

WEST CALN TOWNSHIP • CHESTER COUNTY, PENNSYLVANIA

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# ZONING ORDINANCE

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***West Caln Township***  
Chester County, Pennsylvania

**ZONING ORDINANCE**

Adopted \_\_\_\_\_, 2005

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**Technical Assistance and Funding**

This Ordinance was prepared by West Caln Township and is a product of the Township. Technical planning assistance was provided by the Chester County Planning Commission. Funding was provided by West Caln Township and through the Chester County Vision Partnership Grant Program.

# West Caln Township 2005 Zoning Ordinance

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**Zoning Map**

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**Article I: Title, Purpose, Objectives and Interpretation**

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**SECTION 100. SHORT TITLE**

This Ordinance shall be known, and may be cited as, “**The West Caln Township Zoning Ordinance, 2005, as amended.**”

**SECTION 101. PURPOSE**

This Ordinance 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(1998), 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 non-residential uses.

**SECTION 102. COMMUNITY DEVELOPMENT OBJECTIVES**

This Ordinance is enacted to implement the spirit and intent of the 1998 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 Section 101, according to the following community development goals of the Township Comprehensive Plan:

- A. Preserve the rural character of the Township by protecting those natural, scenic, and historic features that contribute to that unique character and the local quality of life.
- B. Preserve agricultural land and prime soils, thereby supporting the agricultural industry in the Township.
- C. Use new and innovative land management tools and techniques to promote the preservation and protection of the natural, scenic, and historic resources.
- D. Allow for orderly commercial and industrial development that meets the current and future needs of Township residents and contributes to the Township’s economic vitality.



- E. Provide for the development of a variety of housing types and encourage innovative and creative design that seeks to retain the landscape's natural and historic features.
- F. Continue to provide for the development of community facilities and services that meet the physical and social needs of current and future residents.
- G. Maintain a circulation system that is coordinated with the current and projected future land use and safely provides for access to all parts of the Township.

### **SECTION 103. INTERPRETATION AND SCOPE**

In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements for the promotion of the purposes of this Ordinance. From and after the effective date of the Ordinance, 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.

### **SECTION 104. VALIDITY AND SEVERABILITY**

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

### **SECTION 105. CONFLICT**

It is not intended by this Ordinance to repeal, abrogate, annul or interfere with, any existing ordinance or enactment, or with any rule, regulation or permit adopted or issued thereunder, except insofar as the same may be inconsistent or in conflict with any of the provisions of this Ordinance. Where this Ordinance imposes greater restrictions upon the use of buildings or land, upon height and bulk of buildings, prescribes larger open spaces, or other applicable regulations under this Ordinance than are required by the provisions of another ordinance, enactment, rule, regulation or permit, the provisions of this Ordinance shall control. Where the provisions of any statute, other ordinance, or regulation impose greater restrictions than this Ordinance, the provisions of such statute, ordinance, or regulation shall control.

### **SECTION 106. REPEALER**

The West Caln Township Zoning Ordinance of 1978, and amendments thereto, and all ordinances in conflict herewith are hereby repealed.

**SECTION 107. EFFECTIVE DATE**

The effective date of this Ordinance is \_\_\_\_\_. In all Zoning Districts, after the effective date of this Ordinance, 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 Ordinance, 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.

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**Article II:                    Definition of Terms**

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**SECTION 200.            MEANING OF WORDS HEREIN**

Unless otherwise expressly stated, the following words and phrases shall be construed throughout this Ordinance 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.

**SECTION 201.            DEFINITION OF TERMS**

**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, 4<sup>th</sup> Edition (2000).

**Illustrations.** All illustrations referenced below are located at the end of this Article. All illustrations are intended as examples only.

**ABANDONMENT** - A use of property, land, or buildings which is discontinued for a continuous period of twelve (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: driveway, sidewalk, pedestrian / bike path, trail or other similar facility.

ACRE - A unit of area equal to forty-three thousand five hundred and sixty (43,560) contiguous square feet.

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

ADAPTIVE RE-USE - 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:

- A. 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 eighteen (18) years of age, would violate the criminal laws of the Commonwealth of Pennsylvania in effect at the time thereof.
- B. Adult entertainment establishments such as cabarets, nightclubs, movie theaters, bars, any entertainment for adults such as over-21 clubs with a live band or similar establishments, providing or with an emphasis on live or media entertainment of a sexual or erotic nature.
- C. 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.

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 – An enterprise that is actively engaged in the commercial production and preparation for market of the resulting crops, livestock and livestock products, including canneries, tanneries, and slaughter houses, and in the production, harvesting and preparation for market or use of the resulting agricultural, agronomic, horticultural, silvicultural, and aquacultural crops and commodities. The term includes an enterprise that implements changes in production practices and procedures or types of crops, livestock, livestock products or

commodities produced consistent with practices and procedures that are normally engaged by farmers or are consistent with technological development within the agricultural industry.

**AGRICULTURAL-RELATED BUSINESS** – A business related to or supporting agricultural activities.

**AGRICULTURE/FARM** - The cultivation of soil and the raising and harvesting of products of the soil, including nurseries, horticulture, commercial greenhouses, forestry, dairy farming, and the raising of livestock, horses, and poultry not to exceed a combined total of one thousand (1,000) pounds per acre, or one (1) animal equivalency unit (AEU) per acre, but excluding intensive agriculture.

**AGRICULTURE/FARM, INTENSIVE** – Agricultural uses involving the processing or production of agricultural products with a certain density which meet either the Environmental Protection Agency's definition for Concentrated Animal Feeding Operations (CAFOs) or the Commonwealth of Pennsylvania's definition for Concentrated Animal Operations (CAOs) depending upon which type of operation is in place or a mushroom production facility, composting facility, slaughterhouse, tannery, rendering operation, commercial piggeries or similar facilities.

**ALLEY** - A minor way primarily for vehicular service access to the rear or side of two (2) 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 (1,000) pounds live weight of livestock or poultry animals, 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 ten (10) dogs or more than (20) cats, or a combination of dogs and cats equaling more than fifteen (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 non-profit operation. For larger animals, usually kept in agricultural operations or used for processing food products, including but not limited to, horses, cattle, lamas, and emus, a use shall become an Animal Shelter when it reaches a greater threshold than as provided in Section 1212, Keeping of Animals, of this Ordinance. 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 citizen 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 ground water 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.

**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/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.

**AUTOMOTIVE SERVICE** – See GASOLINE STATION, SERVICE STATION, or CAR WASH

**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.

**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.

**BASE FLOOD** - The flood which has been selected to serve as the basis upon which the floodplain management provisions of this Ordinance have been prepared; for the purposes of this Ordinance, the one hundred (100) year flood.

**BASE FLOOD ELEVATION** - The one hundred (100) year flood elevation. Within the approximated floodplain, the base flood elevation shall be established as a point on the boundary of the approximated floodplain which is nearest to the construction site in question.

**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 (6) feet or more above grade.

**BED AND BREAKFAST** – A single-family detached dwelling occupied by a resident innkeeper containing eight (8) 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, ACCESSORY** - A building (such as a private garage, private swimming pool and appurtenant bathhouse, private toolhouse or children's playhouse 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 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 sixteen (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 Section 1201.G of this Ordinance. (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, PRINCIPAL** - A building in which is conducted the principal use of the lot on which it is situated.



**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)

**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 (6) inches above ground level.

**CAMPGROUND** – A plot of ground upon which two (2) 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. The following prime agricultural soils are located within West Caln Township:

<b>Soil Name</b>	<b>Soil Symbol</b>
Bedford Silt Loam	BdB2
Brandywine Loam	BrB2
Chester Silt Loam	1CbA, 1CbB, CdA, CdA2, CdB, CdB2, CdC2
Cewacla Silt Loam	Ch
Conowingo Silt Loam	CoB2
Duffield Silt Loam	1DbA, 1DbB
Edgemont Channery Loam	EcB, EcB2, EcC, EcC2
Glenelg Channery Silt Loam	GeA, GeA2, GeB, GeB2, GeB3, GeC, GeC2, 1GbC
Glenville Silt Loam	1GdB, GnA, GnB, GnB2, GnC2
Lindside Silt Loam	1Ln
Manor Loam	MgB2, MgC2

Manor Silt Loam	1MaC
Montalto Channery Silt Loam	MoB2, MoC2
Neshaminy Gravelly Silt Loam	NaA, NaB2, NaC2
Wehadkee Silt Loam	We

*Source: Soil Survey Geographic Database for Chester County, Pennsylvania, United States Department of Agriculture, Natural Resources Conservation Service, 1997.*

**CLEARCUTTING** – 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 Ordinance.

**CLEAR SIGHT TRIANGLE** - An area of unobstructed vision at street intersections defined as lines of sight between points at a given distance from the intersection of the street rights-of-way, cartways, or centerlines. (See Figure 2-D)

**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 or 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 (1) 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.

**COMPOST** - Decomposed organic material.

**COMPOSTING** - A controlled process of degrading organic matter by microorganisms.

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

**COMPOSTING, COMMERCIAL** – 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 (1998) by the Board of Supervisors.

**CONCENTRATED ANIMAL FEEDING OPERATION (CAFO)** –Agricultural operation with more than one thousand (1,000) animal equivalency units (AEUs); agricultural operation with animals with a discharge to surface waters during a storm event of less than 25-year/24-hour storm; or a CAO with greater than three hundred (300) animal equivalency units (AEUs). [25 Pa. Code § 92.1]

**CONCENTRATED ANIMAL OPERATION (CAO)** – Agricultural operations where the animal density exceeds two (2) animal equivalency units (AEUs) per acre on an annualized basis. [Pa. Code § 83.201].

**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. §§3101-3404).

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

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 (2) or more dwelling units. For example, the conversion of a single-family home to two (2) 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*** Policy Plan.

DAY CARE CENTER (COMMERCIAL OR NON-PROFIT) -

- A. ADULT DAY CARE CENTER - A commercial or non-profit 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.
- B. CHILD DAY CARE CENTER - A commercial or non-profit 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 (4) and six (6) 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 Ordinance.

**DENSITY** - The total land area of a tract, as defined by this Ordinance, 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 Ordinance, 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 (4) 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.

**DISTRICT** – See ZONING, DISTRICT.

**DRIVE-THROUGH SERVICE** – A restaurant, bank, drug store 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:

- A. **SINGLE-FAMILY DETACHED DWELLING** -A building designed for and occupied exclusively as a residence, containing one (1) 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)
- B. **SINGLE-FAMILY SEMI-DETACHED DWELLING (TWIN)** - A building designed for and occupied exclusively as a residence, containing two (2) dwelling units separated by a vertical common or party wall extending from ground to roof and having yards on all but one (1) side. (See Figure 2-G)
- C. **TWO-FAMILY DETACHED DWELLING (DUPLEX)** - A building designed for and occupied exclusively as a residence, containing two (2) single-family dwelling units totally separated from each other by a horizontal party wall. (See Figure 2-G)
- D. **MULTI-FAMILY DWELLING** - A residential building containing three (3) or more dwelling units, each with independent kitchen, bathroom and bedroom facilities including, but not limited to, the following:
  - 1. **Townhouse (Single-Family Attached Dwelling)** - A building containing at least three (3) dwelling units separated by a vertical common party wall, each one (1) dwelling unit from ground to roof, independent outside access, having yards on two (2) sides except dwelling units at either end of the building with yards on three (3) sides. (See Figure 2-G)
  - 2. **Four-Plex or Quadraplex** - A building containing four (4) dwelling units, each of which has: independent inside access through a common area or independent outside access, two (2) non-parallel party walls in common with adjacent dwelling units, and yards on two (2) non-parallel sides. (See Figure 2-G)
  - 3. **Apartment** - A building containing three (3) or more dwelling units separated by common party walls which may have more than one (1) dwelling unit from ground to roof and common outside access(es). (See Figure 2-G)

**DWELLING UNIT** - A single living space for one (1) 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 DATE OF THIS ORDINANCE** – The effective date of this Ordinance is five (5) days after its adoption, except that with respect to the subject matter of any amendment, the effective date of this Ordinance shall mean five (5) days after the date upon which the particular amendment was adopted.

**EFFECTIVE SCREEN (BUFFER SCREEN)** - Planting of deciduous and evergreen trees and shrubs not less than five (5) feet in initial height and capable of attaining a height and width of not less than ten (10) feet wherein not less than fifty (50) percent 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 eighty-five (85) percent 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.

**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:

- A. A single person; or
- B. Any number of persons related by blood, marriage or adoption, including foster children and including not more than two (2) other persons, for example, boarders, lodgers or domestic help; or
- C. Unrelated persons living together as a single cooperative household unit, however, excluding occupants of a rooming/boarding house or dormitory; or

- D. A group of individuals with disabilities living together as the functional equivalent of a family and entitled to a reasonable accommodation to allow them adequate housing choices pursuant to the Federal Fair Housing Amendments Act of 1988 (42 U.S.C. §§ 601 et. seq.) and the Pennsylvania Human Relations Act (43 P.S. §§ 951-963). 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 twenty-five (25) 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 a part of the minimum lot area required by this Ordinance. Easements may be utilized 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 line 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 Ordinance and the Township Subdivision and Land Development Ordinance. (See Figure 2-B)

**FLOOD** - A general and temporary inundation either partial or complete, of normally dry land areas.

**FLOOD ELEVATION, REGULATORY** - The one hundred (100) year flood elevation plus a freeboard safety factor of one and one-half (1 1/2) feet.

**FLOOD FRINGE** - That portion of the floodplain outside the floodway. (See Figure 2-H)

**FLOOD, ONE HUNDRED YEAR** - A flood that, on the average, is likely to occur once every one hundred (100) years (i.e., that has a one (1) percent chance of occurring each year, although the flood may occur in any year).

**FLOODPLAIN** - A floodplain is defined as:



- A. Land area adjoining a river, stream, or watercourse which is subject to partial or complete inundation; and/or
- B. An area subject to the unusual and rapid accumulation of runoff of surface waters from any source. (See Figure 2-H)

**FLOODPROOFING** – Any combination of structural and non-structural additions, changes, or adjustments to structures, or other measures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

**FLOODWAY** – The designated area of a floodplain required to carry and discharge flood waters of a given magnitude. For the purposes of this Ordinance, the floodway shall be capable of accommodating a flood of the one hundred (100) year magnitude. (See Figure 2-H)

**FLOOR AREA OR GROSS FLOOR AREA** - The total area of all floors as measured to the outside surfaces of exterior walls, or from the centerline of party walls separating two (2) 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 (6) feet.

**FOOTCANDLE** - A unit of light intensity stated in lumens per square foot and measurable with an illuminant meter, a.k.a. light meter.

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

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

**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.

**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 (6) feet from the building, or two (2) 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 1000 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 Ordinance, hedgerows are considered woodlands and regulated as such.

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

- A. 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);

- B. Determined by the National Park Service, Department of the Interior or PHMC respectively to be a contributing property to the significance of a National Register listed or eligible historic district;
- C. 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
- D. Listed on the West Caln Township Historic Sites Survey.

HOME OCCUPATION/HOME-BASED BUSINESS (MAJOR AND MINOR/NO-IMPACT) - A Home Occupation/Home-Based Business is 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 (2) categories of home occupations/home-based businesses: major and minor/no-impact. For the purposes of this Zoning Ordinance, 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:

- A. ***MINOR HOME OCCUPATION/NO-IMPACT HOME-BASED BUSINESS - Minor home occupations shall meet 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 twenty (20) percent of the total floor area of the principal residential structure.
  10. Such business use shall not involve any illegal activity.
- B. MAJOR HOME OCCUPATION/MAJOR HOME-BASED BUSINESS - A home occupation that does not meet one (1) 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 by special exception in those zoning districts where major home occupations are permitted and where applicable criteria of this Ordinance 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.

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.

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

HYDRIC SOIL – 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.

Soil Conservation Service (SCS). In West Caln Township, hydric soils shall include, but are not limited to:

Hydric Soils

Wehadkee Silt Loam (We)  
Worsham Silt Loam (WoA, WoB,  
WoB2, WoC2)

Soils with Hydric Inclusions

Chewacla (Ch)  
Congaree (Cn)  
Glenville Silt Loam (GnA, GnB,  
GnB2,  
GnC2)  
Glenville Very Stony Silt Loam  
(GsB)

Where site conditions indicate that the location of hydric soils or the hydric inclusions differ from locations indicated by the Soil Conservation Service the burden shall be upon the applicant to verify such location(s) to the satisfaction of the Board of Supervisors, otherwise the Soil 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.

**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 (2) or more industrial establishments on a lot held in single and separate ownership.

**INSTITUTIONAL USE** - A lawful non-profit 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.

**JUNK YARD** - 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 five (5) or more unlicensed, wrecked, or disabled vehicles, or the major part thereof, is a junk yard.

**KENNEL** – The use of land, building, or structure where eight (8) or more cats or dogs or a combination thereof totaling more than eight (8) animals, ten (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 (1) of the following activities:

- A. The improvement of one (1) or two (2) or more contiguous lots, tracts, or parcels of land for any purpose involving:
  - 1. A group of two (2) or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or
  - 2. The division or allocation of land or space, whether initially or cumulatively, between or among two (2) or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups, or other features.
- B. A subdivision of land.
- C. A land development shall explicitly exclude:
  - 1. the conversion of an existing single family detached dwelling or single family semi-detached dwelling into not more than three (3) residential units, unless such units are intended to be a condominium;
  - 2. the addition of an accessory building, including farm buildings, on a lot or lots subordinate to an existing principal use, where permitted; or
  - 3. 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.

**LANDSCAPING** - The planting of turf or other appropriate groundcover 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.

**LIFE CARE FACILITY** - A form of residential use designed and operated for mature adults containing certain support facilities which could include a combination of a senior center, independent living, personal care, and/or acute care.

**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 (1) principal.

**LOT AREA OR TRACT AREA** - For the purposes of this Zoning Ordinance, 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:

- A. Any existing right-of-way or area that has been set aside as right-of-way or easement for a public or private street;
- B. Any existing area comprising drainage or stormwater management easements or other utility easements;
- C. Any existing water body or water course; or
- D. An area equivalent to seventy-five (75) percent of any portion of a tract comprised of one (1) or more of the following as defined in this Ordinance:
  - 1. Any area within the floodplain,
  - 2. Any area containing wetlands as identified on the National Wetlands Inventory, or
  - 3. Any area of very steep slope.

**LOT, CORNER** - A lot at the junction of and abutting two (2) or more intersecting streets where the interior angle of intersection does not exceed one hundred thirty-five (135) degrees. 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 one hundred thirty-five (135) degrees. 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 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, DOUBLE FRONTAGE** - A lot extending between and having frontage on two (2) generally parallel streets.

**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 centerline 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 (2) 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 ten (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 ten (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, REVERSE FRONTAGE** - Lots which are situated between two (2) generally parallel streets, but provide vehicular access solely from the street with the lesser road functional classification, as specified in the Township Comprehensive Plan.

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

**LOWEST FLOOR** – For purposes of Article X, 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 Ordinance.

**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.

**MITIGATION** – An action undertaken to accomplish one (1) 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.

If the impact cannot be eliminated by A, B, and / or C. above, the impact shall be compensated for by the project or by providing substitute resources or environments.

**MIXED USE** – The use of a building or a lot for two (2) or more principal uses.

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

**MOBILE 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 (2) 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 by BOCA (Building Officials and Code Administrators International, Inc.) or other applicable industry standards, and is assembled in part via factory sections being combined at the site and intended to be permanent and non-transportable.

**MULTI-FAMILY DEVELOPMENT** – A building containing three (3) or more dwelling units, including units that are located one (1) over the other. Multi-family buildings include apartments, townhouses, condominiums, and quadraplexes.

**MULTI-MUNICIPAL 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 Ordinance, 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, woodlands, hedgerows, and specimen vegetation.

**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.

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

**NONCONFORMING STRUCTURE** – A structure or part of a structure, which does not comply with the applicable provisions of this Zoning Ordinance or any amendment hereafter enacted, where such structure lawfully existed prior to the enactment of such Ordinance or subsequent amendments. Such non-conforming structures include, but are not limited to, non-conforming signs.

**NONCONFORMING USE** – A use, whether of land or of structure, which does not comply with the applicable use provisions of this Zoning Ordinance or any amendment hereafter enacted, where such use lawfully existed prior to the enactment of such Ordinance 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 Ordinance or amendment thereto, hereafter enacted where such non-conformity was lawfully in existence prior to the application of such Ordinance or amendment to its location by reason of annexation.

