - (2) Facing end walls (short wall): 25 feet.
- L. Multifamily townhouse dwellings shall be designed in accordance with Section 350-1124.
- M. The maximum lot coverage shall be 40%.
- N. A paved pedestrian system interconnecting all dwelling units, common and recreational facilities, and open space, parking, and refuse collection areas shall be provided and shall be a minimum of five (5) feet in width or greater as may be required by Subsection O, below. Such walkways shall also be provided in order to enable existing or future connections to areas outside the tract boundaries.
- O. Wheelchair access to all dwelling units, accessory uses, and other community facilities in accordance with the Americans with Disabilities Act of 1990 (42 U.S.C. § 12101 et seq.), as amended, shall be provided in the design of structures, pedestrian walkways, and parking areas. Where practical and desirable, buildings shall be interconnected by means of covered or enclosed walkways.
- P. Refuse collection stations shall be fully screened by a solid wall, fence, evergreen planting or a combination thereof.

§ 350-1141. Data centers.

- A. Data centers shall meet the following design standards:
- (1) Building height. The maximum building height shall be 35 feet, inclusive of associated equipment.

- (2) Minimum lot area. Minimum lot area shall be 10 acres.
- (3) Setbacks. The data center and associated equipment and structures shall be setback 200 feet from the property line of all other adjoining properties and road rights-of-way. No lesser setback specified in this chapter shall apply to data centers and associated equipment and structures.
- (4) Principal building façades. Principal building façades shall include all building façades that face adjacent public roads, adjacent residential use, or adjacent residentially zoned land. When a building has more than one principal façade, such principal building façades shall include:
 - (a) Fenestration (windows) on a minimum of 30% of the principal façade surface area located in separated individual placements or clustered bays and distributed horizontally and vertically across the principal facade; and
 - (b) A change in building material, pattern, texture, color, or accent materials.
- (5) Main entrance feature. At least one main entrance feature shall be provided. Such main entrance features shall either project or recess from the main building plane, and/or be differentiated from the remainder of the building façade by a change in building material. Landscaping of the main entrance feature is encouraged.
- (6) Building step-back. The building envelope shall provide a step-back of no less than 15 feet from the building wall at a height point that begins at the top of the second story of the building or 40 feet, whichever of the two is lower.
- (7) Screening of mechanical equipment. Ground level and roof top mechanical equipment used for cooling, ventilating, or otherwise operating the facility, including power generation or other power supply equipment, shall be screened from view on all sides with a visually solid screen. Such screen may be provided by a visually solid fence, screen wall or panel, parapet wall, or other visually solid screen, and shall be constructed of materials compatible with those used in the exterior construction of the principal building. Such screen may incorporate perforated surfaces on as necessary to permit ventilation of the equipment.
- (8) Fencing. Fencing of the property may be permitted, provided that fencing is not chain-link, with or without slatted inserts, and does not include barbed wire or other similarly visibly intrusive deterrence device. Fencing visibility shall be reduced through the use of landscaping and other methods to reduce visibility approved by the Township.
- (9) Impact studies and assessments. The applicant shall submit an Environmental Impact Study in accordance with Chapter 300, Subdivision and Land Development.
- (10) Noise. Noise emanating from a data center shall not exceed the levels specified in §350-1214E. Any mechanical equipment which requires noise reduction to meet Township standards shall be equipped with soundproofing adequate to comply with the noise standards established by this Chapter or as otherwise established as a condition of approval. Upon issuance of a certificate of occupancy, the data center operator shall conduct a noise study performed by a third-party acoustical engineer to document noise levels emanating from the Data Center measured in accordance § 350-1214E, during peak operation of the Data Center mechanical equipment. The Data Center operator shall also conduct an additional noise study performed by a third-party acoustical engineer, measured in accordance § 350-1214E,

during peak operation of the Data Center mechanical equipment annually after completion of the initial noise study. The Data Center operator shall provide the results of the noise study to the Township within thirty days of the anniversary of the date on which the certificate of occupancy was issued and every year hereinafter until such time as the Township determines such sound studies are no longer required. If noise levels violate the levels established by this Chapter, the data center operator shall install mechanisms to mitigate the noise levels immediately, or be subject to enforcement provisions of this Chapter including daily fines.

(11) Water and sewerage.

- (a) The data center shall be served by a public sewage disposal system and a public water supply system.
- (b) The applicant shall provide documentation from the applicable water or sewer service provider certifying that the necessary capacity is available, and that service provider will serve the data center. Known impacts on water or sewer service rates or availability for other uses directly attributable to the data center project shall be noted.
- (c) The use of recycled wastewater for cooling and/or other mechanical operations is strongly encouraged.

(12) Power supply.

- (a) If the applicant proposes to connect the data center to the electric grid, the applicant shall provide documentation from the applicable electric service provider certifying that the necessary capacity is available, and that electric service provider will serve the data center. Known impacts on electric rates or availability for other uses directly attributable to the data center project shall be noted.
- (b) Any energy generation system designed or used to supply power directly to a data center during normal operations, including solar, fossil fuel, or other energy generating systems, shall not be considered part of the data center use. Such systems shall be considered a separate use and shall be subject to the applicable standards of this chapter 350, all other applicable chapters of the Code of West Caln Township, and all applicable federal, state, and local regulations.

(13) If the Data Center operator intends to use backup power generators, the operator shall maintain a public website announcing the times when the generators will be in operation. Any routine operation of the backup generators, including for testing purposes, shall be announced on the website at least 24 hours in advance. The operator shall also notify the Township at least 24 hours in advance of a test. Unless the generators are supplying backup electrical supply during a power outage, backup generators shall only operate between the hours of 9:00 am and 5:00 pm, Monday through Friday, excluding holidays. Upon request by the Township, the Data Center operator shall provide the address of the website where the notices required by this section are published.

(14) Emergency management.

- (a) The applicant shall submit an Emergency Response Plan (ERP) prepared by a qualified professional. The ERP shall:

[1] Be reviewed and accepted by the local fire department and emergency management

services as part of the conditional use process;

- [2] Include detailed procedures for fire suppression, containment, ventilation, and evacuation;
 - [3] Include an evaluation of the access roads and hydrant locations within the site to ensure suitable access for emergency equipment within the site;
 - [4] Ensure that all first responders receive adequate training specific to the installed system;
 - [5] Include provisions for annual fire safety inspections demonstrating compliance with fire safety standards to be performed by a qualified professional on behalf of the data center.
- (b) Any data center use proposing battery storage or any other device or group of devices capable of storing energy in order to supply electrical energy at a later time, whether the energy is stored for use on-site or off-site, shall demonstrate compliance with National Fire Protection Association (NFPA) Standard 855, Installation of Stationary Energy Storage Systems, or similar standards and must include fire suppression systems designed specifically for battery storage.
 - (c) No data center shall be approved unless the applicant demonstrates that procedures for fire suppression, containment, ventilation, and evacuation are sufficiently protective of public health, safety and welfare. This analysis may be performed by an outside expert hired by the Township with costs to be reimbursed by the applicant.

§ 350-1142. Trucking terminal/distribution center/fulfillment center.

- A. Minimum lot area: 10 acres.
- B. Any entrance for trucks, loading/unloading area, principal structures, outdoor storage or truck parking area shall be a minimum of 150 feet from any residential lot line or residential zoning district boundary.
- C. The use shall have its main access point(s) within two miles of at least one ramp of a limited access highway.
- D. All tractor-trailer truck parking, principal structures, outdoor storage and/or loading/unloading areas that are visible from beyond the exterior lot lines of the use shall be screened by a 50-foot wide buffer yard, and a 50-foot buffer yard shall be required along the frontage of all streets. Such buffer yard shall meet the following conditions:
 - (1) The buffer yard shall include a vegetated screening buffer. The screen buffer plantings are intended to form an impenetrable visual screen and shall include a variety of evergreen tree species to prevent monocultural planting. Trees used for screen buffers shall be comprised of 100% evergreen species.
 - (2) Evergreen trees used in the screen planting shall be at least six feet high when planted and shall be of such species as will produce a dense visual screen at least ten feet high within four years. Where the screen buffer planting requires more than 50 trees, no more than 1/3 of those trees shall be of a single variety. Deciduous canopy trees and/or flowering trees, and

- evergreen shrubs are encouraged to provide complete screening and visual appeal, in addition to the required evergreen trees. Shrubs shall have a minimum height of 36 inches when planted.
- (3) The buffer yard may overlap the required side or rear yards, and in case of conflict, the larger yard requirements shall apply.
- E. Any tractor-trailer truck parking, outdoor storage and/or loading/unloading areas that are visible from and are within 150 feet of the exterior lot lines of the use shall be separated from such lot lines by an earthen berm. Such berm shall meet the following conditions:
- (1) Average a minimum of five feet in height above the adjacent average ground level (disregarding any drainage channel) on the outside of the berm.
 - (2) Not have a single continuous height, but instead shall vary in height by one foot or two feet in places.
 - (3) The top of the berm shall not have a width less than five feet.
 - (4) Have a maximum side slope of three horizontal to one vertical.
 - (5) Be covered by a properly maintained all-season natural ground cover, such as an appropriate grass.
 - (6) Shall be located behind any required buffer screening.
- F. The maximum height for such use shall be 50 feet.
- G. The use shall include an appropriate system to contain and properly dispose of any fuel, grease, oils or similar pollutants that may spill or leak.
- H. All facilities with gated entrances shall provide for an on-site queuing area for the stacking of a minimum of two tractor-trailers. Where gates, guard sheds or checkpoints are proposed at the entrance(s) to the facility, adequate queuing space shall be provided within the property boundaries to prevent stacking of vehicles on or along public streets.
- I. The use shall provide off-street parking and loading in accordance with Article XIII. The parking and loading design shall provide adequate area and spaces for the parking and stacking of tractor-trailers that are awaiting entry to the loading/unloading area to prevent the backup of tractor-trailers and/or other vehicles onto a public street. No parking, loading/unloading, or stacking shall be permitted on or along any public road.
- J. Vehicular access shall be so arranged as to minimize danger and congestion along adjoining roads and to avoid the creation of nuisances to nearby properties.
- K. External building materials shall be of colors that are low-reflective, subtle, or earth tone. Fluorescent and metallic colors shall be prohibited as exterior wall colors.
- L. LEED Certification is strongly encouraged, as well as roof-mounted accessory solar energy facilities.
- M. The applicant shall coordinate with the Chester County Emergency Services Center to ensure there is adequate radio coverage for emergency responders within the building based upon the

existing coverage levels of the Chester County Emergency Services Public Safety Radio Communications System at the exterior of the building, and shall install enhancement systems if needed to meet compliance.

- N. The use shall provide related facilities and amenities to provide for the comfort, convenience and safety of those engaged in the trucking distribution industry, such as rest lounges and areas, locker rooms and shower facilities, and similar amenities.
- O. Mechanical scraper systems shall be installed at each truck exit drive for the purpose of removing snow, slush and ice from trailer and truck rooftops. During winter months, all trucks shall pass under these mechanical scrapers prior to exiting the warehouse facility.
- P. A traffic impact study shall be prepared by a professional traffic engineer, in accordance with Chapter 300, Subdivision and Land Development. The traffic impact study shall also include a truck routing map identifying anticipated routes to and from the proposed facility to the Township boundary. The truck routing map shall be consistent with existing truck routing signage and trip distribution data presented in the traffic study, and shall identify any new proposed truck routes and necessary truck routing signage.
- Q. An environmental impact study shall be prepared in accordance with Chapter 300, Subdivision and Land Development. The analysis shall also include the following:
 - (1) Air pollution impacts from vehicle operations, including from truck engines during idle time. The applicant shall identify all stationary and mobile sources of fine particulate matter (PM_{2.5}), volatile organic compounds, and nitrogen oxides at the site. The applicant shall specify best management practices for preventing and reducing the concentration of air polluting emissions at the site. The owner or operator of the facility shall have anti-idling signs prominently posted in areas where 15 or more trucks may park or congregate.
 - (2) The potential for public nuisance to local residents resulting from operations and truck traffic, including noise, glare, light, dust, odor, and visual obstacles.

§ 350-1143. Wholesaling or warehouse.

- A. The maximum building height shall be 50 feet.
- B. No storage of garbage (other than is routinely produced on site and awaiting regular collection) shall be permitted. The bulk storage of materials that are flammable, explosive, hazardous, or commonly recognized as offensive shall not be permitted.
- C. Wholesaling or warehouse uses that would involve the entrance to the facility of an average of more than 50 tractor-trailer trips in any 24-hour period shall be required to meet the additional site development standards in § 350-1142 for a Truck Terminal/Distribution Center/Fulfillment Center. A trip shall be defined as one arrival at, or one departure from the facility.
- D. The use shall provide off-street parking and loading in accordance with Article XIII. The parking and loading design shall provide adequate area and spaces for the parking and stacking of tractor-trailers that are awaiting entry to the loading/unloading area to prevent the backup of tractor-trailers and/or other vehicles onto a public street. No parking, loading/unloading, or stacking shall be permitted on or along any public road.

E. When permitted as a conditional use, the applicant shall provide the following information:

- (1) A detailed description of the nature of the on-site activities and operations, the types of materials stored, the frequency of distribution and restocking, the duration period of storage of materials, and the methods for disposal of any surplus or damaged materials. In addition, the applicant shall furnish evidence that the disposal of materials will be accomplished in a manner that complies with local, state and federal regulations.
- (2) A detailed description of the scale of the operation, in terms of its market area, specific floor space requirements for each activity, the total number of employees on each shift, anticipated truck traffic, and an overall needed site size.
- (3) Credible evidence that the number and size off-street parking spaces provided for trucks will be adequate to accommodate the expected demand generated by the use.
- (4) A detailed description of any environmental impacts that are likely to be generated (e.g., odor, noise, smoke, emissions, dust, litter, glare, vibration, electrical disturbance, wastewater, stormwater, solid waste, etc.) and specific measures employed to mitigate or eliminate any negative impacts. The applicant shall further furnish evidence that the impacts generated by the proposed use fall within acceptable levels, as regulated by applicable laws and ordinance, including but not limited to those listed in § 350-1214.
- (5) The Board of Supervisors may require additional impact statements in accordance with Chapter 300, Subdivision and Land Development.

Article XII General Regulations

§ 350-1200. Applicability.

The provisions of this article represent certain regulations and standards that are common to all zoning districts. Unless stated, the following general regulations shall govern in all districts and apply to all uses, whether uses-by-right, conditional uses, or uses by special exception. In the event that the provisions of this article conflict with other provisions of this chapter, the most restrictive provisions shall apply.

§ 350-1201. Lot, yard, and height requirements.

- A. Reduction of lot area. No lot shall be reduced through subdivision so that the area of the lot or the dimensions of the required yards and open spaces shall be smaller than the requirements herein prescribed.
- B. Modification of front yard requirements. The front yard of a proposed building or structure in any district may be decreased in depth to the average alignment or setback of existing buildings within 100 feet on each side of the proposed building or structure, provided such calculation is limited to the same block. Such reduction may occur when the alignment of existing buildings is less than the front yard requirement for the applicable district. In no case shall said front yard encroach within the legal right-of-way of a street.
- C. Projections into required yards. No building or structure or portion thereof shall be constructed within or shall project into any required yard in any district, except as follows:
 - (1) Driveway, sidewalks, as specified in this article and § 350-1101, and signs, as specified in Article XIV. Certain fences and walls may be permitted within required yards but subject to regulations set forth in § 350-1101 and § 350-1205.
 - (2) A pump, light standard, compressed air dispenser, water outlet, or similar installation of a gasoline service station, where permitted, may be placed within a required front yard, but in no case closer to a street line than 15 feet.
 - (3) Arbors, open trellises, and flagpoles, except as provided in § 350-1203, below.
 - (4) The front yard areas of all residential uses shall be maintained primarily as nonimpervious surfaces, covered by vegetation and/or mulching in order to minimize soil erosion, except that paved sidewalks may be provided across the width of the property and from the street to the residence, and a paved driveway and parking area up to 20 feet wide and an adjacent turnaround may be provided within the front yard area.
 - (5) No projection shall obstruct pedestrian or vehicular circulation, visibility or access to buildings by emergency vehicles.
 - (6) For commercial districts and uses, awnings or canopies shall not project more than four feet over a public walkway and the lower edge of such projecting structure shall be higher than eight feet above the ground level of such walkway. No portion of a projection shall be located closer than four feet from a curbline.

- D. Corner lots. A front yard, as provided for in the lot area and bulk requirements for the district in which the lot is located, shall be required along each street on which a corner lot abuts. Other yards shall be as defined for corner lot in Article II. Accessory buildings shall be located behind the setback lines of both streets.
- E. Reverse frontage lots. The minimum front yard setback shall be met along the street for which the United States Postal Service (USPS) mailing address is assigned. Accessory buildings shall be located behind the setback lines of both streets.
- F. Minimum lot width. Each lot in any district shall have a width at the street line of not less than 60% of the required lot width at the building setback line.
- G. Height restrictions. No building or structure shall exceed the height limitations of this chapter, except for church spires, steeples or belfries, cupolas or domes, monuments, observation towers, clock towers, ventilation fans, air-conditioning equipment, roof structures for elevator or stairwells, transmission towers, water towers, chimneys, smoke stacks, flagpoles, masts, barns, silos, stables for sheltering livestock, poultry, and farm products. Except as otherwise expressly permitted under this chapter, no building, structure or use shall exceed 85 feet in height, including but not necessarily limited to commercial communication facilities under § 350-1104B(3) and water supply towers under § 350-1210C. Any building or structure that is eligible for an exception to the height limitations under this § 350-1201 shall be subject to any applicable setback and other requirements of this chapter.

§ 350-1202. Federal, state, and county owned property.

Whenever federal, state, or county owned property is included in one or more zoning districts, it shall be subject to the provisions of this chapter to the extent permitted by the Constitution and laws of the United States of America and the Commonwealth of Pennsylvania.

§ 350-1203. Vision obstruction.

No obstructions to visibility at intersections shall be permitted. A clear sight triangle shall be maintained in accordance with the design standards set forth in Chapter 300, Subdivision and Land Development. No facilities, including but not limited to, a fence, sign, wall, arbor, open trellis, flagpole, utility pole, or other structure shall be erected, allowed, or maintained and no hedge, tree, shrub, or other planting shall be planted or allowed to exist that dangerously obstructs sight distance at street intersections, vision for through traffic at private streets, driveways, street intersections or along streets especially areas that have lower visibility, such as bends in the road or narrow portions of roadway.

§ 350-1204. Outdoor storage and display.

- A. General requirements. The following shall apply for all uses in all districts, except as otherwise noted in this chapter:
 - (1) Outdoor storage of products shall be screened from view of public rights-of-way and adjacent residential uses. Screening shall be in accordance with §§ 350-1205 and 350-1206.
 - (2) All organic refuse or garbage shall be stored in tight, vermin-proof containers. In multifamily developments of greater than 10 units, commercial uses, and industrial uses, garbage storage shall be centralized to expedite collection and enclosed on three sides by screening or plantings.

- (3) There shall be no outdoor storage or accumulation for a period in excess of seven days of any waste materials which produce fumes detectable at the lot lines, inflammable materials, edible materials, material which would be a harborage or breeding place for rodents or insects, or abandoned, wrecked, or junked vehicles.
 - (4) The provisions of the Waste Disposal Ordinance of West Caln Township of 1983 and § 350-1210D shall also be applicable to this section, and shall override any storage or waste disposal circumstances otherwise permitted by this chapter.
 - (5) No materials or wastes shall be deposited upon a lot in such form or manner that they may be transported off the lot by natural causes or forces, nor shall any substance which can contaminate a stream or watercourse, or otherwise render such stream or watercourse undesirable as a source of water supply or recreation, or which will destroy aquatic life, be allowed to enter any stream or watercourse.
 - (6) Unless otherwise permitted by this chapter, no more than one vehicle without a license plate or proof of inspection shall be stored outside per lot for a period greater than three months. In addition, such vehicle shall be required to be screened by the use of vegetation, fencing, or a combination thereof.
 - (7) The exterior storage of trucks and heavy machinery shall not be permitted on a permanent basis, and shall meet the applicable provisions of § 350-1101. Further, any such vehicle or trailer converted to a shed or storage area stored on a property shall not be used as a sign for a business, home occupations or home-based business, or for any other use.
 - (8) No outdoor storage or display of merchandise, articles, materials, goods or equipment shall be permitted beyond the front lines of the building, within the required yard areas, street right-of-way, parking areas, sidewalks, or other areas intended for pedestrian or vehicular use, except in the case of a sidewalk sale, garage sale, flea market, or public auction, or for commercial, institutional, and industrial uses as per Subsection C, below.
 - (9) Any hauling trailer that is immobile and placed on a footing shall be considered a shed and shall be considered an accessory use for all uses except residential in accordance with the provisions of § 350-1101.
- B. Residential outdoor storage. The following shall apply for all residential uses except as otherwise noted in this chapter:
- (1) 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 no closer to a property line than the required setback lines for accessory uses for the applicable use, provided however that such equipment may be parked anywhere on the lot for a period not to exceed 24 hours during loading and unloading. No such recreational equipment shall be used for dwelling purposes when parked or stored on a residential lot. Recreation vehicles or trailers shall also be in accordance with § 350-1101.
 - (2) Storage of trailers when left in place and used as an extension to a building is not permitted in residential districts.
 - (3) No storage shall be permitted within the front yard of any residential use or lot in a residential district.

- (4) No highly flammable or explosive liquids, solids, or gases shall be stored in bulk as defined by the International Fire Code, with the exception of propane and heating oil connected directly with and located and operated on the same lot as the energy devices or heating appliances they serve.
 - (5) Outdoor storage of raw materials and/or finished products shall be permitted only within the buildable area of the lot within the required yard setbacks behind the front building line of the principal buildings, and shall not exceed six feet in height.
- C. Industrial, institutional, and commercial outdoor storage. The following shall apply for all commercial, institutional, and industrial uses, except as otherwise noted in this chapter:
 - (1) Outdoor storage facilities for fuel, raw materials and all such products shall be enclosed with an approved security/safety fence of adequate sufficient construction and compatible with the use, buildings, and landscaping on the lot. In addition to a fence, bulk storage tanks shall be enclosed by a berm to contain potential spillage.
 - (2) No highly flammable or explosive liquids, solids, or gases shall be stored in bulk above ground, except the following which shall be meet the International Fire Code:
 - (a) Tanks or drums of fuel connected directly with and located and operated on the same lot as the energy devices or heating appliances they serve.
 - (b) Tanks or drums for storage of not more than 300 gallons of fuel, oil (other than that used for home heating), or gasoline or diesel fuel, provided such tanks are located no closer than 25 feet to any building or lot line or 50 feet from any street line.
- D. Commercial and industrial uses requiring substantial amounts of land for outdoor storage or display. For all industrial and commercial uses and districts, storage of materials, equipment or vehicles, but not including parking and similar activities, shall generally be carried on within a building and shall meet the provisions of this section and other applicable regulations of this chapter, except that additional outdoor storage and display area for a permitted industrial or commercial use may be authorized where all of the following conditions are met:
 - (1) The industrial or commercial use involved traditionally employs long-term outdoor storage including uses such as lumberyard, junkyard, nursery/greenhouse, and automobile retail sales.
 - (2) Such storage is needed for the successful operation of the use, and the proposed site is suitable for outdoor storage.
 - (3) The applicant can demonstrate that indoor storage is not practical.
 - (4) The storage shall comply with all applicable setback requirements and shall cover only that percentage of total lot area that is deemed practical and feasible in the opinion of the Township Zoning Officer.
 - (5) The storage area shall be screened from view from any residential district or use by buildings, walls or an effective screen, as required by § 350-1206, herein.
 - (6) Any establishment which furnishes shopping carts as an adjunct to shopping shall provide definite areas within the building and parking area for storage of said carts. Each designated storage area shall be enclosed by a barrier at least as high as the height of the

handles on a shopping cart, and shall be clearly marked for storage of shopping carts. All shopping carts shall be stored indoors, or otherwise secured during non-operating hours.

- (7) Outdoor storage of raw materials and/or finished products shall be permitted only within the buildable area of the lot within the required yard setbacks behind the front building line of the principal buildings, and shall not exceed six feet in height.

§ 350-1205. Fences, Hedges and Walls.

- A. In no case shall a fence or wall exceed six feet in height, except in the case of a junkyard or salvage yard where the regulations set forth in § 350-1119 shall apply, and in the case of a principal solar energy facility where the regulations set forth in Article XIX shall apply, and in the case of a cell tower or other antennae provided for in § 350-1104 where the maximum height of a fence shall not exceed 12 feet in height. Additionally, a fence or wall may be permitted to be eight feet in height for municipal, commercial, industrial and institutional uses where such height is necessary due to safety and security concerns. Additionally, fences associated with municipal uses, in order to address safety and security concerns, may be permitted to be located within side yards and front yards, may be located forward of the façade of a municipal use building, may be designed to provide privacy and protection and shall not be required to strictly comply with this section, Section 1101.A or Section 1201.C of this Chapter.
- B. No fence or wall shall be erected and no hedge, tree, shrub, or other vegetative growth shall be maintained within a street right-of-way or shall obstruct required sight distance vision at street intersections, public streets, private roads, or driveways, in accordance with the standards for the sight triangle, and the standards set forth in Chapter 300, Subdivision and Land Development.
- C. Fences or walls shall not be located in any natural drainage areas, or located in drainage easements or drainage swales that are part of an approved stormwater management plan in accordance with the provisions set forth in Chapter 300, Subdivision and Land Development.
- D. Post & Rail fencing or similar non-opaque decorative fencing that does not restrict views into a property and that does not exceed four (4) feet in height may be permitted in front yards consistent with Section 350-1101.A.
- E. Fences and walls shall be designed to comply with applicable provisions of Section 350-1101.A including the required setback from lot lines. Fences and walls shall also be installed so that the decorative or architecturally-finished side of fences and walls face towards the abutting property.
- F. No fences shall be permitted that may result in bodily injury, including, but not limited to, high voltage or barbed wire fencing.
- G. Swimming pools shall be fenced in accordance with the provisions of § 350-1101C(3).
- H. Prior to the installation of any fence or wall, a zoning permit must be sought and approved by the West Caln Township Zoning Officer as set forth in Section 350-1612. Zoning Use Approval of this Chapter in order to insure compliance with all zoning ordinance regulations for fences and walls.

§ 350-1206. Buffering, screening, and landscaping.

- A. Buffering and screening. The following standards are hereby established to create an

acceptable transition between potentially incompatible land uses and reduce potential for conflict between them. Buffer areas shall be established and screened in accordance with the standards of this § 350-1206. Where buffering, screening, and landscaping standards specified in Article XI or in another section of this Zoning Ordinance conflict with the standards of this § 350-1206, the more restrictive standards shall apply.

- (1) Applicability. Buffer areas shall be located between potentially conflicting uses and shall be required in addition to the landscaping requirements of § 350-1206B. Buffering, consisting of the indicated Residential, Commercial, Industrial, or Intensive category of buffer, shall be required between the following uses:
 - (a) Residential buffer. Any development consisting of 10 or more multifamily dwelling units, single-family attached dwelling units (townhouses), or mobile homes within or adjacent to any residentially zoned district or residential use, shall provide a residential buffer between such use and the residentially zoned district or residential use. A residential buffer shall also be required around a stormwater detention basin where it is adjacent to a residential or commercial use or district, or within a residential or commercial district. See Subsection A(2)(a), below.
 - (b) Commercial buffer. Any commercial use or office use located within or adjacent to any residentially zoned district or residential use shall provide a commercial buffer between such use and the residentially zoned district or residential use. See Subsection A(2)(b), below.
 - (c) Industrial buffer. Any industrial use or CAO, CAFO or mushroom production facility, except as noted in Subsection A(1)(d), below, located adjacent to any residentially zoned district or residential use shall provide an industrial buffer between such use and the residentially zoned district or residential use. See Subsection A(2)(c), below.
 - (d) Intensive buffer. A junkyard, recycling center, mini-warehouse, transfer station, sanitary landfill, substation or other utilities, or similar land uses, as determined by the Board of Supervisors, shall provide an intensive buffer along the street lines and along all property lines. See Subsection A(2)(d), below.
 - (e) Where residential developments propose streets with reverse frontage lots, the following buffer requirements shall be met along the rear yard lot line:
 - [1] Where the rear lot line abuts a street with a functional classification of collector or primary distributor streets, a residential buffer shall be provided.
 - [2] Where the rear lot line abuts a street with a functional classification of principal or minor arterial or abuts an expressway, a commercial buffer shall be provided.
 - (f) Other uses determined to be potentially conflicting with adjacent uses shall provide the Buffer category specified by the Board of Supervisors, upon recommendation by the Planning Commission.
- (2) Buffer class design standards. After determining the required buffer class, in accordance with Subsection A(1), above, the applicant shall select an appropriate planting option as listed below. Plantings are not required to be aligned on property or right-of-way

boundaries, rather, the applicant is encouraged to site plantings as necessary to achieve the optimal screening level and blend into the surrounding landscape. Buffer areas shall be located within yard setbacks. Plant materials shall be selected from the plant materials list in Appendix A and shall comply with Subsection C below. The minimum buffer planting requirements are as follows:

- (a) Residential buffer plantings.
 - [1] One canopy tree per 40 feet, plus one evergreen per 30 feet of boundary; or
 - [2] One canopy tree per 40 feet, plus one flowering tree per 60 feet, plus one evergreen per 60 feet of boundary.
 - [3] The residential buffer area width shall be no less than 25 feet.
- (b) Commercial buffer plantings.
 - [1] One evergreen per 20 feet, and one flowering tree per 60 feet of boundary.
 - [2] The commercial buffer area width shall be no less than 35 feet.
- (c) Industrial buffer plantings.
 - [1] One evergreen per 25 feet, plus one berm four feet high; or
 - [2] Six foot high cedar or spruce fencing with one flowering or evergreen tree per 30 feet.
 - [3] The industrial buffer area width shall be no less than 40 feet.
- (d) Intensive buffer plantings. In addition to any required fencing, as may be specified in Article XI, the following plantings shall be provided between the fence and street or property line:
 - [1] One canopy or flowering tree at an average of one tree per 40 feet, plus one evergreen tree at an average of one tree per 20 feet; or
 - [2] One canopy or flowering tree at an average of one tree per 40 feet, plus one shrub per eight feet.
 - [3] The intensive buffer area width shall be the setback specified for the required fence for the individual use in Article XI, or 30 feet, whichever is greater.
- (3) General buffering and screening requirements.
 - (a) Buffer areas shall be kept clean of all debris, rubbish, weeds, and tall grass.
 - (b) Planting in the buffer area shall be installed and thereafter maintained in perpetuity by the property owner, lessee, or responsible party. Required buffer plantings shall not be removed without the prior approval of the Township. If such plantings are removed, become diseased, or die, the Township may require that they be replaced, in kind, at the expense of the property owner, lessee, or responsible party.
 - (c) Vegetative screens, fencing, walls, and other structures as may be permitted within the buffer area shall be perpetually maintained.