**NON-FARM OR NON-AGRICULTURAL TRACT OR LOT** - A tract or lot within the Agricultural Preservation District containing less than ten (10) acres, and containing one (1) or more dwelling units or devoted to uses other than agricultural or residential.

**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.

**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 CAFÉ** - 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 ten (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 Ordinance, and held in single and separate ownership.

PARENT TRACT - A contiguous tract of land containing at least ten (10) acres located in the Agricultural Preservation District on the effective date of this Ordinance, 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.

PARTY WALL - A common shared wall between two (2) 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.

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 as 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.

**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 (2) residential dwelling units or access for not more than two (2) 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:

- A. Parks, playgrounds, trails, paths, and other recreational areas and other public areas.
- B. Sites for schools, sewage treatment, refuse disposal, and other publicly owned or operated facilities.
- C. 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 (1) 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. CH. 7 (Relating to open meetings).

**PUBLIC NOTICE** - Notice published once each week for two (2) 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 thirty (30) days and the second publication shall not be less than seven (7) 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:

- A. Built on a single chassis;
- B. No more than four hundred (400) square feet, measured at the largest horizontal projections;
- C. Designed to be self-propelled or permanently towable by a light duty truck; and
- D. 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.

RESIDENT FARMER - A farmer that lives on and farms the same parcel of land or a contiguous set of parcels.

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/book store, florist or clothing store.

RETIREMENT COMMUNITY/CONTINUING CARE USE - A residential complex designed and operated for mature adults, and which meets the definition of "housing for older persons" as

set forth in the Fair Housing Amendments Act of 1988, that may include one or any combination of life care facility, nursing home, or retirement housing uses.

**RETIREMENT HOUSING** - a combination of individual dwelling units in any combination of single-family, two-family, townhouse or multi-family buildings which is designed for adults and which meets the definition of "housing for older persons" as set forth in the Fair Housing Amendments Act of 1988, and may include a community center consisting of one or more buildings in which accessory uses may be permitted.

**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 Ordinance, the riparian forest buffer shall be divided into two (2) zones: (See Figure 2-I)

- A. **ZONE ONE (INNER RIPARIAN FOREST BUFFER)** – This zone begins at the top of the streambank of a watercourse and occupies a margin of land with a minimum width of thirty-five (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 thirty-five (35) feet of a watercourse, Zone One shall extend the entire distance of the sloped area.
- B. **ZONE TWO (OUTER RIPARIAN FOREST BUFFER)** – This zone begins at the outer edge of zone one and occupies a minimum width of sixty-five (65) feet in addition to that of zone one to create a riparian forest buffer.
  - 1. In cases where zone one extends beyond thirty-five (35) feet due to the presence of prohibitive slopes, the width of zone two shall be adjusted so that the full riparian forest buffer equals a total width of one hundred (100) feet.
  - 2. 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 in the West Caln Comprehensive Plan, given a road in accordance with its function as a carrier of traffic and from which specific setback distances and other regulations in this Ordinance apply. Classifications for new roads



within the Township, or roads not designated in the current Township Comprehensive Plan, shall be determined by the Board of Supervisors after recommendation by the Planning Commission. For the purpose of this Ordinance, the following six (6) classifications shall apply based on the West Caln Township Comprehensive Plan, Chapter 6 – Transportation and Circulation Plan, 1998:

- A. **EXPRESSWAY** - These roads serve the heaviest volumes of traffic and have limited access to allow for higher speeds. Average daily trips range between 10,000 and 100,000. Expressways serve higher average trip lengths focusing on regional and interstate traffic. Expressways facilitate truck transport by providing the optimum conditions for truck traffic.
- B. **MAJOR/PRINCIPAL ARTERIAL** – These roads serve heavy volumes of traffic often ranging between 10,000 and 40,000 trips per day. They provide a high degree of mobility, but offer more access than expressways. Principal arterials link urban centers and usually consist of more than two (2) lanes.
- C. **MINOR ARTERIAL** – Arterials of this type also emphasize mobility and serve to link urban and rural centers, but their focus is more regional. They provide for traffic ranging from 5,000 to 15,000 trips per day with higher access than principal arterials, but still some access control.
- D. **MAJOR COLLECTOR** – Its purpose is to collect traffic and move it to the arterials. A major collector links residential and commercial areas by “collecting” traffic from residential areas and moving it to arterials. This road classification accommodates traffic averaging 3,000 to 8,000 trips per day.
- E. **MINOR COLLECTOR** – Minor collectors serve the same function as a major collector, but on a smaller scale. These serve traffic in the range of 1,000 to 3,000 trips per day, collecting traffic from various access points mainly in residential areas, and distributing it to other residential and commercial centers. Minor collectors serve mainly local traffic.
- F. **LOCAL ROAD** – Local roads focus on access, 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 ten (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 (6) 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 (1) 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 eighty-five (85%) percent obstruction or screen, or except as otherwise permitted in this Ordinance as determined by the Township Engineer.

**SECONDARY FARM BUSINESS** - A secondary business operated on an agricultural parcel or tract, related to or supporting agricultural activities, such as blacksmithing, farm equipment repair, cabinet making, carpentry, etc.

**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 thirty-five (35) percent 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 Ordinance 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 waste water.

**SEWAGE DISPOSAL SYSTEM:**

- A. **INDIVIDUAL (ON-LOT or OFF-LOT) SEWAGE DISPOSAL SYSTEM** - The disposal of sewage from one (1) 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).
- B. **COMMUNITY COLLECTION AND TREATMENT SEWAGE DISPOSAL SYSTEM** - A sanitary sewage system which carries sewage from more than one (1) 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.

- C. 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 (3) or more retail uses located in one (1) building or on a single lot and preplanned and designed as a complex of related structures and circulation patterns.

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 Ordinance.

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)

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:

- A. ABANDONED SIGN - A sign erected on, or related to, the use of a property which becomes vacant and unoccupied for a period of six (6) months or more, or any sign that relates to a time, event, or purpose that is past.
- B. 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 Ordinance.

- C. 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.
- D. 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
- E. 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.
- F. DIRECTIONAL SIGN – A type of sign designed to provide guidance on how to reach a destination.
- G. DOUBLE-FACED SIGN - A sign that displays a message, information, or advertising on both faces (sides) of the sign.
- H. 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)
- I. 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 (2) feet from the proposed finished grade on which it is placed and which may use supports or pylons, independent from any building or structure. (See Figure 2-N)
- J. 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.
- K. 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.
- L. 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.

- M. **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.
- N. **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)
- O. **PRIMARY SIGN** - A sign requiring a permit under the terms of this Ordinance.
- P. **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 (6) inches beyond the surface of such wall or building. (See Figure 2-J)
- Q. **REAL ESTATE SIGN** - A sign pertaining to the sale, lease, or rental of the property on which it is located.
- R. **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.
- S. **WALL SIGN** - A sign mounted parallel to a wall or other vertical building surface. Wall signs shall not extend more than six (6) 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).
- T. **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.

**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.

**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 Section 1002.D.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 Ordinance, a stable is:

- A. **PRIVATE STABLE** – An accessory building in which horses, ponies, or mules are kept for private use and not for hire, remuneration or sale.
- B. **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 Ordinance, steep slopes are divided into two categories:

- A. **MODERATELY STEEP SLOPES** – Those areas of land where the grade is fifteen (15) percent to twenty-five (25) percent.
- B. **VERY STEEP SLOPES** - Those areas of land where the grade is twenty-five (25) percent or greater.

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

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

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

**STORAGE SHED** - A one-story enclosed roofed structure with one (1) side for access to be used for the purpose of storage. See **STORAGE**.

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

**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 (2) or more lots each held in single and separate ownership have the right-of-way. (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 (1) point. A single access street includes cul-de-sacs, loop roads, and dead end streets.

**STRUCTURAL UNIT** – One (1) or more buildings enclosed by continuous exterior walls and a continuous roof.

**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 non-conforming building or other structure, would prolong the life of such building or other structure.

**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 (2) 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 ten (10) acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.

**SUBDIVISION AND LAND DEVELOPMENT ORDINANCE** – The Subdivision and Land Development Ordinance of 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 fifty (50) percent 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 fifty (50) percent 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 either:

- A. 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;
- B. Any alteration of a "historic resource," provided that the alteration will not preclude the structure's continued designation as a "historic resource."

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

**SURFACE RUN-OFF** - 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 eighteen (18) inches below the level of the immediate surrounding grade, or an above surface pool having a depth of more than thirty (30) inches, designed, used, and maintained for swimming and recreation.

- A. **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 one and one-half (1 ½) feet. Ponds and/or lakes are not included, provided that swimming was not the primary purpose for their construction.



- B. 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.

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.

TIMBER HARVESTING OPERATION - The uprooting or removal of more than four (4) 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 (3) 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:

- A. Control erosion and sedimentation;
- B. Protect water quality;
- C. Minimize impacts from skid trails and logging roads, land areas, and the tree removal process; and
- D. Ensure site restoration.

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 - The Township of West Caln.

TOWNSHIP ENGINEER – See MUNICIPAL ENGINEER.

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 fifteen (15) feet from the trunk of the tree to be retained, or the distance from the trunk to two (2) 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)

**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 Ordinance 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 Ordinance 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 Ordinance constituting a modification of or deviation from the exact provisions of this Ordinance 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 (1) 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.

**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 watercourse is a channel or conveyance of surface water (stream, creek, run, ditch) having defined bed and banks, whether artificial or natural, in which water flows in a definite direction or course, either continuously or intermittently, as depicted by the United States Geological Survey (U.S.G.S.) Quadrangle Maps (most current edition).

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

**WATER SUPPLY** - Water Supply shall mean the following:

- A. **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
- B. **COMMUNITY WATER SUPPLY SYSTEM** - A system for supplying water from a common source or sources to more than one (1) 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.
- C. **PUBLIC WATER SUPPLY SYSTEM** - A system for supplying water in sufficient quantities to more than one (1) 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).
- D. **OFF-SITE WATER SUPPLY** - A safe, adequate and healthful supply of water to more than one (1) 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 TABLE** – The upper surface of saturation, except where that surface is formed by an impermeable body.

**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 one hundred (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

**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 one quarter (1/4) acre or greater, having more than one (1) viable tree with a diameter at breast height (DBH) of six (6) inches or greater per one thousand (1,000) square feet. The extent of the woodland plant community shall be measured from the outer-most dripline of all trees in the community. Woodlands do not include orchards and oldfields.

**WOODLAND DISTURBANCE** - Any activity which:

- A. 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
- B. Constitutes a land disturbance within a woodland or hedgerow.
- C. 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.

**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 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 Zoning Ordinance of West Caln Township.

**ZONING DISTRICT, BASE** – The basic system of zoning, which, under the Township Zoning Ordinance, 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.

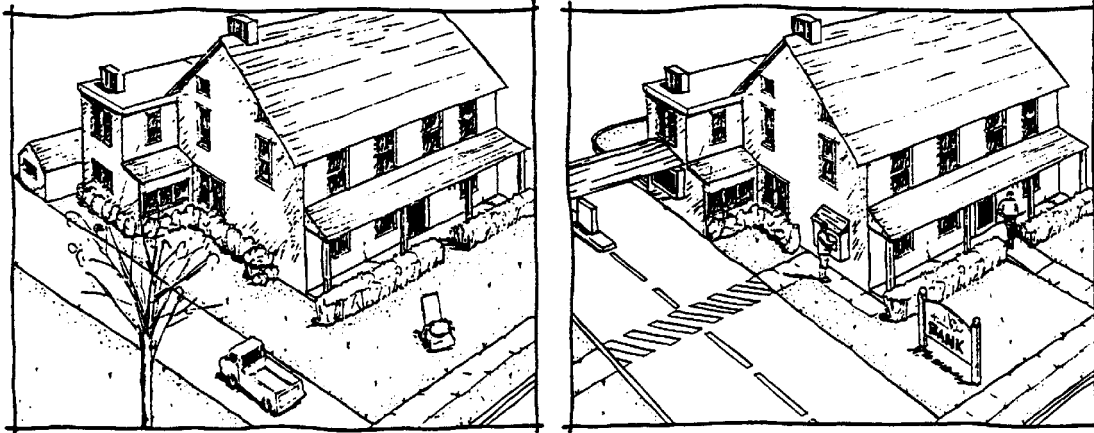
**ZONING HEARING BOARD** - The Zoning Hearing Board of West Caln Township.

**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 the Township Zoning Ordinance who shall not hold any elective office within West Caln Township.

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

**Figure 2-A  
Adaptive Reuse**

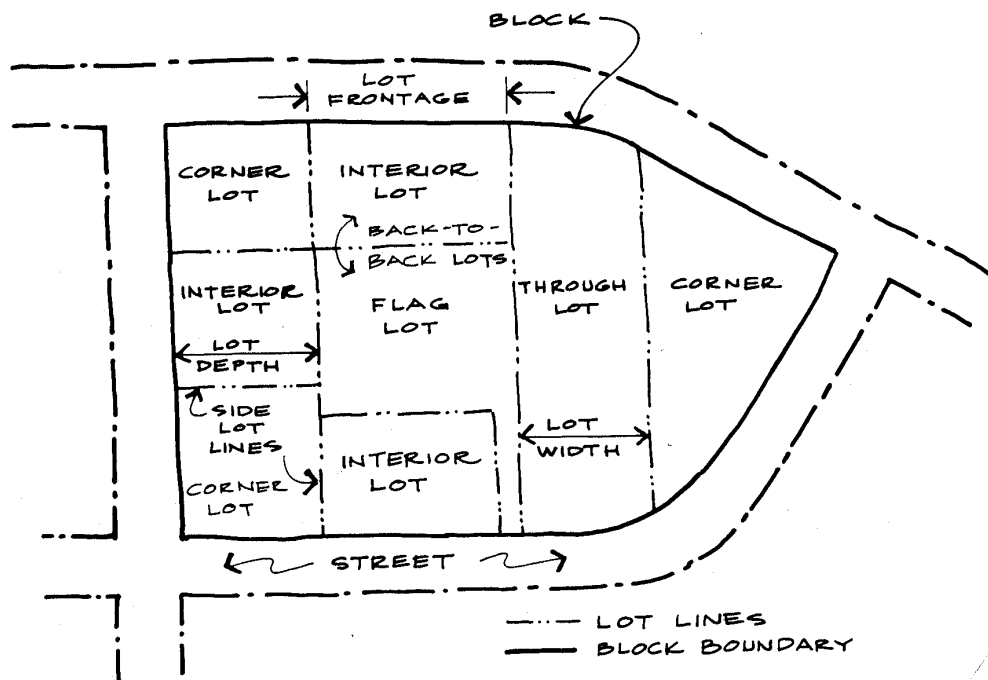


**EXISTING USE (FARMHOUSE)**

**ADAPTIVE RE-USE (BANK)**

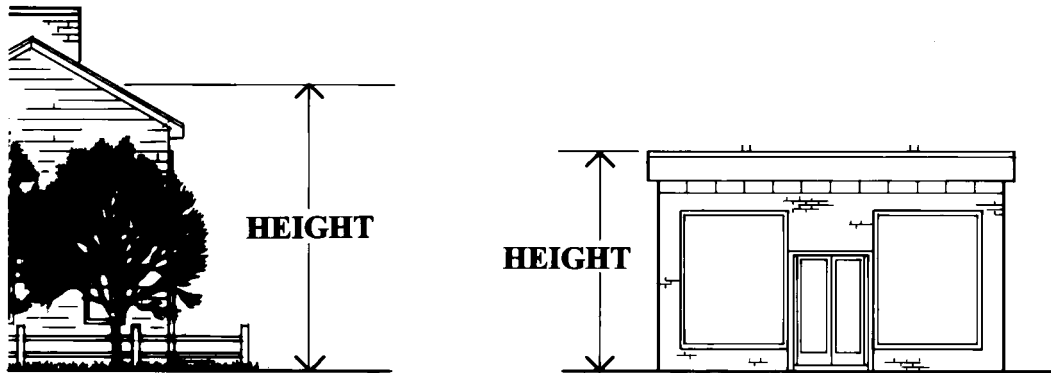
Source: *Community Planning Handbook – Volume I*. Chester County Planning Commission. 1997.

**Figure 2-B  
Lot Configuration**



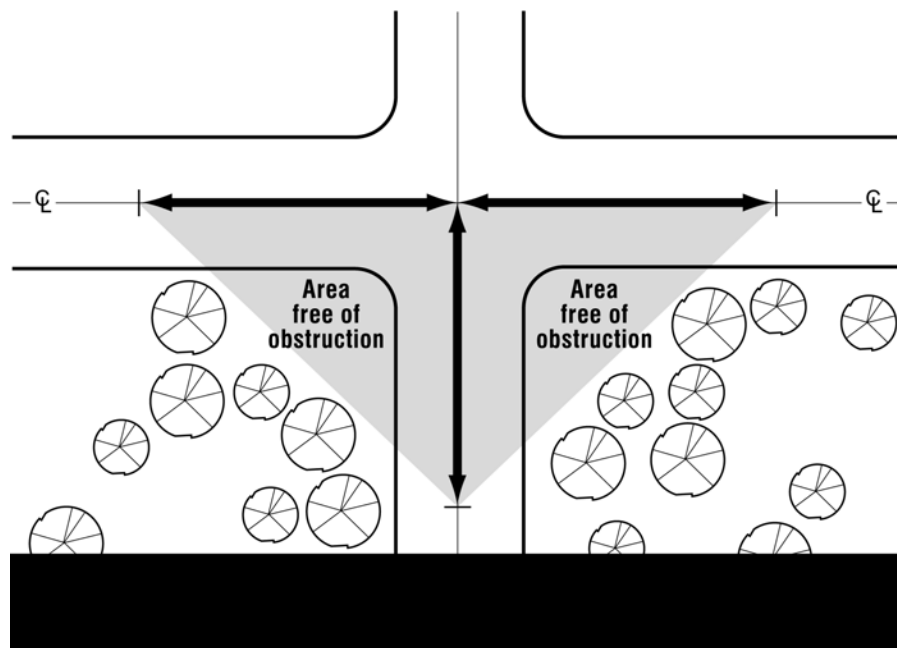
Source: *A New Illustrated Book of Development Definitions*. Harvey S. Moskowitz & Carl G. Lindbloom. Center for Urban Policy Research, New Brunswick, New Jersey. 1997.

**Figure 2-C  
Building Height**



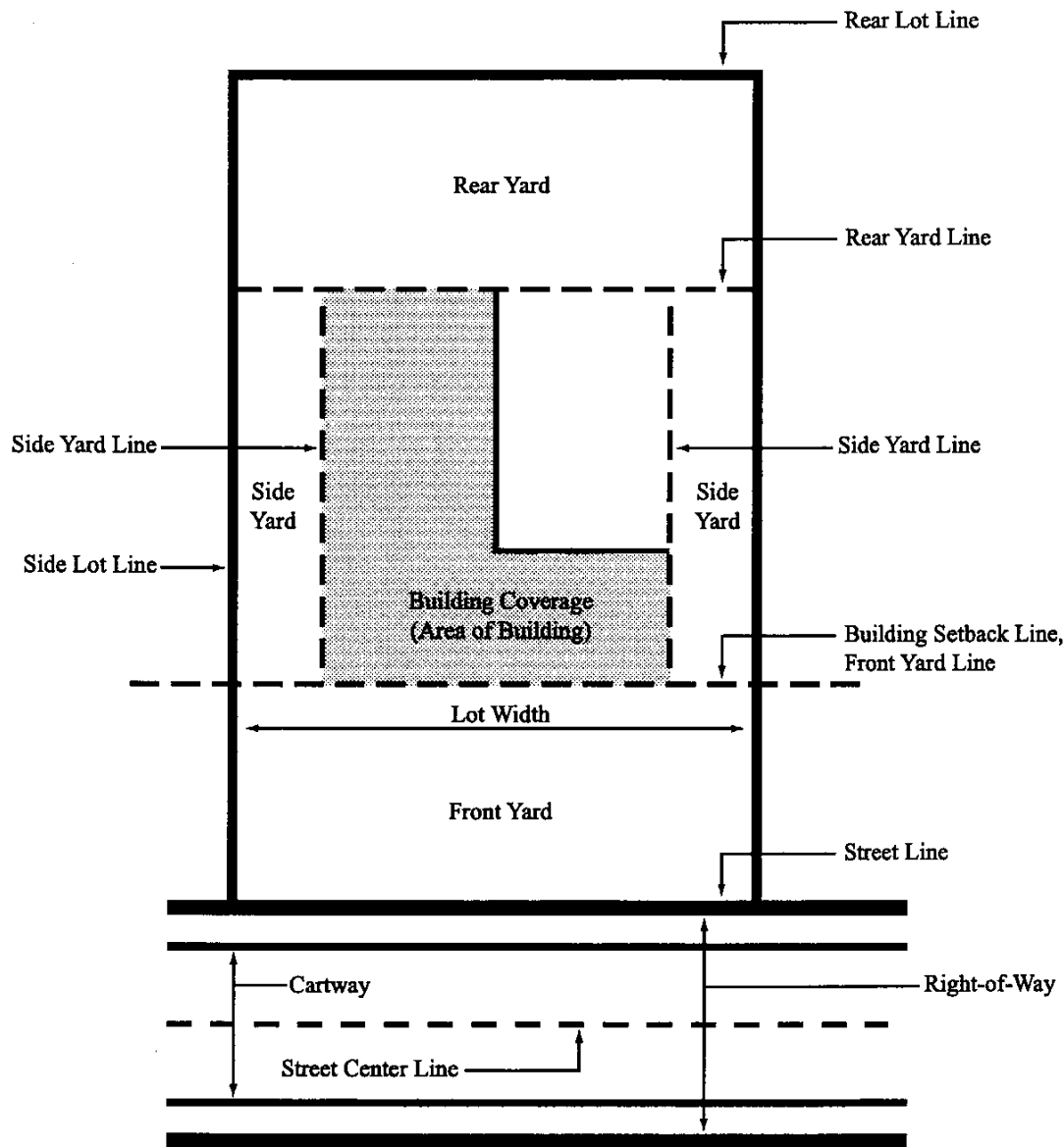
Source: Chester County Planning Commission, 2001.

**Figure 2-D  
Clear Sight Triangle**



Source: Chester County Planning Commission, 2004.

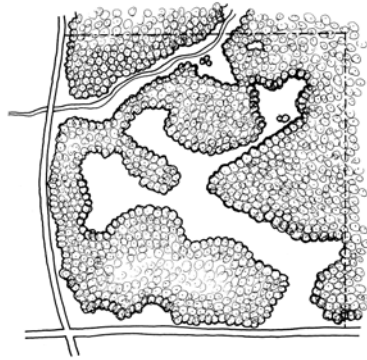
**Figure 2-E  
Lot Dimensions**



Source: Chester County Planning Commission, 1999.



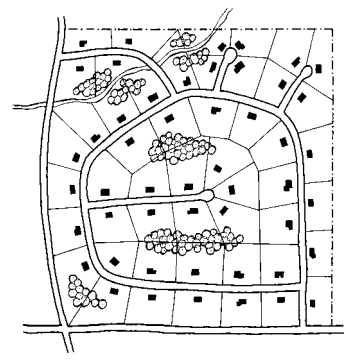
**Figure 2-F  
Residential Development Patterns**



**EXISTING CONDITIONS**



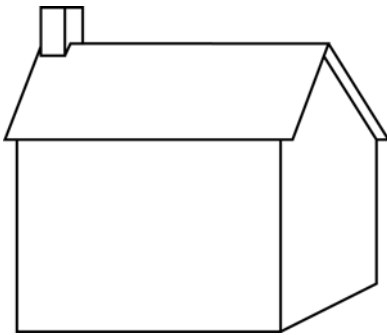
**CLUSTER DEVELOPMENT**



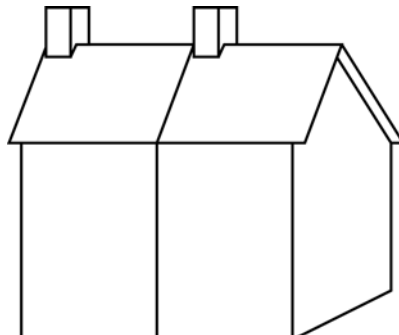
**CONVENTIONAL DEVELOPMENT**

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

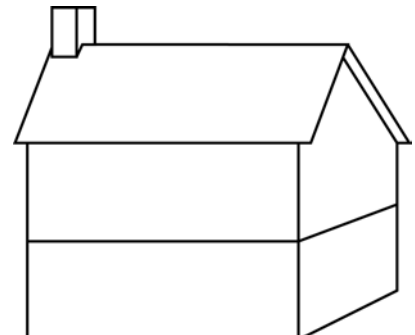
**Figure 2-G  
Dwelling Types**



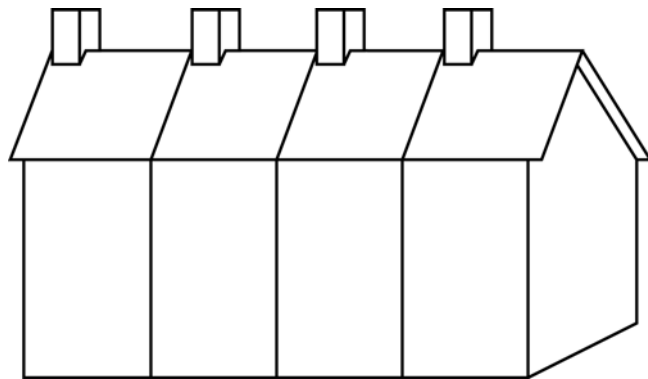
**SINGLE-FAMILY DETACHED**



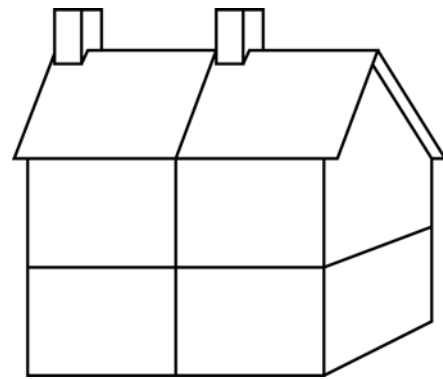
**SINGLE-FAMILY SEMI-DETACHED  
(TWIN)**



**TWO-FAMILY DETACHED  
(DUPLEX)**



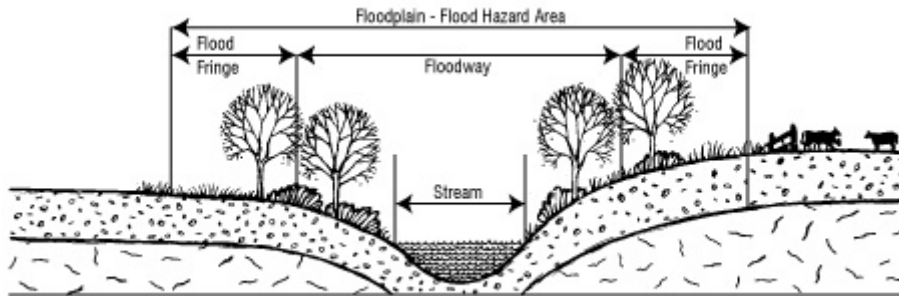
**MULTI-FAMILY (TOWNHOUSE)**



**MULTI-FAMILY (APARTMENT or FOUR-PLEX)**

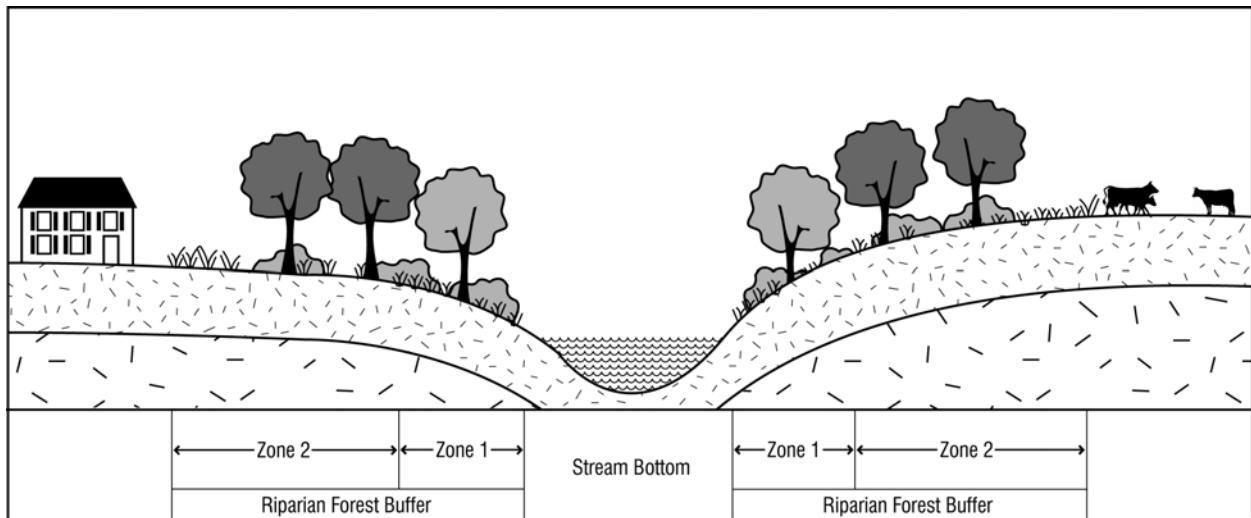
Source: Chester County Planning Commission, 2004.

**Figure 2-H  
Floodplain**



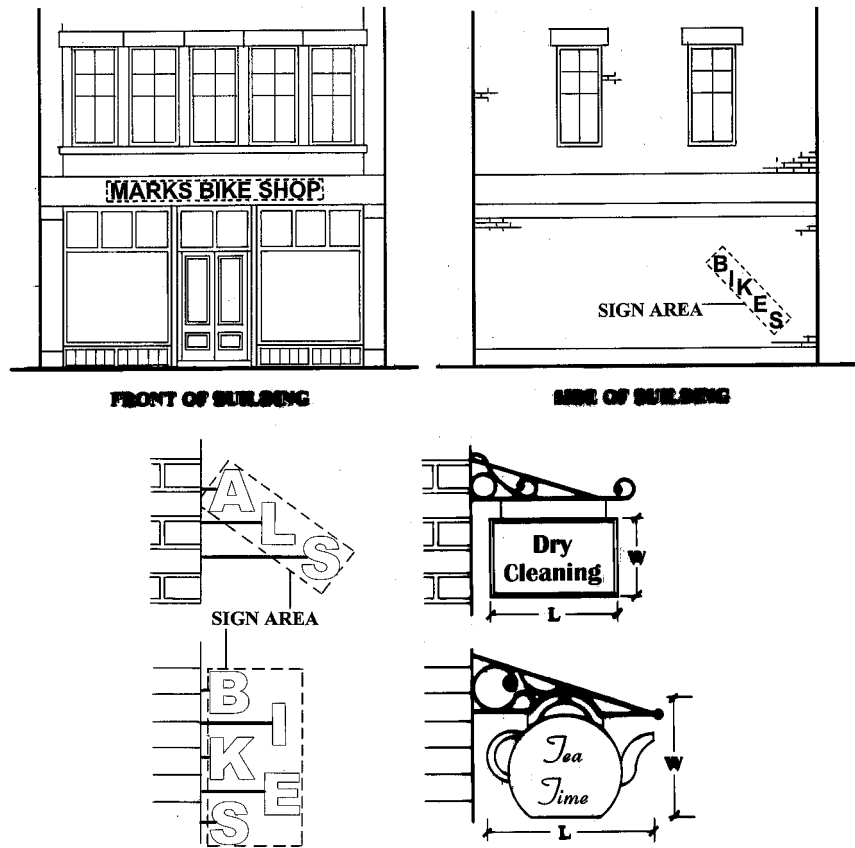
Source: *Cluster Subdivision Design Guide*. Chester County Planning Commission, 2003.

**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.

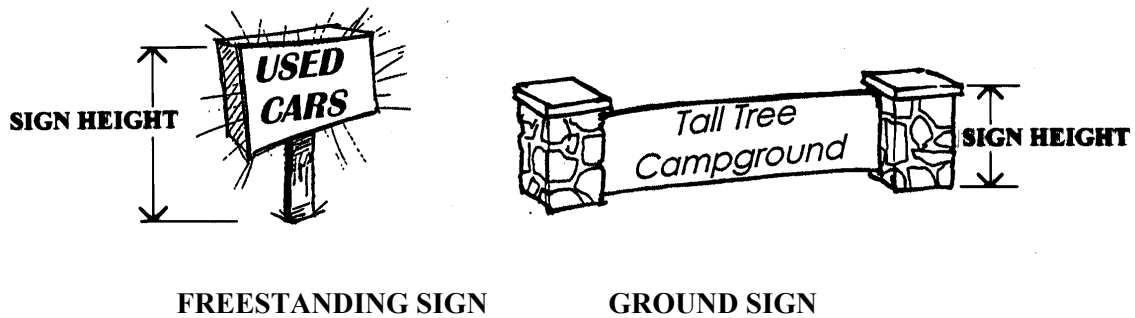
**Figure 2-J**  
**Sign Area**



*PROJECTING SIGNS*

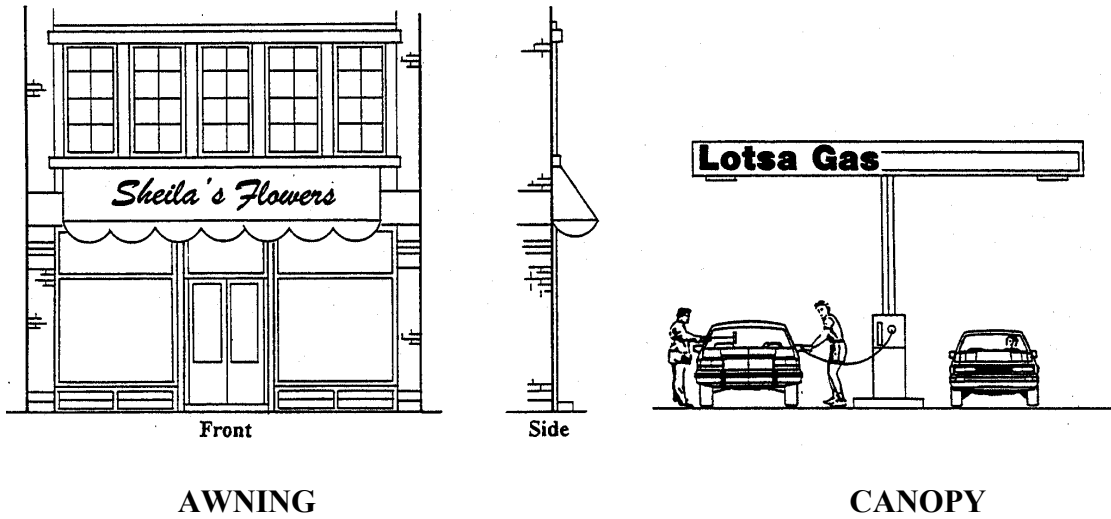
Source: *Community Planning Handbook – Volume II*. Chester County Planning Commission. 1999.

**Figure 2-K**  
**Sign Height**



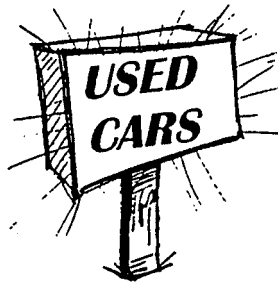
Source: *Community Planning Handbook – Volume II*. Chester County Planning Commission. 1999.

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



Source: *Community Planning Handbook – Volume II*. Chester County Planning Commission. 1999.

**Figure 2-M**  
**Freestanding Sign**



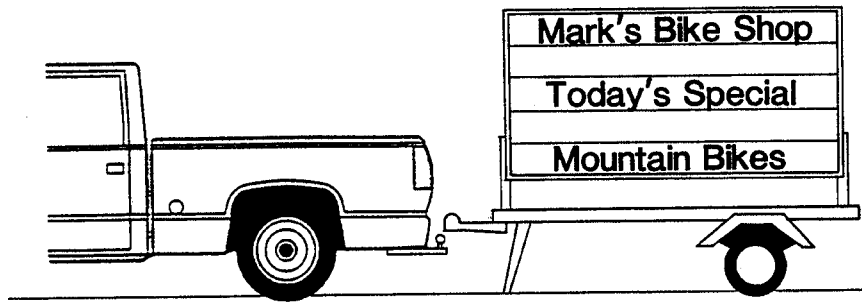
Source: *Community Planning Handbook – Volume II*. Chester County Planning Commission. 1999.

**Figure 2-N**  
**Ground Sign**



Source: *Community Planning Handbook – Volume II*. Chester County Planning Commission. 1999.

**Figure 2-O**  
**Portable Sign**



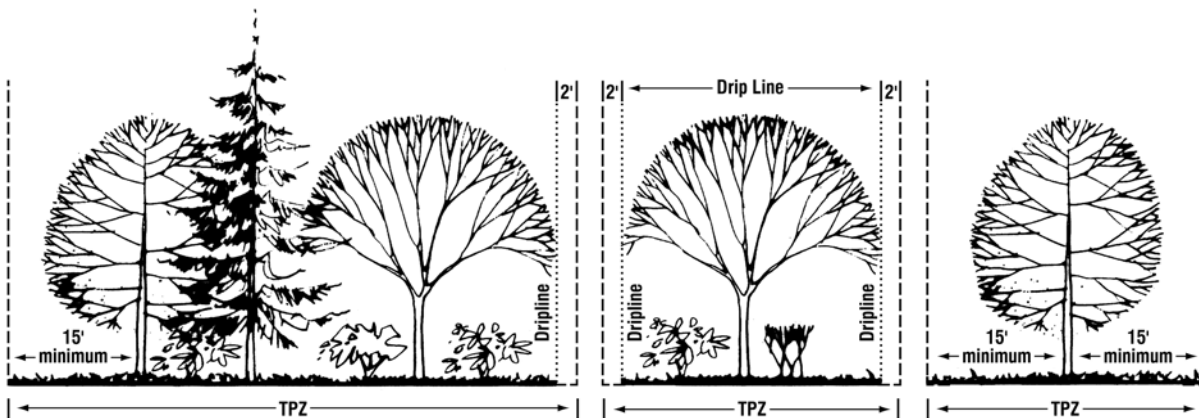
Source: *Community Planning Handbook – Volume II*. Chester County Planning Commission. 1999.

**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.

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**Article III:           Establishment of Districts**

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**SECTION 300           ESTABLISHMENT OF ZONING DISTRICTS AND CONTROLS**

- A.     **Base Districts.** For the purposes of the Ordinance, 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.** The Ordinance shall also contain one (1) overlay district: FP for floodplain areas as contained in Article X.
- C.     All land areas of West Caln Township shall be deemed by this Ordinance to be within a zoning district, and every parcel and building or structure in the Township, except as provided by this Ordinance 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.

**SECTION 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 Ordinance, 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 Ordinance as if fully described herein.
- B.     If, and whenever, an amendment to this Ordinance 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.
- C.     The applicable Federal Emergency Management Agency (FEMA) Floodplain Maps, available at the Township Building, are herein adopted as an "overlay" to the Township Zoning Map and shall be as much a part of this Ordinance as if fully described herein.

Further, such areas of the Township described as being flood prone as described in Article X of this Ordinance shall be subject to all Floodplain controls regardless of whether shown on such Floodplain Map.

## **SECTION 302. DESCRIPTION OF DISTRICT BOUNDARIES**

The boundaries between Districts follow, unless otherwise indicated, either property lines, or the center lines of streets, lanes, water courses, and rights-of-way of power lines, railroads, and other public utilities existing at the time of enactment of this Ordinance, 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 water course, 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 centerline of a street, lane, lake or watercourse, or right-of-way of a power line or other public utility, such centerline 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 centerline 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.

## **SECTION 303 DISTRICT BOUNDARY TOLERANCES**

Where a district boundary line divides a lot held in single and separate ownership at the effective date of this Ordinance, 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

### SECTION 400. AUTHORITY AND PURPOSE

A. **Authority.** The Agricultural Preservation District is established in accordance with:

1. Pennsylvania Act No. 247, The Municipalities Planning Code, Sections 603 (b) (5), 603 (c) 7, 603 (g) 1, 603 (h), 604 (3), and 605 (2) (vii);
2. The Goals and Objectives of the West Caln Township Comprehensive Plan (1998) and the West Caln Township Open Space, Recreation, and Environmental Resources Plan (1995).
3. Community Development Objectives in Section 102 of this Ordinance.