- (d) Plant materials required within the buffer area shall be assured by a performance guarantee posted with the Township in an amount equal to the estimated cost of the plant materials, installation, and other associated costs. Such guarantee shall be released only after the passage of the second growing season following planting.
- (e) The buffer planting shall be so placed that, at maturity, vegetation extends not closer than three feet from any street right-of-way.
- (f) A clear sight triangle shall be maintained at all street intersections, driveways, and at all points where private accessways intersect private or public streets.
- (g) The species of trees used for screening below power lines shall be chosen based on the approximated mature height in order to avoid conflicts with overhead utilities. A list of street trees is included in Appendix A.
- (h) No structures may be placed within the buffer area and no manufacturing or processing activity or storage of materials shall be permitted, except for the following:
 - [1] Landscaped treatments, such as berms, fences or walls which aid in screening and do not conflict with the character of adjoining properties, including drainage, light, and air flow, or block clear sight distance required at intersections.
 - [2] Structures relating to and used for landscaping, such as tree wells, tree guards, tree grates and retaining walls to preserve stands or specimens of existing trees or used for other functional purposes.
 - [3] Roads which provide direct ingress/egress for the tract or lot, including appurtenant structures within road rights-of-way, such as curbs, sidewalks, signs, lighting or benches.
 - [4] Underground utilities.
- (i) Mechanical equipment, dumpsters and trash storage units/areas, storage structures, loading docks, and similar facilities shall be fully screened from view from adjacent streets or residential districts or uses, through the use of fences and/or planting materials.
- (j) All existing vegetation within the required planting strip equal to or greater than three inches diameter at breast height (DBH) and/or eight feet in height shall be preserved wherever possible and shall be incorporated into the screening and landscaping plan.
- (k) The applicant is encouraged to install buffer plantings in naturalistic groupings rather than in linear strips, if a satisfactory buffer can be achieved.
- (l) Vegetative screening shall incorporate earthen mounds or berms, wherever necessary, to improve sound as well as visual buffering, and shall be broken at points of vehicular or pedestrian access. Where earthen works are required to provide effective screening, the specified elevation of the berm shall be that achieved after the earth has settled.

- (m) Plant materials used in the screen planting shall create a continuous visual screen in the buffer areas within three years of initial planting.
- (n) Screening design, including the type of plant materials to be used, spacing of plant materials, and the use and location of earthen berms, shall be subject to review and approval by the Board of Supervisors upon the recommendation of the Planning Commission and review by the Township Engineer.
- (o) Where buffering is required, a landscape plan shall be submitted consistent with the requirements of Subsection B, below.

B. Landscaping. Landscaping regulations shall be as follows:

- (1) Applicability. The following standards shall apply to proposed subdivisions and land developments except for individual lots occupied or intended to be occupied by single-family detached dwellings.
- (2) General requirements.
 - (a) Any portion of a site which is not used for buildings, other structures, loading, and parking areas and aisles, sidewalks, and designated storage areas shall be left in its natural state or shall be landscaped in accordance with the provisions of a landscape plan as specified in Subsection B(3), below.
 - (b) Landscaping, including street trees, planted buffers, parking lot landscaping, and all other required plantings, shall be in accordance with § 350-1206A, above, and all other applicable sections of this and other Township ordinances.
 - (c) All mechanical and electrical equipment not enclosed in a structure shall be screened from view from any point in a manner compatible with the architectural and landscaping style of the remainder of the lot.
 - (d) Any area of a former quarry or mining operation that is not covered by water shall be covered with a sufficient amount of arable topsoil and landscaped for screening, safety, and the prevention of erosion unless the slope of said area is too steep to accommodate landscaping, as determined by the Township Engineer.
- (3) Landscape plan. Landscaping shall be installed and maintained on areas identified in Subsection B(2), above, in accordance with a landscape plan prepared by a landscape architect or similarly qualified professional as approved by the Board of Supervisors. The landscape plan shall depict all proposed plantings as required within buffer areas in the form of a buffer planting area, and in other landscaped areas which relate to, complement, screen or accentuate buildings, roads, parking areas, sidewalks, walkways, sitting areas, service or maintenance structures, courtyards, and other site features.
 - (a) General requirements of landscape plan. The Landscape plan shall be based on and reflect the following:
 - [1] Respect for and incorporation of existing natural resources, existing topography, and existing vegetation.
 - [2] The functional and aesthetic factors which relate to the tract and to the principal and accessory buildings and other structures.

- [3] Enhancing views from and within the tract.
 - [4] Screening and complementing proposed buildings and other structures.
 - [5] Creating visual interest for the users and/or residents of the proposed project.
 - [6] Using native plant materials which are hardy and acclimated to the conditions at the tract and within the Township. Native plant materials are identified in Appendix A.
 - [7] The landscape plan shall include notes, diagrams, sketches, or other depictions to present the consideration and analysis of the following:
 - [a] Site analysis. An analysis of the site in terms of the existing views to and from the areas which are proposed for development; existing natural resource, topography and vegetation conditions; soil conditions, annual precipitation, climate, and other existing conditions which are relevant to the site.
 - [b] An analysis of proposed planting and other landscaping needs as related to screening views of buildings; screening buildings and sections of buildings; screening parking areas and other areas where vehicles are parked; screening storage areas; screening site utilities; and other appropriate types of screening.
 - [c] Existing trees shall be preserved wherever possible. The protection of trees with a minimum diameter at breast height (DBH) of 12 inches shall be a factor in determining the location of buildings, open space, structures, underground utilities, walks and paved areas. At a minimum, trees shall be protected based on the criteria set forth in § 350-1002D(1)(b)[3]. Areas in which trees are to be preserved shall remain at original grade level and in an undisturbed condition.
- (b) Design criteria for landscape plans.
- [1] Planting shall be installed and maintained in the buffer areas, in accordance with the requirements set forth in § 350-1206A, above, to form a continuous visual buffer.
 - [2] The outer perimeter of all parking areas shall be screened. Screening may be accomplished through the use of plant materials, fencing or walls, and/or mounding through the use of earthen berms.
 - [3] Parking lots shall be landscaped as required in Subsection B(4), below.
 - [4] Landscaping shall be provided in association with each principal building in accordance with the following criteria:
 - [a] A combination of evergreen and deciduous trees and shrubs shall be used as "foundation" plantings or plantings to be installed in reasonably close proximity to the facades of each principal building.
 - [b] Trees and shrubs shall be grouped in accordance with specific needs and

objectives.

- [5] Other landscaping, including trees, shrubs, and groundcovers, shall be provided along walkways, in courtyards, around sitting areas, at the entrance to the site, and in other highly visible locations, especially on the outer side of any internal access roads which are visible from a public street which may adjoin a tract, at the entrance to buildings, and around structures used for service, storage or maintenance purposes.
 - [6] Shrubs shall not be placed closer than five feet from any property line, and trees shall not be closer than 10 feet.
 - [7] The location, type, size, height and other characteristics of landscaping shall be subject to the review by the Planning Commission and approval of the Board of Supervisors.
- (4) Off-street parking area landscaping requirements. The standards set forth below shall be required for any off-street parking facility with a capacity of five or more vehicles.
- (a) Off-street parking areas shall be landscaped to reduce wind and air turbulence, heat and noise, and the glare of automobile lights; to reduce the level of carbon dioxide; to provide shade; to improve stormwater drainage problems; to replenish the groundwater table; and to provide for a more attractive setting.
 - (b) Existing healthy trees and native vegetation shall be preserved to the extent possible.
 - (c) To the maximum extent possible, applicants shall incorporate stormwater best management practices into the required parking lot landscape areas, including but not limited to bioretention areas, vegetated swales, or other methods described in the PA DEP Stormwater Best Management Practices Manual and in accordance with Chapter 294, Stormwater Management.
 - (d) Parking lot landscape areas shall be improved with soils and other necessary materials of a quality, depth and volume required to support the long term viability of the vegetation and the stormwater management function of the landscape area.
 - (e) Interior parking lot landscaping.
 - [1] All parking areas shall have a minimum of one canopy tree or flowering tree, as listed in Appendix A, for every five parking spaces. This number shall include the trees required in the parking space islands and divider islands in this Subsection B(4). Shrubs, ground covers, and other plant materials shall be used within interior and perimeter parking lot areas to complement the required trees. Unless otherwise specified, shrubs shall be provided at a ratio of two shrubs for each tree.
 - [2] Trees and shrubs shall be pruned to allow for safe sight distance, safe pedestrian access, and to maintain their structural soundness.
 - [3] If a parking lot will include fewer than 20 parking spaces, the required trees, with complimentary vegetation, shall be dispersed throughout the interior parking area. A minimum vegetative area shall be provided that includes at

least a four-foot minimum radius around all sides of the trunk of each required tree. The placement of such areas shall not obstruct the clear sight distance of parking lot aisles and accessways.

- [4] If a parking lot will include 20 or more parking spaces, landscaped parking space islands and divider islands shall be provided within parking areas as follows:
 - [a] No more than 12 parking spaces shall be placed in a row without an intervening landscaped parking space island. Parking space islands shall be the length of the parking space and have a minimum width of 10 feet. Each 180 square feet of parking space island shall contain one tree along with complementary shrubs and/or groundcover. Such trees shall be selected from the canopy or flowering trees list in Appendix A. To allow for safe sight distance, shrubs shall be a maximum of 36 inches in height.
 - [b] A landscaped parking space island shall be placed at each end of each row of parking spaces beginning and/or terminating at an internal circulation drive. Such parking space island shall be the length of the parking space and have a minimum width of 10 feet. Each 180 square feet of parking space island shall contain one tree with complementary shrubs and/or groundcover. Such trees shall be selected from the street/urban trees list in Appendix A. To allow for safe sight distance, shrubs shall be a maximum of 36 inches in height.
 - [c] A divider island shall be provided every 120 feet (or four rows of parking spaces and two aisles). Such divider island shall have a minimum width of 20 feet and shall run parallel to the parking rows. Two trees and four shrubs shall be provided per 50 linear feet of divider island, complemented by other plant materials such as tall grasses and/or other groundcover. To allow for safe sight distance, shrubs and grasses planted within 8 feet of each end of a divider island shall be a maximum of 36 inches in height.
- [5] Parking space islands and divider islands shall meet the following additional standards:
 - [a] Parking space islands and divider islands shall be enclosed by curbs or wheel stops. To the maximum extent possible, curb cuts and openings shall be provided to allow stormwater to enter the landscaped island.
 - [b] Trees shall be spaced to accommodate proper canopy growth at full maturity.
- [6] One additional large landscaped area shall be provided per 250 parking spaces as follows:
 - [a] Each landscape area shall be a minimum of 2,000 square feet in area.
 - [b] Each landscape area shall contain a minimum of five trees, plus 10 shrubs, complemented by other plant materials such as tall grasses or groundcover.

[c] Areas may be combined to form fewer, larger landscaped areas when approved by the Board of Supervisors.

(f) Perimeter parking lot landscaping.

[1] Perimeter plantings shall be provided around all parking areas and shall have a minimum width of five feet.

[2] Where a parking lot abuts a public road, the following perimeter planting standards shall apply at the discretion of the Board of Supervisors:

[a] A minimum of one canopy or flowering tree shall be provided for every 35 linear feet of parking area along the road frontage, net of the width of access ways.

[b] Such trees shall comply with §300-525C(3).

[c] Such trees shall be planted along the entire length of the planting strip at intervals sufficient to enable proper canopy growth at full maturity.

[d] In addition to the required trees, the perimeter planting strip shall be densely planted with shrubs and ground cover, adequately spaced to provide a continuous visual screen of parked vehicles. A minimum of 50% of the shrubs shall be evergreen.

[3] Perimeter planting strips shall be protected by curbs, berms, or a similar defined edge. To the maximum extent possible, curb cuts and inlets shall be provided to allow stormwater to enter the planting strip.

C. Plant materials. Plant materials shall be as follows:

(1) Trees and shrubs chosen to satisfy screening and landscaping requirements shall be selected from the plant materials list in Appendix A. All plant materials, including groundcover, shall be from hardy and healthy stock, resistant to insects and disease, and pollution tolerant. The Board of Supervisors may permit other plant types if they are hardy to the area, are not subject to blight or disease, and are of the same general character and growth habit as those listed in Appendix A. The use of native plant species is strongly encouraged. Invasive species shall be prohibited and where present their eradication or management is strongly encouraged. Native and invasive species are identified in Appendix A. A variety of plant materials should be installed to promote biodiversity. All planting materials shall meet the standards of the American Standard for Nursery Stock by the American Nursery and Landscape Association (2014), or most-recent edition.

(2) In addition to the requirements in Subsection C(1) above, plant materials chosen to satisfy parking lot landscaping requirements shall, to the extent possible, be tolerant of salt and deicing compounds, automobile emissions, and parking lot heat. Brittle-limbed trees and trees that drop fruits and berries should be avoided to the extent possible.

(3) Any trees and shrubs which are selected to satisfy screening and landscaping requirement shall meet the following minimum standards for size at the time of planting:

(a) Shrubs: 30 inches height from grade.

- (b) Trees: three inch minimum diameter at breast height (DBH)
- (4) Where it is determined that, due to topography or other factors, the buffer classes prescribed in § 350-1206A, above, do not alone provide an adequate buffer between adjoining incompatible uses, the planting shall be placed upon a berm at a height of three to five feet to increase its effectiveness, as determined by the Board of Supervisors.
- (5) Existing plantings, woodlands, hedgerows, topography, or man-made structures can reduce or eliminate the buffering requirements if they partially or completely achieve the same level of screening as the planting requirements outlined in this section. This determination shall be made at the discretion of the Board of Supervisors, upon recommendation by the Planning Commission and review by the Township Engineer.
- (6) Existing trees within the required buffer area greater than three inches in caliper or greater than eight feet in height shall be preserved to the greatest extent possible. Such trees may be counted towards required plant materials, as determined by the Board of Supervisors, upon recommendation by the Planning Commission, and shall be preserved in accordance with the requirements set forth in § 350-1002D(1)(b)[3].
- (7) Plant materials chosen to satisfy screening and landscaping requirements or to supplement existing vegetation shall be preserved in accordance with the requirements set forth in § 350-1002D(1)(b)[3].
- (8) Trees and shrubs shall be typical of their species and variety, have normal growth habits; be well developed; and have densely foliated branches and vigorous, fibrous root systems.
- (9) Trees and shrubs shall be free from defects and injuries and certified by appropriate federal and state authorities to be free from diseases and insect infestations.
- (10) Trees and shrubs shall be freshly dug and nursery grown. They shall have been grown under climatic conditions similar to those in the locality of the project or properly acclimated to the conditions of the locality of the project.

§ 350-1207. 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. Lots abutting two or more streets. Unless clearly impractical or inappropriate due to physical conditions or traffic access management considerations, lots which abut two or more public streets shall have direct access only to the street of lesser functional classification.
- B. Vehicular ingress and egress. The following shall apply for entering and exiting a lot or use:
 - (1) Vehicular ingress and egress between any lot and an abutting street, for any use permitted in this chapter, shall be so located and so designed as to further the purposes of this chapter as set forth in Article I, herein.
 - (2) Where any commercial district abuts an arterial or collector road, it is the intent of this chapter to strongly encourage the installation of a parallel service street, or the combination of off-street parking facilities for two or more lots. Points of access to such roads shall be spaced at safe intervals in accordance with this article and Chapter 300,

Subdivision and Land Development.

- (3) Where any multifamily dwelling, mobile home park, shopping center, industrial park, or similar use has vehicular access to and from an arterial or collector road, all vehicular entrances and exits shall be provided with deceleration and acceleration lanes approved by the Township and the Pennsylvania Department of Transportation. In no event shall vehicles be permitted to back directly into the public street from an off-street parking area.
- (4) Where lots are created having frontage on an arterial or collector road, as designated on the Functional Classification of Roads map (see attachment), and as herein defined, any proposed residential development street pattern shall provide frontage to local streets within the subdivision, unless clearly impractical due to lot configuration or topography. Where the rear lot line of the residential development abuts a collector street, a residential buffer as provided in § 350-1206A, shall be provided. Where the rear lot line of the residential development abuts an arterial road, a commercial buffer as provided in § 350-1206A, shall be provided.
- (5) Location of ingress and egress. Ingress and egress for off-street parking shall be designed and arranged so that:
 - (a) The edge of any driveway access onto a street shall be at least 40 feet from the nearest side of the paving radius at any street intersection, except for a cul-de-sac turnaround.
 - (b) Each lot with not more than 100 feet of street frontage shall have no more than one accessway to such street, and no lot with 100 feet or more of street frontage shall have more than two accessways to any one street. If a lot with 100 feet or more of street frontage has more than one street frontage, a total of two points of access shall be allowed per street frontage if each access point is one-way only, or a total of two access points shall be permitted for such lot if each access point is two way. A common access point for two or more uses shall be required, where practical, to minimize vehicular access points along streets other than local streets.
 - (c) Provisions shall be made for safe and efficient ingress and egress to and from public streets without undue congestion or interference with normal traffic flow within the Township. Where applicable or if in the opinion of the Board there will be a substantial impact upon the flow of traffic, such as but not necessarily limited to instances of commercial or institutional development or uses, traffic congestion, road configuration and classification, environmental constraints, where required by any Township Ordinance or other governmental body, the developer shall be responsible for preparing a traffic impact study, in accordance with Chapter 300, Subdivision and Land Development, which documents any necessary traffic control device and/or highway modifications required by the Township and/or the Pennsylvania Department of Transportation (PennDOT).

§ 350-1208. Interior circulation for uses.

Interior accessways, driveways for uses other than single family residences, aisles, and parking areas for uses requiring interior circulation patterns shall comply with the following requirements. Streets, driveways for single family residences, and alleys shall comply with the design standards

of Chapter 300, Subdivision and Land Development.

A. Design of access aisles and drives.

- (1) Interior drives shall be designed to prevent blockage of vehicles entering or leaving the site. Drives may be one-way or two-way.
- (2) Areas designed for loading and unloading, refuse collection, fuel delivery, and other service vehicles shall be arranged as to prevent blocking or interfering with accessways or the use of automobile parking facilities or pedestrian ways, and shall have adequate turnaround surface so egress to the street is in a forward direction.
- (3) Egress in a reverse direction (backing up) onto any street in the Township shall be prohibited.
- (4) Accessways, parking areas, and loading or unloading areas shall have clearly defined parking bays and traffic circulation lanes, designated by markings, curbs, barriers and/ or landscaped islands, so that operators of vehicles intending to patronize such parking areas shall not impede traffic as a result of any confusion as to location of entrances and exits and manner of reaching them, as follows.
 - (a) To assist in traffic channelization, parking space islands shall be placed at the ends of each row of parking spaces so that the end of the row adjacent to a driving aisle or ring road is clearly delineated. Such islands shall be landscaped in accordance with § 350-1206B(4) and shall be designed so as not to impair visibility needed for traffic flow and turning movements.
 - (b) Traffic channelizations shall be planned in such a way that a main driving aisle, from which vehicles can flow off the street and into the site and parking bays, is remote from the primary building(s) so as to avoid traffic conflicts in front of the primary building(s).
 - (c) Parking areas shall be designed so that a vehicle within a parking area shall not have to enter a public street to move from one location to any other location within the parking area or lot. Turnaround surface shall be provided so egress to the street is in a forward direction.
 - (d) Parking and loading requirements shall be in accordance with Article XIII.
- (5) All interior drives and accessways shall be paved with an approved paved, all-weather surface, and shall be graded, properly drained and maintained in a good condition.
- (6) Interior drives shall have a maximum grade of 6%, measured along the center line, for a distance of no less than 25 feet from the street right-of-way line. Beyond that point, interior roads and drives shall have a maximum grade of 10%.
- (7) Minimum width of interior circulation lane cartway with abutting parking shall be as follows:

Angle of Parking (degrees)	One Way Lane (feet)	Two Way Lane (feet)
90°	22	24
60°	18	20
45°	15	18

- (8) Minimum width of interior circulation lane cartway with no abutting parking shall be as follows:

Use	One Lane — One way drives (feet)	Two Lane — Two way drives (feet)
Residential	10	18
Commercial	12	22
Institutional	12	22
Industrial	14	25

- (9) Minimum entrance and exit drive widths shall be in accordance with the provisions of § 350-1305F(4).

- B. Shared driveways. Common or shared access driveways to parking and loading areas shall be required, unless clearly infeasible. Landowners shall submit a site plan and agreement satisfactory to the Township indicating the extent of joint use and maintenance responsibility. Such agreement shall be recorded in the Office of the Recorder of Deeds for Chester County.
- C. Emergency vehicle access. A proposed driveway or access road shall be designed to allow emergency vehicle access to within 100 feet of a principal structure. Where a principal structure is located more than 100 feet from the cartway or where an emergency vehicle would otherwise be prevented from reaching this minimum distance from the structure, the following requirements shall be met by the driveway to ensure access:
- (1) Minimum unobstructed width: 14 feet.
 - (2) Minimum all-weather surface width: 10 feet.
 - (3) Minimum curve radii: 35 feet.
 - (4) Minimum overhead clearance: 12 feet.
- D. Pedestrian and bicycle circulation. The following standards shall apply for all uses, as applicable:
- (1) Pedestrian and bicycle facilities such as sidewalks, trails, pathways, and bike racks shall be maintained or installed as necessary and desirable to achieve the following:
 - (a) Logically continue, link or expand existing pedestrian and bicycle facilities on, across and abutting the site.
 - (b) Provide pedestrian and bicycle access to existing or anticipated public transportation

pick up points, public parks, community facilities and commercial areas.

- (c) Provide convenient and logical walkway connections between the entrances of a principal structure and its required parking spaces, preferably in conjunction with landscaped planting islands. A walkway shall be a minimum of five feet wide where it abuts the width of parking spaces where a vehicle may overhang the walkway. Alternatively, wheelstops shall be installed to prevent excessive vehicle overhang, in which case a walkway shall be a minimum of four feet.
- (2) Maximum separation of pedestrian, bicycle, and vehicular routes shall be encouraged for safety and well being of pedestrians and bicyclists. Separation can be in the form of any one or combination of the following: horizontal distance; vertical distance (level changes, such as overpass, underpasses and embankments); street trees, landscaping, sidewalks and other barriers, such as bollards and fences.

§ 350-1209. Outdoor lighting requirements.

A. Purpose. To require and set minimum standards for lighting in outdoor spaces to:

- (1) Provide for and control lighting in outdoor spaces where public health, safety, and welfare are potential concerns.
- (2) Protect drivers and pedestrians from the glare of non-vehicular light sources that shine into their eyes and thereby impair safe traverse.
- (3) Protect neighbors, the environment, and the night sky from nuisance glare and stray light from improperly selected, aimed, placed, applied, maintained, or shielded light sources.
- (4) Promote energy efficient lighting design and operation.

B. Applicability.

- (1) This §350-1209 shall apply to all uses within the Township where there is lighting that creates or may create a nuisance or hazard as viewed from outside or from inside, including but not limited to, residential, commercial, industrial, recreational, and institutional uses, and sign, billboard, architectural, and landscape lighting.
- (2) Outdoor lighting shall be required for safety and personal security in areas of public assembly and traverse and for loading, ingress and egress, and parking areas for uses including, but not limited to, multifamily residential, commercial, industrial, and institutional uses,.
- (3) The Board of Supervisors may require lighting be incorporated for other uses or locations, as they deem necessary.

C. Illumination levels¹. In any case, lighting intensities and uniformity ratios² shall be in accordance with the latest edition of the Illuminating Engineering Society of North America (IES) Lighting Handbook or current Recommended Practices of the IES.

- (1) Future amendments to said Lighting Handbook and Recommended Practices shall become part of this chapter without future action of the Township.

- (2) Examples of intensities for typical outdoor applications, as extracted from the 8th Edition of the Lighting Handbook, are included below:

Use/Task	Maintained Footcandles	Uniformity Avenue: Min.
Streets, local residential	0.4 average	6:1
Streets, local commercial	0.9 average	6:1
Parking, residential, multifamily		
Low vehicular/pedestrian activity	0.2 minimum	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 minimum	4:1
Walkways and bikeways	0.5 average	5:1
Building entrances	5.0 average	—

¹ Illumination Levels are maintained horizontal footcandles on the task, e.g. pavement or area surface.

² Uniformity ratios dictate that average illuminance values shall not exceed minimum values by more than the product of the minimum value and the specified ratio, e.g., for commercial parking high activity, the average footcandles shall not be in excess of 3.6 [0.9 x 4].

D. Lighting fixture design.

- (1) Fixtures shall be of a type and design appropriate to the lighting application and appropriate to the nature of the development and surrounding area.
- (2) For lighting horizontal tasks such as, but not limited to roadways, pathways and parking areas, fixtures shall be aimed straight down and shall meet IESNA "full cutoff" criteria. Fixtures with an aggregate rated lamp output not exceeding 500 are exempt from the requirements of this paragraph.
- (3) For the lighting of non-horizontal tasks or surfaces such as, but not limited to, facades, landscaping, signs, billboards, fountains, displays, flags, and statuary, fixtures shall be shielded and shall be installed and aimed so as to not project their output into the windows of neighboring residences, adjacent uses, past the object being illuminated, skyward or onto a public roadway. Fixtures with an aggregate rated lamp output not exceeding 500 lumens are exempt from the requirements of this paragraph.
- (4) The use of 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.
- (5) Fixtures shall be equipped with or be capable of being back-fitted with light directing devices such as shields, visors or hoods when necessary to redirect offending light distribution.

- E. Lamps. LED light sources shall have a correlated color temperature that does not exceed 3000K.

F. Control of nuisance lighting and disabling glare.

- (1) All lighting, whether or not required by this chapter; on private, residential, commercial, industrial, municipal, recreational or institutional property; shall be aimed, located, designed, fitted, and maintained so as not to present a hazard to drivers or pedestrians by impairing their ability to safely traverse, (disabling glare), and so as not to create a nuisance by projecting or reflecting objectionable light onto a neighboring use or property (nuisance glare).
- (2) Floodlights and spotlights, when permitted, shall be so installed or aimed that they do not project their output into the windows of neighboring residences, adjacent uses, directly skyward or onto a roadway.
- (3) Unless otherwise permitted by the Board of Supervisors, for reasons such as safety and security, lighting shall be controlled by automatic switching devices, such as time clocks or combination motion detectors and photocells, to permit extinguishing offending sources between 10:00 p.m. and dawn to mitigate nuisance glare and sky-lighting consequences.
- (4) Where all-night safety or security lighting is to be provided, the lighting intensity levels shall not exceed 25% of the levels normally permitted by this chapter for the use, but in no case shall they be less than the minimum levels for safety or security as set forth by IESNA. The use of greater than 25% of the normal lighting for all-night safety/security lighting shall require approval by the Board of Supervisors, based on the unique nature of the use or elevated area crime or safety/security risk. Alternatively, where there is reduced but continued onsite activity throughout the night that requires site-wide even illumination, the use of dimming circuitry to lower illumination levels by at least 50% after 10:00 p.m. or after normal business hours, or the use of motion-sensor control, may be permitted.
- (5) Vegetation screens shall not be employed to serve as the primary means for controlling glare. Rather, glare control shall be achieved 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.
- (6) The intensity of illumination projected onto a residential use from another property shall not exceed 0.1 vertical footcandle, measured at 30 inches above the grade at the property line. The illumination projected from any property onto a non-residential use shall at no time exceed 1.0 vertical footcandle, measured at 30 inches above the grade at the property line.
- (7) Except as permitted for certain recreational lighting and permitted elsewhere in this paragraph, fixtures meeting IESNA "full cutoff" criteria shall not be mounted in excess of 20 feet above grade. Fixtures not meeting IESNA "full cutoff" criteria shall not be mounted in excess of 16 feet above grade except as specifically approved by the Board of Supervisors. Where proposed parking lots consist of 100 or more contiguous parking spaces, the Board of Supervisors may, at its sole discretion, based partially on mitigation of potential off-site impacts, allow a fixture mounting height not to exceed 25 feet. Mounting height shall be defined as the distance from the finished grade of the surface being illuminated to the optical center of the fixture.

- (8) Architectural lighting, including illumination of building facades and other architectural features, fountains, statuary, and landscaping, for decorative, advertising or aesthetic purposes is prohibited between 10:00 p.m. and dawn, except that such lighting situated on the premises of a commercial establishment may remain illuminated while the establishment is actually open for business, and until no more than one-half hour after closing.
- (9) Lighting for parking areas and vehicular and pedestrian traffic ways for commercial, industrial and institutional uses shall be automatically extinguished nightly within 1/2 hour of the close of the facility.
- (10) Only the United States and the state flag shall be permitted to be illuminated past 10:00 p.m. Flag lighting sources shall not exceed 7,000 aggregate lamp lumens per flagpole. Each flagpole shall be illuminated by a single source with a beam spread no greater than necessary to illuminate the flag.
- (11) Lighting fixtures used to light the area under outdoor canopies, including but not limited to those used at automotive fuel dispensing facilities, bank and fast-food drive-thru lanes, theater and hotel marques, and building entrances shall be flat-lens full-cutoff fixtures aimed straight down and shielded in such a manner that the lowest opaque edge of the fixture shall be below the light source and its light-directing surfaces, at all lateral angles around the fixture. The average maintained illumination in the area directly below the canopy shall not exceed 20 initial footcandles, with no value exceeding 30 initial footcandles.

G. Installation.

- (1) Electrical feeds for lighting standards shall be run underground, not overhead and shall be in accordance with the National Electric Code Handbook.
- (2) Lighting in parking areas shall be placed a minimum of five feet outside of the paved area, or on concrete foundations at least 30 inches high above the pavement, or suitably protected by other approved means.
- (3) Pole mounted lighting fixtures for lighting horizontal tasks shall be aimed straight down and poles shall be plumb.
- (4) Poles and brackets for supporting lighting fixtures shall be those specifically manufactured for that purpose and shall be designed and rated for the fixture and mounting accessory weights and wind loads involved.
- (5) Pole foundations shall be designed consistent with manufacturer's wind load requirements and local soil conditions involved and shall be approved by the Township Engineer.
- (6) Any employed shielding elements shall be permanently affixed to lighting fixture.

H. Maintenance. Lighting fixtures and ancillary equipment shall be maintained so as to always meet the requirements of this chapter.