B. **Purpose.** In promoting the policies of the West Caln Township Comprehensive Plan and the West Caln Township Open Space, Recreation, and Environmental Resources Plan the purpose of this Article is to:

1. 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.
2. Locate the Agricultural Preservation District where agricultural operations are the primary land use.
3. Protect prime agricultural soils and existing farmland and reduce development pressure that can negatively impact the agricultural industry.
4. 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, and listed as follows:

Bedford Silt Loam	BdB2
Brandywine Loam	BrB2
Chester Silt Loam	1CbA, 1CbB, CdA, CdA2, CdB, CdB2, CdC2
Cewacla Silt Loam	Ch
Conowingo Silt Loam	CoB2
Duffield Silt Loam	1DbA, 1DbB
Edgemont Channery Loam	EcB, EcB2, EcC, EcC2
Glenelg Channery Silt Loam	GeA, GeA2, GeB, GeB2, GeB3, GeC, GeC2, 1GbC
Glenville Silt Loam	1GdB, GnA, GnB, GnB2, GnC2
Lindside Silt Loam	1Ln
Manor Loam	MgB2, MgC2
Manor Silt Loam	1MaC
Montalto Channery Silt Loam	MoB2, MoC2

Neshaminy Gravelly Silt Loam      NaA, NaB2, NaC2  
Wehadkee Silt Loam      We

5. 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.
  6. Provide for agricultural uses and uses compatible with or supportive of agriculture within the district.
  7. Limit the type and amount of non-agricultural uses within the district in order to avoid conflicts between agricultural and non-agricultural uses.
  8. Allow development options compatible with this district on non-farm tracts.
- C. **Process.** The Township strongly encourages applicants to meet with the Planning Commission to discuss any development options in the form of an informal sketch plan prior to the official submission of an application. Sketch plans are useful tools to identify and correct potential compliance with Township ordinance issues before the expenditure of significant time and expense, and can help to expedite the review and approval of the preliminary and/or final plan submissions.

## SECTION 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 (1) of the following purposes, and no other in accordance with the requirements of this Article and other applicable provisions:
1. Agricultural use, as per Section 1103.
  2. Intensive agricultural use, as per Section 1103.
  3. Combination of agricultural use and intensive agricultural use, as per Section 1103.
  4. Agricultural accessory use, as per Section 1101.B, with the exception of Section 1101.B.9.
  5. Dwelling of the owner or operator of the farm, on a parent tract.
  6. Minor home occupation, as per Section 1101.C.11.
  7. Woodland, wildlife preserve, or conservation use.
  8. Forestry, as per Section 1002.D.

9. Temporary structure, building, or use, as per Section 1101.F.
  10. Temporary community event, as per Section 1101.G.
- 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 (1) of the following uses and in accordance with the requirements of this Article and other applicable provisions:
1. Additional farm-related dwelling, as per Section 402.B and Section 1101.B.9.
  2. Veterinary clinic and animal shelter, with or without kennels, as per Section 1120.
  3. Kennel, as per Section 1120.
  4. Riding academy and stables, as per Section 1134.
  5. Bed and breakfast, as per Section 1107.
  6. Place of worship or religious use, as per Section 1131.
  7. Single-family detached dwelling on a non-farm tract or lot, as per the requirements of this Article.
  8. Residential conversion of a single-family detached dwelling into a two (2) or three (3) family dwelling, as per Section 1132.
  9. Major home occupations, as per Section 1101.C.12.
  10. Residential accessory use, as per Section 1101.C.

## SECTION 402. AREA AND BULK REGULATIONS

- A. **Agricultural Uses.** In order to preserve and promote the continuation of agricultural uses in the Agricultural Preservation District the following area and bulk regulations shall apply to all agricultural uses and intensive agricultural uses:
1. Minimum Lot Area. Ten (10) acres
  2. Maximum Lot Coverage. Ten (10) percent
  3. Maximum Building Height. Thirty-five (35) feet, except that 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. There shall be a fall zone for silos and other like structures whereby such structures shall be situated the height of the structure plus ten (10) percent of that height from a lot line, accessway, or street line.

4. Residential uses, where adjacent to an intensive agricultural use, shall be located a minimum of one hundred (100) feet from any adjacent intensive agricultural use, or twenty (20) feet from a lot line, not inclusive of any other lot / yard requirement.

B. **Additional Farm-Related Dwellings on Parent Agricultural Tracts.** Proposed development of no more than a total of two (2) additional farm-related dwelling units on parent agricultural tracts as evidenced by recorded deeds on or before the effective date of this Ordinance shall be designated as follows:

1. Agricultural Accessory Dwelling Units. An additional dwelling unit created by expanding an existing single-family detached dwelling unit. For example, expanding or adding onto an existing farmhouse to create an additional dwelling unit.
2. Conversion. The conversion of an existing structure on an agricultural property to be used as a single dwelling unit. For example, an existing barn can be renovated to create an additional dwelling unit.
3. Additional Agricultural Dwelling Units. The development of additional single-family dwelling units. For example, permitting an additional farm dwelling unit on the farm tract.

C. **Subdivision of Parent Tract.** In order to protect, preserve, and promote agricultural uses within the Agricultural Preservation District, it is the intent of this Section that the creation of non-agricultural uses shall be specified in order to retain tracts of sufficient size to be efficiently used for agricultural purposes, as follows.

1. Applicability. These provisions shall apply to all tracts of ten (10) acres or more held in single and separate ownership as of the effective date of this Ordinance. The parent tract and subsequent subdivided lots must meet all applicable dimensional requirements.
2. Density. Each parent tract containing ten (10) acres or more shall be permitted to subdivide one (1) farm parcel and/or non-farm parcel per every ten (10) acres, provided the remaining tract from which a lot is divided will not be reduced to less than ten (10) acres in size. The maximum number of lots permitted for

subdivision from the parent tract shall be determined by dividing the total tract area of the parent tract by ten (10). Fractional values shall be rounded down to the next lowest whole number.

3. Lot Size. A non-farm lot subdivided from a parent tract for a residential use shall be not less than one (1) acre and not more than two (2) acres, and the area and bulk regulations of Section 402.D shall apply with the exception of lot area. If DEP regulations require an area greater than two (2) 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. A non-farm lot subdivided from a parent tract for other than a residential use shall meet the requirements of Section 402.D.
4. Configuration of Lots and Plan Information. The layout of lots shall be grouped so that no more than one (1) additional access to an existing public road will result. To allow for the non-agricultural development permitted in this district, yet to preserve prime agricultural soils and areas, the layout of lots shall create the least amount of disruption to agricultural practices, operations, and Class I, II, and III soils. As a guideline in fulfilling the purposes of this Article, lots subdivided from the parent tract for non-agricultural uses should be located on non-productive or the least agriculturally productive soils, on soils which can not feasibly be farmed due to location, shape, or configuration of the lot or physical features not conducive to farming, such as rock, and in areas that will minimize interference with agricultural practices or operations, including but not limited to, areas adjacent to existing developed lots and to other non-agricultural land uses, corners or removed areas of the tracts, or along road frontage. When undertaking a subdivision or land development on a parent tract, the following information in addition to any required in the Subdivision and Land Development Ordinance 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). To demonstrate this information in an efficient way, 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 Subsection 2, above.
  - c. Location and the independently calculated area of constraints including: tract location, shape, or configuration, wetlands, areas of prohibitive slope and rocky areas, streams, 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.
5. 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 ten (10) acres or more after such subdivision shall be considered exempt from Section 402.C.2.
6. A single-family detached dwelling may be erected on any single undeveloped lot of record (parent tract) as of the effective date of this Ordinance. Such lot must be a parent tract in single and separate ownership. The parent tract must meet applicable requirements for minimum lot size, and all buildings erected on the lot must meet yard setback, lot coverage, and height regulations.
7. Any land development, the purpose of which is to permit the erection of a dwelling on a tract which has been previously approved with a dwelling which will also remain on the parent tract or to permit the erection of a building for an additional principal use on the parent tract, shall be considered a subdivision for the purposes of this Article.
8. The provisions of this Article shall apply to all parent tracts. Regardless of size, no parcel or lot subsequently subdivided from its parent tract shall qualify for additional lots pursuant to this Article. All subsequent owners of parcels of land subdivided from a parent tract shall be bound by the actions of the previous owners of the parent tract. Likewise, any subsequent owner of any parent tract shall be bound by the provisions of this Article and the actions of the previous owners such that for purposes of subdivision the number of new lot or dwellings erected on the parent tract shall be fixed according to the original number permitted on the parent tract. This number shall not be increased by the further subdivision of the parent tract, thus transfer of ownership shall not create a new right to subdivide.
9. 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 Ordinance. 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.
10. In the event a tract of land not originally classified as part of the Agricultural Preservation District on the effective date of this Ordinance is hereafter classified as

part of said district, the size and ownership of such tract of land and its classification as a parent tract shall be determined as of the effective date of the change in the zoning classification to Agricultural Preservation District.

- D. **Other Uses permitted in this District.** The following regulations apply to uses, other than agriculture, additional farm-related dwellings, and subdivision of parent tracts provided under Sections 401, 402.A, 402.B, and 402.C. Unless specified otherwise in this Article or Article XI, the following regulations shall apply:

- |     |  |                        |
|-----|--|------------------------|
| 1.  | Minimum Lot Area.  | One (1) acre           |
| 2.  | Minimum Lot Width At Building Line.  | One-hundred (100) feet |
| 3.  | Minimum Lot Width At Street Line.  | Fifty (50) feet        |
| 4.  | Minimum Front Setback.   | Fifty (50) feet        |
| 5.  | Minimum Side Yard.   | Twenty-five (25) feet  |
| 6.  | Minimum Rear Yard.   | Fifty (50) feet        |
| 7.  | Maximum Building Coverage.   | Ten (10) percent       |
| 8.  | Maximum Lot Coverage.  | Twenty (20) percent    |
| 9.  | Maximum Building Height.   | Thirty-five (35) feet  |
| 10. | Vegetation Setback. On any non-farm parcel, no shrub or tree shall be planted within twenty (20) and thirty (30) feet, respectively, of any land used for agricultural purposes. |                        |

- E. **Subdivision of Non-Farm Tract.** In order to protect, preserve, and promote agricultural uses within the Agricultural Preservation District, it is the intent of this Section that the creation of non-agricultural uses and the subdivision of non-farm tracts shall be specified in order to retain the character of this district and compatibility with the primary agricultural purpose of this district, as follows:

1. Applicability. These provisions shall apply to all tracts of ten (10) acres or less held in single and separate ownership on or before the effective date of this Ordinance. The non-farm tract and subsequent subdivided lots must meet all applicable dimensional requirements.
2. Density. Each non-farm tract containing ten (10) acres or less shall be permitted to subdivide one (1) parcel per every four (4) acres. The maximum number of lots permitted for subdivision from the parent tract shall be determined by dividing the total tract area (in acres) of the non-farm tract (in acres) by four (4). Fractional values shall be rounded down to the next lowest whole number.
3. A non-farm lot subdivided from a non-farm tract for a residential use shall be not less than one (1) acre and not more than two (2) acres, and the area and bulk regulations of Section 402.D shall apply with the exception of lot area. If the Pennsylvania Department of Environmental Protection (PaDEP) regulations require an area greater than two (2) acres for the dispersal of nitrate nitrogen, the land area necessary for this dispersal shall not be permitted to be a part of the lot. The owner of the non-farm 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. A non-farm lot subdivided from a non-farm tract for other than a residential use shall meet the requirements of Section 402.D.

4. All other applicable requirements of Section 402.D shall apply for the subdivision of non-farm tracts.

### **SECTION 403. NON-AGRICULTURAL 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.

### **SECTION 404. GENERAL DESIGN STANDARDS**

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

- A. Lighting regulations, Screening and Buffering, Storage, and Landscaping shall be in accordance with Article XII.
- B. Signage regulations 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.



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**Article V: SRR - Site Responsive Residential District**

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**SECTION 500. PURPOSE, DESCRIPTION OF OPTIONS, AND PROCESS**

- A. **Purpose.** In promoting the policies of the West Caln Township Comprehensive Plan (1998) and the Township Park, Recreation, and Environmental Resources Plan, the purpose of this Article is:
1. To support the conservation of sensitive environmental features: primary natural resources such as floodplains, areas of very steep slope, and wetlands and secondary natural resources such as woodlands and riparian buffers.
  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 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.
  7. To protect areas with productive agricultural soils for continued or future agricultural use, by conserving areas of land large enough to allow for efficient farm operations.
- B. **Description of Development Options.** In order to achieve the purposes described above, this Article provides for flexibility in the design of residential subdivisions by allowing:
1. Option 1 - A cluster residential development option by right that allows for the greatest degree of innovative site design and open space retention. Cluster development accommodates future residential uses while promoting the preservation of permanent open space areas and associated natural resources and agricultural uses. This option requires the provision of open space, as specified in Sections 503.A. that can be used for various purposes, as outlined in Section 1126.

2. Option 2 - Conventional lot designs provide for suburban-density residential uses at lower densities and in conventional layouts of standard house lots. A conventional lot design option by conditional use that provides for the opportunity to develop conventional lots at densities of one (1) lot per four (4) acres and shall only be permitted where an applicant can demonstrate to the satisfaction of the Board of Supervisors that all of the requirements and criteria for conditional use review, Article XVI, have been successfully met.
- C. **Process.** The Township strongly encourages applicants to meet with the Planning Commission to discuss these development options in the form of an informal sketch plan prior to the official submission of an application. Sketch plans, as specified in the Subdivision and Land Development Ordinance, are useful tools to identify and correct potential compliance with Township ordinances issues before the expenditure of significant time and expense, and can help to expedite the review and approval of the preliminary and/or final plan submissions.

## SECTION 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 (1) of the following purposes and no other, in accordance with the requirements of this Article and other applicable provisions:
1. Agricultural use, as per Section 1103.
  2. Single-family detached dwelling under the cluster residential development option, as per this Article.
  3. Municipal use.
  4. Forestry, as per Section 1002.D.
  5. Woodland, wildlife sanctuary, or other conservation use.
  6. Agricultural accessory use with the exception of Section 1101.B.9, as per Section 1101.B.
  7. Residential accessory use, as per Section 1101.C, with the exception of Sections 1101.C.12 and 13.
  8. Minor home occupation, as per Section 1101.C.11.
  9. Temporary structure, building, or use, as per Section 1101.F.
  10. Temporary community event, as per Section 1101.G.

11. Minor Conventional Subdivision – A subdivision of three or less lots from an original tract of less than 10 acres for use as single family detached dwellings.
- 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 (1) of the following uses and in accordance with the requirements of this Article and other applicable provisions:
1. Intensive agricultural use, as per Section 1103.
  2. Veterinary clinic, with or without kennels, as per Section 1120.
  3. Kennel, as per Section 1120.
  4. Riding academy and stables, as per Section 1134.
  5. Place of worship or religious use, as per Section 1131.
  6. Bed and breakfast, as per Section 1107.
  7. Cemetery, as per Section 1108.
  8. Major home occupation, as per Section 1101.C.12.
  9. Supplemental dwelling unit, as per Section 1101.C.13.
  10. Commercial or institutional accessory use, as per Section 1101.D 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 (1) of the following uses and in accordance with the requirements of this Article and other applicable provisions:
1. Single-family detached dwelling under the conventional development option, as per this Article.
  2. Recreational use, as per Section 1129.
  3. Two (2) principal uses on the same lot subject to the following conditions:
    - a. Only one (1) 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.
- 4. When built in an existing Historic Resource, single-family semi-detached dwelling (twin), single-family attached dwelling (townhouse), two-family detached dwelling (duplex) shall be permitted, as per Section 1138.
- 5. Educational use, as per Section 1112.
- 6. Club or lodge, as per Section 1109.

## **SECTION 502. 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. Permitted Use - Single-family detached dwelling shall be the permitted principal use for the cluster residential development option.
- 3. Area and Bulk Regulations - The following area and bulk regulations apply to single-family detached dwellings under the cluster residential development option:
  - a. Density. One (1) dwelling unit per net acre
  - b. Minimum Lot Area. 15,000 square feet
  - c. Minimum Lot Width at Building Line. Fifty (50) feet
  - d. Minimum Lot Width at Street Line. Forty (40) feet
  - e. Maximum Building Coverage. Twenty (20) percent
  - f. Maximum Lot Coverage (impervious). Thirty (30) percent
  - g. Minimum Front Setback. Twenty-five (25) feet
  - h. Minimum Side Yard. Thirty (30) feet aggregate with a minimum of ten (10) feet on one (1) side
  - i. Minimum Rear Yard. Thirty (30) feet
  - j. Maximum Building Height. Thirty-five (35) feet
  - k. Minimum Open Space Requirement. Sixty (60) percent of gross tract area

- l. Residential uses, where adjacent to an intensive agricultural use, shall be located a minimum of one hundred (100) feet from any adjacent intensive agricultural uses.
    - m. Residential uses, where adjacent to agricultural uses, shall be located a minimum of fifty (50) feet from any adjacent agricultural uses.
4. Establishment of Net Tract Area - For the purpose of protecting important natural resources, to establish permissible number of lots under this development option, the net tract area shall include all area within the legal property lines of a tract, excluding the following:
  - a. Any existing right-of-way or area that has been set aside as a right-of-way or easement for a public or private street.
  - b. Any existing area comprising drainage or stormwater management easements or other utility easements.
  - c. Any existing water body or watercourse.
  - d. An area equivalent to seventy-five (75) percent of any portion of a tract comprised of one (1) or more of the following primary natural resources:
    - 1) Any area within the one hundred (100) year floodplain as established in Article X as well as water bodies or watercourses.
    - 2) Any area containing wetlands as identified on the National Wetlands Inventory and as established in Article X.
    - 3) Any area of very steep slope with slopes exceeding twenty-five (25) percent as measured between consecutive two (2) foot contour lines.
5. Permitted Number of Lots per Tract Calculation – The number of lots permitted within a cluster residential development shall be determined by multiplying the number of net acres in the tract by 1.0 and rounding to the nearest whole number, where a fraction of one-half (.5) or greater is rounded up, and a fraction of less than one-half (.5) rounded down. For example, on a 28.6 acre net tract size, 29 lots would be permitted whereas on a 28.3 acre net tract size, 28 lots would be permitted.
6. Agricultural Resources - Lots within a cluster development, to the extent possible, shall not be located in close proximity to areas, either within the designated open space or on adjacent properties, that are used for agricultural practices involving animals or animal waste, or other activities that routinely create significant noise and/or odors.

**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. (One-quarter).25 dwelling unit per net acre
  - b. Minimum Lot Area. Four (4) acres
  - c. Minimum Lot Width at Building Line. Two-hundred (200) feet
  - d. Minimum Lot Width at Street Line. One Hundred fifty (150) feet
  - e. Maximum Lot Coverage (impervious). Ten (10) percent
  - f. Maximum Building Coverage. Five (5) percent
  - g. Minimum Front Setback. Fifty (50) feet
  - h. Minimum Side Yard. Twenty-five (25) feet
  - i. Minimum Rear Yard. Fifty (50) feet
  - j. Maximum Building Height. Thirty-five (35) feet
  - k. Residential uses, where adjacent to an intensive agricultural use, shall be located a minimum of one hundred (100) feet from any adjacent intensive agricultural uses.
  - l. Residential uses, where adjacent to agricultural uses, shall be located a minimum of fifty (50) feet from any adjacent agricultural uses.
2. Establishment of Net Tract Area - For the purpose of protecting important natural resources, to establish permissible number of lots under this development option, the net tract area shall include all area within the legal property lines of a tract, excluding the items in accordance with Section 502.A.4.
3. Permitted Number of Lots per Tract Calculation – The number of lots permitted within this development option shall be determined by dividing the number of net acres in the tract by 4.0 and rounding to the nearest whole number, where a fraction of one-half (.5) or greater is rounded up, and a fraction of less than one-half (.5) rounded down. For example, on a 28.6 acre net tract size, 7 lots would be permitted whereas on a 30 acre net tract size, 8 lots would be permitted.
4. One good acre requirement – It is required that a minimum of one (1) contiguous acre within the boundaries of each lot shall be free and clear of natural resources or constraints, including, but not limited to:
  - a. Any existing water body or water course.
  - b. Any area within the one hundred (100) year floodplain as established in Article X.
  - c. Any area containing wetlands as identified on the National Wetlands Inventory and as established in Article X.

- d. Any area of very steep slope with slopes exceeding twenty-five (25) percent as measured between consecutive two (2) foot contour lines.
5. Agricultural Resources - Lots within a conventional development, to the extent possible, shall not be located in close proximity to areas that are used for agricultural practices involving animals or animal waste, or other activities that routinely create significant noise and/or odors.

**C. Agricultural Uses:** Tracts and lots used for agricultural purposes shall meet the following:

1. Agricultural Use. Agricultural uses shall meet the following:
  - a. Minimum gross tract area. Five (5) acres
  - b. Existing lots less than five (5) acres in size as of the date of adoption of this Ordinance may be used for agricultural purposes subject to compliance with all other applicable regulations herein.
  - c. Lots less than five (5) acres in size, that are located adjacent to lots of five (5) 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 Ordinance.
2. Intensive Agricultural Use.
  - a. Minimum gross tract area. Ten (10) acres
  - b. Existing lots less than ten (10) acres in size as of the date of adoption of this Ordinance may be used for agricultural purposes subject to compliance with all other applicable regulations herein.
  - c. Lots less than ten (10) acres in size, that are located adjacent to lots of greater than ten (10) acres in size and used for by the same operator for intensive agricultural uses, shall be permitted when in accordance with the applicable requirements of this Ordinance.
3. Maximum building height. Thirty five (35) feet  
  
Barns, silos, bulk bins, and other agricultural related structures, other than residential uses and residential accessory uses, shall be exempt from the maximum building height limit as per Article XII.
4. Agricultural Uses shall also be subject to the provisions of Section 1103.

**D. Minor Conventional Subdivision**

1. Area and Bulk Requirements - The following area and bulk regulations apply to single-family detached dwellings under the minor conventional subdivision option:
  - a. Density. One dwelling unit per net acre
  - b. Minimum Lot Area. One (1) acres
  - c. Minimum Lot Width at Building Line. Two-hundred (200) feet
  - d. Minimum Lot Width at Street Line. One Hundred fifty (150) feet
  - e. Maximum Lot Coverage (impervious). Fifteen (15) percent
  - f. Maximum Building Coverage. Twelve (12) percent
  - g. Minimum Front Setback. Sixty (60) feet
  - h. Minimum Side Yard. Thirty-five (35) feet
  - i. Minimum Rear Yard. Sixty (60) feet
  - j. Maximum Building Height. Thirty-five (35) feet
  - k. Residential uses, where adjacent to an intensive agricultural use, shall be located a minimum of one hundred (100) feet from any adjacent intensive agricultural uses.
  - l. Residential uses, where adjacent to agricultural uses, shall be located a minimum of fifty (50) feet from any adjacent agricultural uses.
2. Establishment of Net Tract Area - For the purpose of protecting important natural resources, to establish permissible number of lots under this development option, the net tract area shall include all area within the legal property lines of a tract, excluding the items in accordance with Section 502.A.4.
3. One good acre requirement – It is required that a minimum of one (1) contiguous acre within the boundaries of each lot shall be free and clear of natural resources or constraints, including, but not limited to:
  - a. Any existing water body or water course.
  - b. Any area within the one hundred (100) year floodplain as established in Article X.
  - c. Any area containing wetlands as identified on the National Wetlands Inventory and as established in Article X.
  - d. Any area of very steep slope with slopes exceeding twenty-five (25) percent as measured between consecutive two (2) foot contour lines.
4. Agricultural Resources - Lots within a conventional development, to the extent possible, shall not be located in close proximity to areas that are used for agricultural practices involving animals or animal waste, or other activities that routinely create significant noise and/or odors.



5. The provisions of this Section shall apply to all original tracts. Regardless of size, no parcel or lot subsequently subdivided from its original tract shall qualify for additional lots pursuant to this Section. All subsequent owners of parcels of land subdivided from the original tract shall be bound by the actions of the previous owners of the original tract. Likewise, any subsequent owner of any original tract shall be bound by the provisions of this Section and the actions of the previous owners such that for purposes of subdivision the number of new lot or dwellings erected on the original tract shall be fixed according to the original number permitted on the original tract. This number shall not be increased by the further subdivision of the original tract, thus transfer of ownership shall not create a new right to subdivide. All deeds subdivided from the original tract under this Section shall contain a restriction prohibiting further subdivision of the parcel or lot.

**E. Other Uses:** Unless otherwise specified in this Ordinance, all other uses permitted in this district shall meet the following:

- |    |                                     |                        |
|----|-------------------------------------|------------------------|
| 1. | Minimum Lot Area.                   | Two (2) acres          |
| 2. | Minimum Lot Width at Building Line. | Two hundred (200) feet |
| 3. | Minimum Lot Width at Street Line.   | One hundred (100) feet |
| 4. | Minimum Front Setback.              | Fifty (50) feet        |
| 5. | Minimum Side Yard.                  | Twenty-five (25) feet  |
| 6. | Minimum Rear Yard.                  | Fifty (50) feet        |
| 7. | Maximum Building Coverage.          | Ten (10) percent       |
| 8. | Maximum Lot Coverage (impervious).  | Fifteen (15) percent   |
| 9. | Maximum Building Height.            | Thirty-five (35) feet  |

### **SECTION 503. CLUSTER RESIDENTIAL DEVELOPMENT STANDARDS**

**A. Open Space Provisions.** Open space in cluster residential development shall meet the following requirements:

1. Configuration of Required Open Space - A minimum of sixty (60) percent of the gross tract area shall be designated on the plan as common open space and held in a tract or tracts separate from the developable lots. Such open space shall be restricted from further subdivision or land development by deed restriction, conservation easement, or other agreement or form acceptable to the Township, noted on the subdivision plan of record and duly recorded in the office of the Recorder of Deeds of Chester County, Pennsylvania. Any such mechanism shall be structured in a manner that would require the agreement of both the Homeowners Association or other owner and Township in order to abolish it in the future. Configuration of required open space shall be as follows:
  - a. Primary natural resources (floodplains, water bodies/watercourses, areas of very steep slope, and wetlands) shall to the greatest extent possible be included in the designated open space, however, no more than seventy-

five (75) percent of the minimum required open space shall consist of primary natural resources.

- b. The proposed development shall limit disturbance of all natural resources in accordance with this Ordinance and as identified in the required Conservation Plan in the Subdivision and Land Development Ordinance. Development shall start on the least desirable class of agricultural soil determined on the tract, where possible.
- c. Any Class I or Class II agricultural soils that are present on the site shall be included in the designated open space to the greatest extent feasible. The burden shall be on the applicant to justify the location of any such soils outside of the designated open space.
- d. Where common open space is designated as separate, noncontiguous parcels, no single parcel shall consist of less than one (1) 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 one hundred fifty (150) feet in width except in the case of a trail corridor or other linkage between two (2) larger, noncontiguous, open space areas. Any such trail corridor or linkage shall be a minimum of fifteen (15) feet in width.
- e. Where adjacent parcels contain existing or proposed open space areas, either publicly owned or otherwise deed restricted as permanent open space, common open space 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.

- 2. Open Space Standards – Open space usage requirements, ownership standards, and maintenance standards are set forth in Section 1126 and shall apply.

- B. **Conservation of Existing Structures and Historic Resources.** 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 lots/units, except in the case of an existing historic resource listed or eligible for the National Register of Historic Places and/or listed in the Township's Historic Sites Survey that is to be preserved and renovated. Historic resources shall not be counted against the permitted number of lots on a tract and shall be in addition to the permitted number of lots, and may be renovated and reused subject to compliance with this Section.

1. Historic resources shall be preserved to the greatest degree possible through inclusion in development plans and design, including historic buildings, structures, sites, objects, ruins, paths, trails, or any other historic landscape features.
  2. Plans for rehabilitation should use the Secretary of the Interiors Standards for Rehabilitation as a guideline.
  3. The applicant should maintain sufficient landscaped or buffer area and yard area surrounding the historic resource to retain the integrity of the historic landscape and setting. The applicant can mitigate impacts to the historic landscape and setting through appropriate vegetation or through screening compatible with such historic landscape and setting, and through retaining the view shed which visually link historic resources to their setting.
  4. Applicant shall guarantee permanent adherence to these standards through establishment of appropriate restrictions and/or conservation easement(s) acceptable to the Township.
  5. Uses of Historic Resources in the Open Space. In addition to the uses named as permitted in the open space of a cluster residential development, the following additional uses shall be permitted in historic resources located within the open space, and shall occur in accordance with Section 1138:
    - a. Restaurant.
    - b. Retail use.
    - c. Single-family detached dwelling.
    - d. Two-family Dwelling.
    - e. Professional office.
    - f. Other uses compatible with a residential development, as approved by the Board of Supervisors.
- C. **Sewage Disposal and Water Supply.** Development permitted under the cluster development option shall be served by a community sewage disposal system or by individual off-lot sewage disposal systems in the open space, and shall be served by a community water supply system or by individual water supply. In areas impacted by a Superfund site, public water shall be provided. As a condition of approval of any cluster development all uses shall be served with sewer and water facilities approved by the Pennsylvania Department of Environmental Protection, or appropriate regulatory agency.
- D. **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: floodplains, 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. The calculation of permitted number of lots/units per the requirements of Section 502.A.4.
4. 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.
5. 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 Ordinance and any other protected lands either publicly or privately owned, eased, or deed restricted .
6. Location of agricultural uses, and other permitted uses per Section 502.A.2 and Section 503.A.2.

#### **SECTION 504. CONVENTIONAL DEVELOPMENT STANDARDS**

- A. **Conservation of Existing Structures and Historic Resources.** 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 lots/units, except in the case of an existing historic resource listed or eligible for the National Register of Historic Places and/or listed in the Township's Historic Sites Survey that is to be preserved and renovated. Historic resources shall not be counted against the permitted number of lots on a tract and shall be in addition to the permitted number of lots, and may be renovated and reused subject to compliance with this Section.
1. Historic resources shall be preserved to the greatest degree possible through inclusion in development plans and design, including historic buildings, structures, sites, objects, ruins, paths, trails, or any other historic landscape features.
  2. Plans for rehabilitation should use the Secretary of the Interiors Standards for Rehabilitation as a guideline.
  3. The applicant should maintain sufficient landscaped or buffer area and yard area surrounding the historic resource to retain the integrity of the historic landscape and setting. The applicant can mitigate impacts to the historic landscape and setting through appropriate vegetation or through screening compatible with such historic landscape and setting, and through retaining the view shed which visually link historic resources to their setting.

4. Applicant shall guarantee permanent adherence to these standards through establishment of appropriate restrictions and/or conservation easement(s) acceptable to the Township.
- B. **Sewage Disposal and Water Facilities.** As a condition of any approval of any conventional development all uses shall be served with sewer and water facilities approved by the Pennsylvania Department of Environmental Protection.
- C. **Information required prior to Conventional development - Option 2.**
1. Delineation and the calculated area of all portions of the tract identified as primary natural resources: floodplains, 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. The calculation of permitted number of lots/units per the requirements of Section 502.B.3.
  4. Location of permitted uses per Section 501.

## **SECTION 505. DESIGN STANDARDS**

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

- A. Lighting regulations, Screening and Buffering, Storage, and Landscaping shall be in accordance with Article XII.
- B. Signage regulations 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.

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**Article VI: RR – Rural Residential District**

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**SECTION 600. PURPOSE, DESCRIPTION OF OPTIONS, AND PROCESS**

- A. Purpose.** In promoting the policies of the West Caln Township Comprehensive Plan (1998) and the Township Park, Recreation, and Environmental Resources Plan (1995), the purpose of this Article is:
1. To support the conservation of sensitive environmental features: primary natural resources such as floodplains, areas of very steep slope, wetlands and secondary natural resources such as woodlands and riparian buffers.
  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.
- B. Description of Development Options.** In order to achieve the purposes described above, this Article provides for flexibility in the design of residential subdivisions by allowing:
1. Option 1 - A cluster residential development option by right that allows for the greatest degree of innovative site design and open space retention. Cluster development accommodates future residential uses while promoting the preservation of permanent open space areas and associated natural resources and agricultural uses. This option requires the provision of open space, as specified in Section 603.A., that can be used for various purposes, as outlined in Section 1126. In addition, multi-family development may be developed in combination with the cluster option under the mixed residential use development option, in accordance with the provisions of Section 602.C. A maximum of fifteen (15) percent of the total net tract area may be developed with multi-family dwellings.

2. Option 2 - Conventional lot designs provide for suburban-density residential uses at lower densities and in conventional layouts of standard house lots. A conventional lot design option by conditional use that provides for the opportunity to develop conventional lots at densities of one (1) lot per acre and shall only be permitted where an applicant can demonstrate to the satisfaction of the Board of Supervisors that all of the requirements and criteria for conditional use review, Article XVI, have been successfully met. In addition, multi-family development may be developed in combination with the conventional option under the mixed residential use development option, in accordance with the provisions of Section 602.C. A maximum of fifteen (15) percent of the total net tract area may be developed with multi-family dwellings.
- C. **Process.** The Township strongly encourages applicants to meet with the Planning Commission to discuss these development options in the form of an informal sketch plan prior to the official submission of an application. Sketch plans, as specified in the Subdivision and Land Development Ordinance, are useful tools to identify and correct potential compliance with Township ordinances issues before the expenditure of significant time and expense, and can help to expedite the review and approval of the preliminary and/or final plan submissions.

## **SECTION 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 (1) of the following purposes and no other, in accordance with the requirements of this Article and other applicable provisions:
1. Agricultural use, as per Section 1103.
  2. Single-family detached dwelling under the cluster residential development option, as per Sections 602.A. and 603.
  3. Municipal use.
  4. Forestry, as per Section 1002.D.
  5. Woodland, wildlife sanctuary or other conservation use, as per Section 1002.D.
  6. Agricultural accessory use with the exception of Section 1101.B.9, as per Section 1101.B.
  7. Residential accessory use, as per Section 1101.C, with the exception of Section 1101.C.12 and 13.
  8. Minor home occupation, as per Section 1101.C.11.

9. Temporary structure, building, or use, as per Section 1101.F.
  10. Temporary community event, as per Section 1101.G.
  11. Minor Conventional Subdivision – A subdivision of three or less lots from an original tract of less than 10 acres for use as single family detached dwellings.
- 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 (1) of the following uses and in accordance with the requirements of this Article and other applicable provisions:
1. Intensive agricultural use, as per Section 1103.
  2. Riding academy and stables, as per Section 1134.
  3. Place of worship or Religious use, as per Section 1131.
  4. Bed and breakfast, as per Section 1107.
  5. Club or lodge, as per Section 1109.
  6. Funeral home, as per Section 1113.
  7. Supplemental dwelling unit, as per Section 1101.C.13.
  8. Major home occupation, as per Section 1101.C.12.
  9. Commercial or institutional accessory use, as per Section 1101.D 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 (1) of the following uses and in accordance with the requirements of this Article and other applicable provisions:
1. Single-family detached dwelling under the conventional development option, as per Section 602.B and Section 604.
  2. Mixed residential use development under the cluster development option, as per Section 602.C.
  3. Mixed residential use development under the conventional development option, as per Section 602.C.
  4. Recreational use, as per Section 1129.



5. Educational use, as per Section 1112.
6. When built in an existing Historic Resource listed on the West Caln Township Historic Sites Survey, single-family semi-detached dwelling (twin), single-family attached dwelling (townhouse), two family detached dwelling (duplex) shall be permitted, as per Section 1138.
7. Nursing home, life care facility, or retirement community, as per Section 1125.
8. Mobile home park, as per Section 1123.

## **SECTION 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. Permitted Uses - Single-family detached dwelling shall be the permitted principal use for the cluster residential development option, with the exception of Section 602.C.
3. Area and Bulk Regulations - The following area and bulk regulations apply to single-family detached dwellings under the cluster residential development option:
  - a. Density. One and three-quarters (1.75) dwelling units per net acre
  - b. Minimum Lot Area. Twelve thousand (12,000) square feet
  - c. Minimum Lot Width at Building Line. Sixty (60) feet
  - d. Minimum Lot Width at Street Line. Fifty (50) feet
  - e. Maximum Building Coverage. Twenty-five (25) percent
  - f. Maximum Lot Coverage (impervious). Forty (40) percent
  - g. Minimum Front Setback. Twenty-five (25) feet
  - h. Minimum Side Yard. Twenty-five (25) feet aggregate with a minimum of ten (10) feet on one side
  - i. Minimum Rear Yard. Twenty-five (25) feet
  - j. Maximum Building Height. Thirty-five (35) feet
  - k. Minimum Open Space Requirement. Fifty (50) percent of gross tract area

- l. Residential uses, where adjacent to an intensive agricultural use, shall be located a minimum of one hundred (100) feet from any adjacent intensive agricultural uses.
  - m. Residential uses, where adjacent to agricultural uses, shall be located a minimum of fifty (50) feet from any adjacent agricultural uses.
4. Establishment of Net Tract Area - For the purpose of protecting important natural resources, to establish permissible number of lots under this development option, the net tract area shall include all area within the legal property lines of a tract, excluding the following:
  - a. Any existing right-of-way or area that has been set aside as a right-of-way or easement for a public or private street.
  - b. Any existing area comprising drainage or stormwater management easements or other utility easements.
  - c. Any existing water body or watercourse.
  - d. An area equivalent to seventy-five (75) percent of any portion of a tract comprised of one (1) or more of the following primary natural resources:
    - 1) Any area within the one hundred (100) year floodplain as established in Article X as well as water bodies or watercourses.
    - 2) Any area containing wetlands as identified on the National Wetlands Inventory and as established in Article X.
    - 3) Any area of very steep slope with slopes exceeding twenty-five (25) percent as measured between consecutive two (2) foot contour lines.
5. Permitted Number of Lots per Tract Calculation – The number of lots permitted within this development option shall be determined by multiplying the number of net acres in the tract by 1.75(based on the density of 1.75 dwelling units per net acre) and rounding to the nearest whole number, where a fraction of one-half (.5) or greater is rounded up, and a fraction of less than one-half (.5) rounded down. For example, on a 28.6 acre net tract size, 50.05 lots rounded to 50 lots would be permitted, whereas on a 28.9 acre net tract size, 50.575 lots rounded to 51 lots would be permitted.
6. Agricultural Resources - Lots within a cluster development, to the extent possible, shall not be located in close proximity to areas, either within the designated open space or on adjacent properties, that are used for agricultural practices involving animals or animal waste, or other activities that routinely create significant noise and/or odors.

**B. Conventional Development Option**

1. Permitted Uses - Single-family detached dwelling shall be the permitted principal use for the conventional residential development option, with the exception of Section 602.C.
2. Area and Bulk Requirements - The following area and bulk regulations apply to single-family detached dwellings under the conventional development option:
  - a. Density. One (1) dwelling unit per net acre
  - b. Minimum Lot Area. One (1) acre
  - c. Minimum Lot Width at Building Line. One hundred (100) feet
  - d. Minimum Lot Width at Street Line. Seventy-five (75) feet
  - e. Maximum Lot Coverage (impervious). Fifteen (15) percent
  - f. Maximum Building Coverage. Ten (10) percent
  - g. Minimum Front Setback. Fifty (50) feet
  - h. Minimum Side Yard. Fifty (50) feet
  - i. Minimum Rear Yard. Fifty (50) feet
  - j. Maximum Building Height. Thirty-five (35) feet
  - k. Residential uses, where adjacent to an intensive agricultural use, shall be located a minimum of one hundred (100) feet from any adjacent intensive agricultural uses.
3. Establishment of Net Tract Area - For the purpose of protecting important natural resources, to establish permissible number of lots under this development option, the net tract area shall include all areas within the legal property lines of a tract, excluding the resources in accordance with 602.A.4.
4. Permitted Number of Lots per Tract Calculation – The number of lots permitted within this development option shall be determined by dividing the number of net acres in the tract by 1.0 and rounding to the nearest whole number, where a fraction of one-half (.5) or greater is rounded up, and a fraction of less than one-half (.5) rounded down. For example, on a 28.6 acre net tract size, 29 lots would be permitted whereas on a 28.3 acre net tract size, 28 lots would be permitted.
5. Agricultural Resources - Lots within a conventional development, to the extent possible, shall not be located in close proximity to areas that are used for agricultural practices involving animals or animal waste, or other activities that routinely create significant noise and/or odors.