I. Residential development fixture placement. Streetlighting fixtures in residential developments shall be placed at the following locations:

- (1) The intersection of public roads with entrance roads to the proposed development.
 - (2) Intersections involving proposed public or non-public streets within the proposed development.
 - (3) The apex of the curve of any street, public or non-public, within the proposed development, having less than 300-foot minimum center line radius.
 - (4) Cul-de-sac bulb radii.
 - (5) Terminal ends of center median islands having concrete-structure curbing, trees and/or other fixed objects not having breakaway design for speeds of 25 m.p.h. or greater.
 - (6) Trail heads or cross walks associated with sidewalks, pathways, or trails.
- J. Recreational Uses. The nighttime illumination of outdoor recreational facilities for such sports as baseball, basketball, soccer, tennis, track and field, and football typically necessitate higher than permitted lighting fixture heights and aiming angles, utilize very high-wattage lamps and potentially produce unacceptable levels of light trespass and glare when located near residential properties. Permission to illuminate such facilities shall be granted only when the Township is satisfied that the health, safety and welfare rights of nearby property owners and the Township as a whole have been properly protected. When recreational uses are permitted by the Township for operation during hours of darkness, the following additional requirements shall apply:
- (1) Recreational uses such as golf driving ranges that necessitate the horizontal or near horizontal aiming of light fixtures and projection of illumination shall not be permitted to be artificially illuminated.
 - (2) Recreational facilities located within a residential district or sited on a nonresidential property located within 1,000 feet of a property containing a residential use shall submit a visual impact analysis. Lighting shall be extinguished by 10 p.m.
 - (3) Sporting events shall be timed to end at such time that all lighting in the sports facility, other than lighting for safe exit of patrons, shall be extinguished by 10:00 p.m., except in the occurrence of extra innings, overtime, or make-up games.
 - (4) The Township reserves the right to limit the number of illuminated sporting events per week or season.
 - (5) Maximum mounting heights for recreational lighting shall be in accordance with the following:
 - (a) Basketball: 20 feet
 - (b) Football: 70 feet
 - (c) Soccer: 70 feet
 - (d) Lacrosse: 70 feet
 - (e) Little League Baseball 200-foot radius: 60 feet

- (f) Little League Baseball 300-foot radius: 70 feet
 - (g) Miniature Golf: 20 feet
 - (h) Swimming Pool Aprons: 20 feet
 - (i) Tennis: 20 feet
 - (j) Track: 20 feet
- (6) To assist the Township in determining whether the potential impacts of proposed lighting have been suitably managed, applications for illuminating recreational facilities shall be accompanied by the information required under Subsection N, below, and a visual impact plan in accordance with Subsection L, below.
- K. Illumination of Signs. The illumination of signs shall comply with the applicable standards of this §350-1209 and Article XIV, Sign Regulations.
- L. Visual impact plan. A visual impact plan shall be required for recreational uses in accordance with Subsection J, above, and when requested by the Board of Supervisors in accordance with Subsection M, below. The visual impact plan shall contain the following:
 - (1) Plan views containing a layout of the recreational facility or use and showing pole locations and the location of residences on adjoining properties.
 - (2) Elevations containing pole and light fixture mounting heights, horizontal and vertical aiming angles and fixture arrays for each pole location.
 - (3) Elevations containing initial vertical illuminance plots at the boundary of the site, taken at a height of 5' line-of-sight.
 - (4) Elevations containing initial vertical illuminance plots on the windowed facades of all residences facing and adjacent to the recreational facility or use. Such plots shall demonstrate compliance with the light trespass and glare control requirements of this §350-1209.
 - (5) Proposed frequency of use of the facility during hours of darkness on a month-by-month basis and proposed time when the sports lighting will be extinguished.
 - (6) A narrative describing the measures proposed to achieve minimum off-site disturbance.
- M. Lighting plan submission.
 - (1) Lighting plans shall be submitted to the Township for review and approval and shall include:
 - (a) A plan or plans of the site, complete with all structures, parking spaces, building entrances, traffic areas (both vehicular and pedestrian), existing and proposed trees, and adjacent uses that might be adversely impacted by the lighting. The lighting plan shall contain a layout of all proposed and existing light fixtures, including but not limited to area, architectural, building entrance, canopy, soffit, landscape, flag, sign, etc., by location, orientation, aiming direction, mounting height, lamp, photometry and type.
 - (b) A ten-foot by ten-foot illuminance grid (point-by-point) plot of maintained

- horizontal footcandles overlaid on the site plan, plotted out to 0.0 footcandles, which demonstrates compliance with the light trespass, illuminance and uniformity requirements as set forth in this Ordinance or as otherwise required by the Township. When the scale of the plan, as determined by the Township, makes a ten-foot by ten-foot grid plot illegible, a more legible grid spacing may be permitted.
- (c) Light-loss factors, IES candela test-filename, BUG rating, initial lamp-lumen ratings and specific lamp manufacturer's lamp ordering nomenclature, used in calculating the plotted illuminance levels.
 - (d) Description of the equipment, including fixture catalog cuts, photometrics, glare reduction devices, lamps, lamp color temperature, control devices, mounting heights, pole foundation details, pole protection means, and mounting methods proposed.
 - (e) Landscaping plans shall contain light fixture locations, demonstrating that the site lighting and landscaping have been coordinated to minimize conflict between vegetation and intended light distribution, both initially and at vegetation maturity.
- (2) When requested by the Board of Supervisors, the applicant shall submit a visual impact plan in accordance with Subsection L, above, that demonstrates appropriate steps have been taken to mitigate on-site and off-site glare.
 - (3) Post-approval alterations to lighting plans or intended substitutions for approved lighting equipment shall be submitted to the Township for review and approval. Requests for substitutions shall be accompanied by catalog cuts of the proposed equipment that demonstrate the proposed substitution is equal to or exceeds the optical quality and maintainability of the specified light fixtures, and by a lighting plan, including a point-by-point plot, which demonstrates that proposed substitutions will result in a lighting design that equals or exceeds the quality of the lighting on the approved plan.
- N. Post installation inspection. The Township reserves the right to conduct a post-installation nighttime inspection to verify compliance with the requirements of this chapter, and if appropriate, to require remedial action at no expense to the Township.
- O. Compliance monitoring.
- (1) Safety hazards.
 - (a) If the Township determines that a lighting installation creates a safety or personal- security hazard, the person(s) responsible for the lighting shall be notified and required to take remedial action.
 - (b) If appropriate corrective action has not been effected within five days of notification, the Township may exercise the remedies as provided in Article XVI to enforce compliance as long as the hazard continues to exist.
 - (2) Nuisance glare and inadequate illumination levels.
 - (a) When the Township determines that an installation produces unacceptable levels

of nuisance glare, skyward light, excessive or insufficient illumination levels or otherwise varies from this chapter, the Township may cause notification of the person(s) responsible for the lighting and require appropriate remedial action.

- (b) If the infraction so warrants, the Township may act to have the problem corrected as in Subsection O(1)(b) above.

P. Nonconforming lighting. Any lighting fixture or lighting installation existing on the effective date of this chapter that does not conform with the requirements of this chapter, shall be considered as a lawful nonconformance shall be made to conform with the requirements of this chapter when:

- (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.
- (3) There is a change in use.

Q. Streetlighting dedication.

- (1) When streetlighting is to be dedicated to the Township, the applicant shall be responsible for all costs involved in the lighting of streets and street intersections until the street is accepted for dedication.
- (2) Prior to dedication and in the event of the formation of a homeowners' association and/ or property management declaration, the Township shall require said agency to enter into an agreement guaranteeing payment of all costs associated with dedicated streetlighting.
- (3) Assumption of costs of dedicated streetlighting. Upon dedication of public streets, the Township shall assess the homeowners' association, individual property owners, corporations, or other applicable entities as may be necessary to collect all revenues required that are directly or indirectly associated with all costs of each specific streetlighting fixture. These costs shall include:
 - (a) Administration;
 - (b) Collection;
 - (c) Pro-ration of nonpayables;
 - (d) Actual utility electrical charges;
 - (e) Maintenance and maintenance contracts for fixtures and associated equipment.

§ 350-1210. Sewer, water, and utilities.

A. Utilities. Utilities shall be in accordance with the following:

- (1) The applicable lot area and bulk regulations of this chapter shall apply to any proposed building or extension used or to be used by a public utility corporation or entity, unless upon petition of such corporation or entity, the Pennsylvania Public Utility Commission (PUC) shall decide that the situation of the building in question is necessary for the welfare of the general public.

- (2) Utilities shall follow the requirements of Chapter 300, Subdivision and Land Development.
- (3) Appropriate easements shall be recorded for all utilities. In addition, appropriate easements shall be recorded for all off-lot sanitary sewer and stormwater facilities.
- B. Sewage service. All uses shall be served by sewage facilities consistent with the policies and recommendations of the current Township Sewage Facilities (Act 537) Plan, as amended, and the requirements of Chapter 300, Subdivision and Land Development. Proposed sewage systems shall be reviewed and approved by the PaDEP and the Chester County Department of Health, as applicable.
- C. Water supply. Proposed uses shall be consistent with the requirements of Chapter 300, Subdivision and Land Development, and the water service area boundaries shown in the agreement between the Township and the current Township water service provider. In no case shall the height of any water supply tank exceed 200 feet.
- D. Stormwater management and erosion control. All uses shall meet the regulations of Chapter 300, Subdivision and Land Development, and applicable provisions of this and other Township ordinances, as well as federal, state and county provisions or requirements, to control stormwater runoff and mitigate sedimentation and erosion problems.

§ 350-1211. Stripping of topsoil and excavation of clay, sand, gravel, or rock.

- A. Such activities shall be permitted only under the following conditions:
 - (1) As a part of the construction or alteration of a building or the grading incidental thereto, including installation of utilities.
 - (2) In connection with the construction or alteration of a street.
 - (3) In connection with normal lawn preparation and maintenance.
 - (4) In farming operations in those zoning districts where such use is permitted, provided sound soil conservation practices are observed.
- B. Topsoil shall be considered part of the site or land development and shall not be removed from the site, except for surplus topsoil for roads, parking areas, and building excavations.
- C. No topsoil shall be removed for purposes of resale. Any sale of topsoil shall constitute a change in land use of the property from which the material was excavated.
- D. All excavations to determine the depth of topsoil, including test pits and holes shall be immediately capped, filled, or secured by other equally effective measures, so as to restore disturbed areas and to protect the public health and safety.
- E. Stockpiled topsoil shall be planted with a stabilizing vegetative cover or covered with a temporary impervious surface so as to prevent erosion.
- F. During construction, the development shall be maintained and left each day in a safe and sanitary manner. Any roads shall be regularly sprayed to control dust from construction activity. Following road construction, the developer or contractor shall conduct a thorough clean-up of stumps and other debris from the entire road right-of-way. If on-site disposal of the stumps and debris is proposed, the site shall be indicated on the plan, and shall be suitably

covered with fill and topsoil, limed, fertilized, and seeded.

- G. Topsoil removed by grading operations shall be redistributed and stabilized as quickly as possible following the completion of a project or project phase.
- H. When construction has been completed, the development shall be rough graded in such a manner as to restore the land to contours harmonious with those of the surrounding terrain. Topsoil shall be redistributed as cover in final landscaping and shall be reapplied to provide a minimum cover of four inches for all disturbed land areas, which shall be reseeded and stabilized with vegetation growth native to the area within six months of reclamation. Additional topsoil or loam shall be obtained from off-site sources if necessary to complete the stabilization project.
- I. Plans for land development shall be reviewed by the Township Engineer to assure that earthmoving and construction are done in such manner as to minimize silting, erosion, and to preserve topsoil.

§ 350-1212. Keeping of animals.

In any district, dogs, cats, fowl, rabbits, goats, sheep, cows, swine, ponies, horses, mules, donkeys, lamas, emus, and other animals of similar size, character and impact shall be kept only in accordance with the following standards in addition to the standards set forth in § 350-1134 where the use is specifically riding academies or stables. Customary household pets (e.g., dogs, cats, and other small animals customarily kept in the dwelling) shall be exempt from the acreage limitations of this section but shall comply with the general standards for keeping animals as applicable. The keeping of animal acreage limitations and general standards are as follows:

- A. Permitted number of animals. A minimum of three acres shall be required to keep one large animal, including but not limited to: a horse, cow, beef cattle, lama, or other animal of similar size. A minimum of two acres shall be required to keep one small animal, including but not limited to: swine, sheep, emu, or other animal of similar size, or to keep poultry. Domesticated chickens kept for non-commercial purposes are separately regulated under Chapter 98 of the Township Code and allow for a reduced acreage. For each additional animal described below, additional acreage must be available in accordance with the following chart (Animals not referenced below, including but not limited to exotic animals shall be judged according to the requirement for animals of a similar size, as determined by the Zoning Officer):

Animal	Additional acreage required per Animal*
Horse	1.5
Cow	1.5
Beef Cattle	1.5
Swine	0.15
Sheep	0.30

* beyond the initial two to three acres, as applicable.

B. General standards for keeping of animals.

- (1) No animals of any kind shall be kept in any structure or enclosure or elsewhere on a property which will result in unhealthy or unsanitary conditions for humans or animals or cause excessive noise, except noise typically associated with agricultural operations, objectionable odors, except odors in connection with agricultural operations, or pollution of groundwater or stormwater runoff to adjacent properties.
- (2) No person owning or having in his/her custody livestock or poultry shall permit the same to go at large to the injury or annoyance of others, nor shall such livestock or poultry be permitted to roam freely or unrestrained upon the streets or other public ways of the Township. Such action is hereby declared to be a nuisance and dangerous to the public health, welfare and safety.
- (3) All animals shall have appropriate and adequate facilities for food and water. Permanent shelter shall be provided for all animals not kept in the residence including dogs, rabbits, poultry, swine, and other domestic animals. Horses, cattle, sheep, and goats shall have loafing sheds, covered feeding areas, or other appropriate facilities.
- (4) A fenced or otherwise enclosed outside area shall be provided which is at the least the height of and is capable of containing the animals and is of sufficient size and located for good sanitation practices. Materials used for fencing shall be of sufficient sturdiness and properly designed, installed, and maintained so as to prevent straying.
- (5) The storage or stock-piling of manure or other odor or dust producing substance shall not be permitted within 100 feet of any abutting property or public right-of-way, closer than 100 feet to any wells, springs, sinkholes, on slopes adjacent to any ponds and streams, or within any swale or drainageway. Manure shall only be stored or stockpiled on an approved impervious surface that will restrict the associated nutrients from being released onto and into adjacent soils and the groundwater aquifer.
- (6) All grazing and pasture areas where animals are kept shall be fenced and consist of well-maintained grasses as not to promote erosion.

C. Specific shelter areas. Sheltered area(s) of sufficient size for good sanitation practices and adequate and sanitary drainage shall be provided according to the following minimum requirements:

- (1) A shelter area of 150 square feet shall be provided for each mature horse.
- (2) A shelter area of 100 square feet shall be provided for each pony, mule, donkey, cow or other livestock animal of similar size.
- (3) A shelter area of 75 square feet shall be provided for each swine or other livestock of a similar size.
 - (a) Any permanent building placed or constructed on a property shall be designed to serve only that number of animals which is permitted in accordance with this section based on the available acreage.
 - (b) All shelters shall have a roof and at least three enclosed sides and shall be designed in accordance with the setback and impervious coverage requirements of the

associated district.

- (c) All permanent shelters shall be designed for ease of manure removal and handling.

§ 350-1213. Municipal and privately owned parks.

Parks and playgrounds owned by West Caln Township and nonprofit, privately owned parks shall be permitted in all districts.

§ 350-1214. Performance standards.

The following standards regulate the impact of uses upon other and adjacent uses in the Township and Township residents, and shall apply to applicable uses in all zoning districts.

A. Air quality: emission of dust, dirt, fumes, vapors, and gases.

- (1) The emission of dust, dirt, fly ash, fumes, vapors, or gases which can cause damage to human health, to animal, or vegetation or to other forms of property, or which can cause any soiling or staining of persons or property at any point beyond the lot lines of the use creating the emission is prohibited.
- (2) There shall be no emission of smoke, ash, dust, fumes, vapors, gases or other matter toxic or noxious to air which violates the Pennsylvania air pollution control laws, including the standards set forth in 25 Pa Code Chapter 123, Standards for Contaminants, Chapter 131, Ambient Air Quality Standards, and PaDEP rules and regulations.
- (3) Visible air contaminants shall comply with the PaDEP rules and regulations.
- (4) No user shall operate or maintain or be permitted to operate or maintain any equipment, or device which will discharge contaminants to the air of quality or quantity which will violate the limits prescribed herein and by the Pennsylvania air pollution control laws, unless the user shall install and maintain in conjunction therewith such control as will prevent the emission into the open air of any air contaminant in a quantity that will violate any provision of this chapter.
- (5) No user shall cause, allow, permit, or maintain any bonfire, junk fire, refuse fire, salvage operations fire, or any other open fire within the Township, except by Township permit.
- (6) The ambient air quality standards for the Commonwealth of Pennsylvania shall be the guide to the release of airborne toxic materials across lot lines.
- (7) Applicable federal regulations governing air quality shall be met.

B. Fire and explosion hazards.

- (1) The most restrictive of the following regulations shall apply:
 - (a) All buildings and structures and activities within such buildings and structures shall follow applicable Township codes and ordinances.
 - (b) Rules and regulations of the National Fire Protection Act shall be met, and proof of meeting these regulations shall be submitted to the Township upon subdivision or land development plan submittal.
 - (c) All associated activities and all storage of flammable and explosive material shall:

[1] Be provided with adequate safety devices against the hazard of fire and explosion, and adequate fire fighting and fire suppression equipment, and devices as detailed and specified by the laws of the Commonwealth of Pennsylvania.

[2] Conform to the requirements of PaDEP rules and regulations, for storing, handling and use of explosives.

(2) Details of the potential hazards and details of planned safety and accident response actions shall be provided by the applicant to the Township for review by the local fire company.

(3) In the case of conditional uses and special exceptions, larger setbacks, additional buffer areas, fencing, or any other measure may be required by the Township if the nature of the proposed use as determined by the Township so requires.

C. Glare and heat.

(1) All outdoor lighting shall comply the requirements of § 350-1209.

(2) No direct or sky-reflected glare from high temperature processes, such as combustion or welding, or from other sources shall be visible beyond the lot line on which the activity is situated. These regulations shall not apply to signs or floodlighting of parking areas or surveillance, security, or safety lighting otherwise in compliance with § 350-1209 and § 350-1305.

(3) No floodlighting, spotlights, or high-intensity lighting, except for surveillance, security, safety lighting shall be permitted in any residential district after 10:00 p.m. prevailing time.

(4) There shall be no emission or transmission of heat or heated air discernible beyond the lot line on which the activity is situated.

D. Waste disposal. There shall be no discharge at any point into any public, community, or private sewerage system, stormwater management system, body of water, or watercourses, or into the ground, of any liquid or solid waste materials in such a way or of such a nature, as will contaminate or otherwise cause the emission of hazardous materials in violation of the laws of Township and PaDEP rules and regulations. Applications for any use which results in waste materials regulated by the state or federal government shall include a list of all such wastes and the method of temporary storage, handling and disposal.

E. Noise. Noise levels shall be maintained at a level which is not objectionable due to intermittence, frequency or intensity and shall not exceed the standards established by this section.

(1) No person shall operate or cause to be operated on private or public property any source of continuous sound (any sound which is static, fluctuating or intermittent with a recurrence greater than one time in any 15 second interval) in such a manner as to create a sound level which exceeds the limits set forth in the following table when measured by a sound level meter (which conforms to the specifications published by the American Standards Association) at the adjacent lot line of the receiving land use.

Continuous Noise Levels		
Receiving Land Use	Time Frame	Maximum Noise Level Limit
Residential, park/open space, agriculture, or institutional	7:00 a.m. to 9:00 p.m. prevailing time 9:00 p.m. to 7:00 a.m. prevailing time, Sundays, and holidays	55 dBA 50 dBA
Commercial	7:00 a.m. to 9:00 p.m. prevailing time 9:00 p.m. to 7:00 a.m. prevailing time, Sundays and holidays	65 dBA 60 dBA
Industrial	All times	70 dBA

- (2) For any source of sound which emits an impulsive sound (a sound of short duration with an abrupt onset and rapid decay and an occurrence of not more than one time in any 15 second interval), the sound level shall not exceed the maximum sound level limits set forth in the above table, regardless of time of day or night on the receiving land use, as measured by a sound level meter (which conforms to the specifications published by the American Standards Association).
- (3) The maximum permissible sound levels as named above, shall not apply to the following noise sources:
 - (a) Emergency alarm signals for the purpose of alerting persons to the existence of an emergency.
 - (b) Work to provide, repair, or replace electricity, water or other public utilities involving public health or safety.
 - (c) Normal and legally permitted residential activities customarily associated with residential use.
 - (d) Domestic power tools.
 - (e) Temporary activities involving construction and demolition activities.
 - (f) Agriculture.
 - (g) Motor vehicle operations on public streets. Such noise shall be regulated by Pennsylvania Transportation Regulations governing established sound levels.
 - (h) Public celebrations or activities authorized by the Township.
 - (i) The unamplified human voice.
- F. Odor. No uses, except agricultural operations, shall emit odorous gases, or other odorous matter in such quantities to be offensive at any point on or beyond its lot lines. Any process which may involve the creation or emission of any odors shall be provided with a secondary safeguard system or shall make corrective arrangements in order that control will be maintained if the primary safeguard system should fail. Immediate corrective action shall be taken should either system fail.
- G. Vibration. No vibration, except in agricultural operations, shall be produced which is transmitted through the ground and is discernible by a normal individual beyond the lot lines on which the activity is situated by such direct means as but not limited to sensation by touch or visual observation of movement without the aid of instruments.

- H. Electrical, radio, and electromagnetic disturbance. There shall be no radio or electrical disturbance, except from domestic household appliances and agricultural operations, adversely affecting the operation of any equipment at any point other than equipment belonging to the creator of such disturbance. No use, activity, or process shall be conducted which produces electromagnetic interference with normal radio, television, or broadband reception, or other wired or wireless communication systems from off the lot on which the activity is conducted.
- I. Radioactivity. There shall be no activities that emit dangerous levels of radioactivity at any point. No operation involving radiation hazards shall be conducted which violates state or federal statutes, rules, regulations, and standards. In addition, any proposed use which incorporates the use of radioactive material, equipment or supplies, shall be in strict conformity with PaDEP rules and regulations, and rules, regulations, and standards of the U.S. Nuclear Regulatory Commission.
- J. Electrical, diesel, gas or other power. All uses requiring power shall be operated so that the service lines, substation, or other structures and equipment shall conform to the most acceptable safety requirements recognized by the Pennsylvania Bureau of Labor and Industry, and shall be constructed to be an integral part of the buildings with which it is associated. If visible from adjacent residential lots, it shall be screened in accordance with § 350-1206.
- K. Water use. All water requirements shall be reviewed and approved as required by the water service area agreement between the water authority which oversees the service area for the Township and the Township.
- L. Ground and water contamination. No materials or wastes shall be deposited upon a lot in such form or manner that they may be transferred off the lot by natural causes or forces, nor shall any substance which can contaminate a water body or watercourse or otherwise render such water body or watercourse undesirable as a source of water supply or recreation, or which will destroy aquatic life, be allowed to enter any water body or watercourse.
- M. General public health and safety. No use shall create any other objectionable condition in an adjoining area which will endanger public health and safety, or be detrimental to the proper use of the surrounding area.

Article XIII

Off-Street Parking and Loading Regulations

§ 350-1300. Purpose.

The purpose of this article is to establish standards for the location and number of off-street parking in terms of different land uses in the Township, provide adequate parking facilities for allowed uses, and allocate parking spaces to promote public safety and convenience.

§ 350-1301. Applicability.

- A. Off-street parking areas in accordance with this article shall be provided whenever:
- (1) A building is constructed or new use is established;
 - (2) The use of an existing structure is changed to a use requiring more parking facilities, as determined by § 350-1303; or
 - (3) An existing structure or use on or after the effective date of this chapter, is altered, enlarged, or substantially improved, meaning an improvement of 50% or more of the structures floor area, so as to increase the amount of parking spaces required, to be in compliance with § 350-1303.
- B. Structures and uses in existence on the date of adoption of this chapter shall not be subject to the provisions herein, except as provided in Subsection A above. No parking facilities existing at the effective date of this chapter serving existing buildings or uses in the Township shall subsequently be reduced below the requirements herein.
- C. All land uses proposed in the Township subsequent to the adoption of this chapter shall be in conformance with this section. Off-street parking facilities provided to comply with the provisions of this chapter shall not subsequently be reduced below the requirements herein.
- D. All required parking facilities shall be provided and maintained by the owner or manager of the property or use for as long as the use which they are designed to serve remains in existence.

§ 350-1302. General requirements.

- A. Location of required parking spaces. Required off-street parking spaces shall be located on the same lot as the principal use, unless provided in compliance with § 350-1304. Off-street parking spaces shall be located outside of the public right-of-way.
- B. Use of parking area. No parking area shall be used for any use that interferes with its availability for the parking need it is required to serve.
- C. Landscaping. Landscaping requirements for off-street parking facilities shall conform to § 350-1206.
- D. Off-street parking in required yards. Parking areas may occupy no more than 50% of any required front yard, except that for any non-residential use, no parking, loading, or service area shall be located in the front yard unless the applicant demonstrates to the satisfaction of the Board that there is no feasible alternative, or the Board determines that such location is

preferable based on site conditions. Any parking, loading or service area that is permitted between the street right-of-way and the building setback line or in the side yard shall be screened by a landscaped buffer in accordance with § 350-1206.

§ 350-1303. Required off-street parking spaces.

- A. Off-street parking shall be provided to meet the demand of the proposed land use. The applicant shall calculate the demand based on accepted standards published in the Institute of Transportation Engineer's Parking Generation Reports. Uses not specifically addressed by such published standard shall comply with the parking standards for the most similar use, as determined by the Board of Supervisors with recommendation from the Township Engineer. Where computations result in fractions, a fraction of 1/2 or more shall be rounded up, and a fraction of less than 1/2 rounded down.
- B. Where a building or use contains or includes more than one type of use, the number of parking spaces required shall be the sum of the parking requirements for each separate use, except as stipulated in the options in § 350-1304.
- C. Spaces needed for business vehicles owned or operated by any use shall be above and beyond the off-street parking requirements and shall not occupy the minimum required spaces for the use.
- D. Where computations result in fractions, a fraction of 1/2 or more shall be rounded up, and a fraction of less than 1/2 rounded down. If the Township determines that the number of parking spaces calculated by the applicant is not sufficient or is not required to meet the immediate needs of the proposed use, the Township may require the number of spaces provided to be increased or reduced accordingly.

§ 350-1304. Parking alternatives.

- A. Reserve parking area. To reduce unnecessary impervious surface coverage and excess stormwater runoff, the number of required parking spaces may be reduced when authorized by conditional use when the following are met:
 - (1) Documentation is submitted that the use requires less parking than required in § 350-1303. Such documentation shall be based on actual documented rates for the use proposed.
 - (2) The site plan shall indicate the location or layout of the required parking area, and shall include in the design those parking spaces deemed unnecessary at the time of application. Those parking spaces shall be designated as 'reserved'. No more than 20% of parking spaces shall be designated as reserved. Reserve parking areas may be precast porous pavement, or with the approval of the Zoning Hearing Board through recommendation of the Township Engineer, other pervious material including gravel or grass, depending on the amount of anticipated use. A mandatory parking set aside to accommodate future changes in use shall be included in the reserved designation. The number of spaces required shall be calculated based upon the use requiring the greatest number of spaces times 30%.
 - (3) In no case shall the authorized area for reserve parking be counted towards open space requirements or other pervious surface requirements of this chapter.

- B. Shared parking facilities between uses. The number of required parking spaces for commercial, institutional, and industrial uses required by this chapter may be modified when authorized by conditional use, subject to the following:
- (1) Two or more establishments in adjacent lots in any commercial, village, or industrial district, but not in a shopping center, may combine their off-street parking facilities, in which case the total combined parking space requirements may be reduced by 10% so long as such establishments typically operate at different hours and none of such establishments is a department store or supermarket, and provided that in no case shall such reduction result in less off-street parking spaces than would be required of such establishments if they were in a shopping center.
 - (2) Easement agreement. If a privately owned parking facility is to serve two or more separate properties, a legal agreement between property owners guaranteeing access to, use, maintenance and management of designated spaces shall be required. Such agreement shall be submitted to the Township for review and approval. The Board of Supervisors may require that the property owners record the agreement as an easement with the Chester County Recorder of Deeds.
 - (3) Reserve area for shared parking. A reserve area shall be provided in accordance with the following:
 - (a) The land development plan submitted by the applicant shall identify a reserve area which, if necessary, could be used to meet the parking requirements of this §350-1303 without the use of shared parking. That area shall be set aside for possible future use as parking. The Board of Supervisors may, upon application of the property owner and for good cause shown, allow such area to be converted to parking, or the Board of Supervisors may require such area to be improved for parking in accordance with this Article XIII;
 - (b) In no event shall the reserve area be counted toward satisfying any open space requirements which must be met under the terms of this chapter;
 - (c) The reserve area shall be designed so that, if required, it will be easy to convert the area into parking;
 - (d) Stormwater management plans proposed for the affected land development shall be prepared on the assumption that the reserve area will be part of the impervious coverage; and
 - (e) The reserve area shall be buffered and landscaped in accordance with §350-1206.

§ 350-1305. Design and maintenance standards for off-street parking facilities.

- A. The owners or operators of a property with required parking facilities shall be responsible for the maintenance of the off-street parking areas serving that property. Maintenance shall include, but not be limited to, keeping it clean of loose particles, plowing of snow and ice, maintenance of landscape elements and lighting, sealing of pavement, repainting of lines and other markings on the pavement, re-paving as necessary, and any other work required to maintain the parking area in an attractive, safe and functional condition. Adjacent sidewalk areas shall also be maintained in the same manner.

- B. Parking spaces shall be a rectangular block with the minimum dimensions of nine feet wide by 18 feet long, exclusive of passageways, driveways or other means of circulation access and regardless of pull-in angle, and shall not be occupied by, nor intruded upon by lighting or its foundations, landscape elements, pedestrian walkways, driveways, passageways, or any other feature which results in a reduced area available for occupation by a vehicle.
- C. Not more than two feet of a parking space may overhang the outer perimeter boundaries of a parking lot, so long as such overhang does not intrude into an adjacent right-of-way or pedestrian walkway.
- D. Upon recommendation of the Planning Commission, hitching posts for the parking of horses and/or carriages may be required.
- E. Lighting of parking areas shall be in accordance with § 350-1209.
- F. An off-street parking area with a minimum required capacity of five or more parking spaces shall be designed in accordance with the following provisions:
 - (1) Parking spaces shall have a dust-free, all-weather surface. This requirement shall be met by paving, such as asphalt, concrete, or brick. However, where appropriate, and where approved by the Township Engineer, upon recommendation from the Planning Commission, pervious surfaces, such as porous paving, concrete lattice block or gravel may be substituted in order to reduce problems associated with runoff.
 - (2) Parking spaces shall be reasonably level, sloping not more than 5% in any direction, but sloping at least 1% to provide for drainage.
 - (3) Minimum width of interior circulation lane cartway within parking areas shall be in accordance with §§ 350-1207 and 350-1208.
 - (4) Minimum entrance and exit drive widths shall be:
 - (a) One-way access: 14 feet.
 - (b) Two-way access: 24 feet.
 - (5) Maximum width of accessways shall be typical for the proposed use and subject to the approval of the Township Engineer.
 - (6) Driveways providing access to the parking area from the street shall be of adequate length to accommodate off-street stacking of vehicles waiting to enter the parking area. The stacking area shall accommodate at least one vehicle, plus one vehicle for every 50 spaces provided in the parking area, for up to 10 stacking spaces.
 - (7) Parking areas shall be designed to permit each motor vehicle to proceed to and from the parking space without requiring the moving of any other motor vehicle.
 - (8) In no case shall parking areas be designed to require vehicles to back into a public street, right-of-way or pedestrian walkway in order to leave the lot.
 - (9) Parking areas shall be designed with safe and reasonable pedestrian access through the parking area.
 - (10) No parking area, except for permitted driveways and accessways, should directly abut a street. If possible, each such area should be separated from the street by a curb, planting

strip as per § 350-1206, wall or other suitable barrier against cars.

- (11) The parking area should be designed, if possible, so that parking aisles are perpendicular to the building to enhance pedestrian safety.
- (12) Individual parking spaces shall be clearly marked by durable white or yellow stripping at least four inches in width and extending the length of the space or by curbs or other means to indicate individual spaces. Signs located within a parking area shall be used to ensure efficient and safe operation.
- (13) All parking areas and accesses shall be constructed and maintained to provide safe and orderly access at all times from a street, alley, or other approved accessway. No parking area or access shall be constructed so that it constitutes a nuisance, hazard, or unreasonable impediment to traffic. Provisions for clear sight triangles in § 350-1203 and Chapter 300, Subdivision and Land Development, shall apply to all access points.
- (14) Parking areas greater than 50 spaces should use parking modules or smaller lots within the larger parking areas for safety and design concerns.
- (15) Parking lots which abut a residential district or residential use shall be provided with a planting screen the full length of the lot and landscaping of parking areas shall be in accordance with § 350-1206.