- C. **Mixed Residential Use Development Option.** Multi-family dwellings are permitted on a maximum of fifteen (15) percent of the total net tract area of Option 1 - Cluster Residential Development (Section 602.A) or Option 2 - Conventional Development (Section 602.B). For example, if the total net tract area is one hundred (100) acres, up to

fifteen (15) acres may be developed with multi-family dwellings in accordance with the provisions of this Section.

1. Minimum Tract size – The mixed residential use development option shall be permitted on any tract of at least thirty (30) gross acres in size.
  2. Permitted Uses - Multi-family dwellings are permitted on a maximum of fifteen (15) percent of the total net tract area of Option 1 - Cluster Residential Development (Section 602.A) or Option 2 - Conventional Development (Section 602.B).
  3. Area and Bulk Requirements - The following area and bulk regulations apply to multi-family dwellings in the mixed residential use development option, however area and bulk regulations specified for Option 1 or Option 2, whichever is applicable, shall apply where not included herein for multi-family dwellings:
    - a. Maximum Net Density. Four (4) dwelling units per net acre
    - b. Maximum Building Coverage. Thirty-five (35) percent
    - c. Minimum Front Setback. Twenty-five (25) feet
    - d. Minimum Rear Yard. Fifty (50) feet
    - e. Minimum Side Yard. Twenty-five (25) feet aggregate
    - f. Minimum Dwelling Unit Width. Twenty (20) feet
    - g. Maximum Dwelling Unit Width. Thirty (30) feet
    - h. Maximum Building Height. Thirty-five (35) feet
    - i. Residential uses, where adjacent to an intensive agricultural use, shall be located a minimum of one hundred (100) feet from any adjacent intensive agricultural uses.
  4. Agricultural Resources - Multi-family lots associated with a cluster residential development, to the greatest extent possible, shall not be located in close proximity to areas, either within the designated open space or on adjacent properties, which are used for agricultural practices involving animals or animal waste, or other activities that routinely create significant noise and/or odors.
- D. **Agricultural Uses.** Tracts and lots used for agricultural purposes shall meet the following:
1. Agricultural Use.
    - a. Minimum gross tract area. Five (5) acres
    - b. Existing lots less than five (5) acres in size as of the date of adoption of this Ordinance may be used for agricultural purposes subject to compliance with all other applicable regulations herein.

- c. Lots less than five (5) acres in size, that are located adjacent to lots of five (5) 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 Ordinance.

2. Intensive Agricultural Use.

- a. Minimum gross tract area. Ten (10) acres
- b. Existing lots less than ten (10) acres in size as of the date of adoption of this Ordinance may be used for agricultural purposes subject to compliance with all other applicable regulations herein.
- c. Lots less than ten (10) acres in size, that are located adjacent to lots of greater than ten (10) acres in size and used for by the same operator for intensive agricultural uses, shall be permitted when in accordance with the applicable requirements of this Ordinance.

3. Maximum building height. Thirty-five (35) feet

Barns, silos, bulk bins, and other agricultural related structures, other than residential uses and residential accessory, shall be exempt from the maximum building height limit as per Article XII.

- 4. Agricultural uses shall also be in accordance with the provisions of Section 1103.

**E. Minor Conventional Subdivision**

1. Area and Bulk Requirements - The following area and bulk regulations apply to single-family detached dwellings under the minor conventional subdivision option:

- |    |  |                                |
|----|--|--------------------------------|
| a. | Density.   | One dwelling unit per net acre |
| b. | Minimum Lot Area.  | One (1) acres                  |
| c. | Minimum Lot Width at Building Line.  | Two-hundred (200) feet         |
| d. | Minimum Lot Width at Street Line.  | One Hundred fifty (150) feet   |
| e. | Maximum Lot Coverage (impervious).   | Fifteen (15) percent           |
| f. | Maximum Building Coverage.   | Twelve (12) percent            |
| g. | Minimum Front Setback.   | Sixty (60) feet                |
| h. | Minimum Side Yard.   | Thirty-five (35) feet          |
| i. | Minimum Rear Yard.   | Sixty (60) feet                |
| j. | Maximum Building Height.   | Thirty-five (35) feet          |
| k. | Residential uses, where adjacent to an intensive agricultural use, shall be located a minimum of one hundred (100) feet from any adjacent intensive agricultural uses. |                                |

1. Residential uses, where adjacent to agricultural uses, shall be located a minimum of fifty (50) feet from any adjacent agricultural uses.
  2. Establishment of Net Tract Area - For the purpose of protecting important natural resources, to establish permissible number of lots under this development option, the net tract area shall include all area within the legal property lines of a tract, excluding the items in accordance with Section 502.A.4.
  3. One good acre requirement – It is required that a minimum of one (1) contiguous acre within the boundaries of each lot shall be free and clear of natural resources or constraints, including, but not limited to:
    - a. Any existing water body or water course.
    - b. Any area within the one hundred (100) year floodplain as established in Article X.
    - c. Any area containing wetlands as identified on the National Wetlands Inventory and as established in Article X.
    - d. Any area of very steep slope with slopes exceeding twenty-five (25) percent as measured between consecutive two (2) foot contour lines.
  4. Agricultural Resources - Lots within a conventional development, to the extent possible, shall not be located in close proximity to areas that are used for agricultural practices involving animals or animal waste, or other activities that routinely create significant noise and/or odors.
  5. The provisions of this Section shall apply to all original tracts. Regardless of size, no parcel or lot subsequently subdivided from its original tract shall qualify for additional lots pursuant to this Section. All subsequent owners of parcels of land subdivided from the original tract shall be bound by the actions of the previous owners of the original tract. Likewise, any subsequent owner of any original tract shall be bound by the provisions of this Section and the actions of the previous owners such that for purposes of subdivision the number of new lot or dwellings erected on the original tract shall be fixed according to the original number permitted on the original tract. This number shall not be increased by the further subdivision of the original tract, thus transfer of ownership shall not create a new right to subdivide. All deeds subdivided from the original tract under this Section shall contain a restriction prohibiting further subdivision of the parcel or lot.
- E. **Other Uses.** Unless otherwise specified in this Ordinance, all other uses permitted in this district shall meet the following:
1. Minimum Lot Area. Sixty thousand (60,000) square feet

2.	Minimum Lot Width at Building Line.	One hundred fifty (150) feet
3.	Minimum Lot Width at Street Line.	One hundred (100) feet
4.	Minimum Front Setback.	Fifty (50) feet
5.	Minimum Side Yard.	Twenty-five (25) feet
6.	Minimum Rear Yard.	Fifty (50) feet
7.	Maximum Building Coverage.	Ten (10) percent
8.	Maximum Lot Coverage (impervious).	Fifteen (15) percent
9.	Maximum Building Height.	Thirty-five (35) feet

## SECTION 603. CLUSTER RESIDENTIAL DEVELOPMENT STANDARDS

A. **Open Space Provisions.** Open space in cluster residential development shall meet the following requirements:

1. Configuration of Required Open Space - A minimum fifty (50) percent of the gross site area shall be designated on the plan as common open space and held in a tract or tracts separate from the developable lots. Such open space shall be restricted from further subdivision or land development by deed restriction, conservation easement, or other agreement or form acceptable to the Township, noted on the subdivision plan of record and duly recorded in the office of the Recorder of Deeds of Chester County, Pennsylvania. Any such mechanism shall be structured in a manner that would require the agreement of both the Homeowners Association or other owner and Township in order to abolish it in the future. Configuration of required open space shall be as follows:
  - a. Primary natural resources (floodplains, water bodies/watercourses, areas of very steep slope, and wetlands) shall to the greatest extent possible be included in the designated open space, however, no more than seventy-five (75) percent of the minimum required open space shall consist of primary natural resources.
  - b. The proposed development shall limit disturbance of all natural resources in accordance with this Ordinance and as identified in the required Conservation Plan in the Subdivision and Land Development Ordinance. Development shall start on the least desirable class of agricultural soil determined on the tract, where possible.
  - c. Any Class I or Class II agricultural soils that are present on the site shall be included in the designated open space to the greatest extent feasible. The burden shall be on the applicant to justify the location of any such soils outside of the designated open space.
  - d. Where common open space is designated as separate, noncontiguous parcels, no single parcel shall consist of less than one (1) 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 one hundred fifty (150) feet in width except in the case of a trail corridor or other linkage between two (2) larger, noncontiguous, open space areas. Any such trail corridor or linkage shall be a minimum of fifteen (15) feet in width.

- e. Where adjacent parcels contain existing or proposed open space areas, either publicly owned or otherwise deed restricted as permanent open space, common open space 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.

2. Open Space Standards – Open space usage requirements, ownership standards and maintenance standards are set forth in Section 1126 and shall apply.

- B. **Conservation of Existing Structures and Historic Resources** - 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 lots/units, except in the case of an existing historic resource listed or eligible for the National Register of Historic Places and/or listed in the Township's Historic Sites Survey that is to be preserved and renovated. Historic resources shall not be counted against the permitted number of lots on a tract and shall be in addition to the permitted number of lots, and may be renovated and reused subject to compliance with this Section.

1. Historic resources shall be preserved to the greatest degree possible through inclusion in development plans and design, including historic buildings, structures, sites, objects, ruins, paths, trails, or any other historic landscape features.
2. Plans for rehabilitation should use the Secretary of the Interiors Standards for Rehabilitation as a guideline.
3. The applicant should maintain sufficient landscaped or buffer area and yard area surrounding the historic resource to retain the integrity of the historic landscape and setting. The applicant can mitigate impacts to the historic landscape and setting through appropriate vegetation or through screening compatible with such historic landscape and setting, and through retaining the view shed which visually link historic resources to their setting.
4. Applicant shall guarantee permanent adherence to these standards through establishment of appropriate restrictions and/or conservation easement(s) acceptable to the Township.



5. Uses of Historic Resources in the Open Space. In addition to the uses named as permitted in the open space of a cluster residential development, the following additional uses shall be permitted in historic resources located within the open space, and shall occur in accordance with Section 1138:
  - a. Restaurant.
  - b. Retail use.
  - c. Single-family detached dwelling.
  - d. Two-family dwelling.
  - e. Professional office.
  - f. Other uses compatible with a residential development, as approved by the Board of Supervisors.
- C. **Sewage Disposal and Water Supply.** Development permitted under the cluster development option shall be served by a public sewage disposal system, community sewage disposal system, or by individual off-lot sewage disposal systems in the open space, and shall be served by a public water supply system in areas impacted by a Superfund site, a community water supply system, or by an individual water supply. As a condition of approval of any cluster development all uses shall be served with sewer and water facilities approved by the Pennsylvania Department of Environmental Protection, or appropriate regulatory agency.
- D. **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: floodplains, areas of very steep slope, and wetlands, 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. The calculation of permitted number of lots/units per the requirements of Section 602.A.4.
  4. 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.
  5. 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 Ordinance and any other protected lands either publicly or privately owned, eased, or deed restricted.
  6. Location of agricultural uses, and other permitted uses per Section 602.A.2 and Section 603.A.2.

**SECTION 604. CONVENTIONAL DEVELOPMENT STANDARDS**

- A. **Conservation of Existing Structures and Historic Resources.** 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 lots/units, except in the case of an existing historic resource listed or eligible for the National Register of Historic Places and/or listed in the Township's Historic Sites Survey that is to be preserved and renovated. Historic resources shall not be counted against the permitted number of lots on a tract and shall be in addition to the permitted number of lots, and may be renovated and reused subject to compliance with this Section.
1. Historic resources shall be preserved to the greatest degree possible through inclusion in development plans and design, including historic buildings, structures, sites, objects, ruins, paths, trails, or any other historic landscape features.
  2. Plans for rehabilitation should use the Secretary of the Interiors Standards for Rehabilitation as a guideline.
  3. The applicant should maintain sufficient landscaped or buffer area and yard area surrounding the historic resource to retain the integrity of the historic landscape and setting. The applicant can mitigate impacts to the historic landscape and setting through appropriate vegetation or through screening compatible with such historic landscape and setting, and through retaining the view shed which visually link historic resources to their setting.
  4. Applicant shall guarantee permanent adherence to these standards through establishment of appropriate restrictions and/or conservation easement(s) acceptable to the Township.
- B. **Sewage Disposal and Water Facilities.** As a condition of any approval of any conventional development all uses shall be served with sewer and water facilities approved by the Pennsylvania Department of Environmental Protection.
- C. **Information required prior to Conventional Development - Option 2.**
1. Delineation and the calculated area of all portions of the tract identified as primary natural resources: floodplains, 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. The calculation of permitted number of lots/units per the requirements of Section 602.B.3.

4. Location of permitted uses per Section 601.

## **SECTION 605. DESIGN STANDARDS**

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

- A. Lighting regulations, Screening and Buffering, Storage, and Landscaping shall be in accordance with Article XII.
- B. Signage regulations 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.

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**Article VII: V – Village District**

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**SECTION 700. PURPOSE AND PROCESS**

- A. It is the purpose of this district to recognize the crossroads Villages of Compass 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:
1. Retain the unique traditional character of the Villages of Compass and Martin's Corner recognizing their historic attributes, context, and role in the development of West Caln Township.
  2. 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 orientation and circulation system.
  3. Promote infill and adaptive reuse of existing buildings that retains the size, scale, and general character of the villages.
  4. Encourage design and building placement that are compatible with the traditional building form, scale and pattern of existing buildings.
  5. Provide for development that implements the related goals of the West Caln Township Comprehensive Plan.
- B. **Process.** The Township strongly encourages applicants to meet with the Planning Commission to discuss these development options in the form of an informal sketch plan prior to the official submission of an application. Sketch plans, as specified in the Subdivision and Land Development Ordinance, are useful tools to identify and correct potential compliance with Township ordinances issues before the expenditure of significant time and expense, and can help to expedite the review and approval of the preliminary and/or final plan submissions.

**SECTION 701. USE REGULATIONS**

The Villages of Compass and Martin's Corner are unique in scale and configuration and the use regulations associated with them should reflect their individual character. Therefore, use regulations have been separated into two categories: Compass Village Use Regulations and Martin's Corner Village Use Regulations.

- A. **Compass Village Use Regulations.** Compass is situated at the intersection of King's Highway (Rt. 340) and Rt. 10, both of which are primary and well-traveled roadways in the Township, and serves as the western entrance to the Township. The village can serve some small scale commercial, institutional, and residential uses, however the impact on

existing sensitive environmental resources and constraints and of traffic on this intersection shall be considered and addressed.

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 (1) 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 semi-detached dwelling.
  - c. Two-family detached dwelling.
  - d. Cemetery.
  - e. The following uses not to exceed two thousand (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 Section 1133, with or without outdoor cafe, as per and Section 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 Section 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 Section 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 Compass as a village in a rural area.
  - g. Agricultural use, as per Section 1103.

- h. Forestry, as per Section 1002.D.
  - i. Residential accessory use, as per Section 1101.C with the exception of Sections 1101.C.12 and 13.
  - j. Commercial or institutional accessory use, as per Section 1101.D and E.
  - k. Minor home occupation, as per Section 1101.C.11.
  - l. Temporary structure, building, or use, as per Section 1101.F.
  - m. Temporary community event, as per Section 1101.G.
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 (1) of the following uses and in accordance with the requirements of this Article and other applicable provisions:
- a. Bed and breakfast, as per Section 1107.
  - b. Residential conversion, as per Section 1132.
  - c. Club or lodge, as per Section 1109.
  - d. Funeral home, as per Section 1113.
  - e. Place of worship or religious use, as per Section 1131.
  - f. A combination of two (2) to four (4) permitted uses in Compass on a single lot and within a single building for buildings as existing at the effective date of this Ordinance. 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 one (1) acre total lot area for the combination of uses. Where a residential use is combined with a non-residential use in the Village District, the first floor shall be occupied by the non-residential use and the upper floor(s) by the residential use as per Section 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 Zoning Hearing Board as part of a special exception may give consideration to expansions of buildings as existing at the effective date of this Ordinance in order to help encourage their re-use.
  - g. Major home occupation, as per Section 1101.C.12.

- h. Supplemental dwelling unit, as per Section 1101.C.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 (1) of the following uses and in accordance with the requirements of this Article and other applicable provisions:
- a. Other uses not to exceed two thousand (2,000) square feet of gross leasable area and of a similar nature to those listed in Section 701.A.1.e, above, shall be considered by the Board of Supervisors based on compatibility with other listed uses in said Subsection and their consistency with the goals and design standards of the Village District.
  - b. Day care center, as per Section 1110.
  - c. Veterinary clinic, without kennels, as per Section 1120.
  - d. Educational use, as per Section 1112.
  - e. Gasoline and/or service station, as per Section 1114, but specifically excluding automobile body repair shops. Car washes 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 the Subdivision and Land Development Ordinance.
  - f. When built in an existing Historic Resource listed on the West Caln Township Historic Sites Survey, may involve any one (1) of the uses by-right permitted in Compass, and, where applicable, the use shall be allowed to increase the square footage requirements in Subsection A.1.e by fifteen (15) percent provided alterations to historic resources retain the general exterior integrity and do not enlarge such resources by more than fifteen (15) percent.
  - g. A combination of four (4) to six (6) permitted uses in Compass on a single lot and within a single building for buildings as existing at the effective date of this Ordinance. 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 (2) acres total lot area for the combination of uses. Where a residential use is combined with a non-residential use in the Village District, the first floor shall be occupied by the non-residential use and the upper floor(s) by the residential use, as per Section 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 Ordinance in order to help encourage their re-use.

B. **Martin's Corner Use Regulations.** Martin's Corner is situated in the northeastern portion of the Township, adjacent to Hibernia Park. Residential uses as well as some minor commercial and institutional uses are designated for this area.

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 (1) 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 semi-detached dwelling.
  - c. Two-family detached dwelling.
  - d. Municipal, governmental, and public service use, including post office, fire station, parks, or similar public-oriented uses that promote Martin's Corner as a village in a rural area.
  - e. Trade, or service shop, such as bicycle repair, small electrical or other household appliance servicing, carpentry shop, plumbing shop, or similar uses not to exceed one thousand five hundred (1,500) square feet of gross leasable area.
  - f. Agricultural use, as per Section 1103.
  - g. Forestry, as per Section 1002.D.
  - h. Minor home occupation, as per Section 1101.C.11.
  - i. Residential accessory use, as per Section 1101.C with the exception of Sections 1101.C.12 and 13.
  - j. Commercial or institutional accessory use, as per Section 1101.D and E.
  - k. Temporary structure, building, or use, as per Section 1101.F.
  - l. Temporary community event, as per Section 1101.G.
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 (1) of the following uses and in accordance with the requirements of this Article and other applicable provisions:



- a. Bed and breakfast, as per Section 1107.
  - b. Residential conversion, as per Section 1132.
  - c. The following uses not to exceed one thousand five hundred (1,500) 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) Individual personal service shop including barber shops, beauty shops, real estate and insurance, tailor shop, photographic studios, shoe repair or similar uses, but excluding crematoriums.
    - 3) Restaurant or similar establishment, as per Section 1133, without outdoor cafe and without drive-through service.
  - d. A combination of two (2) to four (4) permitted uses in Martin's Corner on a single lot and within a single building for buildings as existing at the effective date of this Ordinance. 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 sixty-thousand (60,000) square feet total lot area for the combination of uses. Where a residential use is combined with a non-residential use in the Village District, the first floor shall be occupied by the non-residential use and the residential use shall be as per Section 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 Zoning Hearing Board as part of a special exception may give consideration to expansions of buildings as existing at the effective date of this Ordinance in order to help encourage their re-use.
  - e. Major home occupation, as per Section 1101.C.12.
  - f. Supplemental dwelling unit, as per Section 1101.C.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 (1) of the following uses and in accordance with the requirements of this Article and other applicable provisions:
- a. Other uses not to exceed one thousand five hundred (1,500) square feet of gross leasable area and of a similar nature to those listed in Section 701.B.1.e and Section 701.B.2.c and e, above, shall be considered by the

Board of Supervisors based on compatibility with other listed uses and their consistency with the goals and design standards of the Village District.