G. Handicapped parking.

- (1) Each handicapped space shall be identified with a clearly visible marking displaying the international symbol of access.
- (2) Handicapped parking shall be in accordance with the provisions of the Americans with Disabilities Act (ADA) of 1990, as amended, and applicable state codes.

§ 350-1306. Off-street loading.

The intent of these provisions is to provide adequate loading areas for permitted structures and uses and reduce traffic congestion. Off-street loading for uses, buildings, or structures that require the distribution or receipt of materials or goods by trucks or similar vehicles shall provide a sufficient number of off-street loading and unloading spaces for the intended use as follows.

A. Applicability. Off-street loading areas shall be provided whenever:

- (1) A new structure is constructed or new use established in an existing structure;
- (2) The use of an existing structure is changed to a use requiring more loading; or
- (3) An existing structure or use is altered or enlarged so as to increase the amount of loading spaces required.

B. Required spaces. The off-street loading and unloading requirements in the following shall apply to all uses and structures in the Township:

- (1) Where a structure or use includes more than one type of use, the number of spaces required shall be the sum of the requirements for each separate use.
- (2) Where a use is not specifically listed in the two categories below, the requirements for

the most similar use shall apply.

- (3) The number of spaces may be less than that specified herein if evidence is submitted firmly documenting that the special nature of the proposed use requires less loading and unloading spaces than required by this section.
- (4) Every retail store, hospital, warehouse or wholesale use, industry or manufacturing use shall have at least one off-street loading space of suitable size. Where there is an aggregate gross floor area of 20,000 square feet or more for such use, one additional off-street loading space shall be provided for each additional 20,000 square feet of gross floor area or part thereof.
- (5) Every community center or auditorium, funeral home, office, restaurant or institutional use shall have at least one off-street loading space. Where there is an aggregate gross floor area of 30,000 square feet or more for such use, one additional off-street loading space shall be provided for each additional 30,000 square feet of gross floor area of part thereof.

C. Layout. Regulations for the layout of parking lots and spaces shall be as follows:

(1) Location.

- (a) All loading spaces shall be located on the same lot as the use served, and no portion of the vehicle shall project into any traffic lane, parking space, driveway, sidewalk, or within the front, side or rear yard setbacks. Loading and unloading operations, including arrival and departure, shall not interfere with traffic and pedestrian circulation on public streets or within required off-street parking areas.
- (b) Loading and unloading areas shall not be located between the building setback line and the street line, and loading facilities shall be screened in accordance with § 350-1206, as applicable.
- (c) All off-street loading spaces shall be provided with safe and convenient access to a street or alley or from an aisle or drive connecting with a street or alley. The ingress and egress of loading operations shall not require backing into a street or lot.

(2) Size.

- (a) For structures and uses that are served by trucks, tractor trailers, or larger vehicles, the minimum size for each loading space shall be 12 feet in width and 70 feet in length, exclusive of aisle and maneuvering space, with a minimum vertical clearance of 14 feet.
 - (b) For structures and uses that are served by smaller vehicles such as vans and in which no deliveries will be made by large trucks or tractor trailers, the minimum size for each space shall be 12 feet in width and 30 feet in length, with a minimum vertical clearance of 14 feet.
- (3) Access. All required off-street loading spaces shall be designed with appropriate means of vehicular access to an interior accessway in a manner which will least interfere with traffic movements and shall be subject to Township approval. Areas provided for loading and unloading and for servicing of establishments by garbage collections, fuels, and other service vehicles shall be arranged that they may function without blocking or interfering

with the use of the accessways, automobile parking areas, or pedestrian access.

(4) Surfacing and maintenance.

- (a) All open areas provided for loading and unloading shall be graded and improved with a compacted base, surfaced with asphalt, concrete or other suitable material, and drained to the satisfaction of the Township Engineer to prevent dust, water flow, and erosion off the property.
 - (b) All off-street loading spaces shall be constructed and maintained for as long as the structure or use for which they are designed to serve remains in existence.
- (5) Screening. All loading and circulation areas which abut a residential district or use or a public right-of-way shall be buffered in accordance with § 350-1206.
- (6) Lighting standards for off-street loading areas shall be in accordance with the provisions of § 350-1209.

ARTICLE XIV Sign Regulations

§ 350-1400. Compliance.

Any sign hereafter erected, altered, relocated, or maintained shall conform to the provisions of this article and any other applicable ordinances or regulations of West Caln Township, relating thereto.

§ 350-1401. Purpose.

It is the purpose of this article to promote the public safety and welfare by regulating the placement, size, number, and condition of signs and by limiting visual blight, potential hazards to vehicular and pedestrian movement, and dangers posed by signs in disrepair. Further, it is the purpose of this article to provide opportunities for a variety of sign types and encourage sign designs that meet local resident and business needs in a manner that complements the rural character of the Township.

§ 350-1402. General sign regulations.

The following restrictions shall apply to permitted signs in all districts:

A. Sign location.

- (1) No sign shall be permitted to be placed close enough to any intersection to impact the clear sight triangle. In general, signs shall be placed so as not to obstruct vehicular or pedestrian traffic or create a safety hazard. (See Figure 2-D in Article II)
- (2) No sign shall be erected within the lines of any public street or public sidewalk, or shall be closer to a street line than 10 feet, except for single dwelling real estate signs which may be set closer for proper view from the street line, unless specifically authorized by this or any other ordinances and regulations of West Caln Township.
- (3) No sign shall project over a public sidewalk or street, unless authorized as a special exception by the Zoning Hearing Board or as provided in § 350-1201C(6).
- (4) Advertising signs within 400 feet of a public park of five acres or more in area, nature preserve, and other such parks or scenic areas as the Board of Supervisors may designate, shall not be permitted to be located in such a manner as to obscure or detract from the view of such park or scenic area, as determined by the Board of Supervisors.
- (5) All signs shall be made a part of the design of new construction or substantial improvement of existing buildings. Drawings submitted for sign permits shall show size, location and illumination in detail. No sign shall protrude above the building height as defined in the district in which the sign is located.
- (6) Any sign located along the right-of-way of a state or federal highway shall comply with any more restrictive applicable federal or state requirements.
- (7) No sign shall be erected or maintained so as to prevent free ingress or egress from any door, window, or fire escape.
- (8) No freestanding business sign may be located nearer to a residence or a residential lot line than permitted for uses in the district in which the sign is located. If located nearer

- than 30 feet and facing into a residence or a residential lot, it shall be so designed as not to shine or reflect light upon such residence or lot.
- (9) Directional signs, not exceeding two square feet in size, shall be permitted in any district but shall be installed no closer than 40 feet from any street intersection. No advertising matter shall be contained on signs of this type, and shall in no case be permitted to impact the clear sight triangle.
 - (10) No roof signs shall be permitted in West Caln Township.
 - (11) A truck or other vehicle not used for normal day-to-day operations of a business or not regularly moved for business-related purposes shall not be used as a sign for business or other uses.
 - (12) No sign or display shall be permitted to be placed across a public street or right-of-way.
 - (13) Any site, lot, or building on which the sign was erected shall be restored to its original or better condition upon removal of the sign.
- B. Sign illumination and movement. The illumination and movement of signs shall comply with this Article XIV and §350-1209.
- (1) Floodlighting used to illuminate signs shall be aimed or shielded as necessary to ensure light does not spill off sign, as determined by the Township Zoning Officer.
 - (2) External lighting, or back-lighting in the case of window signs, is the preferred method of illumination. Internally lit signs are discouraged.
 - (a) Externally-illuminated signs shall have light fixtures mounted at the top of the signs and aimed downward. The fixtures shall be designed, fitted and aimed to shield the lamp and its reflective surfaces from direct off-site view and to place the light output onto and not beyond the sign. Lighting shall be by linear LED unless it can be demonstrated to the satisfaction of the Township that equal or superior results with respect to glare, light trespass, and light pollution control can be achieved with an alternative source.
 - (b) If permitted, internally illuminated signs shall have a dark field and light message. The aggregate output of the light sources shall not exceed 500 initial lamp lumens per square foot of sign face per side.
 - (3) Signs comprised of 3-dimensional letters, logos, or icons (channel letter signs) shall have dimming capability to allow adjustment of sign brightness when required by the Township to accommodate local ambient conditions.
 - (4) The illumination of off-premises signs within 400 feet of a residential use, public park, or nature preserve shall not be permitted.
 - (5) Unless otherwise permitted by the Board of Supervisors, for reasons such as safety and security, and except for official traffic signs and signs warning of danger, illumination of signs is prohibited between 10:00 p.m. and dawn, except that such sign situated on the premises of a commercial establishment may remain illuminated while the establishment is actually open for business, and until no more than one-half hour after closing.

- (6) Off-premises signs shall be extinguished automatically by a programmable controller, with astronomical and semiannual time-change control and spring or battery power-outage reset, between the hours of 10:00 p.m. and dawn.
- (7) Signs shall not resemble or simulate any warning or danger signal or any official traffic control device, sign, or light.
- (8) The use of highly reflective signage that creates nuisance glare or a safety hazard shall not be permitted.

C. Sign construction and maintenance.

- (1) All signs must be constructed of durable material firmly supported and must be maintained in good condition. The Township Zoning Officer is designated to periodically inspect signs and require repair when necessary within a reasonable time. Failure to comply with the results of such an inspection shall be just cause for the Township to remove the sign or take corrective action to insure the maintenance of the public safety, in accordance with § 350-1410F.
- (2) All signs requiring the use of electricity shall be manufactured in accordance with the Underwriter Laboratories (UL) specifications and the National Electrical Code (NEC).
- (3) All signs shall be securely mounted or fastened to the building upon which they are erected or, if freestanding or ground signs, must be securely and safely installed in the ground. Breakaway signs shall be installed where freestanding signs are installed immediately adjacent to vehicular facilities, as required by the Board of Supervisors. The installation of all signs must be approved by the Township Zoning Officer.

D. Sign area and permitting.

- (1) Sign area shall be as defined in Article II.
- (2) Sign permitting shall be as specified in § 350-1410.

§ 350-1403. Standards for specific sign types.

A. Freestanding signs.

- (1) In order to provide safe passage for pedestrians, freestanding signs shall be designed and installed so that the sign area is either lower than four feet in height or higher than eight feet in height, above grade. Unless otherwise specified, a freestanding sign shall be no more than 12 feet in height.
- (2) Freestanding signs shall be limited to one such sign per lot or development per street frontage. If more than one use is carried on in a structure or lot, the one permitted freestanding sign per street frontage may indicate the presence of all uses in the structure or lot. Individual freestanding signs for each use shall not be permitted.
- (3) Where both freestanding signs and ground signs are permitted in this article, only one of these sign types shall be erected on a lot or development.

B. Ground signs.

- (1) Ground signs shall be supported and permanently placed by embedding, anchoring, or

connecting the sign in such a manner as to incorporate it into the landscape or building design scheme.

- (2) Ground signs shall be limited to one such sign per lot or development per street frontage. If more than one use is carried on in a structure or lot, the one permitted ground sign per street frontage may indicate the presence of all uses in the structure or lot. Individual ground signs for each use shall not be permitted.
- (3) In those districts where both ground signs and freestanding signs are permitted, only one of these sign types shall be erected on a lot or development.
- (4) All ground signs shall have an open area no more than two feet above grade. This area should be maintained free of weeds and debris. The overall height of any ground sign including support structure shall not be more than six feet above grade.

C. Projecting signs.

- (1) No portion of a projecting sign shall be less than eight feet nor more than 15 feet above grade, or project more than four feet from the face of the building.
- (2) Projecting signs shall not extend above the top of the wall upon which it is mounted.
- (3) No projecting sign shall be attached to a building where a canopy, marquee, or awning sign exists.

D. Wall signs.

- (1) No portion of a wall sign shall be less than eight feet above grade nor extend more than 12 inches from the building wall.
- (2) Permanent window signs shall be considered wall signs when computing the maximum permitted building wall coverage for wall signs.
- (3) The size of wall signs shall be limited to 10% of the total area of the building front facade in the Site-Responsive Residential, Rural Residential, and Village Districts and 15% of the total area of the building front facade in the Agricultural Preservation, Rural Center, and Multi-Purpose Districts.
- (4) Where a use is located on a corner lot, only one wall sign shall be permitted on the building front facade or one wall sign on the side of the building.
- (5) When a wall sign is used, no canopy, marquee, or awning sign is permitted.
- (6) No permitted wall sign shall extend above:
 - (a) The top of the parapet upon which it is mounted.
 - (b) The roof which is immediately adjacent to the wall upon which the sign is mounted.
 - (c) The roof line of a gable roofed building.
- (7) Letters painted on or affixed to a building shall be considered a wall sign and shall be included in the computation of the total sign area.

E. Window signs.

- (1) A maximum of 25% of the total window area of the building front facade may be used for permanent signs that are etched, painted, or permanently affixed to the window, and a maximum of an additional 10% of the total window area of the building front facade may be used for temporary window signs. Window signs shall be installed above or below the line of sight in order to promote safety for pedestrians and employees with one exemption, the American Flag.
- (2) Permanent window signs shall be considered wall signs when computing the maximum permitted building wall coverage of wall signs.

F. Canopy, marquee, or awning signs.

- (1) Use of a canopy, marquee, or awning sign shall be limited to not more than one per street frontage of the establishment.
- (2) The lowest edge of the canopy, marquee, or awning sign shall be at least eight feet above grade.
- (3) A canopy, marquee, or awning without lettering or other advertising shall not be regulated as a sign.

§ 350-1404. Exempt signs.

Exempt signs, except those installed by a governmental body to serve a public purpose, shall conform to all regulations set forth herein. No permit need be obtained before erecting any of the following signs in any district:

- A. Official highway route number signs, street name signs, directional, or other official federal, state, county, or Township signs. This shall include signage located at Township municipal buildings, police departments, public educational institutions, and buildings housing Township designated EMS and Fire Department equipment and personnel. Electronic changeable display signs shall specifically be allowed upon such properties subject to approval by the Board of Supervisors in the best interests of public health, welfare, and safety. No light source for any changeable display sign shall produce a nuisance or safety hazard. Changes in the signage display shall include the entire display such that different portions of the display do not change at different times. Any sign with flashing, moving, sound-producing, or animated parts is prohibited upon such properties. Electronic signage must receive the proper required electrical permits as part of installation.
- B. Temporary signs or emblems of a religious, civic, philanthropic, historical, community, or educational organization not exceeding four square feet in total sign area. No more than four off-premises signs shall be permitted, shall not exceed four square feet in total sign area per sign, and the location of such signs shall be approved by the property owners of the properties on which they are placed. In the case of signage for certain specific activities or occasions, such signs shall be posted no sooner than two weeks prior to the first day of the announced activity and shall be removed no later than one day after the final day of the activity to which they refer.
- C. Temporary signs of mechanics and artisans may be erected in any district and shall be in a manner as specified herein for that district provided the size of the sign shall not exceed eight feet on any one side nor have a total sign area in excess of 16 square feet. All such signs shall be located on the premises to which they relate and shall be removed immediately upon the

completion of the work.

- D. Directional information or public service signs such as those advertising availability of rest rooms, telephone or similar public conveniences, and signs advertising meeting times and places of nonprofit service or charitable clubs or organizations may be erected and maintained, provided that such signs do not significantly advertise any commercial establishment, activity, organization, product, goods or services except those of public utilities. Directional and information signs provided for the safety and/or convenience of the public within commercial establishments may be erected. Signs erected under this provision shall not exceed two square feet in total sign area.
- E. Trespassing signs or signs indicating the private nature of a road, driveway, or premises. Signs prohibiting or otherwise controlling hunting or fishing upon particular premises and signs indicating ownership of a property, provided total sign area does not exceed two square feet.
- F. Temporary real estate signs offering individual properties for sale or rent or indicating that a property has been sold, provided that such signs shall be located entirely within the lot lines of the particular property to which they refer, shall be removed immediately upon the completion of sale, etc., and provided further that such signs shall not exceed 24 square feet in total sign area per lot, business, or use, except as otherwise specified.
- G. Signs displaying personal name and address of the occupant of the premises, provided that the total sign area of such sign shall not exceed one square foot and not more than one such sign shall be erected for each property held in single and separate ownership, unless such property fronts on more than one street, in which case one sign may be erected on each street frontage.
- H. Legal notices.
- I. Window signs indicating the operating hours or names of institutions, provided that the total sign area of such signs does not exceed two square feet.
- J. Vending machine signs bearing the brand name of the product being sold or price of such product.
- K. Memorial signs or historical tablets, provided that such sign or tablet does not exceed four square feet, unless authorized by the Township Historical Commission.
- L. Signs which are a permanent architectural feature of a building or structure, such as a cornerstone, or identifying letters carved or embossed on a building, provided that the letters are not made of a reflective material nor contrast in color with the building.
- M. Agricultural signs advertising the variety of crop growing in a field. Such signs shall be removed after the growing season.
- N. Signs advertising garage or yard sales in accordance with § 350-1101C(4).
- O. Temporary window signs announcing a charity drive or event of civic, philanthropic, educational, or religious organization, less than four square feet, placed in a store or office window.
- P. Temporary signs or emblems of a political organization or political campaign not exceeding four square feet in total sign area. Off-premises political signs shall be permitted, however on any given property such signs shall be placed no less than 10 feet apart, there shall be no more

than one sign per candidate per property at or near intersections, such signs shall not exceed four square feet in total sign area per sign, and the location of such signs shall be approved by the property owners of the properties on which they are placed. Such signs shall be removed no later than one day after the final day of the activity to which they refer.

§ 350-1405. Prohibited signs.

- A. Any animated sign, or sign that revolves, swings, or has movable parts, except barbershop poles, or has any flashing, rotating, traveling, pulsing, or oscillating light source, laser, beacon, searchlight or strobe light or reflector,
- B. Any sign erected, painted, or drawn on a tree or rock or other natural feature, unless approved by the Board of Supervisors.
- C. Any sign containing information which states or implies that a property may be used for any purpose not permitted under the provisions of this chapter.

§ 350-1406. Temporary sign regulations.

Temporary signs announcing special or community events or the temporary, lawful sale of products, goods and/or services such as, but not limited to, the seasonal sale of goods such as Christmas trees, or special sales events of items, shall be permitted, provided that:

- A. A permit shall be obtained before erecting any temporary sign, unless exempted under § 350-1404. Permits shall run for one successive three-month period and may be re-issued for an additional one successive three-month period where just cause has been demonstrated.
- B. Temporary signs shall comply with all pertinent regulations applicable to permanent type signs.
- C. Temporary signs shall not exceed 24 square feet in total sign area per lot, business, or use, except as specified otherwise.
- D. Signs shall be removed no later than three days after the expiration of the permit.
- E. Any site, lot, or building on which the sign was erected shall be restored to its original or better condition upon removal of the sign.
- F. Portable signs shall be allowed only for temporary display, shall only be permitted for commercial uses in districts where commercial uses are permitted as a principal use, shall comply with applicable standards for ground signs, and there shall be no more than one portable sign per establishment.
- G. Signs announcing a temporary community event shall be limited to 16 square feet in total sign area, and shall be posted no sooner than two weeks prior to the first day of the announced event and shall be removed no later than one day after the final day of the announced event. Additionally, no more than four off-premises signs shall be permitted, the location of these signs approved by the property owners of the properties on which they are placed, and shall not exceed four square feet in total sign area.

§ 350-1407. Signs in Site Responsive Residential and Rural Residential Districts.

In addition to the exempt signs in § 350-1404 and applicable temporary signs, the following signs shall be permitted in the Site-Responsive Residential and Rural Residential Districts:

- A. Home occupation identification signs indicating the profession or activity of the occupant of a dwelling, provided that:
 - (1) The size of any such sign shall not exceed two square feet.
 - (2) Not more than one such sign shall be erected for each permitted use or dwelling unit.
 - (3) No such sign shall be illuminated.
- B. Identification signs for farms, religious, educational, and permitted uses other than dwellings, provided that:
 - (1) The size of any such sign shall not exceed 12 square feet in total sign area.
 - (2) Not more than one such sign shall be placed on such premises held in single and separate ownership unless such premises fronts on more than one street, in which case, one such sign may be erected on each street frontage.
 - (3) No such sign shall be illuminated except by concealed or indirect non-glare lighting attached to the sign itself.
- C. Signs at the entrance to residential developments.
 - (1) The size of such sign shall not exceed 12 square feet on any one side. The total sign area of any such sign shall not exceed 24 square feet.
 - (2) Signs identifying a residential development shall be placed only on the development tract to which they pertain.
 - (3) Not more than two signs shall be permitted on any one development tract.
- D. Temporary signs of mechanics and artisans, provided that:
 - (1) Such signs shall be erected only on the premises where such work is being performed.
 - (2) The size of any such sign shall not exceed four square feet in total sign area.
 - (3) Such signs shall not be illuminated.
 - (4) Such signs shall be removed upon completion of temporary activity.
- E. Business signs pertaining to those uses associated with agriculture, including but not limited to the sale of farm products, farm machinery, equipment and supplies, secondary farm business on the agricultural tract on which the use is located, provided that such signs shall conform to the regulations of § 350-1409B.
- F. Unless otherwise specified, signs shall be placed on the premises, lot, or development to which they pertain.
- G. Other permitted uses in said districts not specifically listed herein shall comply with the standards for the most similar use, as determined by the Board of Supervisors with recommendation from the Township Engineer.

§ 350-1408. Signs in Village Districts.

In addition to the exempt signs in § 350-1404 and applicable temporary signs, the following signs

shall be permitted in the Village District.

- A. Signs for uses permitted within the Village District shall comply with the Site-Responsive Residential and Rural Residential Districts sign requirements in § 350-1407 for like applicable uses.
- B. For all commercial uses, signs may be erected in accordance with either Subsection B(1) or (2) as outlined below:
 - (1) One freestanding sign up to 10 square feet of total sign area, plus only one of the following:
 - (a) One wall sign mounted parallel on the wall up to eight square feet in total sign area and in no case shall exceed eight feet in width;
 - (b) One wall sign, when part of the architectural design of the building, consisting of individual letters or symbols, not to exceed 10% of the total area of the building front facade and in no case shall exceed eight feet in width;
 - (c) One awning sign not to exceed 10 square feet, and letters shall not exceed one foot in height; or
 - (d) One window sign consisting of individual letters or symbols not to exceed 25% of total window area of the building front facade.
 - (2) One projecting sign up to 10 square feet of total sign area plus only one of the following:
 - (a) One wall sign mounted flush on the wall up to eight square feet in total sign area and in no case shall exceed eight feet in width;
 - (b) One wall sign, when part of the architectural design of the building, consisting of individual letters or symbols, not to exceed 10% of the total area of the building front facade and in no case shall exceed eight feet in width;
 - (c) One awning sign not to exceed 10 square feet, and letters shall not exceed one foot in height; or
 - (d) One window sign consisting of individual letters or symbols not to exceed 25% of total window area of the building front facade.
 - (3) If a building fronts on more than one street, one additional sign in accordance with either Subsection B(1) or (2) above may be permitted on one additional street frontage.
 - (4) Where multiple uses are located within a structure, the size of the permitted freestanding sign may be increased by two square feet for each additional use, up to a maximum total sign area of 16 square feet.
 - (5) Unless otherwise specified, signs shall be placed only on the premises, lot, or development to which they pertain.
 - (6) Other permitted uses in said districts not specifically listed herein shall comply with the standards for the most similar use, as determined by the Board of Supervisors with recommendation from the Township Engineer.

- C. Sign design guidelines. The following sign design guidelines indicate the preferred sign

characteristics for the Village District. The guidelines should be consulted for additional provisions relevant to the use of signs in this district.

- (1) Signs should consist of natural materials and blend with the building or structure they represent. Wood or metal are preferred sign materials. The use of plastic signs is discouraged, unless the sign material is designed to look like wood or metal or traditional sign materials, as approved by the Board of Supervisors upon recommendation of the Township Historical Commission.
- (2) The overuse of signs should be avoided; temporary advertising signs in windows should be kept to a minimum and remain in place no longer than necessary.
- (3) Simplicity of design and a limited color scheme of no more than two or three colors are encouraged. The sign message is encouraged to be simple and readable.
- (4) Wall signs designed as an integral part of the front facade of commercial buildings (generally located above the door in the lintel) are encouraged. Signs should be proportional in scale to the building and to the wall space on which they are mounted.
- (5) Wall or projecting signs are preferred where there is a small front yard setback. Freestanding signs are considered most appropriate for buildings originally designed as residential dwellings or where larger front yard setbacks are present.

§ 350-1409. Signs in Agricultural Preservation, Rural Center, and Multi-Purpose Districts.

In addition to the exempt signs in § 350-1404 and applicable temporary signs, the following signs shall be permitted in the Agricultural Preservation District, the Rural Center District, and the Multi-Purpose District, provided that the signs comply with all requirements herein specified:

- A. Signs permitted in the Site-Responsive Residential, Rural Residential, and Village Districts which relate to an applicable use permitted in the Agricultural Preservation, Rural Center, and Multi-Purpose Districts.
- B. Signs relating to an individual commercial or industrial establishment on a lot, such as a retail store or an individual office, in accordance with the following regulations:
 - (1) Only one of the following sign types shall be permitted for an establishment:
 - (a) Wall sign. Such a sign shall not exceed 15% of the total area of the building front facade attributable to the use, and in no case shall exceed 12 feet in width;
 - (b) Awning sign. Such a sign shall not exceed 10% of the total area of the building front facade attributable to the use; or
 - (c) Marquee or canopy sign. The sign area shall not exceed 40% of the front face area of the marquee or canopy to which the sign is attached.
 - (2) Window sign. Not to exceed 25% of the building front facade total window area attributable to the use.
 - (3) Freestanding or ground sign.
 - (a) One such sign is permitted on a lot or in a development per street frontage.
 - (b) Such sign shall not exceed 24 square feet in total sign area for the establishment.

- (4) Unless otherwise specified, such signs shall be placed on the premises, lot, or development to which they pertain.
- C. Signs relating to a commercial or industrial establishment on a lot or in a development containing more than one establishment, such as a shopping center or medical office building, in accordance with the following regulations:
 - (1) Only one of the following sign types shall be permitted per establishment:
 - (a) Wall sign. Such a sign shall not exceed 15% of the total area of the building front facade attributable to the use, and in no case shall exceed 12 feet in width;
 - (b) Awning sign. Such a sign shall not exceed 10% of the total area of the building front facade attributable to the use; or
 - (c) Marquee or canopy sign. The sign area shall not exceed 40% of the front face area of the marquee or canopy to which the sign is attached.
 - (2) Window sign. Not to exceed 25% of the building front facade total window area to facade attributable to the use.
 - (3) Freestanding or ground sign.
 - (a) One such sign is permitted on a lot or in a development per street frontage.
 - (b) Such sign shall not exceed 28 square feet in total sign area for one establishment, however for each additional establishment, the size of the permitted sign may be increased by four square feet, up to a maximum total sign area of 44 square feet.
 - (4) Unless otherwise specified, such signs shall be placed only on the premises, lot, or development to which they pertain.
- D. Other permitted uses in said districts not specifically listed herein shall comply with the standards for the most similar use, as determined by the Board of Supervisors with recommendation from the Township Engineer.

§ 350-1410. Sign permits and bonds.

- A. A sign permit shall be required for all business signs, and all other signs which exceed four square feet, except as specified in § 350-1404, and such signs shall be subject to annual inspection, unless otherwise provided. All illuminated signs shall, in addition, be in accordance with the UL specifications and the National Electrical Code (NEC), and any other applicable regulations. Satisfactory evidence to structural durability shall be provided to the Township.
- B. The lighting or relighting of any existing signs, whether from an internal or external lighting source, shall require a permit. The applicant shall demonstrate to the satisfaction of the Township that excessive illumination, light pollution, glare, and light trespass have been adequately mitigated. All illuminated signs shall, in addition, be in accordance with the UL specifications and the National Electrical Code (NEC), and any other applicable regulations.
- C. Application for sign permits shall be filed in duplicate and on forms furnished by the Township and shall be accompanied by detailed plans and specifications and such other information deemed necessary by the Zoning Officer to determine the location and details of

construction of such sign.

- D. No permit to erect shall be issued until a fee has been paid to the Township in such amount as the Board of Supervisors shall establish by resolution.
- E. All applications for sign permits shall be accompanied by the property owner's written consent if the property owner is not the owner of the sign.
- F. Signs deemed by the Township Zoning Officer to be illegal or without permit, shall be removed within three days of written notification by the Township Zoning Officer in accordance with the provisions of § 350-1602, of this chapter. Any failure to remove such sign or recurrence of a similar infraction on the premises by the owner or lessee shall be in violation of this chapter and shall be punishable in accordance with the provisions of Article XVI.

§ 350-1411. Nonconforming signs.

The total sign area of all nonconforming signs relating to a use at the effective date of this chapter, or at the effective date of any amendment of this chapter by which any sign shall be made nonconforming, shall not be increased, subject to the provisions of Article XV.

§ 350-1412. Removal of signs.

If a use is abandoned or ceases for a period of 30 days, signs advertising the ceased business, or businesses, must be removed by the owner of the property. Such signs may be removed by the Township at the expense of the owner of the property on which said sign is located.

ARTICLE XV
Nonconforming Uses, Structures, Lots, and Signs

§ 350-1500. Applicability.

The regulations of this article apply to all uses, structures, lots and signs that do not conform to regulations of the district in which they are located, but were in lawful existence prior to the effective date of this chapter shall be known and regarded as nonconforming and the following regulations shall apply to them.

§ 350-1501. Continuation.

Any lawful building or other structure, or any lawful use of a building, structure land, or sign legally existing on the effective date of this chapter, or authorized by a building permit issued prior thereto, which does not conform with the provisions of this chapter, unless otherwise specified within this article, shall be considered a lawful nonconforming building, structure, use, or sign and may be continued in the form evident at the time of adoption of this chapter although such use does not conform to the provisions of this chapter except as specified herein.

§ 350-1502. Nonconforming use.

A. Extension, expansion, or enlargement. The nonconforming use of a structure or of a lot shall not be extended, expanded, or enlarged so as to use other portions of the structure or lot, unless the Zoning Hearing Board shall by special exception as hereinafter provided, authorize the extension, expansion, or enlargement of such use. The Zoning Hearing Board, upon proper application, may grant such special exception provided that:

- (1) It is clear that such extension, expansion, or enlargement of a nonconforming use is not materially detrimental to the character of the surrounding area or to the interest of the municipality.
- (2) The area devoted to the nonconforming use shall not be increased by more than a total of 25%. This increase shall occur only once per the existence of the nonconforming use. There shall be no limitation upon increase in areas for adaptive reuse of historic resources.
- (3) Any extension, expansion, or enlargement of the structure or of a lot having a nonconforming use shall conform to all area and bulk regulations of the district in which it is situated and to all regulations applicable to such a use in the district or districts in which the nonconforming use is situated. Such use shall be limited to the lot which was in existence at the time of adoption of this chapter.
- (4) Any extension, expansion, or enlargement of a nonconforming use shall meet the applicable requirements of Article XII.

B. Change of use.

- (1) A nonconforming use may be changed to another nonconforming use by the grant of a special exception only upon determination by the Zoning Hearing Board, after public hearing, that the proposed new use will be similar to or less detrimental to its neighborhood and abutting properties than is the use it is to replace. In evaluating relative

detriment, the Zoning Hearing Board shall take into consideration, among other things, potential traffic generation, nuisance characteristics (such as emission of noise, dust, odor, glare, and smoke), fire hazards, and hours and manner of operation, availability of sufficient parking facilities, storage and manner of waste removal, area and height of the building, and suitability of the building for conversion to a conforming use. The applicant shall demonstrate that a nonconforming use cannot reasonably be changed to a use permitted by-right. The Zoning Hearing Board may condition the grant of a Special Exception to change a nonconforming use. Where the proposed nonconforming use requires a lesser area of utilization than the existing nonconforming use, the Zoning Hearing Board is authorized to require measures such as, but not necessarily limited to, a reduction in the area of the structure used, and if relevant, designation of enclosed portions of the lot to be utilized for the nonconforming use, and may impose additional conditions or restrictions as authorized by this chapter.

- (2) Once changed to a conforming use, no structure or land shall be permitted to revert to a nonconforming use.
- C. Restoration. No structure containing a nonconforming use damaged 75% or more by fire, explosion, wind, flood or other natural phenomena, or legally condemned shall be reconstructed for the purpose of being used for the same nonconforming use, unless:
- (1) The Zoning Hearing Board, as a special exception, authorizes such reconstruction. The applicant shall prove that the nonconforming use to be continued to be carried on in the reconstructed structure will have no substantial adverse impact on the use or development of adjacent property, nor be otherwise detrimental to the public, health, safety, or welfare.
 - (2) The reconstructed structure shall not exceed the area, bulk, or height regulations of the damaged or destroyed building or structure except as provided in Subsection A, above.
 - (3) Reconstruction shall begin within one year from the date of damage or destruction and shall be carried on without interruption and shall be completed within one year of the starting date.
- D. Discontinuance. If a nonconforming use of a building, structure, or land is discontinued or otherwise totally ceases for a continuous period of one year or more, subsequent use of such building, structure, or land shall be in conformity with the provisions of this chapter.
- E. Abandonment. If a nonconforming use of a structure or land is removed or abandoned for a continuous period of one year, subsequent use of such structure or land shall conform with the regulations of the district in which it is located. However, the same or another nonconforming use shall be allowed provided the request for the nonconforming use is filed and approved by the Zoning Hearing Board in accordance with Subsection B above within that twelve-month period. The permit application for such approval shall be filed within 30 days after the decision of the Zoning Hearing Board with regard to the nonconforming use.
- F. Nonconforming off-street parking.
- (1) Where the number of parking spaces presently existing upon a lot is insufficient for the existing use in accordance with the provisions of Article XIII at the time of adoption, it shall constitute a lawful nonconformity, the insufficiency may continue provided the use for which such parking was established is neither changed, extended, expanded, or

enlarged.

- (2) Where the number, size, or configuration of parking spaces is lawfully nonconforming with respect to any use, structure, or activity upon a lot, and the applicant seeks to change or enlarge such use or activity, the application or plan shall include the additional parking required in conformance with this chapter.

§ 350-1503. Nonconforming structures.

- A. Extension, expansion, or enlargement. Nonconforming structures may be altered, renovated or enlarged provided that such alteration, renovation or enlargement does not increase the floor area of the nonconforming structure by more than 25% of the floor area of the structure as it existed on the date when the structure became nonconforming. Such alteration, renovation or enlargement shall be authorized as a special exception by the Zoning Hearing Board. The Zoning Hearing Board, upon proper application, may grant such special exception provided that:
 - (1) It is clear that such extension, expansion, or enlargement is not materially detrimental to the character of the surrounding area or to the interest of the municipality.
 - (2) This increase shall occur only once per the existence of the nonconforming structure.
 - (3) Any extension, expansion, or enlargement shall meet the applicable requirements of Article XII.
- B. Restoration. A nonconforming structure or building damaged 75% or more by fire, explosion, wind, flood or other natural phenomena, or legally condemned shall not be reconstructed, except as a conforming structure, unless:
 - (1) The Zoning Hearing Board, as a Special Exception, authorizes the reconstruction of the structure to no greater than its former, nonconforming dimensions, except as provided in Subsection A, above. The applicant shall prove that the nonconforming reconstructed structure will have no substantial adverse impact on the use or development of adjacent property, nor be otherwise detrimental to the public, health, safety, or welfare.
 - (2) The reconstructed structure or building shall not exceed the height, area, and volume of the original structure or building, except as provided in Subsection A, above.
 - (3) Reconstruction shall begin within one year from the date of damage or destruction, and shall be carried on without interruption and shall be completed within one year of the starting date.

§ 350-1504. Nonconforming lots.

- A. A building or structure may be erected or altered on any nonconforming lot held at the effective date of this chapter, under the following circumstances:
 - (1) Any owner of two or more contiguous lots that, if combined, would create a lot of conforming size, shall be required to combine such lots prior to the issuance of a building permit.
 - (2) A structure or building may be constructed on a lot existing at the date of adoption that is nonconforming solely in respect to lot area requirements, but able to meet front, side,

and rear yard setback requirements, when authorized by the Township Zoning Officer.

- (3) If the front, side, or rear yard setback requirements cannot be met, a special exception may be authorized by the Zoning Hearing Board. Contiguous nonconforming lots under common ownership shall be considered one lot.
- B. No lot area shall be reduced so that the area or width of the lot or the applicable setback dimensions shall be smaller than prescribed for the district in which it is located.
- C. An existing structure located on a lot nonconforming as to area may be used for the use permitted in the district in which it is located, provided the structure complies with all bulk requirements of that district.
- D. If a nonconforming structure is located on a nonconforming lot, unless such structure is already in a nonconforming use, such structure may be used for a use permitted in the district in which it is located when it is determined by the Zoning Hearing Board, that the proposed use, as proved by the applicant, shall have no substantial adverse impact on the use or development of adjacent property, nor be otherwise detrimental to the public, health, safety, or welfare.

§ 350-1505. Nonconforming signs.

Any nonconforming sign legally existing at the effective date of this chapter shall be bound by the following regulations:

- A. Relocation. A nonconforming sign may be relocated provided that relocating such a sign would eliminate the nonconformity. A nonconforming sign shall not be moved to a position where such sign remains nonconforming unless permitted by special exception.
- B. Area. The total area of all such signs relating to a single use at the effective date of this chapter, or at the effective date of any amendment of this chapter by which any sign shall be made nonconforming, shall not be increased.
- C. Repair or replacement. Nonconforming signs, once removed or damaged more than 60%, including structural framing or bracing, shall be replaced only with conforming signs. Nonconforming signs with damage of 60% or less may be repainted or repaired, provided that such repainted or repaired sign does not exceed the dimensions of the existing sign.
- D. Discontinuance. Whenever any nonconforming use of building, structure, or land, or of a combination of buildings, structures, and land is discontinued, all signs accessory to such use shall be deemed to become nonconforming and shall be removed within 90 days after the date such use terminates.

§ 350-1506. Registration.

In order to facilitate the administration of this chapter, the Township Zoning Officer shall cause to be made and maintained an accurate listing and description of those nonconforming uses, signs, lots and structures which are not permitted as a use by right in the district in which they are located and for which no special exception or variance has been granted. Such listing shall be a matter of public record and shall constitute notice to anyone acquiring any right to use or own such property. Omission of a nonconforming use or structure or failure to maintain such list, however, shall in no way modify the status of nonconformity nor shall the Township, its officials, or its employees, be liable for damages as a result of such omission or failure.

ARTICLE XVI

Administration and Enforcement

§ 350-1600. Purpose and application.

The purpose of this article is to outline the procedures and regulations by which this chapter shall be administered. The procedures for obtaining and regulating permits, enforcing this chapter, and the responsibilities of the Township Zoning Officer are included herein. Procedures for amending this chapter are contained in Article XVIII, Amendments. No land shall be used or occupied, and no building or structure shall be created, altered, used or occupied, except in conformity with the regulations herein established for the district in which such land, building, or structure is located, as well as all other applicable standards.

§ 350-1601. Zoning Officer.

- A. The Township Zoning Officer shall be appointed by the Board of Supervisors at its annual re-organization meeting, for a term of one year, and may thereafter be appointed annually to serve for a term of one year. The Township may also appoint a designated Associate Township Zoning Officer to assist with the duties of the Township Zoning Officer. The Township Zoning Officer shall not hold any elective office in the Township and shall meet the qualifications established by the Board of Supervisors. The Township Zoning Officer's duties shall include but not be limited to the following:
- (1) To administer this chapter in accordance with its literal terms and shall not have the power to permit any construction or any use or change of use which does not conform to the provisions of this chapter.
 - (2) To enforce all provisions of this chapter and all amendments thereto, and to institute civil enforcement proceedings as a means of enforcement when acting within the scope of his duties.
 - (3) To receive, examine, and oversee processing of all applications for permits, referring applications to the Planning Commission when deemed advisable, and issue permits only when there is compliance with the provisions of this chapter and with other Township ordinances.
 - (4) To issue permits for uses by special exception, variances and conditional uses only upon written order and only after such uses or buildings and structures permitted in conjunction therewith are reviewed, ordered and approved by the Zoning Hearing Board or the Board of Supervisors, as applicable, in accordance with the regulations of this chapter or as directed by a competent court of jurisdiction, subject to such conditions or stipulations contained in any such order.
 - (5) To issue zoning, building, use and occupancy permits in accordance with the terms of this chapter.
 - (6) To conduct inspections and surveys to determine compliance or noncompliance with the terms of this chapter.
 - (7) To issue stop, cease and desist orders and to require, in writing, correction of all conditions found to be in violation of the provisions of this chapter. Such written orders shall be served personally or by certified mail upon persons, firms or corporations

deemed by the Township Zoning Officer to be violating the terms of this chapter. It shall be unlawful for any person to violate any such order lawfully issued by the Township Zoning Officer, and any person violating such order shall be guilty of a violation of this chapter.

- (8) To keep an official written record of all business and activities, including complaints of a violation of any of the provisions of this chapter and of the subsequent action taken on each such complaint. Record and file all applications for permits with accompanying plans and documents which shall be matters of public record and make such timely reports as the Board of Supervisors may require.
- (9) To maintain or cause to have maintained an Official Township Zoning Map showing the current zoning classification of all land in the Township.
- (10) To administer the National Flood Insurance Program within West Caln Township and specifically in those areas where records must be maintained relative to the types of land use permitted which occur within any floodplain district, where any variances are issued, and any other administrative functions necessary for participation in the National Flood Insurance Program, administered by the Federal Emergency Management Agency.

§ 350-1602. Enforcement notice.

- A. If it appears to the Township that a violation of any provision of this chapter or any amendment thereto, the Board of Supervisors through the Township Zoning Officer shall initiate enforcement proceedings by sending notice thereof, as provided herein.
- B. By means of the enforcement notice, the Township Zoning Officer may order discontinuance of illegal use of the land or structures, removal of illegal structures thereto, or discontinuance of any illegal work being done.
- C. The enforcement notice shall be sent by certified mail to the owner of record of the parcel on which the violation has occurred, to any person who has filed a written request to receive such a notice regarding that parcel, and to any other person requested, in writing, by the owner of record of the parcel.
- D. The 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, including tax parcel number.
 - (3) The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of this chapter.
 - (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 a prescribed period of time in accordance with the procedures set forth in Article XVII, Zoning Hearing Board.
 - (6) That failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation, with possible sanctions

clearly described.

§ 350-1603. Causes of action.

- A. Whenever a violation of this article occurs or is alleged to have occurred, any person may file a written complaint. Such complaint, stating fully the causes and basis thereof, shall be filed with the Township Zoning Officer who shall record such complaint, investigate, take action thereon as provided by this article and report to the Board of Supervisors regarding the complaint and the action thereon.
- B. In case any building, structure, landscaping, or land is, or is proposed to be erected, constructed, reconstructed, altered, converted, maintained, or used in violation of this chapter or any ordinance enacted under Act 247, as amended, the Board of Supervisors or the Township Zoning Officer or any aggrieved owner or tenant of the real property who shows that the property in question or a person will be substantially affected by the alleged violation, in addition to other remedies, may institute any appropriate action or proceeding to prevent, restrain, correct, or abate such a building, structure, landscaping, or land, or to prevent, in or about such premises, any act, conduct, business, or use constituting a violation. When any such action is instituted by a landowner or tenant, notice of that action shall be served upon the Township at least 30 days prior to the time the action is begun by serving a copy of the complaint to the Board of Supervisors. No such action may be maintained until such notice has been given.

§ 350-1604. Enforcement remedies.

Any person, partnership, or corporation who or which has violated or permitted the violation of the provisions of this chapter shall, upon being found liable therefore in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than \$500, plus all court costs, including reasonable attorney's 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 Magisterial District Judge. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable Pennsylvania Rules of Civil Procedure. Each day that a violation continues shall constitute a separate violation, unless the Magisterial District Judge determining that there has been a violation further determines that there was a good faith basis for such person violating this chapter to have believed that there was no such violation. In that latter event, there shall be deemed to have been only one such violation until the 5th day following the date of the determination of a violation by the Magisterial District Judge, and thereafter, each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney's fees collected for the violation of this chapter shall be paid over to the Township within 30 days or as set forth in the associated proceedings.

§ 350-1605. Fees.

- A. Fees for application for permits, including zoning, building, grading, demolition, use and occupancy, sign, or similar permits shall be paid in accordance with a fee schedule adopted, and be revised, as necessary, by resolution of the Board of Supervisors and shall not be considered an amendment to this chapter. The schedule of fees shall be posted in the Township Building and may be altered or amended only by the Board of Supervisors.
- B. No action shall be taken on any application for any conditional use, special exception, variance, validity challenge, curative amendment, and petition for a zoning change or appeal

until all application fees, charges and expenses have been paid in full. Required fees shall accompany the application.

§ 350-1606. Use and occupancy permit requirement.

- A. A use and occupancy permit shall be required prior to any of the following:
 - (1) Use and occupancy of any building or other structure hereafter erected or altered for which a building permit is required.
 - (2) Change in the use of any building or structure or any part thereof.
 - (3) Use of land or change in the use thereof, except that the use of vacant land or change in use for cultivation shall not require a use and occupancy permit.
 - (4) Change in use or extension of a nonconforming use.
- B. It shall be unlawful for any person to use or occupy any building or other structure or land until a certificate of occupancy has been duly issued.

§ 350-1607. Application for use and occupancy permit.

All applications for a use and occupancy permit shall be made, in writing, by the landowner or his authorized agent on forms furnished by the Township and shall include all information necessary to enable the Township Zoning Officer to ascertain compliance with this article. All applications shall be accompanied by:

- A. One copy of the approved land development and/or plot plan together with any other data and information required by the Township Zoning Officer to evaluate compliance with this chapter and other existing regulations.
- B. One copy of the architectural plans for any proposed building or structure under application.

§ 350-1608. Issuance of use and occupancy permit.

- A. No use and occupancy permit shall be issued until the Township Zoning Officer has certified that the proposed use complies with all provisions of this chapter and all other ordinances, regulations and codes of the Township, the county and the state, and has inspected the property to confirm compliance.
- B. Within 15 days after receipt of the application, the Township Zoning Officer shall either approve or disapprove the application and notify the applicant accordingly. If the application is disapproved, the Township Zoning Officer shall provide to the applicant, in writing by certified mail, the reasons for the disapproval.
- C. Upon approval of an application, the Township Zoning Officer shall issue a certificate of use and occupancy to the applicant for the use indicated on the approved application.
- D. Upon request, a temporary use and occupancy permit may be issued by the Township Zoning Officer for a period not exceeding six 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.

§ 350-1609. Issuance or refusal of permits.

If the Township Zoning Officer determines that an application is in compliance with the provisions of this chapter, it shall be his/her duty to issue the appropriate permit. If the Township Zoning Officer determines that an application is not in compliance with the provisions of this chapter, it shall be his/her duty to refuse the permit, in writing, indicating the reasons for such refusal, in which case he/she shall instruct the applicant in the method of appeal or application to the Zoning Hearing Board or the Board of Supervisors, whichever is applicable. In the case of a refusal of a permit, the Township shall not issue a refund of permit application fees. No permit shall be issued to any applicant until any and all fees incurred which are payable to the Township are paid in full. All applicants for permits shall be given written notice of the status of the applications within 10 days.

§ 350-1610. Conditional use process.

- A. Intent. This section provides for 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, the Board of Supervisors has established standards and procedures by which to evaluate and decide upon conditional use applications. It is intended that these uses, which have the potential for substantial impact upon the community, shall comply with the regulations hereinafter set forth. The Board of Supervisors shall have the power to approve conditional uses.
- B. Content of conditional use application.
 - (1) All applications for conditional use approval, where permitted, shall be filed with the Township Zoning Officer, on such forms prescribed for that purpose, who shall review all required materials submitted for completeness and shall include the application form, required filing fee, and the following information:
 - (a) Name and address of the applicant.
 - (b) Name and address of the owner of the real estate to be affected by the proposed conditional use application.
 - (c) Description and location of the real estate on which the conditional use is proposed, including the tax parcel number.
 - (d) Statement of the present zoning classification, present land use, and existing improvements for the real estate in question.
 - (e) Statement of the section of this chapter authorizing the proposed conditional use.
 - (f) Description of the proposed use and site improvements.
 - (g) Identification as to the age of the structure(s) in question, if it is 50 years or older.
 - (2) The application for conditional use shall be accompanied by a proposed site plan to include the following information:
 - (a) Site plan shall be drawn to a scale of one inch equals 100 feet or the most detailed scale possible on a minimum of an 8.5 by 11 inch paper size to a maximum of a 30 by 36 inch paper size.

- (b) Location, dimensions, use, coverage, and height of proposed buildings and proposed improvements in relation to property and street lines.
- (c) Dimensional features showing compliance with the applicable area, width, coverage, yard, and design standards as specified in this chapter.
- (d) Location, dimension, and arrangements of proposed facilities including sidewalks, parking areas, site access, and interior circulation, off-street loading and unloading, and lighting for these areas.
- (e) Location, dimensions, and arrangement of all areas devoted to open space, ground cover, trees, plantings, recreation, and all natural resources such as, but not limited to, wetlands, woodlands, steep slopes, and floodplains.
- (f) Provisions for handling of stormwater drainage, treatment and disposal of sewage, supply of water.

C. Review procedures for conditional uses.

- (1) When such application is complete in all respects and all fees required thereunder are paid, the Township Zoning Officer shall transmit the contents of the entire application to the Board of Supervisors. If the Board of Supervisors deems the application acceptable, the Township shall establish a hearing date as per this section and shall request a review by the Planning Commission of said application. Other planning and government agencies may also be asked to comment upon the content of the conditional use application. The Planning Commission shall perform a review within 45 days of the date of submittal and provide a report to the Board of Supervisors concerning the grant of approval or disapproval of the proposed use. The Planning Commission is to submit a recommendation to the Board of Supervisors prior to the date of hearing on the application.
- (2) Hearing. The Board of Supervisors shall hold hearings on and decide requests for conditional uses in accordance with criteria under this section. The hearing shall be conducted by the Board of Supervisors or they may appoint any member or an independent attorney as a hearing officer. The decision, or, where no decision is called for, the findings shall be made by the Board of Supervisors. However, the appellant or the applicant, as the case may be, in addition to the Township, may, prior to the decision of the hearing, waive decision or findings by the Board of Supervisors and accept the decision or findings of the hearing officer as final. The Township shall schedule a hearing for public review and comment on the conditional use application. Such hearing shall be in accordance with Section 908(1.2) of Act 247, as amended and the following procedures:
 - (a) The Board of Supervisors shall render a written decision or, when no decision is called for; make written findings on the conditional use application within 45 days after the last hearing before the Board of Supervisors. Where the application is contested or denied, each decision shall be accompanied by findings of fact or conclusions based thereon, together with any reasons for the decision. Conclusions based on any provisions of Act 247, as amended, or of any ordinance, rule, or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in light of the facts found.

- (b) Where the Board of Supervisors fails to render a decision within 45 days or fails to commence, conduct or complete the required hearing as provided in Act 247, Section 908(1.2), the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing or on the record to an extension of time. Where a decision has been rendered in favor of the applicant because of the failure of the Board of Supervisors to meet or render a decision as herein above provided, the Board of Supervisors shall give public notice of said decision within 10 days from the last day the Board of Supervisors could have met to render a decision, as per Act 247, as amended. If the Board of Supervisors shall fail to provide such notice, the applicant may do so.
 - (c) Nothing in this Subsection shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction. A copy of the final decision shall be delivered to the applicant and the parties before Board of Supervisors personally or mailed to them no later than the day following the date of the decision.
 - (d) Appeals from a determination of Board of Supervisors pursuant to any conditional use application shall be only as prescribed within such times permitted by the applicable provisions of Act 247, as amended.
- (3) Review standards for conditional use approval. In allowing a conditional use, the Board of Supervisors may attach reasonable conditions and safeguards, in addition to those expressed in this chapter, as it may deem necessary to implement the purposes of this chapter. In granting or denying an application for conditional use, the Board of Supervisors shall evaluate and decide requests based on the degree of compliance with the following conditions, in addition to such other requirements and standards as may be required by law and other provisions of this chapter. The applicant shall be responsible for demonstrating compliance with standards and criteria, as follows, required for conditional use approval.
- (a) The proposed use is consistent with the purposes of this chapter as contained in Article I, the purposes of the district in which it is located, the goal and objectives of the Comprehensive Plan, and the proposed use will satisfy all of the relevant provisions and requirements of Chapter 300, Subdivision and Land Development, and any other applicable ordinance, code and/or regulations.
 - (b) The proposed use shall be limited to those authorized as conditional uses within the zoning district in which the lot or parcel is located.
 - (c) The compatibility of the proposed use with existing and foreseeable nearby uses so that the proposed use is located in an area or areas for which the lot is suited, is consistent with the nature of land uses existing on immediately adjacent properties, and will be designed, constructed, and maintained in a manner which complements the appearance and character of the neighborhood. The availability of alternative sites for the proposed use, the necessity for the proposed use on the site in question if viable alternative sites exist and whether the proposed use on the site in question has identified detriments.
 - (d) If the development is to be carried out in successive stages, each stage shall be so planned that the condition and intent of this chapter shall be fully complied with at

the completion stage.

- (e) If containing more than one building, the development will consist of a harmonious grouping of buildings or other structures.
 - (f) The proposed conditional use, if approved, will not adversely affect the public health, safety, morals and the general welfare of the residents and property owners of West Caln Township.
 - (g) The effect of the proposed use upon the public services, such as water, sewer, police, fire protection, recreational opportunities, open space, and public schools, or alternatively, the lack of availability of connection to such systems. Sanitation and public safety provisions shall be adequate and sufficient evidence of adequacy of sewage and water facilities from a governmental health agency shall be provided where required or deemed necessary.
 - (h) The overall environmental impact of the proposed use upon the proposed site, the watershed and the surface water drainage effects on all downstream properties, and that the proposed use will be sited in a manner sensitive to existing site conditions including streams, vegetation, and other natural resources. The proposed use will be developed using effective stormwater management techniques and soil erosion and sedimentation control techniques.
 - (i) The potential physical impact of the proposed use upon the neighborhood and upon nearby streets, roads, and highways, in terms of vehicular traffic and pedestrian safety, and that the proposed use will provide safe and adequate access to roads, existing or proposed, and will not result in excessive traffic volumes or will make any improvements needed to guarantee compatibility with adjacent streets and public services. The interior traffic circulation for the proposed use and access to rights-of-way shall provide safe and convenient circulation and access for all users including vehicular and pedestrian modes. Emergency design considerations will be addressed in the proposed plan.
- (4) Nothing in this section shall be construed to relieve the applicant for a conditional use approval from obtaining other required approvals mandated by Chapter 300, Subdivision and Land Development, and any other applicable Township, state and federal regulations.
 - (5) If the Board of Supervisors approves the conditional use application and site plan, such approved plan shall accompany any application for subdivision of land or land development as prescribed by Chapter 300, Subdivision and Land Development, in addition to the requirements normally required and any application for a building permit.
 - (6) Any grant of conditional use approval shall be deemed null and void six months after the date of such approval, if within that period, no application is made for a building permit, a use and occupancy permit, or a subdivision or land development approval, as appropriate, unless the Board of Supervisors shall grant an extension upon application for an additional six-month period. Applicable fees for such extension to a permit shall be stated in the fee schedule adopted by resolution by the Board of Supervisors.

§ 350-1611. Municipal liabilities.

The granting or denial of any permit under this chapter 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.

§ 350-1612. Zoning use approval.

A. General.

- (1) A zoning permit shall be required prior to a change in use of land or buildings or the erection, construction or alteration of any building, structure or any portion thereof. No permit shall be required for repairs or maintenance of any building, structure or grounds, provided such repairs do not change the use or otherwise violate the provisions of this chapter.
- (2) Application for permits shall be made in writing to the Zoning Officer and shall contain all information necessary for such officer to ascertain whether the proposed erection, construction, alteration or use complies with the provisions of this chapter.
- (3) Such permits shall be granted or refused within 30 days from date of application.
- (4) No permit shall be issued except in conformity with the regulations of this chapter, except after written order from the Zoning Hearing Board or the courts.
- (5) In all instances in which the Zoning Officer expresses a reasonable doubt as to the ability of the proposed use to meet all the requirements of this chapter, it will be incumbent upon the applicant to furnish adequate evidence in support of his application. If such evidence is not presented, the zoning permit will be denied.
- (6) The parcel or parcels shall be in a single and full ownership or proof of option shall be furnished at the time of application.

B. Application for zoning permits for uses in all commercial and industrial districts.

- (1) A location plan showing the tract to be developed, zoning district, and adjoining tracts, significant natural features, and streets for a distance of 200 feet from all tract boundaries.
- (2) A plot plan of the lot showing the location of all present and proposed buildings, drives, parking lots, showing driveways, circulation patterns, curb cut accesses, parking stalls and bumpers, access from streets, screening fences and walls, waste disposal fields or other methods of sewage disposal, and other constructed features on the lot, and the location of all topographical features.
- (3) Architectural plans for any proposed building.
- (4) A description of the operations proposed in sufficient detail to indicate the effects of those operations in producing traffic congestion, noise, glare, air pollution, water pollution, vibration, fire hazards, safety hazards, or the emission of any potentially harmful or obnoxious matter or radiation.
- (5) Engineering and architectural plans for treatment and disposal of sewage and industrial

waste, tailings or unusable by-products.

- (6) Engineering and architectural plans for handling of traffic, noise, glare, air pollution, water pollution, vibration, fire hazards or safety hazards, smoke or emission of any potentially harmful or obnoxious matter or radiation.
- (7) Designation of the manner by which sanitary sewage and stormwater shall be disposed and water supply obtained.
- (8) The proposed number of shifts to be worked and the maximum number of employees on each shift.
- (9) Where use by more than one firm is anticipated, a list of firms which are likely to be located in the center, their floor area, and estimated number of employees.

ARTICLE XVII
Zoning Hearing Board

§ 350-1700. Purpose and jurisdiction.

- A. The purpose of this article is to establish regulations to govern the establishment, functions, and procedures of the Zoning Hearing Board, hereinafter called "Board" in this article.
- B. The Zoning Hearing Board shall have exclusive jurisdiction to hear and render final adjudications in the following matters based on Act 247, the Municipalities Planning Code(MPC), as amended:
 - (1) Substantive challenges to the validity of this chapter or Zoning Map, except those brought before the Board of Supervisors pursuant to Section 609.1 and 916.1(a)(2) of Act 247, as amended.
 - (2) Appeals from the determination of the Township 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.
 - (3) Appeals from a determination by the Township Engineer or Township Zoning Officer with reference to the administration of any floodplain ordinance or standards within this chapter.
 - (4) Applications for variances from the terms of this chapter, pursuant to Section 910.2 of Act 247, as amended.
 - (5) Applications for special exceptions under this chapter pursuant to § 350-1708, or such provisions within a land use ordinance, pursuant to Section 912.1 of Act 247 as amended.
 - (6) Appeals from the Township Zoning Officer's determination under Section 916.2 of Act 247 as amended.
 - (7) Appeals from the determination of the Township Zoning Officer or Township Engineer in the administration of this chapter or provision thereof with reference to sedimentation and erosion control and stormwater management insofar as the same relate to development, not involving applications under Article V or Article VII of Act 247.

§ 350-1701. Establishment and membership.

- A. There shall be a Zoning Hearing Board consisting of three adult residents of the Township who shall be appointed by resolution of the Board of Supervisors.
- B. The term of office shall be three years and shall be fixed so that the term of office of one member shall expire each year.
- C. The Board shall promptly notify the Board of Supervisors of any vacancy. Appointments to fill vacancies shall be only for the unexpired portion of the term.
- D. Members of the Board shall hold no other offices in the Township.
- E. The Board of Supervisors shall appoint by resolution at least one, but no more than three

residents of the Township to serve as alternate members of the Board. The term of office of the alternate member shall be three years, and the alternate member shall hold no other office in the Township. When seated pursuant to the provisions of § 350-1702, below, an alternate shall be entitled to participate in all proceedings and discussions of the Board to the same and full extent as provided by law for Board members, including specifically the right to cast a vote as a voting member during the proceedings, and shall have all the powers and duties set forth in this chapter, and as otherwise provided by law. Any alternate may participate in any proceeding or discussion of the Board but shall not be entitled to vote as a member of said Board nor be compensated pursuant to § 350-1704 below, unless designated as a voting alternate member pursuant to § 350-1702 below.

- F. Any Board member may be removed for malfeasance, misfeasance or nonfeasance in office or for other just cause by majority vote of Board of Supervisors, taken after the member has received 15 days' advance notice of the intent to take such a vote. A hearing will be held in connection with the vote if the member shall request it in writing.

§ 350-1702. Organization of the Board.

- A. The Board shall elect, from its members, its officers, who shall serve annual terms as such and may succeed themselves.
- B. For the conduct of any public hearing and the taking of any action, a quorum shall not be less than a majority of all the members of the Board, but the 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 Board, as provided in § 350-1705.
- C. If, by reason of absence or disqualification of a member, a quorum is not reached, the Chairman of the Board shall designate as many alternate members to sit on the Board as may be needed to provide a quorum. Any alternate member of the Board shall continue to serve on the Board in all proceedings involving the matter or case for which the alternate was initially appointed, until the Board has made a final determination of the matter or case. Designation of an alternate pursuant to this article shall be made on a case-by-case basis in rotation to declining seniority among all alternates.
- D. The Board may make, alter and rescind rules and forms for its procedure consistent with the provisions of this chapter and the laws of the commonwealth.
- E. The Board shall keep full public record of its business, which records shall be property of the Township, and shall submit a report of its activities to the Board of Supervisors, as requested.

§ 350-1703. Applications for hearings.

- A. Applications for hearings before the Board shall be filed with the Board, together with the proper fee in accordance with § 350-1704 of this article.
- B. An application for a special exception or variance from the terms of this chapter shall state:
 - (1) The name and address of the applicant.
 - (2) Name, tax parcel number, and address of the owner of the property to be affected by the proposed application.
 - (3) Description and location of the property to be affected by such proposed change.