- b. Place of worship or religious use, as per Section 1131.
- c. Veterinary clinic, without kennels, as per Section 1120.
- d. Restaurant or similar establishment, as per Section 1133, with outdoor cafe, as per Section 1127, and without drive-through service.
- e. When built in an existing Historic Resource listed on the West Caln Township Historic Sites Survey, may involve any one (1) of the uses by-right or those uses in Subsections 2.c and e permitted in Martin's Corner, and, where applicable, shall be allowed to increase the square footage requirements in Subsections B.1.e and B.2.c and e by fifteen (15) percent provided alterations to historic resources retain the general exterior integrity and do not enlarge such resources by more than fifteen (15) percent.
- f. A combination of four (4) to six (6) permitted uses in Martin's Corner on a single lot and within a single building for buildings as existing at the effective date of this Ordinance. Each use shall meet the minimum square footage requirements for individual uses in this district but need not exceed a minimum of three (3) acres total lot area for the combination of uses. Where a residential use is combined with a non-residential use in the Village District, the first floor shall be occupied by the non-residential use and upper floor(s) by the residential use shall be as per Section 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 Ordinance in order to help encourage their re-use.

## **SECTION 702. AREA AND BULK REGULATIONS**

The Villages of Compass and Martin's Corner are unique in scale and configuration and the area and bulk regulations associated with them should reflect their individual character. Therefore, area and bulk regulations have been separated into two categories: Compass Village Regulations and Martin's Corner Village Regulations.

- A. **Compass Village Regulations.** The following area and bulk regulations apply to all uses, except agricultural uses, in the Village of Compass:

- |    |                                     |  |
|----|-------------------------------------|--|
| 1. | Lot Area.                           | Minimum lot area shall be twenty thousand (20,000) square feet, and the maximum lot area shall be one (1) acre, with the exception of Section 701.A.2.f and 3. g as specified  |
| 2. | Minimum Lot Width at Building Line. | Seventy-five (75) feet   |
| 3. | Minimum Lot Width at Street Line.   | Seventy-five (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 ten (10) feet and a maximum of thirty (30) feet from the street line |
| 5. | Minimum Side Yard Setback.          | Ten (10) feet on each side   |
| 6. | Minimum Rear Yard Setback.          | Twenty-five (25) feet  |
| 7. | Maximum Lot Coverage.               | Twenty-five (25) percent for residential uses. Fifty (50) percent for non-residential uses   |
| 8. | Maximum Building Height.            | Thirty-five (35) feet  |

**B. Martin's Corner Village Regulations.** The following area and bulk regulations apply to all uses, except agricultural uses, in the Village of Martin's Corner:

- |    |  |  |
|----|--|--|
| 1. | Lot Area.  | Minimum lots area shall be thirty thousand (30,000) square feet, and the maximum lot area shall be sixty-thousand (60,000) square feet, with the exception of Section 701.B.2.d and 3.f as specified   |
| 2. | Minimum Lot Width at Building Line.  | One hundred twenty-five (125) feet   |
| 3. | Minimum Lot Width at Street Line.  | One hundred (100) 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 ten (10) feet and a maximum of thirty (30) feet from the street line |
| 5. | Minimum Side Yard Setback.   | Twenty (20) feet on each side  |
| 6. | Minimum Rear Yard Setback.   | Twenty-five (25) feet  |
| 7. | Maximum Lot Coverage.  | Twenty (20) percent for residential uses. Forty (40) percent for non-residential uses  |
| 8. | Maximum Building Height.   | Thirty-five (35) feet  |
| 9. | Residential uses, where adjacent to an intensive agricultural use, shall be located a minimum of one hundred (100) feet from any adjacent intensive agricultural use |  |

- C. **Agricultural Uses in Compass and Martin's Corner.** Agricultural uses, other than Intensive Agricultural uses, existing at the effective date of this Ordinance shall be permitted in the Village District as follows:
1. Minimum gross tract area. Five (5) acres
  2. However, existing agricultural lots less than five (5) acres in size as of the date of adoption of this Ordinance may be used for agricultural purposes subject to compliance with all other applicable regulations herein.
  3. Existing agricultural lots less than five (5) acres in size, that are located adjacent to lots of five (5) 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 Ordinance.
  4. Maximum building height. Thirty five (35) feet
- Barns, silos, bulk bins, and other agricultural related structures, other than residential uses and residential accessory uses, shall be exempt from the maximum building height limit as per Article XII.

### SECTION 703. VILLAGE DISTRICT SPECIAL DESIGN STANDARDS

All development proposed within the Village District, as well as new use or the change in use of a building in existing development shall comply with the following:

- A. New development proposed for the Villages of Compass and Martin's Corner should 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 element is an important feature in a village and pedestrian orientation and linkages between uses through sidewalks, walking or biking paths shall be provided, wherever possible.
- D. Parking for commercial uses shall be located in the side or rear yard of buildings. And 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.

- E. 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 Section 1206. Outdoor display of merchandise for sale may be permitted as per Section 1204.
- F. Mechanical systems, trash receptacles, and dumpsters shall be located in rear or side yard and shall be screened from view in compliance with Section 1206.
- G. Every effort should be made to locate new structures with regard for site features.

#### **SECTION 704. GENERAL DESIGN STANDARDS**

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

- A. No outdoor vending machine, gasoline station, service station, 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.
- B. Flag lots as defined and described in the Subdivision and Land Development Ordinance shall not be permitted in this District.
- C. Outdoor display of merchandise shall be in accordance with Article XII.
- D. Lighting regulations, Screening and Buffering, and Storage shall be in accordance with Article XII.
- E. Signage regulations shall be in accordance with Article XIV.
- F. Parking, Loading, Access, and Interior Circulation shall be in accordance with Article XIII.
- G. Permitted uses shall be in accordance with other applicable General regulations in Article XII.
- H. Permitted uses shall be in accordance with Supplemental Use regulations in Article XI.

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**Article VIII: RC – Rural Center District**

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**SECTION 800. PURPOSE AND PROCESS**

- A. Purpose.** In promoting the policies of the West Caln Township Comprehensive Plan (1998) and the Township Park, Recreation, and Environmental Resources Plan (1995), and maintaining the Township by allowing for land uses that complement the character of the Wagontown area, specifically as follows:
1. Provide a focused larger village growth area in the Township to accommodate future potential residential, commercial, and institutional development, and the efficient use and provision of infrastructure and public facilities in order to promote the preservation of open space, natural resources, and agriculture in surrounding, less-intensive districts.
  2. Accommodate a variety of housing types at a density and in a configuration consistent and complimentary of existing uses in the area.
  3. Provide for a diversity of lot sizes, building densities, and housing choices to accommodate a variety of age and income groups and residential opportunities.
  4. Provide opportunities for commercial uses to serve residents.
- C. Process.** The Township strongly encourages applicants to meet with the Planning Commission to discuss these development options in the form of an informal sketch plan prior to the official submission of an application. Sketch plans, as specified in the Subdivision and Land Development Ordinance, are useful tools to identify and correct potential compliance with Township ordinances issues before the expenditure of significant time and expense, and can help to expedite the review and approval of the preliminary and/or final plan submissions.

**SECTION 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 (1) 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 semi-detached dwelling.
  3. Two-family detached dwelling.
  4. Rural Center residential development, as per Section 802.B.

5. Rural Center mixed residential development, as per Section 802.C and Section 1124.
6. Multi-family dwelling, as per Section 802.D and Section 1124.
7. 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.
8. Restaurant or similar establishment, as per Section 1133, with or without outdoor café, as per Section 1127, and with or without drive-through service, as per Section 1111.
9. Place of worship or religious use, as per Section 1131.
10. Bed and breakfast, as per Section 1107.
11. Personal service shop including barber shops, beauty shops, real estate and insurance, tailor shop, photographic studios, shoe repair or similar uses, but excluding crematoriums.
12. Individual professional, business, administrative, or medical office, as per Section 1117.
13. Trade, service, or craftsman shop, such as bicycle repair, small electrical or other household appliance servicing, carpentry shop, plumbing shop, or similar uses.
14. Municipal use (public service facility), including post office, fire station, parks, libraries, ambulance service, or similar uses as approved by the Board of Supervisors.
15. Banks and financial institution, as per Section 1106, with or without drive through service, as per Section 1111.
16. Day care center, as per Section 1110.
17. Veterinary clinic, without kennels, as per Section 1120.
18. Forestry, as per Section 1002.D.
19. Minor home occupation, as per Section 1101.C.11.
20. Major home occupation, as per Section 1101.C.12.

21. Residential accessory use, as per Section 1101.C with the exception of Section 1101.C.13.
  22. Commercial or institutional accessory use, as per Section 1101.D and E.
  23. Temporary structure, building, or use, as per Section 1101.F.
  24. Temporary community event, as per Section 1101.G.
- 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 (1) of the following uses and in accordance with the requirements of this Article and other applicable provisions:
1. Club or lodge, as per Section 1109.
  2. Funeral home, as per Section 1113.
  3. Supplemental dwelling unit, as per Section 1101.C.13.
- 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 (1) of the following uses and in accordance with the requirements of this Article and other applicable provisions:
1. Automobile sales, as per Section 1105.
  2. Recreational use, as per Section 1129.
  3. Gasoline and/or service station, as per Section 1114.
  4. Hotel or motel, as per Section 1116.
  5. Educational use, as per Section 1112.
  6. Cemetery, as per Section 1108.
  7. Nursing home, life care facility, or retirement community, as per Section 1125.
  8. A combination of commercial uses on the first floor and residential uses on the upper floors(s), as per Section 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.



9. Other uses of a similar nature to those listed above shall be considered by the Board of Supervisors based on compatibility with other listed uses and their consistency with the goals and design standards of the Rural Center District.

## SECTION 802. AREA AND BULK REGULATIONS

- A. **Water and Sewer Facility Options.** There are four (4) water and sewer service facility options available in the Rural Center District. They 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. **Rural Center Residential Development.**

1. Permitted Uses - Single-family detached dwelling, single-family semi-detached dwelling, or two-family detached dwelling.
2. Area and Bulk Regulations - The following area and bulk regulations apply to dwellings under Rural Center Residential Development:

Area and Bulk Regulations – Rural Center Residential Development				
	<i>Option 1</i>	<i>Option 2</i>	<i>Option 3</i>	<i>Option 4</i>
Maximum Gross Density (dwelling units(du) per gross acre)	4 du/acre	1.25 du/acre	1.25 du/acre	1 du/acre
Minimum Lot Area	10,000 sq.ft.	25,000 sq.ft.	25,000 sq.ft.	30,000 sq.ft.
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%
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 gross tract)	10%	10%	10%	10%

3. Open Space Standards – Open space use, ownership, and maintenance standards set forth in Section 1126 shall apply. If necessary, back up systems for on-lot sewer systems shall be placed in the required open space area.

**C. Rural Center Mixed Residential Development.**

1. Permitted Uses – This development type is a mix of uses in Subsection B.1 and Subsection D.1, 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. 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.
3. Area and Bulk Regulations - Area and bulk regulations shall be as provided in Subsection B.2 and Subsection D.3.
4. Open Space Standards – Open space use, ownership, and maintenance standards required in Subsection B.2 and set forth in Section 1126 shall apply.

**D. Multi-Family Dwelling.**

1. Permitted Uses – Multi-family dwellings (apartments, quadraplexes, or townhouses).
2. Sewer and Water Facilities. Community or public sewer and water shall be used for multi-family dwellings, unless otherwise permitted by the Board of Supervisors upon recommendation from the Township Engineer.
3. Area and Bulk Regulations - The following area and bulk regulations apply to multi-family dwellings:

<b>Area and Bulk Regulations – Multi-Family Dwelling</b>	
	<i><b>Option 1</b></i>
Maximum Gross Density(dwelling units(du) per gross acre)	6 du/acre
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
Minimum Open Space (% of gross tract)	10%

**E. Other Uses.**

1. Permitted Uses – Any non-residential use permitted by right, through special exception, or conditional use as specified in Section 801.
2. Area and Bulk Regulations - The following area and bulk regulations apply to non-residential uses permitted in this district, except as otherwise specified in Article XI:

<b>Area and Bulk Regulations – Other Uses</b>				
<b><i>Regulation</i></b>	<b><i>Option 1</i></b>	<b><i>Option 2</i></b>	<b><i>Option 3</i></b>	<b><i>Option 4</i></b>
Minimum Lot Area	10,000 sq.ft.	35,000 sq.ft.	35,000 sq.ft.	43,560 sq.ft.
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	25 feet	30 feet	30 feet	30 feet
Minimum Side Yard	10 feet	25 feet	25 feet	25 feet
Minimum Rear Yard	30 feet	50 feet	50 feet	50 feet
Maximum Building Height	35 feet	35 feet	35 feet	35 feet

**SECTION 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 Section 1206. Outdoor display of merchandise for sale shall be permitted as per Section 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 Section 1206.
- D. A pedestrian circulation pattern shall be promoted and sidewalks required where appropriate as required by the Board of Supervisors and the Subdivision and Land Development Ordinance.
- 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 for commercial uses shall be encouraged in side and rear yards.
- G. The removal of mature trees and site vegetation shall be minimized as per Article X.
- H. Every effort should 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.

#### **SECTION 804. DESIGN STANDARDS**

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

- A. Lighting regulations, Screening and Buffering, Storage, and Landscaping shall be in accordance with Article XII.
- B. Flag lots as defined and described in the Subdivision and Land Development Ordinance shall not be permitted in this District.
- 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.

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**Article IX: MP – Multi-Purpose District**

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**SECTION 900. PURPOSE AND PROCESS**

- A. In addition to the general goals listed in the Statement of Purpose, and the Community Development Objectives of Article I, the purpose of this district is:
1. 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.
  2. To allow for industrial and commercial uses that will contribute to the economic and employment base of the Township.
  3. 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.
- B. **Process.** The Township strongly encourages applicants to meet with the Planning Commission to discuss these development options in the form of an informal sketch plan prior to the official submission of an application. Sketch plans, as specified in the Township Subdivision and Land Development Ordinance, are useful tools to identify and correct potential compliance with Township ordinances issues before the expenditure of significant time and expense, and can help to expedite the review and approval of the preliminary and/or final plan submissions.

**SECTION 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 (1) of the following purposes and no other, in accordance with the requirements of this Article and other applicable provisions:
1. Agricultural use, as per Section 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 Section 1101.B.

3. Temporary structure, building, or use, as per Section 1101.F.
4. Temporary community event, as per Section 1101.G.
5. Forestry, as per Section 1002.D.

B. **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:

1. Production, manufacturing, and processing operations of materials, goods, foods, and products.
2. Public service facility.
3. Trucking terminal.
4. Recycling center, as per Section 1130.
5. Auto body shop.
6. Yard for storage, sale or distribution of lumber or building materials.
7. Recreational use, as per Section 1129.
8. Junk yard, as per Section 1119.
9. Crematorium or Mortuary.
10. Laboratory for scientific research, testing, and development.
11. Gasoline and/or service station, and/or car wash, as per Section 1114.
12. Commercial, industrial, or institutional accessory use, as per Section 1101.D and E.

C. **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:

1. Intensive agricultural use as per Section 1103, including dwelling of the owner/operator of the farm, when an accessory use to the agricultural use.
2. Commercial agricultural-support business, including facilities for the commercial

processing and warehousing or agricultural products, commercial slaughtering or rendering operations, and facilities for the warehousing, sales, and service of agricultural equipment or supplies, as per Section 1103.

3. Industrial or office park consisting of two (2) or more uses, as per Section 1118.
4. Wholesaling, warehousing and distribution.
5. Light Manufacturing involving assembly, fabrication, compounding or finishing of products from previously manufactured or processed materials.
6. Printing, publishing, or photocopying facility.
7. Packaging or cleaning operation, including dry cleaning plant.
8. Individual professional, business, administrative, or medical office, as per Section 1117.
9. Municipal use.
10. Adult commercial use, as per Section 1102.
11. Quarrying and mining operation, as per Section 1128.
12. Municipal sanitary landfill, as per Section 1121.
13. Transfer station, as per Section 1137.
14. Craftsman, trade, repair, contractor shop or office, such as carpentry, plumbing, welding, electrical, or machine shop.
15. Educational use (commercial)/trade school, as per Section 1112.
16. Automotive or truck sale, as per Section 1105.
17. Motel or hotel and/or conference facility, as per Section 1116.
18. Self-storage units/mini-warehouse use, as per Section 1135.
19. Drive-through service, as per Section 1111.
20. Shopping center, as per Section 1136.
21. Multi-family development option, as per Section 902.C and Section 1124.
22. Mobile home park, as per Section 1123.

23. Any other use of a similar character of those permitted in this district or any use not otherwise provided for under this Ordinance.

## **SECTION 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 multi-family dwellings:

- |    |                                     |  |
|----|-------------------------------------|--|
| 1. | Minimum Lot Area.                   | One (1) acre.  |
| 2. | Minimum Lot Width at Building Line. | One hundred fifty (150) feet   |
| 3. | Minimum Lot Width at Street Line.   | One hundred twenty-five (125) feet   |
| 4. | Front Yard Setback.                 | Fifty (50) feet<br>Seventy-five (75) feet when abutting or across from non-industrial uses or districts  |
| 5. | Minimum Side Yard Setback.          | Thirty (30) feet<br>Seventy-five (75) feet when abutting or across from non-industrial uses or districts |
| 6. | Minimum Rear Yard Setback.          | Fifty (50) feet<br>Seventy-five (75) feet when abutting or across from non-industrial uses or districts  |
| 7. | Maximum Building Coverage.          | Forty five (45) percent  |
| 8. | Maximum Lot Coverage.               | Fifty five (55) percent  |
| 9. | Maximum Building Height.            | Thirty five (35) feet  |

**B. Shopping Center.**

- |    |                                     |  |
|----|-------------------------------------|--|
| 1. | Minimum Lot Area.                   | Three (3) acres.   |
| 2. | Minimum Lot Width at Building Line. | Two hundred (200) feet   |
| 3. | Minimum Lot Width at Street Line.   | One hundred fifty (150) feet   |
| 4. | Front Yard Setback.                 | One hundred (100) feet when abutting or across from residential uses or districts<br>Seventy-five (75) feet when abutting or across from non-residential uses or districts |
| 5. | Minimum Side Yard Setback.          | Thirty (30) feet when abutting or across from residential uses or districts  |



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|----|----------------------------|--|
| 6. | Minimum Rear Yard Setback. | Seventy-five (75) feet when abutting or across from non-residential uses or districts<br>Fifty (50) feet when abutting or across from residential uses or districts<br>Seventy-five (75) feet when abutting or across from non-residential uses or districts |
| 7. | Maximum Building Coverage. | Forty five (45) percent  |
| 8. | Maximum Lot Coverage.      | Fifty five (55) percent  |
| 9. | Maximum Building Height.   | Thirty five (35) feet  |

**C. Multi-Family Dwelling Development Option.**

1. Permitted Uses – Multi-family 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 multi-family dwelling development:

<b>Multi-Family Development Option</b>	
<b><i>Area and Bulk Regulations</i></b>	<b><i>Option 1</i></b>
Minimum gross Tract Size	10 acres
Maximum Gross Density(dwelling units(du) per gross acre)	6 du/acre
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 gross tract)	10%

**SECTION 903. GENERAL DESIGN STANDARDS**

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

- A. Outdoor storage of materials, products or equipment shall be in accordance with Article XII.

- B. Flag lots as defined and described in the Subdivision and Land Development Ordinance shall not be permitted in this District.
- C. Lighting regulations, Screening and Buffering, and Storage shall be in accordance with Article XII.
- D. Signage regulations shall be in accordance with Article XIV.
- E. Parking, Loading, Access, and Interior Circulation shall be in accordance with Article XIII.
- F. Permitted uses shall be in accordance with other applicable General regulations in Article XII.
- G. Permitted uses shall be in accordance with Supplemental Use regulations in Article XI.