- (4) Statement of the present zoning classification, present land use, and existing improvements of the property in question.
 - (5) Citation of the section of this chapter authorizing the proposed special exception, or variance or other relief requested, statement of issues presented, and reasons why relief should be granted.
 - (6) A description of the present improvements and a description of the proposed use and improvements 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 a site plan to scale of the property to be affected, indicating the location and size of the lot, use, arrangement, building height, and dimensional features showing compliance with applicable area, width, coverage, yard, and design standards as specified in the zoning district in which the site in question is located, of all existing and proposed improvements and facilities.
- C. In the event that any required information is not furnished, the application shall be refused and the fee returned to the applicant.
- D. Upon receipt of a completed application, the Township Manager/Secretary shall forward a copy of the application to the Township Planning Commission and the Board of Supervisors for their review and issuance of a recommendation to the Zoning Hearing Board prior to public hearing date on the application. The Zoning Hearing Board shall not be bound by any such recommendations.

§ 350-1704. Expenditures and fees.

- A. Within the limits of funds appropriated by Board of Supervisors, the Board may employ or contract for secretaries, clerks, legal counsel, consultants and other technical and clerical services. The Board may employ legal counsel, but the attorney cannot be the Township Solicitor.
- B. Members of the Board, including the alternative member when designated in accordance with § 350-1702, above, may receive compensation for the performance of their duties, as may be fixed by the Board of Supervisors. In no case shall the amount of compensation exceed the rate authorized to be paid to the members of the Board of Supervisors.
- C. The applicant before the Board shall deposit with the Township Treasurer the appropriate filing fee as set forth in the fee schedule adopted by resolution of the Board of Supervisors.
- D. The Board of Supervisors may prescribe reasonable fees with respect to hearings, as per § 350-1705 below, before the Board. Fees for said hearings may include compensation for the secretary and members of the Board, notice and advertising costs and necessary administrative overhead connected with the hearing. The costs, however, shall not include legal expenses of the Board, expenses for engineering, architectural or other technical consultants or expert witness costs.

§ 350-1705. Hearings.

The Zoning Hearing Board shall conduct hearings and make decisions in accordance with the following requirements as specified in Section 908 of Act 247, as amended:

- A. The Board shall fix a reasonable time and place for public hearings. Public notice of said hearing shall be provided, as set forth in § 350-1706 below.
- B. The first hearing before the Board or Hearing Officer shall be commenced within 60 days from the date of receipt of the applicant's application, unless the applicant has agreed in writing to an extension of time. Each subsequent hearing before the Board or Hearing Officer shall be held within 45 days of the prior hearing, unless otherwise agreed to by the applicant in writing or on the record. An applicant shall complete the presentation of his case-in-chief within 100 days of the first hearing. Upon the request of the applicant, the Board or Hearing Officer shall assure that the applicant receives at least seven hours of hearings within the 100 days, including the first hearing. Persons opposed to the application shall complete the presentation of their opposition to the application within 100 days of the first hearing held after the completion of the applicant's case-in-chief. An applicant may, upon request, be granted additional hearings to complete his/her case-in-chief provided the persons opposed to the application are granted an equal number of additional hearings. Persons opposed to the application may, upon the written consent or consent on the record by the applicant and municipality, be granted additional hearings to complete their opposition to the application provided the applicant is granted an equal number of additional hearings for rebuttal.
- C. The hearings shall be conducted by the Board or the Board may appoint any member or an independent attorney as the Hearing Officer. The decision, or where no decision is called for, the findings, shall be made by the Board. However, the appellant or the applicant, as the case may be, in addition to the Township, may, prior to the decision of the hearing, waive decision or findings by the Board and accept the decision or findings of the Hearing Officer as final.
- D. The parties to the hearing shall be the Township, any person affected by the application who has made timely appearance of record before the Board, and any other person including civic or community organizations permitted to appear by the Board. The Board shall have the power to require that all persons who wish to be considered parties enter appearances in writing on forms provided by the Board for that purpose.
- E. The Chair, Acting Chair of the Board, or the Hearing Officer presiding shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.
- F. The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence, to argument and to cross-examine adverse witnesses on all relevant issues.
- G. Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded.
- H. The Board or the Hearing Officer, as the case may be, shall keep a stenographic record of the proceedings. The appearance fee for a stenographer shall be shared equally by the applicant and the Board. The cost of the original transcript shall be paid by the Board if the transcript is ordered by the Board or Hearing Officer, or shall be paid by the person appealing from the decision of the Board if such appeal is made, and in either event, the cost of additional copies shall be paid by the person requesting such copy or copies. In other case, the party requesting the original transcript shall bear the cost thereof.

- I. The Board or the Hearing Officer shall not communicate, directly or indirectly, with any party or his/her representatives in connection with any issue involved, except upon notice and opportunity for all parties to participate, shall not take notice of any communication, reports, staff memoranda, or other materials, except advice from their solicitor, unless the parties are afforded an opportunity to contest the material so noticed and shall not inspect the site or its surroundings with any party or his representative after the commencement of the hearing unless all parties are given an opportunity to be present.
- J. The Board or the Hearing Officer, as the case may be, shall render a written decision, or when no decision is called for, make written findings on the application within 45 days after the last hearing before the Board or Hearing Officer. Where the application is contested or denied, each decision shall be accompanied by findings and conclusions based thereon, together with the reasons therefor. Conclusions based on any provisions of this chapter or of any act, rule, or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in light of the facts found. If the hearing is conducted by a Hearing Officer and there has been no stipulation that his/her decision or findings are final, the Board shall make his/her report and recommendations available to the parties within 45 days, and the parties shall be entitled to make written representations thereon to the Board prior to final decision or entry of findings, and the decision of the Board shall be entered no later than 30 days after the report of the Hearing Officer. Except for challenges filed under Section 916.1 of Act 247, as amended, where the Board fails to render the decision within the forty-five day period required by this subsection, or fails to commence, conduct or complete the required hearing as provided in Subsection B, above, the decision shall be deemed to have been rendered in favor of the applicant, unless the applicant has agreed or shall agree in writing to an extension of time. When a decision has been rendered in favor of the applicant because of the failure of the Board to meet or render a decision as herein above provided, the Board shall give public notice of said decision within 10 days from the last day the Board could have met to render a decision, as provided in Act 247, as amended. If the Board shall fail to provide such notice, the applicant may do so. Nothing in this subsection shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction.
- K. A copy of the final decision, or where no decision is called for, of the findings shall be delivered to the applicant personally or mailed to him/her not later than the day following the date of the decision. To all other persons who have filed their name and address with the Board not later than the last day of the hearing, the Board shall provide, by mail or otherwise, brief notice of the decision or findings and a statement of the place at which the full decision or findings may be examined.

§ 350-1706. Notice of hearings.

The Zoning Hearing Board shall give public notice of any public hearing as follows, as per Act 247, as amended:

- A. The public notice herein required shall state the name of the applicant, tax parcel number, the location of the lot or building, the general nature of the question involved, and the date, time and location of the hearing. In addition thereto, the public notice may note that a copy of the landowner's application, including plans and proposed amendments may be examined by the public at the Township during regular business hours.

- B. Public notice shall be published in a newspaper of general circulation within the Township indicating the information in Subsection A, above. Such public notice shall be published once a week for two successive weeks, not less than seven days, nor more than 30 days prior to the hearing.
- C. Written notice shall be given to the applicant, Board of Supervisors, the Township Zoning Officer, Township Secretary, Township Planning Commission, and to any person who has made a timely request for the same, or who have registered their names and addresses for this purpose with the Board.
- D. Written notice of said hearing shall be conspicuously posted on the affected tract of land at least one week prior to the hearing.
- E. The Board may mail written notice thereof to the owner, if the address is known, or, at the Board's discretion, to the occupant, if the address is known, of every lot on the same street within 500 feet of the lot or building in question and of every lot not on the same street within 200 feet of said lot or building, provided that failure to give this notice, either in part or in full, as stated by this section, shall not invalidate any action taken by the Board.

§ 350-1707. Granting of variances.

- A. The Board shall hear and decide requests for variances where it is alleged that the provisions of this chapter inflict unnecessary hardship on the applicant. An applicant shall file an application as specified under § 350-1703. The Board may grant a variance, provided the following findings are made, where relevant, in a given case:
 - (1) 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 this chapter in the district in which the property is located.
 - (2) 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 this chapter and that the authorization of a variance is, therefore, necessary to enable the reasonable use of the property.
 - (3) That such unnecessary hardship has not been created by the applicant.
 - (4) 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.
 - (5) 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.
- B. In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this chapter.

§ 350-1708. Granting of special exceptions.

The Board shall hear and decide requests for special exceptions where special exceptions are permitted by this chapter and in accordance with the following criteria:

- A. The size, scope, extent and character of the special exception request is consistent with the Comprehensive Plan, with the purpose and intent of the zoning district involved, and with Chapter 300, Subdivision and Land Development.
- B. The proposed special exception's character and type of development constitutes an appropriate use in the area consistent with the character and type of development in the area surrounding the location for which the request is made, and will not substantially impair, alter, or detract from the use of surrounding 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.
- C. The proposed special exception serves the health, safety, welfare, and the best interest of the Township.
- D. Consider the effect of the proposed change on the logical, efficient, and economical extension of public services, and facilities such as public water, sewer, police and fire protection, transportation, and public schools. Ascertain the adequacy of sanitation and public safety provisions, where applicable, and require a statement of adequacy of sewage and water facilities from the Department of Health or the appropriate governmental health agency in any case required herein or deemed advisable.
- E. Review the recommendations of the Planning Commission on a proposed development plan related to the subject use and improvements, where such plan is required. The Board shall not be bound by such recommendations nor shall the Board be bound by the action of the Board of Supervisors in relation to the proposed development plan.
- F. Guide the development of highway frontage insofar as possible so as to limit the total number of access points, reduce the need for on-street parking, and encourage the frontage of buildings on parallel marginal roads or on roads perpendicular to the highway.
- G. Consider the suitability of the proposed location with respect to probable effects upon traffic, and assure adequate access arrangements in order to protect highways and roads from undue congestion and hazard.
- H. The natural and historic features and processes characterizing the proposed site and its surroundings shall not suffer unmitigated degradation, that the management of stormwater, the provision of water or sewer service, and any other alterations to the site's predevelopment condition, shall be consistent with Township goals, practices and plans in these regards, and that demand for water and energy by the proposed use shall be minimized to the optimal extent.
- I. Require that all commercial or industrial parking, loading, access or service areas shall be adequately illuminated at night while in use, in accordance with Article XII, and that such lighting, including sign lighting, shall be arranged so as to protect the neighboring properties from discomfort or hazardous interference of any kind.
- J. Impose such conditions, in addition to those required, as are necessary to assure that the general purpose and intent of this chapter is complied with: 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.

- K. Be guided in its study, review and recommendations by sound standards of subdivision practice where applicable.

§ 350-1709. Expiration of special exceptions and variances.

Unless otherwise specified by the Board, as special exception or variance shall expire and become null and void if the applicant fails to obtain a building permit, a use and occupancy permit, or a subdivision and land development approval as the case may be, within one year from the date of authorization thereof.

§ 350-1710. Time limitations.

- A. No person shall be allowed to file any proceedings with the Board later than 30 days after an application for development, preliminary or final, has been approved by the Board of Supervisors if such proceeding is designed to secure reversal or to limit approval in any manner unless such person alleges and proves that he/she had no notice, knowledge, or reason to believe that such approval had been given. If such person has succeeded to his/her interest after such approval, he/she shall be bound by the knowledge of his/her predecessor in interest. The failure of anyone other than the landowner to appeal from an adverse decision on a tentative plan pursuant Section 709 of Act 247, as amended, or from an adverse decision by the Township Zoning Officer on a challenge to the validity of an ordinance or map pursuant to Section 916.2 of Act 247, as amended, shall preclude an appeal from a final approval, except in the case where the final submission substantially deviates from the approved tentative approval.
- B. All appeals from determinations adverse to the landowners shall be filed by the landowner within 30 days after notice of determination is issued.

§ 350-1711. Stay of proceedings.

Upon filing of any proceeding referred to in § 350-1712 and during its pendency before the Board, all land development pursuant to any challenged zoning ordinance, order or approval of the Township Zoning Officer or of any agency or body, and all official action thereunder shall be stayed unless the Township Zoning Officer or any other appropriate agency or body certifies to the 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 Board, or by the court having jurisdiction of zoning appeals on petition after notice to the Township Zoning Officer or other appropriate agency or body. Procedures shall be in accordance with Act 247, as amended, Section 915.1.

§ 350-1712. Appeals to the Zoning Hearing Board.

- A. The landowner affected, any person aggrieved by any decision of the Board, or any officer of the Township may file an appeal under § 350-1700B(1), (2), (3), (6), and (7) of this article with the Board in writing specifying the grounds thereof within the time required by Act 247, as amended, or as provided by the rules of the Board.
- B. Requests for a variance, under § 350-1707, or special exception, under § 350-1708, may be filed by any landowner, or any tenant with permission of the landowner. The appropriate fee,

as established by the fee schedule adopted by resolution by the Board of Supervisors, shall be paid in advance for each appeal or application for a variance or special exception.

§ 350-1713. Appeals to Court.

Any person aggrieved by any decision of the Board, or any taxpayer, or any officer of the Township may, within 30 days after entry of the decision of the Board as provided in 42 Pa.C.S.A. § 5572, or, in the case of a deemed decision, within 30 days after the date upon which notice of said deemed decision is given as set forth in § 350-1705 appeal to the Court of Common Pleas of Chester County by petition, duly verified, setting forth that such decision is arbitrary, capricious, an abuse of discretion or otherwise not in accordance with law, specifying the grounds upon which such person relies.

ARTICLE XVIII

Amendments

§ 350-1800. Power of amendment.

The Board of Supervisors may from time to time amend, modify or repeal this chapter including the Zoning Map, in accordance with this article and Act 247, the Pennsylvania Municipalities Planning Code, as amended.

§ 350-1801. Public notice and hearings.

The Board of Supervisors may hold a public hearing on amendment proposals which it may be considering for adoption, in accordance with Section 609 of Act 247, as amended, pursuant to public notice, and the following shall be met:

- A. The Board of Supervisors shall fix the time and place of a public hearing on the proposed amendment, and shall cause public notice to be given as follows:
 - (1) The Board of Supervisors before voting on the enactment of a zoning amendment, shall hold a public hearing thereon, pursuant to public notice consistent with Section 610 of Act 247, as amended, which shall include the time and place of the public hearing, a reference to the place in the Township where copies of the proposed amendment may be examined without charge or obtained for a charge not greater than the cost thereof, and the nature of the proposed amendment to be addressed including either the full text thereof or the title and a brief summary, prepared by the municipal solicitor and setting forth all of the provisions in reasonable detail.
 - (2) At any public hearing on a proposed change or amendment, opportunity to be heard shall be given to any citizen.
 - (3) Where the proposed amendment involves a Zoning Map change, notice of said public hearing shall be conspicuously posted by the Township at points deemed sufficient by the Township, to notify potentially interested citizens. The affected tract or area shall be posted at least one week prior to the date of the hearing. In addition, where the proposed amendment involves a Zoning Map change, notice of the public hearing shall be mailed by the Township at least 30 days prior to the date of the hearing by first class mail to the addresses to which real estate tax bills are sent for all real property located within the areas being rezoned, as evidenced by tax records within the possession of the Township. The notice shall include the location, date, and time of the public hearing. A good faith effort and substantial compliance shall satisfy the requirements of this subsection. Such mailed notice shall not be necessary when the rezoning constitutes a comprehensive rezoning.
 - (4) If after the public hearing held upon the proposed amendment, said amendment is changed substantially, or is revised to include land not previously affected by it, the Board of Supervisors shall hold another public hearing, pursuant to public notice in accordance with Act 247, as amended, prior to proceeding to vote on the amendment.
 - (5) The Board of Supervisors shall re-advertise any proposed amendment where the scheduled date of enactment is more than 60 days following the date of last advertisement of the proposed amendment.

- B. The Board of Supervisors shall have the power to adopt general or special rules of procedure for any such public hearing.

§ 350-1802. Planning Commission Referral.

The Board of Supervisors shall refer each proposed amendment, whether under this article or under another Article, pursuant to § 350-1801, being considered for adoption by Board of Supervisors to the Township Planning Commission and County Planning Commission at least 30 days prior to the hearing on such proposed amendment. The Township Planning Commission shall consider whether or not such proposed change or amendment would be, in the view of the Planning Commission, consistent with and desirable in furtherance of the Township Comprehensive Plan upon which this chapter is based, as the same may be modified from time to time. The Planning Commission shall transmit its conclusion thereon, together with its reasons therefore, to the Board of Supervisors within 30 days of receiving the proposed amendment. The Board of Supervisors shall take such conclusion and reasons into consideration in reaching its decision, but shall not be bound thereby.

§ 350-1803. Decisions of the Board of Supervisors.

All enactment of amendments to this chapter or Map can be examined at the Township Building during regular hours. Procedures for decisions regarding proposed curative amendments shall be in accordance with Section 609.1 and Section 609.2 of Act 247, as amended. Within 30 days after enactment, a copy of the amendment to this chapter shall be forwarded to the County Planning Commission.

§ 350-1804. Curative amendment procedures.

- A. Landowner curative amendments. A landowner who desires to challenge, on substantive grounds, the validity of this chapter or Zoning Map, or any provision thereof which prohibits or restricts the use or development of land in which he has an interest, may submit a curative amendment to the Board of Supervisors with a written request that his/her challenge and proposed amendment be heard and decided as provided in Section 916.1 of Act 247, as amended. The procedure for Landowner Curative Amendments shall be in accordance with Section 609.1 of Act 247, as amended.
- B. Township curative amendments. If the Board of Supervisors determines that this chapter or any portion thereof or amendment thereto is substantially invalid, it shall have the right to prepare a curative amendment in accordance with the procedure set forth in Section 609.2 of Act 247, as amended.

§ 350-1805. Citizen's petition for amendment.

- A. Whenever the owners of 50% or more of the area in a zoning district shall present to the Board of Supervisors a petition, duly signed and acknowledged, requesting an amendment of any regulations or restrictions prescribed by this chapter for the district in which they are located, or an amendment to the Zoning Map with reference to such district, it shall be the duty of the Board of Supervisors to hold a public hearing thereon and cause notice to be given in accordance with § 350-1801.

Article XIX
Principal Solar Energy Facility Overlay District

§ 350-1900. Purpose and Applicability

- A. Purpose. In addition to the Purpose in § 350-101 and the Community Development Objectives in § 350-102 of this chapter, the purpose of this overlay district is to provide for the construction, installation, operation and decommissioning of principal solar energy facilities (PSEF) in West Caln Township, subject to reasonable conditions that will protect the public health, safety, and welfare.
- B. Applicability.
- (1) This Article applies to any lot or property, or portion thereof, within the Principal Solar Energy Facility Overlay District (PSEF Overlay District). The area and boundary of the PSEF Overlay District is designated on the Official Zoning Map of West Caln Township.
 - (2) This Article applies to any PSEF proposed to be constructed, installed, operated, or decommissioned within the PSEF Overlay District after the effective date of this chapter. Where there is a conflict between the regulations of the underlying district and those of this Article, the regulations of this Article shall prevail as they apply to a PSEF.
 - (3) Any upgrade, modification, or structural change that materially alters the size or placement of an existing PSEF or its solar energy system(s) shall comply with the provisions of this Article.

§ 350-1901. Use Regulations.

- A. A principal solar energy facility may be permitted as a conditional use in the PSEF Overlay District in accordance with this Article XIX and §350-1610 of this chapter.
- B. A PSEF shall be considered a land development and is subject to the requirements of Chapter 300, Subdivision and Land Development, and all other requirements of West Caln Township Code, including but not limited to Chapter 294, Stormwater Management.

§ 350-1902. Area and Bulk Regulations.

A PSEF shall comply with the following area and bulk requirements:

Minimum Lot Area	5 acres
Minimum Front, Side and Rear Yard Setback From Nearest Property Line For Perimeter Fence	50 feet
Minimum Front, Side and Rear Yard Setback From Nearest Property Line For Solar Panels And Their Mounting Equipment except as provided below	75 feet

Minimum Front, Side and Rear Yard Setback From Nearest Property Line For Principal and Accessory Buildings and/or Structures (including parking facilities and other structures containing or attached with equipment which cause sound, vibration, and/or emission, including, but not limited to, odor, smoke, vapor, gas, heat, dust, dirt, air pollution of any kind, EMF, wired and wireless communications interference, light or glare ¹) except as otherwise provided herein.	150 feet
Maximum Solar Panel Height	15 feet
Maximum Building, Structure and/or Appurtenance Height	15 feet
Maximum Lot Coverage ²	60%

¹In no case shall any sound, vibration, and/or emission of any kind from a PSEF occur beyond the PSEF property lines.

²Maximum lot coverage for the purpose of this Section shall be defined as the maximum percentage obtained by dividing the total impervious surface area, including the ground floor area of all principal and accessory buildings, the area of any paved or gravel road or other surface, and the cumulative surface area of solar panels on the lot, by the total area of the lot upon which the buildings, roads, surfaces, and solar panels are located. The cumulative surface area of solar panels, regardless of the mounted angle, shall be calculated as part of the overall lot coverage.

§ 350-1903. General Standards.

The following general standards shall apply to a PSEF:

- A. The PSEF and its solar related equipment, principal and accessory buildings and structures, and parking facilities shall be enclosed by perimeter chain-link fencing, and/or other fencing required by state or federal agency, and an access gate(s) at a height between eight and nine feet for the purpose of restricting unauthorized access. Such fencing shall not include barbed wire or similar product unless otherwise required by a state or federal agency.
- B. Within 10 feet outside the perimeter fencing stated above, the initial row of two staggered rows of eight-foot tall deer-resistant evergreen trees at initial planting shall be planted with trees in each row spaced at a maximum of 20 feet on center. The staggered rows of evergreens shall provide an immediate visual screen of the PSEF and evergreen tree spacing in each row shall ensure closure between trees at maturity, except at the access gate(s).
- C. A compacted stone and/or paved perimeter road to serve as a firebreak, of material, depth and width satisfactory to the Township Engineer and Fire Chief, and approved by the Board of Supervisors, shall be located between the perimeter fencing stated above and the solar related equipment, within the applicable front, side and rear yard setbacks for solar related equipment. An alternative method of providing PSEF perimeter fire protection may be proposed by the PSEF owner and/or operator and may be approved by the Board of Supervisors after recommendations by the Township Engineer and Fire Chief.
- D. Access roads and parking areas within the PSEF shall be compacted stone and/or of a paved material, of depth and width satisfactory to the Township Engineer and approved by the Board of Supervisors.
- E. The PSEF shall be designed and constructed so that ground leveling is limited to those areas

needed for installation of PSEF land development improvements and solar related equipment so that the natural ground contour is preserved to the greatest extent practical. Any earth disturbance shall, at a minimum, require an erosion and sedimentation control plan approved by the Chester County Conservation District. Such earth disturbances in conjunction with a site alteration or land development shall meet the applicable sections of this Chapter; Chapter 300, Subdivision and Land Development Ordinance; and Chapter 294, Stormwater Management Ordinance; as may be amended.

- F. Woodlands and other vegetation shall be preserved to the maximum extent possible. Woodland and vegetation protection and replacement shall be in accordance with Article X, Natural Resource Protection Standards.
- G. The manufacturer's or installer's identification and appropriate warning signage not greater than three square feet each, or the minimum square footage signage allowed by applicable code, state or federal agency, shall be posted on the access gate(s) and/or perimeter fencing as required by applicable regulations. Except as provided herein, a PSEF shall not display signage of any kind, including, but not limited to, streamers, pennants, spinners, reflectors, ribbons, tinsel, balloons, flags, banners or similar materials.
- H. All on-site utility lines shall be placed underground unless otherwise approved by the Board of Supervisors. The conditional use site plan and land development plan shall clearly depict where all underground and above-ground utility lines are proposed.
- I. The area below and between ground-mounted solar panels, modules and/or arrays shall be planted and maintained in a manner satisfactory to the Township Engineer, solar energy consultant, or Pennsylvania-registered landscape architect and approved by the Board of Supervisors as follows:
 - (1) Native grasses and/or other native perennial vegetation shall be planted and maintained at a density sufficient to resist erosion and sedimentation, unless other ground cover is required by a state or federal agency.
 - (2) Agrivoltaics may be used provided that:
 - (a) Crops are no-till;
 - (b) Any grazing, cutting or mowing of the agricultural crop is limited to a height of no less than 4 inches;
 - (c) Application of chemical fertilization or herbicides/pesticides is limited to the agronomic needs to the crop; and
 - (d) If the property will be used for the grazing of livestock, a manure management plan shall be developed.
 - (3) A note on the PSEF land development plan shall detail the type of grass and/or other suitable vegetation and/or use of agrivoltaics below and between ground-mounted solar panels and its maintenance to ensure continuous ground cover, soil stabilization, stormwater infiltration, and minimized risk of a fire hazard.
- J. Solar panels shall be placed such that concentrated solar radiation (e.g., light, heat, EMF and/or communications interference) or glare shall not be directed onto other properties, roadways or

other areas accessible to the public. The PSEF owner and/or operator has the burden of proving that any solar radiation or glare produced does not adversely impact upon other properties, aircraft, flying species, and/or adjacent uses either through siting or mitigation. The PSEF owner and/or operator shall be responsible to mitigate any adverse solar radiation or glare impacts, as determined by the Township Engineer or solar energy consultant, prior to issuance of a certificate of compliance and/or after issuance of a certificate of compliance.

- K. Solar panels shall not be placed in the vicinity of any airport in a manner that would interfere with airport flight patterns. Acknowledgement of same from the Federal Aviation Administration, Pennsylvania Bureau of Aviation, or other agency or entity, may be necessary at the discretion of the Board of Supervisors.
- L. The layout, design, construction, operation, and maintenance of the PSEF shall conform to applicable industry standards, such as those of the American National Standards Institute (ANSI), Underwriters Laboratories (UL), the American Society for Testing and Materials (ASTM), Institute of Electrical and Electronics Engineers (IEEE), Solar Rating and Certification Corporation (SRCC), Electrical Testing Laboratory (ETL), Florida Solar Energy Center (FSEC) or other similar certifying organizations, or more stringent standards required by state and/or federal agencies. All applicable building permits shall be obtained for the PSEF and its solar energy system(s) per the Pennsylvania Uniform Construction Code (UCC), Act 45 of 1999, 35 P.S. § 7210.101 et seq., as amended, and applicable regulations adopted by the Department of Labor and Industry. All wiring shall comply with the applicable version of the National Electric Code (NEC). The local utility provider shall be contacted to determine grid interconnection and net metering policies.
- M. The PSEF and its solar energy system(s) shall be designed and operated to protect public safety including development and implementation of a plan of operating procedures to prevent public access inside the PSEF, including, but not limited to, security cameras and security lighting shielded to prevent glare and spillover onto adjacent properties. A PSEF Emergency Operations Plan (EOP) shall be provided to the Township, Fire Chief, and Township Emergency Management Coordinator prior to issuance of a certificate of occupancy. The EOP shall provide specific instructions for fire protection and handling and disposing of hazardous materials contained in and/or released from solar related equipment. No solar related equipment and/or hazardous materials shall be buried on site or disposed of in violation of local, state or federal regulations.
- N. A PSEF shall not be constructed until all applicable building and zoning permits have been issued, all approvals have been secured and security has been provided for the installation of PSEF land development improvements and decommissioning. Prior to issuance of a certificate of occupancy and operation of the PSEF, the PSEF owner and/or operator shall provide the Township with copies all applicable regulatory permits and approvals to operate the PSEF.
- O. Township roads shall not be used for parking or staging of construction-related or delivery vehicles during installation and/or decommissioning of the PSEF.
- P. The Township shall be notified in writing within 30 days of a change in: (1) PSEF ownership, (2) PSEF operator and/or (3) owner of land upon which the PSEF is located, and the Township shall be provided with contact name(s), address(es), phone number(s), email addresses(es), and emergency contact information. The PSEF owner and/or operator shall maintain a phone number and email address, and shall identify a person responsible for the Township to contact with inquiries and complaints throughout the life of the project and shall provide this number

and name to the Township.

- Q. The PSEF owner and/or operator shall repair, maintain and replace the facility and related solar equipment during the term of the facility's use in a manner consistent with industry standards as needed to keep the facility safe and in good repair and operating condition. Maintenance and cleaning of photovoltaic panels or heliostats shall include chemicals or solvents low in volatile organic compounds and the facility operator shall use recyclable or biodegradable products to the extent possible.
- R. If a PSEF or any of its solar energy system(s) or components are deemed to be a public safety hazard by a Code Enforcement Officer, Building Code Official, Township Engineer, solar energy consultant, or state or federal agency, the PSEF owner and/or operator, after written notice by any of the entities stated above, shall be responsible for making immediate repairs or removal of the condition causing such hazard. If the PSEF owner or operator fails to make immediate repairs or remove said conditions, West Caln Township shall have the option to pursue reasonable hazard mitigation measures at the PSEF owner's expense without further notice to the PSEF owner or operator.
- S. An annual inspection report prepared by an independent professional engineer licensed in the Commonwealth of Pennsylvania shall be submitted to the Township not later than 30 days following each anniversary of the date on which the PSEF commenced operation. The inspection report shall certify the structural soundness, proper operation of the facility, consistency with the conditional use decision conditions, and consistency with the approved land development plan. The requirement to submit the annual report shall be such that it shall be required even if not specifically included in or as part of a conditional use decision.

§ 350-1904. Solar Access.

- A. Prior to the issuance of a certificate of occupancy, the PSEF owner or applicant shall acknowledge in writing that the issuing of said certificate of occupancy shall not and does not create in the property owner, its, his, her or their successors and assigns in title or, create in the property itself: (1) the right to remain free of shadows and/or obstructions to solar energy caused by development of adjoining or other property or the growth of any trees or vegetation on such property; or (2) the right to prohibit the development on or growth of any trees or vegetation on such.
- B. Solar Easements.
 - (1) Solar easements may be obtained by the PSEF owner and/or operator. It shall be the responsibility of the PSEF owner and/or operator to obtain any solar easements necessary to guarantee unobstructed solar access by separate civil agreement(s) with adjacent property owner(s), if determined necessary by said owners and/or operators, and to notify the Township upon the recording of any such easement(s). Said easements shall be in writing, and shall be subject to the same conveyance and instrument recording requirements as other easements.
 - (2) Any such easements shall be appurtenant; shall run with the land benefitted and burdened; and shall be defined and limited by conditions stated in the instrument of conveyance. Instruments creating solar easement shall include, but not be limited to:
 - (a) A description of the dimensions of the easement including vertical and horizontal angles

measured in the degrees or the hours of the day, on specified dates, during which direct sunlight to a specified surface or structural design feature may not be obstructed.

- (b) Restrictions on the placement of vegetation, structures, and other objects which may impair or obstruct the passage of sunlight through the easement.
- (c) Enumeration of the terms and conditions, if any, under which the easement may be revised or terminated.
- (d) Explanation of the compensation for the owner of the real property subject to the solar easement for maintaining the easement and for the owner of the real property benefitting from the solar easement in the event of interference with the easement.

§ 350-1905. Decommissioning.

Decommissioning of a PSEF or any of its solar energy system(s) shall include the following:

- A. Decommissioning Agreement. The PSEF owner and/or operator shall execute a Decommissioning Agreement, to be approved by the Township pending the review of the Township Solicitor, before the final plan is released by the Board of Supervisors and filed on record. Said agreement shall contain all terms and conditions for decommissioning requirements.
- B. Terms and conditions of the decommissioning agreement shall include, but not be limited to:
 - (1) If the PSEF owner or operator ceases operation of the facility or any of its solar energy system(s), or begins, but does not complete, construction of the project, the PSEF owner and/or operator shall restore the site to its condition prior to any disturbance related to the PSEF facility. The site shall be restored to a useful, non-hazardous condition without significant delay, including but not limited to the following:
 - (a) Removal of aboveground and underground equipment, structures and foundations to a depth of at least three feet below grade. Underground equipment, structures and foundations need not be removed if they are at least three feet below grade and do not constitute a hazard or interfere with agricultural use or other resource uses of the land.
 - (b) Restoration of the surface grade and soil after removal of aboveground structures and equipment.
 - (c) Removal of graveled areas and access roads.
 - (d) Revegetation of restored soil areas with native seed mixes and native plant species suitable to the area under the direction of a Pennsylvania-registered landscape architect, or restoration of land for crop production or grazing if such land is intended for agricultural use.
 - (e) For any part of the PSEF project on leased property, the plan may incorporate agreements with the landowner regarding leaving access roads, fences, gates or buildings in place or regarding restoration of agricultural crops or forest resource land.
 - (f) The plan shall provide for the protection of public health and safety and for protection of the environment and natural resources during site restoration.

- (g) The plan shall include a schedule for completion of site restoration work.
- C. If a PSEF or any of its solar energy system(s) have not been in operation for a period of six consecutive months, the PSEF owner or operator shall notify the Township in writing with the reason(s) for inoperability and their intentions to re-establish operations or plans for decommissioning. The PSEF owner or operator shall notify the Township immediately upon cessation or abandonment of the operation. The PSEF or one or more of its solar energy systems shall be presumed to be discontinued or abandoned if no electricity is generated by such system for a period of 12 continuous months.
- D. The PSEF owner and/or operator shall, at its expense, have twelve months from cessation or abandonment in which to dismantle and remove the PSEF including all solar related equipment or appurtenances related thereto, including, but not limited to, buildings, cabling, electrical components, roads, foundations and other associated facilities from the property, and shall re-vegetate all disturbed earth back to its predevelopment condition.
- E. Engineer Decommissioning Costs. An independent and licensed Pennsylvania professional engineer shall be retained by the PSEF owner or operator to estimate the total cost of decommissioning without regard to salvage value of the PSEF solar related equipment. Said estimates shall be submitted to the Township after the first year of issuance of a certificate of occupancy and every 5th year thereafter.
- F. Decommissioning Financial Security. The PSEF owner or operator, as part of conditional use approval, shall provide financial security with the Township as payee in an amount approved by the Board of Supervisors, from a company and in a form and content acceptable to the Board of Supervisors, to insure decommissioning and re-vegetation as set forth herein. The security shall remain in place for as long as the PSEF or its solar energy system(s) exist at the site and until restoration of the site is satisfactorily completed. The PSEF owner or operator shall be responsible to have the financial security certificate holder describe the status of the bond or letter of credit in an annual report submitted to the Township. The financial security shall not be subject to revocation, reduction or termination unless and until approved by the Board of Supervisors based upon the Township Engineer's and Solicitor's recommendation that decommissioning and re-vegetation have been satisfactorily completed.
- G. Landowner Responsibility. If the PSEF owner or operator fails to complete decommissioning and re-vegetation within the time period stated herein, then decommissioning and re-vegetation in accordance with this chapter shall become the responsibility of the landowner, and such landowner shall have 12 months to complete decommissioning and re-vegetation.
- H. Township Intervention. If neither the PSEF owner or operator, nor the landowner completes decommissioning and re-vegetation within the prescribed periods, then the Township may take such measures as necessary to complete decommissioning and re-vegetation. The submission of evidence of a participating landowner agreement to the Township shall constitute agreement and consent of the parties to the agreement, their respective heirs, successors and assigns that the Township may take such action as necessary to implement the decommissioning and re-vegetation plan.

§ 350-1906. Submission requirements.

In addition to the requirements set forth in §350-1610, the following shall be submitted with a conditional use application:

- A. A narrative describing the proposed PSEF, including an overview of the project; the project location; the approximate generating capacity of the PSEF; the approximate number, representative types and height/extent or range of heights/extent of solar panels to be constructed, including their generating capacity, dimensions, and respective manufacturers; and a description of ancillary facilities.
- B. Identification of the properties on which the proposed PSEF will be located and the properties adjacent to where the PSEF will be located.
- C. Identification of traffic routes in the Township, traffic volumes and delivery times, and truck weights and sizes relative to PSEF construction, installation, and decommissioning.
- D. A descriptive site plan including, but not limited to, dimensioned setbacks, locations of property lines, roadways and driveways; location and size of solar panels, modules and/or arrays; all underground and above-ground electrical lines and cabling from the PSEF to substations; elevations and heights of buildings and structures; location and detail of perimeter fencing, and buffer and landscaping requirements; and off-street parking and staging areas for construction-related and delivery vehicles. The site plan shall incorporate a fire protection plan, including, but not limited to, location of any hydrants and other on-site and off-site firefighting equipment, and a narrative of same shall be provided to the Township and West Caln Township Fire Chief for their review and comment.
- E. An affidavit or evidence of agreement between the property owner and PSEF owner and/or operator confirming the PSEF owner and/or operator has permission to apply for conditional use, necessary permits, and land development plan approval for construction and operation of the PSEF
- F. Evidence that the electric utility company has been informed of the owner's and/or operator's intent to install such facility and its intended connection to the utility grid, and that the utility company has approved of such connection. A copy of the electric utility company's approval to connect to the utility grid shall be provided to the Township if secured at the time of conditional use application, or prior to approval of the land development plan.
- G. The manufacturer specifications for the key components of the PSEF and its related systems, and certificates of design compliance obtained by the equipment manufacturer from a certifying organization and certified by a professional engineer licensed to practice in the Commonwealth of Pennsylvania.
- H. Copies of all necessary federal and state permits for the construction, installation, and operation of the PSEF shall be provided if secured at the time of conditional use application, but not later than at the time of application for a use and occupancy permit.
- I. Copies of all studies, analyses, reports, certifications and approvals required by all agencies and any other studies, analyses, and/or reports, as may be reasonably requested by the Board of Supervisors, including but, not limited to, design of the PSEF and its solar energy system, glare analysis, environmental impact analysis, and traffic impact analysis during construction and decommissioning of the PSEF.
- J. Documents related to decommissioning in accordance with §350-1905.
- K. Payment in full of applicable conditional use hearing fees. In addition to fees submitted with the conditional use application, the PSEF owner and/or applicant shall be required to sign a

reimbursement agreement for Township Engineer, Township Solicitor, solar energy consultant, and/or other consultant fees that are in excess of hearing fees.

§ 350-1907. Conditions of approval.

The following conditions, which may be amended by the Board of Supervisors, shall apply to a PSEF conditional use approval in addition to any other conditions imposed by the Board of Supervisors in their conditional use decision:

- A. The PSEF applicant, owner and/or operator shall resolve any outstanding comments of the Township Engineer's or solar energy consultant's conditional use and/or land development review letters to the satisfaction of the Board of Supervisors prior to issuance of a certificate of occupancy and operation of the PSEF.
- B. The PSEF owner and/or operator shall be responsible for repairs to improvements within Township rights-of-way caused by vehicular traffic generated to construct or decommission the PSEF and shall provide adequate security as determined by the Board of Supervisors for such improvement repairs.
- C. The PSEF applicant, owner and/or operator shall install a Knox-type box on all access gates for emergency access by the West Caln Township Volunteer Fire Department and other emergency responders.
- D. The PSEF applicant, owner and/or operator shall prepare a "schedule of maintenance" for review and recommendation by the Township Engineer and/or solar energy consultant and approval by the Board of Supervisors prior to issuance of a certificate of occupancy and operation of the PSEF. The "schedule of maintenance" shall include, but not be limited to, a detailed description of daily, weekly, monthly, annual and seasonal inspection and maintenance applicable to vegetation, stormwater facilities, solar related equipment and other improvements on the PSEF site.
- E. Solar related equipment and parts thereto not in active operation on the PSEF site shall be stored in an enclosed building and/or concealed within solid fencing no closer than the one-hundred-fifty-foot setback for principal and accessory buildings and/or structures under §350-1902.
- F. A failure to comply with any condition or requirement herein set forth shall constitute a violation of the said condition or requirement. Each day's continuation of a violation shall constitute a separate violation. All such violations shall be subject to the penalties set forth in §350-1604.

ARTICLE XX
Historic Resource Protection Standards

§350-2000. Purpose.

- A. The preservation and protection of historic resources, as defined in Article II, are public necessities and are in the interests of the general health, prosperity and welfare of the citizens of West Caln Township. It is therefore the intent of this Article to provide a comprehensive framework for the preservation and protection of historic resources in West Caln Township.
- B. The specific purposes of this Article are:
 - (1) To promote the general health, prosperity, and welfare by protecting the integrity of the historic resources of West Caln Township.
 - (2) To establish a clear process by which proposed land use changes affecting historic resources can be reviewed by the Township.
 - (3) To mitigate the negative effects of proposed changes on historic resources.
 - (4) To encourage the continued use of historic resources and facilitate their appropriate reuse.
 - (5) To tailor protective measures to historic resources in West Caln Township worthy of preservation.
 - (6) To encourage the preservation of historic settings and landscapes.
 - (7) To discourage the unnecessary demolition of historic resources.
 - (8) To implement the goals of the West Caln Township Comprehensive Plan related to the protection of historic resources.

§350-2001. General provisions.

- A. No change to any historic resource listed on the West Caln Township Historic Resources Survey, including demolition by neglect, demolition or removal in whole or in part, rehabilitation, enlargement, alteration, or adaptive reuse, shall occur unless it is in full compliance with the terms of this Article and all other applicable provisions of this chapter.
- B. Nothing in this Article shall be construed to prevent the ordinary maintenance or repair of any historic resource.
- C. It is not intended by this Article to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Article imposes more stringent restrictions, the provisions of this Article shall prevail.

§350-2002. West Caln Township Historical Commission.

The membership, powers, and duties of the West Caln Township Historical Commission shall be as set forth in Chapter 22, Historical Commission.

§350-2003. Identified historic resources.

- A. The provisions of this article shall apply to all historic resources identified on the West Caln Township Historic Resources Survey. The Historic Resources Survey, which shall be kept on file at West Caln Township municipal office, is incorporated in this chapter by reference and adopted as part of this chapter.
- B. Official list of historic resources.
 - (1) West Caln Township shall maintain an updated West Caln Township Historic Resources Survey which shall list each historic resource to which regulations herein apply, along with the tax parcel number, street address of the property on which the resource(s) is located, owner's name, and type of historic resource. The list may include additional data such as the year the resource was built, architectural style, building material, and other relevant data.
 - (2) The West Caln Township Historic Resources Survey may be revised from time to time by a resolution from the Board of Supervisors, with recommendations from the Historical Commission. A revision shall be defined as the addition of a historic resource to the list or the deletion of a historic resource from the list. Revisions do not include routine list maintenance to update ownership information, data related to a resource, or to add information about a change that occurred to a historic resource unless the change alters the historic character of the resource.
- C. A building, structure, object, site, or a grouping thereof may be placed on the West Caln Township Historic Resources Survey if it meets one or more of the following criteria:
 - (1) Is listed individually on the National Register of Historic Places.
 - (2) Is listed on the National Register of Historic Places as a contributing resource to a National Register listed historic district, or determined by the PHMC to be a contributing resource to a Certified Local Historic District.
 - (3) Has received a Determination of Eligibility (DOE) for listing either individually or as part of a historic district on the National Register of Historic Places.
 - (4) Is associated with an event(s) that has made a significant contribution to the broad patterns of the history of West Caln Township, the region, state, or nation.
 - (5) Is associated with the life of a person (or lives of persons) significant in the history of West Caln Township, the region, state, or nation.
 - (6) Represents the developmental, cultural, social, political, or economic heritage of West Caln Township, the region, state, or nation.
 - (7) Embodies the distinctive characteristics of an architectural style, or a type, period, or method of construction; or possesses distinctive engineering characteristics; or possess high artistic value.
 - (8) Represents a significant and distinguishable entity whose components may lack individual distinction.

- (9) Has yielded, or may be likely to yield, information important in history or prehistory, such as an archaeological site.
- (10) Represents the work of a designer, architect, landscape architect, engineer, contractor, or builder whose work has significantly influenced the historical, architectural, economic, social, or cultural development of West Caln Township, the region, state, or nation.
- (11) Contains elements of design, detail, materials, or craftsmanship which represent a significant innovation.
- (12) Is part of or related to a neighborhood, community, commercial center, park, or other distinctive area which should be preserved according to a historic, cultural, or architectural motif.
- (13) Is an established and visual feature that helps to define the character of a neighborhood, community, or the Township due to its notable location or physical characteristics.
- (14) Is part of the surroundings of a historic resource, or the viewshed into or out of a historic district or grouping of historic resources, and contributes to the integrity, understanding, and appreciation of the contextual landscape of the historic resource, historic district, or grouping of historic resources.

§350-2004. Demolition by neglect, or demolition or removal of historic resources.

A. Demolition by neglect.

- (1) No historic resource shall be demolished by neglect. Demolition by neglect includes, but is not limited to, leaving a building or structure open or vulnerable to vandalism or decay by the elements. Unoccupied structures shall be tightly sealed and fenced off in accordance with those standards set forth in the Township Building Code.
- (2) The Zoning Officer shall evaluate the condition of any historic resource where demolition by neglect may be occurring based on § 350-2004A(1) above and the criteria contained in the currently adopted edition of the International Property Maintenance Code, and shall notify the Historical Commission of any such instance where, in his opinion, demolition by neglect is occurring.
- (3) Within 45 days of the notification by the Zoning Officer of a historic resource believed to be undergoing demolition by neglect, the Historical Commission, at a regular or special meeting, shall review the results of the Zoning Officer's inspection. The property owner or authorized agent shall be notified of the meeting by the Township at least 10 days prior to its date and shall have the opportunity to present testimony pertaining to the claim of demolition by neglect. The Historical Commission shall consider:
 - (a) The condition of architectural and other features that contribute to the historic significance of the historic resource.
 - (b) Whether the owner has made a reasonable effort to properly maintain and secure the historic resource.

- (c) Whether property maintenance and stabilization represent a financial hardship for the owner.
 - (d) Whether there is any current reasonable use or adaptive reuse of the historic resource.
 - (4) Within 30 days of its meeting, the Historical Commission shall forward written findings to the Zoning Officer and Board of Supervisors relative to the claim of demolition by neglect.
 - (5) Enforcement. Demolition by neglect shall constitute a violation of this chapter as provided under the terms of §350-2011. The Zoning Officer shall submit regular and timely reports to the Historical Commission regarding the status of the situation and the results of any enforcement.
- B. Demolition permit requirements for historic resources:
- (1) No historic resource shall be demolished, in whole or in part, including the removal, stripping, concealing, or destruction of any significant exterior architectural features, unless a demolition permit is obtained from the Township Zoning Officer in accordance with the procedures and requirements of this Article, and other applicable standards and procedures of this chapter and the Building Code as adopted by the Township, and in the case of a subdivision or land development plan, until the final plan has been approved by the Board of Supervisors and recorded by the Chester County Recorder of Deeds. The provisions of this section shall not be construed to prevent the ordinary maintenance or repair of any historic resource where such work does not require a permit and where the purpose and effect of such work is to correct any deterioration or decay of, or damage to, a historic resource and to restore the same to its condition prior to the occurrence of such deterioration, decay, or damage.
 - (2) Procedure for obtaining demolition permit. The applicant shall submit one copy of an application for a demolition permit in a form acceptable to the Township. If the Township determines that the permit request is for the demolition of a historic resource, the Zoning Officer shall not issue the demolition permit and the application shall be forwarded to the Historical Commission for review.
 - (3) Information to be provided. In addition to applicable requirements under the Building Code, an applicant seeking a permit to demolish a historic resource shall provide the following information with the application:
 - (a) Owner of record.
 - (b) Site plan showing all buildings and structures on the property.
 - (c) Recent photographs of the resource proposed for demolition.
 - (d) Reasons for the demolition.
 - (e) Statement of alternatives to demolition, and how such alternatives have been considered by the applicant.
 - (f) Proposed method of demolition.

- (g) Intended future use of the site and of the materials from the demolished resource.
 - (h) A report from a licensed structural engineer describing the structural condition of the structure proposed to be demolished.
- (4) Review by Historical Commission. Within 45 days of receipt of a complete application from the Zoning Officer, the Historical Commission, at a regular or special meeting, shall review the application for demolition. The applicant shall be notified of the meeting by the Township at least 10 days prior to its date and shall have the opportunity to present his reasons for filing the application. The Historical Commission shall consider the following:
- (a) The effect of demolition on the historical significance and architectural integrity of the resource in question and neighboring historic resources, and the character and integrity of their historic settings;
 - (b) Whether the applicant has demonstrated that he has considered all alternatives to demolition;
 - (c) Economic feasibility of adaptive reuse of the resource proposed for demolition;
 - (d) Alternatives to demolition of the resource;
 - (e) Whether the resource in its current condition presents a threat to public safety;
 - (f) Whether the resource has been intentionally neglected;
 - (g) Whether the required retention of the resource would represent an unreasonable economic hardship.
- (5) Historical Commission recommendation. Within 30 days following conclusion of the meeting to review the application for demolition, the Historical Commission shall set forth its findings and one of the following recommendations in a written report to the Board of Supervisors:
- (a) Immediate approval. After reviewing the demolition permit application with attachments, the Historical Commission may recommend approval of the demolition permit as provided under §350-2004(C), below.
 - (b) Delay of demolition. After reviewing the demolition permit application with attachments, the Historical Commission may recommend delay of demolition in accordance with §350-2004(D), below.
- C. Approval of demolition permit or delay of demolition by the Board of Supervisors.
- (1) Within 30 days of receiving the recommendation from the Historical Commission, the Board of Supervisors shall consider the application, together with the findings and recommendations of the Historical Commission, and vote either to approve the application, approve the application with changes or defer its decision, affording a delay of demolition for up to 90 days as set forth in §350-2004(D), below. The applicant shall be notified of the meeting of the Board of Supervisors by the Township at least 10 days prior to its date, and shall have the opportunity to present his reasons for filing the application. Within five

days of making its decision, the Board of Supervisors shall provide written communication of its decision to the applicant, Historical Commission, and Zoning Officer.

- (2) Issuance of demolition permit. Where the Board of Supervisors acts to approve the application, it shall authorize the Zoning Officer to issue the permit. Where the approval is granted with conditions attached, the Zoning Officer shall be authorized to issue the permit upon receipt from the applicant of written acceptance of those conditions.

D. Delay of demolition.

- (1) The specified period of delay up to 90 days from the date of the Board of Supervisors' written decision shall be used to provide an opportunity to engage in a dialogue with the applicant about alternatives to demolition; to allow for complete historical documentation of the resource; and/or for preparation of a financial analysis. The Historical Commission shall make every effort to open a dialogue with the applicant to inform him of the historical importance of the resource, its significance to the Township, and alternatives to demolition (additional uses, etc.).
- (2) Historical Commission recommendation. Once the delay of demolition has expired the Historical Commission shall review the application again and any further documentation requested by the Board of Supervisors at its next regular meeting. The applicant shall be notified of the meeting by the Township at least 10 days prior to its date, and shall have the opportunity to present his reasons for continuing with the application. The Commission may recommend to the Board of Supervisors approval of the demolition permit or, where the Commission does not believe that the applicant has proven undue economic hardship or the lack of a reasonable alternative to demolition, it may recommend denial of the demolition permit.
- (3) Approval or denial of demolition permit for historic resources after delay of demolition:
 - (a) At its next regular meeting after receiving the recommendation from the Historical Commission, the Board of Supervisors shall again consider the application, together with the recommendations of the Historical Commission and any further documentation which had been requested, and vote either to approve the application or to approve the application with changes as set forth in §350-2004(C), above, or to deny the application as set forth below. The applicant shall be notified of the meeting at least 10 days prior to its date.
 - (b) Denial of application. Where the Board acts to deny the application, a notice of denial shall be sent to the applicant indicating what changes in the plans and specifications, if any, would be sufficient to meet the standards of this section.

§350-2005. Review of proposed rehabilitation, enlargement, or alteration of historic resources.

- A. Permits. No permit for the rehabilitation, enlargement, or alteration of an historic resource shall be issued by the Zoning Officer prior to review and comment on the application by the Historical Commission in accordance with this §350-2005. For the purposes of this Article,

rehabilitation, enlargement, or alteration of a historic resource shall include the removal, stripping, concealing, destruction, or replacement of any significant exterior architectural features of the historic resource; new additions or expansions to the historic resource; reconstruction of the historic resource in whole or in part; and new construction on a property containing a historic resource.

- B. Zoning Officer. The Zoning Officer shall forward to the Historical Commission copies of the application, together with any plans, drawings, and specifications required by this Article or the Code of the Township of West Caln, within five days of receipt of a complete application.
- C. Historical Commission review. The Historical Commission shall, within 45 days of receipt of a complete application from the Zoning Officer, review the plans for compliance with the standards contained in §350-2006, at a regular or special meeting, and prepare a written report to the Zoning Officer, with a copy to be sent to the applicant, indicating whether the plans are in compliance. The report shall make suggestions, if necessary, as to what specific changes in the plans would bring them into compliance
- D. Issuance of permits.
 - (1) Upon receiving a report of substantial compliance from the Historical Commission, and providing the plans satisfy all other requirements of the Township, the Zoning Officer shall issue the permit.
 - (2) If the Historical Commission's report indicates that the plans are not in compliance with the terms of §350-2006, the Zoning Officer shall not issue the permit until the applicant has met with the Historical Commission to discuss his plans and the Historical Commission's suggested changes to the plans. This meeting shall be held within 30 days of the Historical Commission report. The purpose of the meeting shall be to reach mutual agreement on the suggested changes. If no agreement is reached, the Historical Commission shall send the matter to the Board of Supervisors for a final determination.

§350-2006. Secretary of the Interior's Standards for Rehabilitation.

Any proposed rehabilitation, enlargement or alteration of a historic resource shall be in substantial compliance with the Secretary of the Interior's Standards for Rehabilitation, as may be amended from time to time, as follows:

- A. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
- B. The historic character of the property shall be retained and preserved. The removal of historic materials or alterations of features and spaces that characterize a property shall be avoided.
- C. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.
- D. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.

- E. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.
- F. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.
- G. Chemical or physical treatments, such as sand blasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
- H. Significant archaeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
- I. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
- J. New additions and adjacent or related new construction shall be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

§350-2007. Adaptive reuse of a historic resource

- A. In addition to the uses permitted in the zoning district in which a historic resource is located, the following uses shall be permitted for the historic resource when approved as a conditional use by the Board of Supervisors in accordance with § 350-1610:
 - (1) Residential conversion in accordance with §350-1132.
 - (2) Conversion of any structure designated as a historic resource into a single-family detached dwelling, single-family detached (twin) dwelling, or townhouse.
 - (3) Bed-and-breakfast.
 - (4) Artist studio or crafts workshop. Such workshops may include lapidary work, hand-woven clothing and textiles, rug weaving, basket making, and similar crafts
 - (5) Business office or professional office that is characterized by low occupant density and low frequency of customer, client, and vendor visitation.
 - (6) Personal service shop, including tailor, barber, beauty salon, dressmaking, or similar shop, but not including dry cleaning or laundromat;
 - (7) Repair services, including small appliances, small business machines, watches, household furnishings, shoes, bicycles and locks, but shall not include any motorized vehicle;

(8) Other use deemed by the Board of Supervisors to be necessary for the preservation of the subject historic resource.

- B. Notwithstanding the terms of the applicable zoning district, where the property containing the historic resource that is proposed for adaptive reuse contains an existing principal permitted use, the adaptive reuse of the historic resource may be permitted as an additional principal use by conditional use and without requiring additional variance relief.

§350-2008. Modifications to area and bulk standards and design standards.

- A. For plans affecting historic resources the Board of Supervisors, through the grant of a conditional use, may approve modifications to the otherwise applicable lot area, density, lot width, lot coverage, building coverage, yard, setback, height, off-street parking and loading, buffering, screening, and other design standards of the applicable zoning district or use in accordance with the criteria set forth under § 350-1610 and §350-2009. Through the grant of a conditional use, the Board of Supervisors may also approve modifications to any restrictions or limitations set forth Article 15 of this Chapter related to nonconformities without requiring any special exception or variance relief. This §350-2008 shall not apply to the standards contained in §350-2006 or §350-2010 such that modifications to those standards shall not be permitted.

§350-2009. Integrity of historic setting.

- A. The subdivision or land development of a property containing a historic resource shall be accomplished in such a manner that the resulting lot containing the historic resource is large enough to preserve the integrity of its historic setting.
- B. Historic outbuildings, significant historic site features, viewsheds, and landscape settings significant to the property's historic setting shall be preserved.
- C. The size and configuration of the subdivided property shall depend upon the historic resource and the characteristics of the property's landscaping and adjacent properties. Property boundaries shall, in general, conform to the lines of identifiable landscape features on the site. Site development shall be based, in general, upon §350-2006.
- D. Review and recommendations regarding the historic resource, its subdivided property, and the proposed land development shall be made by the Historical Commission to the Planning Commission and the Board of Supervisors. The Board may require increasing the size of the lot containing the historic resource above the minimum lot size for the applicable zoning district.

§350-2010. Review of proposed signs.

- A. Permits. No permit for a sign to be located on or within 100 feet of the exterior walls of a historic resource shall be issued by the Zoning Officer prior to the review of and comment on the application by the Historical Commission, in accordance with the terms of this §350-2010.

In addition to the requirements of Article 14, signs for historic resources shall adhere to the following standards:

- (1) The maximum total size of signs, including support, shall be six square feet, and the maximum height or width of signs shall be three feet.
 - (2) Signage of any type shall not be displayed in any window or door of an historic resource unless recommended in writing by the Historical Commission and approved by the Board of Supervisors.
 - (3) No more than one sign may be erected on any one street frontage of any lot.
 - (4) Signs shall be of materials and colors that are consistent with the historic character and architectural style of the historic resource. Natural materials such as wood, brick or stone are preferred for signs relating to historic resources. Lighting of signs, including internally illuminated signs or LED electronic variable messaging signs (EVMS) or changeable display sign (CDS) style shall not be permitted in relation to a historic resource.
- B. Zoning Officer. The Zoning Officer shall provide the Historical Commission with a copy of the sign permit application, together with any plans and specifications required by Article 14 of this chapter, within five business days of receipt of a complete application.
- C. Historical Commission. The Historical Commission shall, within 30 days of receipt of a complete sign permit application, review the application and prepare a written report to the Zoning Officer, with a copy to be sent to the applicant, indicating whether the application will have any detrimental effect on the historic or architectural integrity of a historic resource. The report shall indicate what specific changes to the application can be made to mitigate any detrimental effect.
- D. Issuance of permit. Upon receiving a report of no detrimental effect from the Historical Commission, and provided that the application satisfies all other requirements of the Township, the Zoning Officer shall issue the permit.
- E. If the Historical Commission's report indicates that the proposed sign will have a detrimental effect, the Zoning Officer shall not issue the permit until the plans for the proposed sign have been revised to mitigate such detrimental effect(s) to the satisfaction of the Historical Commission and Zoning Officer.

§350-2011. Violations and penalties.

Any person who violates the terms of this Article shall be subject to the fines and penalties imposed under this Chapter, as well as applicable fines and penalties imposed under Building Code of the Township and remedies under equitable and injunction relief. In addition:

- A. Any person who alters a historic resource in violation of the provisions of this Article or in violation of any conditions or requirements specified in a permit issued under the terms of this Article shall be required to restore the building, structure, site, or object involved to its appearance prior to the violation. Such restoration shall be in addition to, and not in lieu of, any penalty or remedy available under this chapter or any other applicable law.

- B. The Township shall withhold issuing any building permit, for a minimum of one year, for any property which, at the date of enactment of this chapter, was occupied by a historic resource that subsequently was demolished in violation of this article.
- C. Any conditional use application or subdivision or land development application involving any property which, at the date of enactment of this chapter, was occupied by a historic resource that subsequently was demolished in violation of this Article shall not be approved except upon the condition of satisfactory restoration of any such resource or upon the granting of a demolition permit in accordance with this Article.

Appendix A: Plant Materials List

SECTION A-1.

DECIDUOUS CANOPY TREES.

Required canopy tree plantings shall be selected from the below list or a species hardy to the area. Trees marked with a (+) before their botanical name are native species and the use of these trees is encouraged. Additional cultivars and/or hybrids may be available for the following species that are appropriate for the specified use, as approved by the Board of Supervisors.

	Botanical Name	Common Name
	Acer campestre	Hedge Maple
	Acer ginnala	Amur Maple
+	Acer negundo	Box Elder
	Acer palmatum	Japanese Maple
+	Acer rubrum	Red Maple
+	Acer saccharum	Sugar Maple
+	Betula lenta	Black Birch
+	Betula nigra	River Birch
	Carpinus betulus	European Hornbeam
+	Carya ovata	Shagbark Hickory
	Crataegus phaenopyrum treeform	Washington Hawthorn
	Crataegus viridis 'Winter King'	Winter King Hawthorn
+	Fagus grandifolia	American Beech
	Fagus sylvatica	European Beech
+	Fraxinus americana	White Ash
+	Fraxinus pennsylvanica	Green Ash
	Ginkgo biloba	Ginkgo (male only)
	Larix kaempferi	Japanese Larch
+	Liquidambar styraciflua	Sweet Gum
+	Liriodendron tulipifera	Tulip Tree, Yellow Poplar
	Metasequoia glyptostroboides	Dawn Redwood
+	Nyssa Sylvatica	Black Gum, Sourgum
+	Ostrya virginiana	American Hophornbeam
	Phellodendron amurense	Amur Cork Tree (male only)
	Platanus acerifolia	London Planetree
+	Platanus occidentalis	Americian Sycamore
+	Quercus alba	White Oak
	Quercus coccinea	Scarlet Oak

	Botanical Name	Common Name
	Quercus palustris	Pin Oak
	Quercus phellos	Willow Oak
+	Quercus rubra	Red Oak
+	Sassafras albidum	Sassafras
	Sophora japonica	Japanese Pagodatree
	Tilia americana 'Redmond'	Redmond Linden
	Tilia cordata 'Chancellor'	Chancellor Linden
	Zelkova serrata	Japanese Zelkova

SECTION A-2. DECIDUOUS/FLOWERING TREES.

Required flowering tree plantings shall be selected from the below list or a species hardy to the area. Trees marked with a (+) before their botanical name are native species and the use of these trees is encouraged. Additional cultivars and/or hybrids may be available for the following species that are appropriate for the specified use, as approved by the Board of Supervisors.

	Botanical Name	Common Name
+	Amelanchier canadensis	Shadblow Serviceberry
+	Cercis canadensis	Eastern Redbud
+	Chioanthus virginicus	Fringetree
+	Cornus florida	Flowering Dogwood
	Cornus kousa	Kousa Dogwood
	Cornus mas	Cornelian Cherry
	Crataegus species	Any Hawthorn species
	Halesia carolina	Carolina Silverbell
	Koelreuteria paniculata	Golden Rain Tree
	Magnolia soulangeana	Saucer Magnolia
	Magnolia virginiana	Sweetbay Magnolia
	Malus species	Any Crabapple species
	Oxydendrum arboreum	Sourwood, Sorrel Tree
	Prunus cerasifera	Purpleleaf Flowering Plum
	Prunus kwanzan	Kwanzan Cherry
	Prunus sargentii	Sargent Cherry
	Prunus serrulata 'Kwanzan'	Kwanzan Cherry
	Prunus subhirtella var. pendula	Weeping Higan Cherry
	Pyrus calleryana 'Aristocrat'	Aristocrat Pear
	Pyrus calleryana 'Capital'	Capital Pear
	Pyrus calleryana 'Redspire'	Redspire Pear
	Pyrus calleryana 'Whitehouse'	Whitehouse Pear
	Stewartia koreana	Korean Stewartia
+	Viburnum prunifolium	Blackhaw Viburnum

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SECTION A-3. EVERGREEN TREES.

Required evergreen tree plantings shall be selected from the below list or a species hardy to the area. Trees marked with a (+) before their botanical name are native species and the use of these trees is encouraged. Additional cultivars and/or hybrids may be available for the following species that are appropriate for the specified use, as approved by the Board of Supervisors.

	Botanical Name	Common Name
	<i>Abies concolor</i>	Concolor Fir
+	<i>Ilex opaca</i>	American Holly
+	<i>Juniperus virginiana</i>	Eastern Redcedar
+	<i>Kalmia latifolia</i>	Mountain Laurel
	<i>Picea abies</i>	Norway Spruce
	<i>Picea omorika</i>	Serbian Spruce
	<i>Pinus nigra</i>	Australian Pine
	<i>Pinus strobus</i>	White Pine
	<i>Pseudotsuga menziesii</i>	Douglas Fir
	<i>Taxus baccata</i>	English Yew
	<i>Taxus cuspidata</i>	Japanese Yew
+	<i>Tsuga canadensis</i>	Hemlock

SECTION A-4. SHRUBS.

Required shrubs shall be selected from the below list or a species hardy to the area. Shrubs marked with a (+) before their botanical name are native species and the use of these shrubs is encouraged. Additional cultivars and/or hybrids may be available for the following species that are appropriate for the specified use, as approved by the Board of Supervisors.

	Botanical Name	Common Name
	<i>Hamamelis vernalis</i>	Vernal Witch Hazel
+	<i>Hamamelis virginiana</i>	Common Witch Hazel
+	<i>Ilex glabra</i>	Inkberry
+	<i>Ilex verticillata</i>	Winterberry
+	<i>Kalmia latifolia</i>	Mountain Laurel
+	<i>Myrica pennsylvanica</i>	Bayberry
	<i>Pyracantha coccinea</i> ‘landi’	Laland Firethorn
	<i>Rhamnus frangula</i>	Glossy Buckthorn
	<i>Taxus cuspidata</i> ‘capitata’	Upright Yew
	<i>Taxus x media</i> ‘hicksii’	Hicks Yew
+	<i>Viburnum dentatum</i>	Arrowwood Viburnum

	Viburnum lantana	Wayfaring Tree Viburnum
+	Viburnum trilobum	Highbush Cranberry

SECTION A-5 STREET/URBAN TREES.

Required trees shall be selected from the below list or a species hardy to the area. Shrubs marked with a (+) before their botanical name are native species and the use of these trees is encouraged. Trees included on the following list tolerate urban conditions such as salt, drought, and soil compaction. The mature height is included for consideration in applications where overhead wiring is located. Additional cultivars and/or hybrids may be available for the following species that are appropriate for the specified use, as approved by the Board of Supervisors.

	Botanical Name	Common Name	Mature Height
+	Acer rubrum	Red Maple	75-100 feet
+	Acer saccharum	Sugar Maple	75-100 feet
	Crataegus crusgalli	Cockspur Hawthorne	20-35 feet
+	Fraxinus americana	White Ash	75-100 feet
+	Fraxinus pennsylvanica	Green Ash	75-100 feet
+	Juniperous virginiana	Eastern Red Cedar	50-75 feet
+	Liquidambar styraciflua	American Sweetgum	75-100 feet
+	Nyssa silvatica	Blackgum	50-75 feet
+	Ostrya virginiana	American Hophornbeam	35-50 feet
	Oxydendrum arboreum	Sourwood, Sorrel Tree	35-50 feet
	Quercus alba	White Oak	50-100 feet
	Quercus coccinea	Scarlet Oak	50-90 feet
+	Sassafras albidum	Common Sassafras	35-50 feet

SECTION A-6. STREET/URBAN SHRUBS.

Required shrubs shall be selected from the below list or a species hardy to the area. Shrubs marked with a (+) before their botanical name are native species and the use of these shrubs is encouraged. Shrubs included on the following list tolerate urban conditions such as salt, drought, and soil compaction. Additional cultivars and/or hybrids may be available for the following species that are appropriate for the specified use, as approved by the Board of Supervisors.

	Botanical Name	Common Name
+	Ilex glabra	Inkberry
+	Juniperous communis	Common Juniper
+	Kalmia latifolia	Mountain Laurel
+	Myrica pennsylvanica	Bayberry
+	Viburnum dentatum	Arrowwood Viburnum

SECTION A-7. RIPARIAN BUFFER TREES AND SHRUBS.

- A. Deciduous Trees and Shrubs. Required tree and shrub plantings shall be selected from the following list or a species hardy to the area, attractive to wildlife species (mast production), and appropriate to the use. Trees marked with a (+) before their botanical name are native species and the use of these trees is encouraged. Additional cultivars and/or hybrids may be available for the following species that are appropriate for the specified use, as approved by the Board of Supervisors.

	Botanical Name	Common Name
+	Acer rubrum	Red Maple
	Alnus rugosa	Speckled Alder
	Amelanchier arborea	Shadbush
	Amelanchier laevis	Alleghany Serviceberry
	Betula lutea	Yellow Birch
	Betula nigra	Black Birch
	Carya cordiformis	Bitternut Hickory
	Carya glabra	Pignut Hickory
	Carya ovata	Shagbark Hickory
	Cornus alternifolia	Alternate-Leaved Dogwood
	Cornus amomum	Silky Dogwood
+	Cornus florida	Florida Dogwood
	Cornus stolonifera	Redosier Dogwood
	Fagus grandifolia	American Beech
	Juglans nigra	Black Walnut
	Prunus avium	Sweet Cherry
	Prunus pennsylvanica	Pin Cherry
	Prunus serotina	Black Cherry
	Prunus virginiana	Choke Cherry
	Rhus glabra	Smooth Sumac
	Rhus typhina	Staghorn Sumac
	Quercus alba	White Oak
	Quercus bicolor	Swamp White Oak
	Quercus muehlenburgii	Chinquapin Oak
	Quercus palustris	Pin Oak
	Quercus prinus	Chestnut Oak
	Quercus rubra	Northern Red Oak
	Quercus velutina	Black Oak

- B. Evergreen (Conifers) Trees and Shrubs. Required canopy tree plantings shall be selected from the following list or a species hardy to the area and appropriate to the use. Trees marked with a (+) before their botanical name are native species and the use of these trees is encouraged.

	Botanical Name	Common Name
+	Tsuga Canadensis	Eastern Hemlock
+	Pinus strobus	Eastern White Pine
	Pinus rigida	Pitch Pine
+	Juniperous virginiana	Eastern Red Cedar
	Pinus Sylvestris	Scotch Pine

- C. Forbs and Grasses (Warm Season). Required canopy tree plantings shall be selected from the following list or a species hardy to the area and appropriate to the use. Trees marked with a (+) before their botanical name are native species and the use of these trees is encouraged.

Botanical Name	Common Name (Forbs)
Aster novea angliae	New England Aster
Bernonia noveboracensis	New York Ironweed
Cassia fasciculata	Partridge Pea
Coreopsis lanceolata	Lanceleaf Coreopsis
Echinacea purpurea	Purple Cone Flower
Heliopsis helianthoides	Ox-eye Sunflower
Rudbeckia hirta	Blackeyed Susan
Verbena hastata	Blue Vervain
Andropogon gerardii	Big Bluestem
Panicum virgatum	Switchgrass
Schizachyrium scoparius or	
Andropogon scoparius	Little Bluestem
Sorghastrum nutans	Indiangrass
Tripsacum dactyloides	Eastern gamagrass

SECTION A-8. INVASIVE OR NOXIOUS SPECIES.

A species that has become a weed pest, a plant which grows aggressively, spreads, and displaces other plants. Invasive plants tend to appear on disturbed ground, and the most aggressive can actually invade existing ecosystems. Invasive plants are generally undesirable because they are difficult to control, can escape from cultivation, and can dominate whole areas. In short, invasive plant infestations can be extremely expensive to control, as well as environmentally destructive. They can be native or exotic species.

The species below are the most serious threats or worst offenders to our native ecosystems. Many have been designated as “Noxious weeds” by the PA Department of Agriculture and are also a major concern to our agricultural community.

Botanical Name	Common Name	Plant Form
<i>Acer platanoides</i>	Norway Maple	Tree
<i>Ailanthus altissima</i>	Tree-of-Heaven	Tree
<i>Alliaria petiolata</i>	Garlic Mustard	Flower
<i>Carduus nutans</i>	Musk Thistle	Flower
<i>Celastrus orbiculatus</i>	Oriental Bittersweet	Vine
<i>Cirsium arvense</i>	Canada Thistle	Flower
<i>Cirsium vulgare</i>	Bull Thistle	Flower
<i>Datura stramonium</i>	Jimsonweed	Flower
<i>Elaeagnus umbellata</i>	Autumn Olive	Shrub
<i>Galega officinalis</i>	Goatsrue	Flower
<i>Heracleum mantegazzianum</i>	Giant Hogweed	Flower
<i>Lonicera japonica</i>	Japanese Honeysuckle	Vine
<i>Lonicera maakii</i>	Amur Honeysuckle	Shrub
<i>Lonicera morrowii</i>	Morrow's Honeysuckle	Shrub
<i>Lonicera standishii</i>	Standish Honeysuckle	Shrub
<i>Lonicera tatarica</i>	Tartarian Honeysuckle	Shrub
<i>Lythrum salicaria</i> , <i>L. virgatum</i>	Purple Loosestrife	Flower
<i>Microstegium vimineum</i>	Japanese Stilt Grass	Grass
<i>Phragmites australis</i>	Common Reed	Grass
<i>Polygonum (Falopia) cuspidatum</i>	Japanese Knotweed	Flower
<i>Polygonum perfoliatum</i>	Mile-A-Minute Weed	Vine
<i>Pueraria lobata</i>	Kudzu	Vine
<i>Rosa multiflora</i>	Multiflora Rose	Shrub
<i>Sorghum bicolor</i> ssp. <i>Drummondii</i>	Shattercane	Grass
<i>Sorghum halapense</i>	Johnson Grass	Grass

The following species are invasive plants that are known to invade our native plant communities and are deserving of our vigilance.

Botanical Name	Common Name	Plant Form
<i>Aegopodium podagraria</i>	Goutweed	Flower
<i>Berberis thunbergii</i>	Japanese Barberry	Shrub
<i>Berberis vulgaris</i>	European Barberry	Shrub
<i>Bromis tectorum</i>	Cheatgrass	Grass
<i>Elaeagnus angustifolia</i>	Russian Olive	Shrub
<i>Hesperis matronalis</i>	Dame's Rocket	Flower
<i>Ligustrum obtusifolium</i>	Border Privet	Shrub
<i>Ligustrum vulgare</i>	Common Privet	Shrub

Botanical Name	Common Name	Plant Form
<i>Lonicera morrowii</i> x <i>tatarica</i>	Bell's Honeysuckle	Shrub
<i>Myriophyllum spicatum</i>	Eurasian Water-Millfoil	Flower
<i>Ornithogallum nutans</i> , <i>umbellatum</i>	Star-of-Bethlehem	Flower
<i>Pastinaca sativa</i>	Wild Parsnip	Flower
<i>Perilla frutescens</i>	Beefsteak Plant	Flower
<i>Phalaris arundinacea</i>	Reed Canary Grass	Grass
<i>Ranunculus ficaria</i>	Lesser Celandine	Flower
<i>Rhamnus catharticus</i>	Common Buckthorn	Shrub
<i>Rhamnus frangula</i>	Glossy Buckthorn	Shrub
<i>Rubus phoenicolasius</i>	Wineberry	Shrub
<i>Ulmus pumila</i>	Siberian Elm	Tree
<i>Akebia quinata</i>	Fiveleaf Akebia	Vine
<i>Ampelopsis brevipedunculata</i>	Porcelain-Berry	Vine

The following species are considered invasive plants in the southeastern portion of Pennsylvania.

Botanical Name	Common Name	Plant Form
<i>Acer pseudoplatanus</i>	Sycamore Maple	Tree
<i>Miscanthus sinensis</i>	Maiden Grass	Grass
<i>Trapa natans</i>	Water Chestnut	Flower
<i>Euonymus alatus</i>	Winged Euonymus	Shrub
<i>Paulownia tomentosa</i>	Empress Tree	Tree
<i>Pyrus calleryana</i>	Callery Pear	Tree
<i>Spiraea japonica</i>	Japanese Spiraea	Shrub
<i>Viburnum opulus</i> var. <i>opulus</i>	Guelder Rose	Shrub

Appendix B: Model Timber Harvesting Regulations

SECTION B-1. PURPOSE.

In order to preserve forests and forested open space and the environmental benefits they provide, it is the policy of West Caln Township to encourage the owners of forestland to continue to use their land for preferred forestry purposes, including recreation, wildlife habitat, amenity and aesthetic value, and where applicable, timber harvesting. The regulations and plan requirements contained in this Article are intended to further this policy by:

- Minimizing the potential adverse environmental impacts associated with timber removal; and
- Promoting good forest stewardship;
- Protecting the rights of adjoining property owners;
- Avoiding unreasonable restrictions on the right to practice forestry.

SECTION B-2. APPLICABILITY.

The regulations set forth in this Article shall apply to any timber harvesting operation, as defined in the following Section, or where the value of trees, logs, or other timber products removed exceeds \$1,000. These regulations do not apply to the cutting of trees for the personal use of the landowner or for pre-commercial timber stand improvement.

SECTION B-3. ASSOCIATED DEFINITIONS.

As used throughout this Article, the following terms are defined as follows:

FELLING — The act of cutting a tree so that it falls to the ground.

LANDING — A place where logs, pulpwood, or firewood are assembled for transportation to, processing facilities.

LITTER — Discarded items not naturally occurring on the occurring on the site such as tires, oilcans, equipment parts, and other rubbish.

LOP — To cut the tops off of trees and slash into smaller pieces to allow material to settle close to the ground.

OPERATOR — An individual, partnership, company, firm, association, or corporation engaged in timber harvesting, including the agents, subcontractors, and employees thereof.

PRE-COMMERCIAL TIMBER STAND IMPROVEMENT — A forest practice, such as thinning or pruning, which results in better growth, structure, species composition, or health for the residual stand but which does not yield a net income to the land owner, usually because any trees cut are of poor quality, too small or otherwise of limited marketability or value.

SKIDDING — Dragging trees on the ground from the stump to the landing by any means.

SLASH — Woody debris left in the woods after logging, including logs, chunks, bark, branches, uprooted stumps, and broken or uprooted trees or shrubs.

STAND — Any area of forest vegetation whose site conditions, past history, and current species composition are sufficiently uniform to be managed as a unit.

TIMBER HARVESTING/TREE HARVESTING/LOGGING — forestry involving cutting down trees and removing logs from the forest for the primary purpose of sale or commercial processing into wood products.

TOP — The upper portion of a felled tree that is not merchantable because of small size, taper, or defect.

SECTION B-4. PREPARATION OF A TIMBER HARVESTING PLAN.

It is the intent of West Caln Township to promote the preservation of forestland for the benefit of current and future residents of the community. The preferred treatment of forestland within the community is for recreation, wildlife habitat, and amenity and aesthetic value. The following timber harvesting regulations and plan requirements are intended to minimize the potential environmental impacts associated with timber removal and to promote good forest stewardship when a landowner has chosen, in accordance with the regulations herein and any other applicable regulations, to participate in timber harvesting.

- A. **Notification of Commencement or Completion.** For all timber harvesting operations that meet or exceed the specifications in the above definition, the landowner shall notify the Township Zoning Officer at least 15 days before the operation commences and within five business days before the operation is complete. No timber harvesting shall occur until the notice has been provided. Notification shall be in writing and shall specify the land on which harvesting will occur, the expected size of the harvest area, and as applicable, the anticipated starting or completion date of the operation.
- B. **Timber Harvesting Plan.** Every landowner on whose land timber harvesting is to occur shall prepare a timber harvesting plan in accordance with the requirements of this Article. No timber harvesting shall occur until the plan has been prepared by a certified forester or a similarly qualified professional, as approved by the Board of Supervisors. The provisions of the plan shall be followed throughout the operation. The plan shall be available at the harvest site at all times during the operation and shall be provided to the Township Zoning Officer upon request. The Timber Harvesting Plan shall meet the approval of the Board of Supervisors.
- C. **Responsibility of compliance.** The landowner and the operator shall be jointly responsible for complying with the terms of the timber harvesting plan.

SECTION B-5. CONTENTS OF THE TIMBER HARVESTING PLAN.

A. Minimum Requirements. As a minimum, the timber harvesting plan shall include the following:

1. Design, construction, maintenance, and retirement of the access system, including haul roads, skid, roads, skid trails, and landings;
2. Design, construction, and maintenance of water control measures and structures such as culverts, broad-based dips, filter strips, and water bars;
3. Design, construction, and maintenance of stream and wetlands crossings; and
4. The general location of the proposed operation in relation to municipal and state highways, including any access to those highways.

B. Timber Harvesting Plan Map. Each timber harvesting plan shall include a map containing the following information, at an appropriate scale:

1. Site location and boundaries, including both the boundaries of the property on which the timber harvest will take place and the boundaries of the proposed harvest area within that property;
2. Significant topographic features related to potential environmental problems;
3. Location of all earth disturbance activities such as roads, landings, and water control measures and structures;
4. Location of all crossings of waterways located within the Township;
5. The general location of the proposed operation to municipal and state highways, including any access to those roads and/or highways and the routes that will be utilized through the Township to access those roads and/or highways.

C. Compliance with State Law. The timber harvesting plan shall address and comply with the requirements of all applicable state regulations including, but not limited to, the following:

1. Erosion and sedimentation control regulations contained in Title 25 Pennsylvania Code, Chapter 102, promulgated pursuant to The Clean Streams Law (35 P.S. § 691.1 et seq.), as amended; and
2. Stream crossing and wetlands protection regulations contained in Title 25 Pennsylvania Code, Chapter 105, promulgated pursuant to the Dam Safety and Encroachments Act (32 P.S. § 693.1 et seq.), as amended.

D. Relationships to state laws, regulations, and permits to the timber harvesting plan. Any permits required by state laws and regulations shall be attached to and become part of the timber harvesting plan. An erosion and sedimentation pollution control plan that satisfies the

requirements of Title 25 Pennsylvania Code, Chapter 102, as amended, shall also satisfy the requirements of the timber harvesting plan and associated map specified above, provided that all information required by these paragraphs is included or attached.

SECTION B-6. TIMBER HARVESTING PRACTICES.

The following requirements shall apply to all timber harvesting operations in the Township:

- A. Felling or skidding on or across any public thoroughfare is prohibited without the express written consent of the Township or the Pennsylvania Department of Transportation, whichever is responsible for maintenance of the thoroughfare.
- B. No tops or slash shall be left within 25 feet of any property line, public thoroughfare, or private roadway providing access to adjoining residential property.
- C. All tops and slash between 25 and 50 feet from a public roadway or private roadway providing access to adjoining residential property or within 50 feet of adjoining residential property shall be lopped to a maximum height of four feet above the ground.
- D. No tops or slash shall be left on or across the boundary of any property adjoining the operation without the consent of the owner thereof.
- E. Litter resulting from a timber harvesting operation shall be removed from the site before it is vacated by the operator.
- F. No timber harvesting activity can occur within 25 feet of an adjoining property line.
- G. Timber harvesting practices shall be in accordance with the Natural Resource Protection set forth in Article X of this Ordinance.

SECTION B-7. RESPONSIBILITY FOR ROAD MAINTENANCE AND REPAIR.

Pursuant to Title 75 of the Pennsylvania Consolidated Statutes, Chapter 49 and Title 67 Pennsylvania Code, Chapter 189, the landowner and the operator shall be responsible for repairing any damage to Township roads caused by traffic associated with the timber harvesting operation to the extent the damage is in excess of that caused by normal traffic, and may be required to furnish a bond to guarantee the repair of such damages. The operator shall be responsible to return the road to its original state (condition prior to commencing the operation).

SECTION B-8. ENFORCEMENT.

- A. Enforcement Officer. The Township Zoning Officer shall be the enforcement officer for these timber harvesting regulations.
- B. Inspections. The Township Zoning Officer may go upon the site of any timber harvesting operation before, during, or after active timber harvesting to perform any of the following tasks:

1. Review the timber harvesting plan or any other required documents for compliance with regulations contained in this Article; or
 2. Inspect the operation for compliance with the timber harvesting plan and other on-site requirements of these regulations.
- C. Violation Notices. Upon finding that a timber harvesting operation is in violation of any provision of this Article or § 350-1002D of the Township Zoning Ordinance, as amended, the Township Zoning Officer shall issue the operator and the landowner a written notice of violation describing each violation and specifying a date by which corrective action must be taken.
- D. Suspension. The Township Zoning Officer may order the immediate suspension of any operation upon finding that:
1. Corrective action has not been taken by the date specified in a notice of violation;
 2. The Operation is proceeding without a timber harvesting plan; or
 3. The operation is causing immediate harm to the environment.

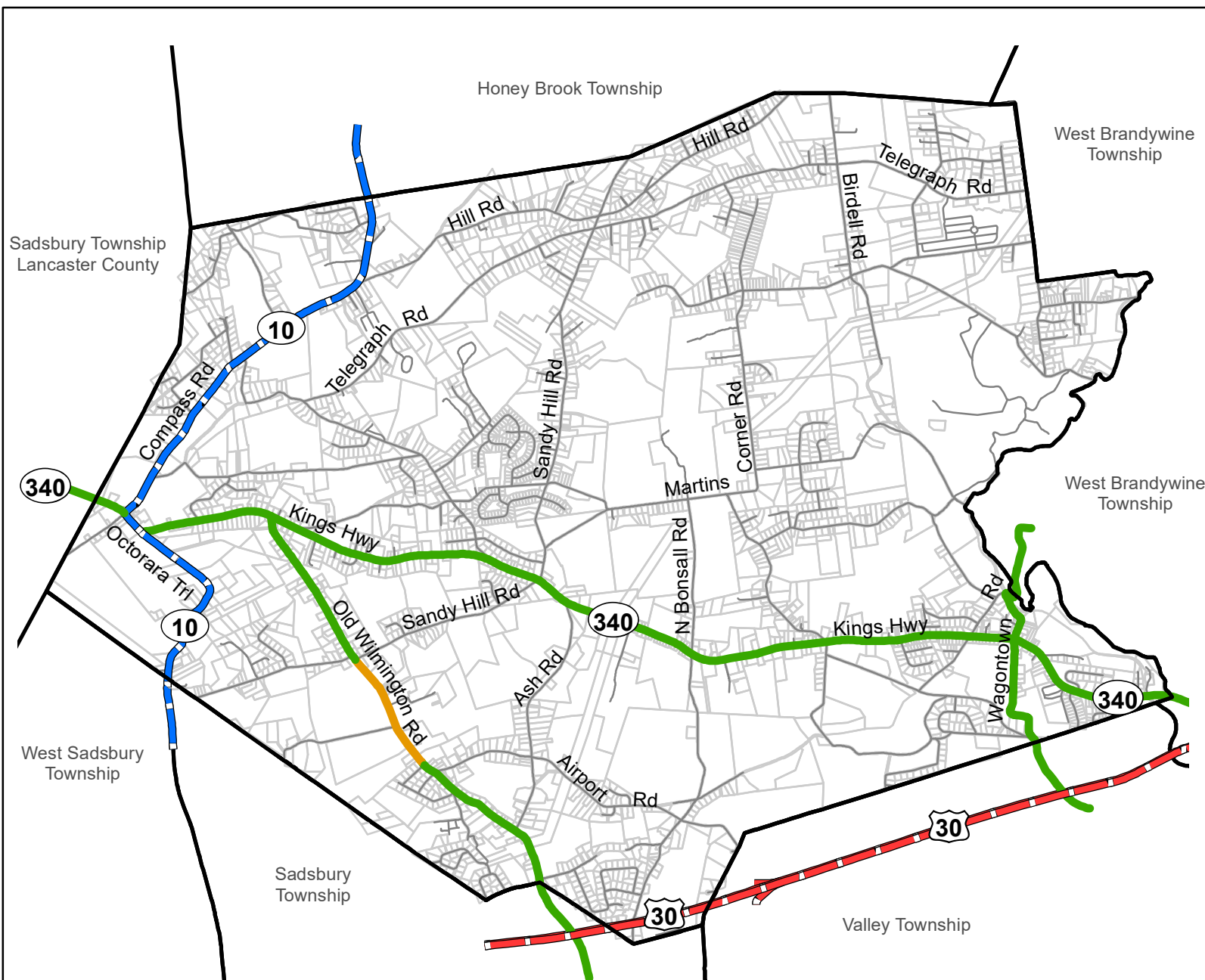
Suspension orders shall be in writing, shall be issued to the operator and the landowner, and shall remain in effect until, as determined by the Township Zoning Officer, the operation is brought into compliance with the regulations of this Article and any other applicable statutes or regulations. The landowner or the operator may appeal an order or decision of the Township Zoning Officer within 30 days of issuance to the Board of Supervisors of West Caln Township.

- E. Penalties. Any landowner or operator who violates any provision set forth in this Section or refuses to allow the Township Zoning Officer access to a harvest site pursuant to the regulations set forth in this Section or who fails to comply with a notice of violation or suspension order is guilty of a summary offense and upon conviction shall be subject to a fine of not less than \$100 nor more than \$300, plus any associated costs, for each separate offense. Each day of continued violation of any provisions of this Section shall constitute a separate offense.

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Functional Classification of Roads

West Caln Township
Chester County, PA



— Municipal Boundaries

Functional Classification

▬ Principal Arterial

▬ Minor Arterial

▬ Major Collector

▬ Minor Collector

▬ Local



1 inch = 5,600 feet

Data Sources:
Roads: PennDOT, 04/2025
Parcels: Chester County GIS,
04/2025

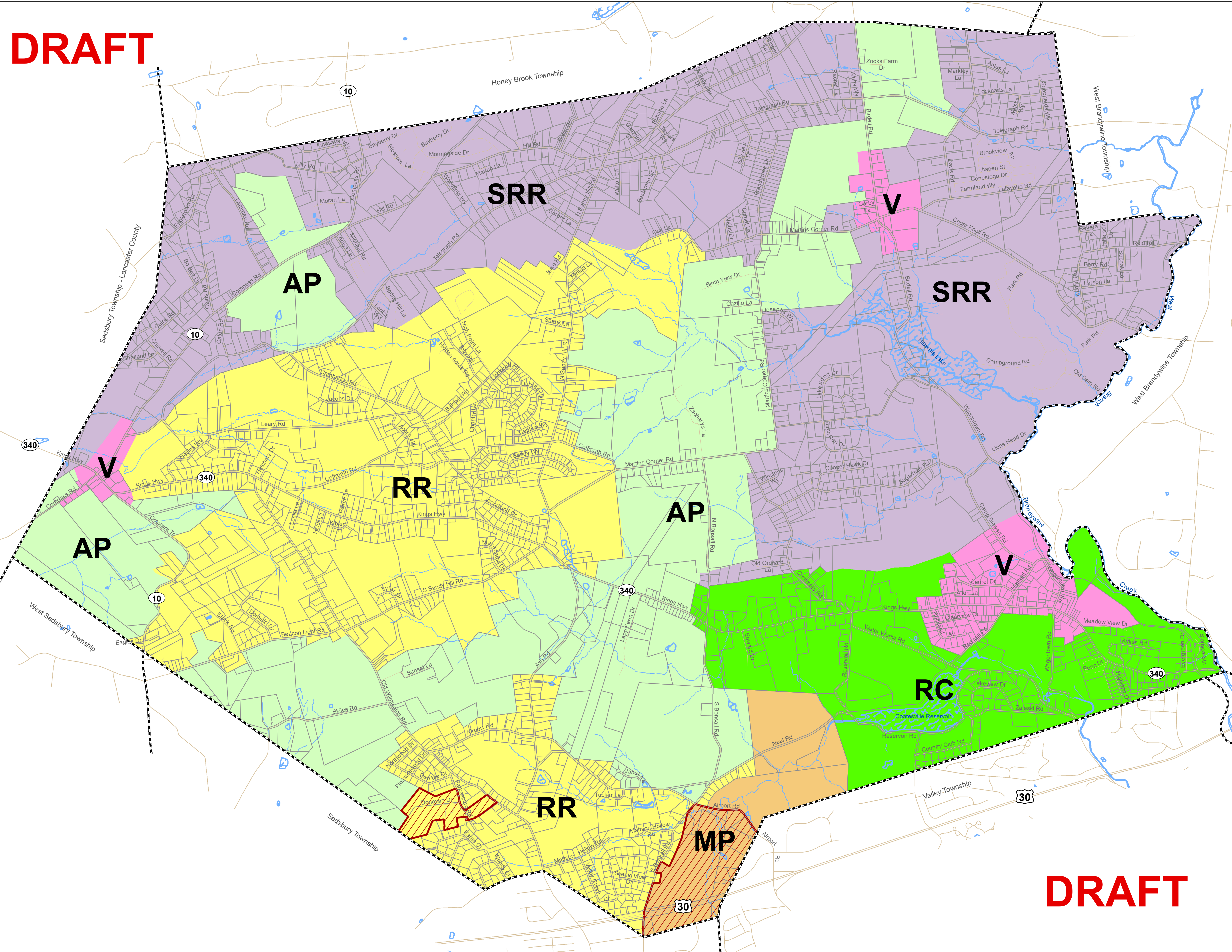
Map prepared by:

Sarcinello
PLANNING & GIS SERVICES

Draft Date: October 3, 2025

Limitation and Liability of Use: This map is intended to be used for reference and illustrative purposes only. Parcels lines and other features do not represent field survey data. This map is not an engineering schematic and it is not intended to be used as such. Sarcinello Planning & GIS Services makes no claims as to the completeness, accuracy, or content of any data contained in this map, makes no representation of any kind, and assumes no liability for use of this map.

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PROPOSED

West Caln Township Zoning Map

West Caln Township
Chester County, PA

IMPORTANT NOTE: The West Caln Township Zoning Map located in the municipal building shall be the final authority regarding the current zoning status of land, buildings, and other structures.

Zoning Districts

- AP - Agricultural Preservation District
- MP - Multi-Purpose District
- RC - Rural Center District
- RR - Rural Residential District
- SRR - Site Responsive Residential District
- V - Village
- PSEF - Principal Solar Energy Facility Overlay District

Base Map Features

- Municipal Boundaries
- Parcel Boundaries
- Road Centerlines
- Creeks and Streams
- Water Bodies

N
W E S

1,250 0 1,250
Feet

Data Source: Base Map Features, Chester County GIS

Map prepared by:

Sarcinello
PLANNING & GIS SERVICES

Draft Date: October 3, 2025
Adopted: , 2025

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