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## Article X: Natural Resource Protection Standards

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### SECTION 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 following goals of the *West Caln Township Comprehensive Plan* (1998) and the *West Caln Township Open Space, Recreation, and Environmental Resources Plan* (1995):
  1. Natural and Historic Resources Protection Goals.
    - a. Preserve the natural character of the Township by protecting those natural, scenic and historic features that contribute to that unique character and the local quality of life.
    - b. Use new and innovative land management tools and techniques to promote the preservation and protection of the natural, scenic, and historic resources.
  2. Goal for Protection of Land Resources. Retain as much of the remaining open and rural character of the Township as possible.
  3. Goal for Protection of Water Resources. Protect and preserve the water resources of West Caln Township for the health and well being of current and future residents and for wildlife and vegetation dependent on water supplies.
  4. Goal for the Protection of Biotic Diversity. Retain natural areas of sufficient size and quality to support viable native ecosystems of plant and animal species.

### SECTION 1001. APPLICABILITY AND GENERAL PROVISIONS

- A. It shall be a violation of this Ordinance 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 (2) 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 Section 1003 shall be verified as correct by the Township Engineer or other qualified professional as determined by the Township Engineer.

## **SECTION 1002. PROTECTION STANDARDS**

- A. **Floodplain Overlay District.** The following protection standards shall apply for floodplains:
1. Intent. The intent of these standards is to:
    - a. Promote the general health, safety, and welfare of residents of the Township.
    - b. Reduce financial burdens imposed on the community, its government and its residents by restricting or prohibiting certain uses, activities, and development in areas subject to periodic flooding.
    - c. Require those uses, activities, and developments that do occur in flood-prone areas to be protected and/or flood-proofed against flooding and flood damage through the use of appropriate construction practices.
    - d. Regulate uses, activities, and development which, acting alone or in combination with other existing or future uses, activities, and development,

will cause unacceptable increases in flood heights, velocities, and frequencies.

- e. Restrict or prohibit certain uses, activities, and development from locating within areas subject to flooding.
- f. Comply with federal and state floodplain management requirements, specifically the provisions of the National Flood Insurance Program (NFIP) and the Pennsylvania Floodplain Management Act 32 p.s. §§ 679.1 – 679.101.
- g. Minimize danger to public health by protecting water supply and natural drainage.

2. Applicability.

- a. For the purposes of this Ordinance, the Floodplain Overlay District shall be an overlay to the existing underlying districts as shown on the Zoning Map and, as such, the provisions of the Floodplain Overlay District shall be imposed in addition to the requirements of the underlying zoning district(s). In the event that a conflict exists between the overlay and underlying districts, the more restrictive provisions shall apply.
- b. No development shall be undertaken, no structure shall be constructed and no existing structure shall be enlarged, converted, relocated or structurally altered, and no area shall be developed, graded, filled, or excavated, in any Floodplain Overlay District except in full compliance with the terms and provisions of this Article, Ordinance, and other applicable federal and state regulations.

3. Disclaimer of Liability.

- a. The degree of flood protection sought by the provisions of this Article is considered reasonable for regulatory purposes and is based on the use of normal and customary engineering methods of study. Floods that exceed the levels anticipated in this Article may occur on rare occasions, and floodwater heights may be increased by man-made or natural causes. Areas outside identified floodplains and land uses permitted within such areas may be subject to flooding or flood damage, regardless of the adherence to the standards of this Article.
- b. The adoption of this Article and Ordinance, the granting of a permit, or the issuance of any administrative decision under this Ordinance shall not constitute a representation, guarantee, or warranty by the Township or by any official, agent or employee thereof, of the practicability or safety of any structure or land use with respect to damage from flooding, collapse,

erosion or otherwise, and shall create no liability upon or cause of action against such public body, official, agent or employee for any damage that may result pursuant thereto or as a result of reliance on the provisions of this Article.

4. Identification of Floodplain Areas.

- a. *Identification.* This Article shall create upon its adoption a Floodplain Overlay District which includes those areas in the Township subject to the one hundred (100) year flood, as identified in the Federal Insurance Study (FIS) dated November 20, 1996 and identified on the most recent Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA). The identified floodplain area shall be as defined in Subsection 4.b, below.
- b. *Description of Floodplain Areas.*
  - 1) Floodway Area (FW). The areas identified as “Floodway” in the AE Zone (AE) in the FIS prepared by FEMA. The term shall also include floodway areas which have been identified in other available studies or sources of information for those floodplain areas where no floodway has been identified in the FIS. (See Figure 2-H)
  - 2) Flood Fringe Area (FF). The remaining portions of the one hundred (100) year floodplain in those areas in the AE where a floodway has been delineated. The basis for the outermost boundary of this area shall be the one hundred (100) year base flood elevations as shown in the flood profiles contained in the FIS. (See Figure 2-H)
  - 3) Special Floodplain Area (FE) – The areas identified as Zone AE in the FIS, where one hundred (100) year flood elevations have been provided, but no floodway has been delineated.
  - 4) Approximated or General Floodplain Area (FA).
    - a) The areas identified as “Zone A” in the FIS for which no one hundred (100) year flood elevations have been provided. When available, information from other federal, state, and other acceptable sources (including those listed in Subsection b) and c) below) shall be used to determine the one hundred year elevation, as well as a floodway area, if possible. When no other information is available, the one hundred (100) year elevation shall be determined by using a point on the boundary of the identified floodplain area which is nearest the construction site in question.

- b) In lieu of the above and subject to Subsection 4.d below, the Township may require the applicant to determine the elevation with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analysis shall be undertaken only by a professional engineer or others of demonstrated qualifications, as approved by the Board of Supervisors, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, and other materials shall be submitted in sufficient detail to allow a thorough technical review by the Township.
- c) In addition to the sources listed in Subsection a), above, the following data may be used to determine the approximated floodplain areas for the purposes of this Ordinance:
  - i. U.S. Army Corps of Engineers – Floodplain Information Reports.
  - ii. U.S. Geological Survey – Flood-Prone Quadrangles.
  - iii. United States Department of Agriculture (USDA) Soil Survey of Delaware and Chester Counties – Alluvial soil types.
  - iv. Pennsylvania Department of Environmental Protection (PaDEP) flood control investigations.
  - v. Known high water marks from past floods.
  - vi. Any applicable data from other sources, including but not limited to, Chester County, Brandywine Conservancy, Brandywine Valley Association, or Green Valleys Association, as approved by the Board of Supervisors.
- c. *Dispute Resolution.* In the event of a dispute concerning the actual boundary of the Floodplain Overlay District, an initial determination shall be made by the Township Zoning Officer. Such determination by the Township Zoning Officer may be appealed to the Zoning Hearing Board. The burden of proof in such an appeal shall rest with the appellant. All revisions to the boundaries of the Floodplain Overlay District are subject to the review and approval of the Federal Insurance Administrator for the NFIP in accordance with its rules and regulations. Where there happens to be any conflict between provisions or requirements of any of the Floodplain Overlay District and those of any underlying district, the more restrictive provisions shall apply.
- d. *District Boundary Change.* The delineation of the Floodplain Overlay District boundary may be revised or modified by the Board of Supervisors,

after assessment by the Township Engineer, where there are changes through natural or man-made events and where the effects of those changes have been documented and/or recommended by the U.S. Army Corps of Engineers, Philadelphia District, the Federal Flood Insurance Administration, or FEMA or other qualified agencies which have documented the need for such revision. However, prior to any such changes, approval must be obtained from the Administrator of the NFIP and/or FEMA.

5. General Design and Construction Regulations. The following standards shall apply to all new construction, including additions or improvements, and development within the Floodplain Overlay District, where such construction of a use is permitted under Section 1002.A.6.

- a. *Construction Prohibition.* No new construction and/or development shall be permitted within any floodway area.
- b. *Proximity to watercourses.* Within any identified floodplain area, no new construction or development shall be located within the area measured fifty (50) feet landward from the top-of-bank of any watercourse.
- c. *Flood Elevation Prohibition.* Within any identified floodplain area beyond the fifty (50) foot area specified in Subsection 5.b above, no new construction or development shall be allowed unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the elevation of the one hundred (100) year flood more than one (1) foot at any point.
- d. *Changes to Watercourses.* 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 Township, and until all required permits or approvals have been first obtained from the Department of Environmental Protection (DEP), Bureau of Dams, Waterways and Wetlands. In addition, the FEMA and Pennsylvania Department of Community and Economic Development (DCED) be notified prior to any alteration or relocation of any watercourse.
- e. *Elevation of residential structures.* Where permitted within any identified Floodplain Overlay District, the elevation of the lowest floor (including basement) of any new construction or substantial improvement of a residential structure, including an existing mobile home, shall be one and one half (1.5) feet or more above the one hundred (100) year flood elevation.



- f. *Elevation of non-residential structures.* Where permitted within any identified Floodplain Overlay District, the elevation of the lowest floor (including basement) of any new construction or substantial improvement of non-residential structures shall be one and one half (1.5) feet or more above the one hundred (100) year flood elevation or be designed and constructed so that the enclosed space by such structure shall remain either completely or essentially dry during any flood up to a height of one and one half (1.5) feet or more above the one hundred (100) year flood elevation as per Subsection 5.g below.
- g. *Flood proofing of non-residential structures.* Any non-residential structure, or part thereof, having a lowest floor which is not elevated to at least one and one half (1.5) feet above the one hundred (100) year flood elevation, shall be floodproofed in a completely or essentially dry manner in accordance with the W1 or W2 space classification standards contained in the publication entitled, "Floodproofing Regulations," published by the U.S. Army Corps of Engineers (June 1972, as amended), or in accordance with an equivalent standard approved by the Township Engineer. All plans and specifications for such floodproofing shall be accompanied by a statement sealed by a registered professional engineer or architect who states that the proposed design and methods of construction are in conformance with the above referenced standards.
- h. *Space Below the Lowest Floor.*
  - 1) Fully enclosed space below the lowest floor (including basement) is prohibited.
  - 2) Partially enclosed space below the lowest floor (including basement) 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 floodwaters for the purpose of equalizing hydrostatic forces on exterior walls. The term "partially enclosed space" also includes crawl spaces. Designs for meeting this requirement must be either certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:
    - a) A minimum of two (2) openings having a net total area of not less than one (1) square inch for every square foot of enclosed space.
    - b) The bottom of all openings shall be no higher than one (1) foot above grade.

- c) Openings may be equipped with screens, louvers, etc. or other covering or devices provided that they are maintained in order to permit the automatic entry and exit of floodwaters.
  - d) Any applicable ADA (Americans with Disabilities Act) design requirements.
- i. *Accessory Structures.* Structures accessory to a principal use need not be elevated or floodproofed to remain dry, but shall comply, at a minimum, with the following requirements:
  - 1) 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 activity or use.
  - 2) The floor area shall not exceed six hundred (600) square feet.
  - 3) The structure will have a low damage potential.
  - 4) The structure will be located on the site so as to cause the least obstruction to the flow of flood waters.
  - 5) Power lines, wiring, and outlets will be at least one and one-half (1.5) feet above the one hundred (100) year flood elevation.
  - 6) Permanently affixed utility equipment and appliances such as furnaces, heaters, washers, dryers, etc. are prohibited.
  - 7) Sanitary facilities are prohibited.
  - 8) The structure shall be adequately anchored to prevent flotation or 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 (1) square inch for every square foot of enclosed space.
    - ii. The bottom of all openings shall be no higher than one (1) foot above grade.

- iii. Openings may be equipped with screens, louvers, etc. or other coverings or devices provided that they are maintained in order to permit the automatic entry and exit of flood waters.
- j. *Fill.* Where fill is used, it shall:
  - 1) Extend laterally at least fifteen (15) feet beyond the building line from all points.
  - 2) Consist of soil or small rock materials only – sanitary landfills or construction and demolition debris shall not be permitted.
  - 3) Be compacted to provide the necessary permeability and resistance to erosion, scouring or settling.
  - 4) Have a slope with a ratio no greater than one (1) foot vertical to two (2) feet horizontal, unless substantial data justifying steeper slopes is submitted and approved by the Township Engineer.
  - 5) Be used to the extent to which it does not adversely affect adjacent properties, and does not extend closer than ten (10) feet to any lot line.
- k. *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 appropriate channels or pipe, and provide positive drainage away from buildings. The system shall also be designed to prevent the discharge of excess runoff onto adjacent properties.
- l. *Water and Sanitary Sewer Facilities and Systems.* All water and sanitary sewer facilities and systems shall conform to the following:
  - 1) All new or replacement water and sanitary sewer facilities and systems shall be located, designed and constructed to minimize or eliminate flood damage and the infiltration.
  - 2) Sanitary sewer facilities and systems shall be designed to prevent the discharge of untreated sewage into floodwaters.
  - 3) No part of any on-site sewage 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.

- m. *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.
- n. *Streets.* The finished elevation of all new streets shall not be below the regulatory flood elevation.
- o. *Storage.* All materials that are buoyant, flammable, explosive, or, in time of flooding, could be injurious to human, animal or plant life, and not listed in Section 1002.A.6.c.1, including but not limited to paints and adhesives, shall be stored at or above the regulatory flood elevation and/or be flood proofed to the maximum extent possible
- p. *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 floodwater.
- q. *Anchoring.*
  - 1) All buildings and structures shall be firmly anchored in accordance with accepted engineering practices to prevent flotation, collapse, or lateral movement and shall be constructed in accordance with the Township Building Code or the State Building Code, whichever is current.
  - 2) 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.
- r. *Floors, Walls, and Ceilings.*
  - 1) 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.
  - 2) Plywood and other lumber or other building supplies used at or below the regulatory flood elevation shall be of a “marine” grade or water-resistant variety.

- 3) 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.
- 4) Windows, doors and other components at or below the regulatory flood elevation shall be made of metal or other water-resistant material.

q. *Paints and Adhesives.*

- 1) Paints and other finishes used at or below the regulatory flood elevation shall be of “marine” or “water-resistant” variety.
- 2) Adhesives used at or below the regulatory flood elevation shall be of “marine” or “water-resistant” variety.
- 3) All wooden components (door, trim, cabinet, etc.) shall be finished with a “marine” or “water-resistant” paint or other finishing material.

r. *Electrical Components.*

- 1) Electrical distribution panels shall be at least three (3) feet above the one hundred (100) year flood elevation.
- 2) Separate electrical circuits shall serve lower levels and shall be dropped from above.

s. *Equipment.* 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.

t. *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 infiltration occurs.

6. Use Regulations.

- a. *Uses Permitted By-Right.* The following uses and no others are permitted within the Floodplain Overlay District, 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 Ordinance and other local, state, and federal regulations:

- 1) 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.
- 2) 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.
- 3) Municipal or public use, including recreational areas, provided no impervious materials are used.
- 4) Uses accessory to those permitted by the underlying zoning district, including yards, driveways, and parking, provided no impervious materials are used.

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 Ordinance 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 – 691.1001, as amended, the rules and regulations of the PaDEP, all other applicable provisions of this Ordinance 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 Ordinance, as it may deem necessary to implement the purposes of this Ordinance:

- 1) Accessory uses customarily incidental to any of the foregoing permitted uses.
- 2) 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 a way to create sedimentation or erosion.
- 3) Roadside stands and signs.
- 4) Dams, culverts, impoundment basins, and bridges approved by the PaDEP and the U.S. Army Corps of Engineers, where applicable.
- 5) Utilities and public facilities including streets, water lines, storm sewers and sewage treatment plants.

- 6) Modifications to structures existing as of the date of adoption of this Ordinance, subject to the provisions of this Section.
- 7) Adaptive reuse of an existing building or structure in accordance with the underlying zoning district.

c. *Prohibited Uses.* The following uses shall be prohibited within any designated Floodplain Overlay District, and shall not be eligible for variance consideration:

- 1) The production or storage or maintenance of a supply of any of the following potentially hazardous materials or any amount of radioactive substances insofar as such substances are not otherwise regulated shall not be permitted as specified in Sections 1002.A.5.a and 1002.A.5.b. Nor shall said be permitted in any other portion of the identified floodplain area, unless it can be absolutely demonstrated to the satisfaction of the Board of Supervisors that safeguards and standards are in place, in accordance with the provisions of this Section and Article, to ensure that such materials will not be infiltrated into the designated area of floodplain, and that the only area available for storage of such materials lies within the floodplain area.
  - i. Acetone;
  - ii. Ammonia;
  - iii. Benzene;
  - iv. Calcium carbide;
  - v. Carbon disulfide;
  - vi. Celluloid;
  - vii. Chlorine;
  - viii. Hydrochloric acid;
  - ix. Hydrocyanic acid;
  - x. Magnesium;
  - xi. Nitric acid and oxides of nitrogen;
  - xii. Petroleum products (gasoline, fuel oil, etc.);
  - xiii. Phosphorus;
  - xiv. Potassium;
  - xv. Sodium;
  - xvi. Sulfur and sulfur products;
  - xvii. Pesticides (including insecticides, fungicides, and rodenticides);
  - xviii. Explosives and fireworks; and
  - xix. Radioactive substances, insofar as such are not otherwise regulated;
  - xx. Other hazardous or toxic materials similar to those listed above.

- 2) Hospital.
- 3) Nursing home.
- 4) Jail.
- 5) Mobile home or mobile home park or any substantial improvement to an existing mobile home park.
- 6) Junk yard.
- 7) Cemetery.
- 8) Where permitted within any identified floodplain area, any new or substantially improved structure of the kind described in Subsection 6.c.1) above shall be:
  - i. Elevated or designed and constructed to remain completely dry up to at least one and one half (1.5) feet above the one hundred (100) year flood and,
  - ii. Designed to prevent pollution from the structure or activity during the course of a one hundred (100) year flood.
  - iii. Any such structure, or part thereof, that will be built below the Regulatory Flood Elevation shall be designed and constructed in accordance with the standards for completely dry floodproofing contained in the publication "Flood-Proofing Regulations (U.S. Army Corps of Engineers, June 1972 as amended March 1992), or with some other equivalent watertight standard.

7. Application Requirements for Special Exceptions.

- a. Applications for Special Exceptions shall conform to the requirements of Section 1002.A.6.b. In addition, when reviewing applications for special exceptions, the Zoning Hearing Board shall consider all relevant factors and procedures contained in other Sections of the Zoning Ordinance, as well as the following:
  - 1) The danger to life and property due to the increased flood heights or velocities caused by encroachments.
  - 2) The danger that those materials may be swept onto other lands or downstream to the injury of others.
  - 3) The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions.
  - 4) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners.



- 5) The importance of the services provided by the proposed facility to the community.
  - 6) The requirements of the facility for a waterfront location.
  - 7) The availability of alternative locations not subject to flooding for the proposed use.
  - 8) The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
  - 9) The relationship of the proposed use to the comprehensive plan and floodplain management program for the area.
  - 10) The safety of access to the property in times of flood of ordinary and emergency vehicles.
  - 11) The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters expected at the site.
  - 12) Such other factors which are relevant to the purposes of this Ordinance.
- b. *Supplemental Technical Review.* The Zoning Hearing Board may refer any application and accompanying documentation pertaining to any request for special exception to the Township Engineer for technical assistance in evaluating the proposed project in relation to flood heights and velocities, and the adequacy of the plans for protection and other related matters.
- c. *Conditions for Approving Special Exceptions.* Special exceptions shall only be issued after the Zoning Hearing Board has determined that the granting of such will not result in:
- 1) Any increase in flood heights.
  - 2) Additional threats to public safety.
  - 3) Extraordinary public expense.
  - 4) The creation of nuisance.
  - 5) Any defrauding or victimization the public.
  - 6) Any conflict with local laws or ordinances.

8. Existing Structures in the Floodplain Overlay District. Uses or structures in the Floodplain Overlay District lawfully existing on the effective date of this Ordinance need not make changes based on the provisions of this Subsection, except when an improvement is made to any existing structure or use, the following shall apply. Such uses or structures may be improved to comply with current Pennsylvania or Township health, safety, or sanitary code specifications which are solely necessary to assure safe living conditions.
  - a. No expansion or enlargement of an existing structure and/or use shall be allowed within any floodway or within the area measured fifty (50) feet landward from the top-of-bank of any watercourse.
  - b. No expansion or enlargement of an existing structure and/or use shall be allowed within any other identified floodplain area that would, together with all other existing and anticipated development, increase the one hundred (100) year flood elevation more than one (1) foot at any point.
  - c. Any modification, alteration, reconstruction, or improvement of any kind to an existing structure and/or use to an extent or amount of fifty (50) percent or more of its market value shall constitute a substantial improvement and shall be undertaken only in full compliance with the provisions of this Ordinance.
  - d. Any modification, alteration, reconstruction, or improvement of any kind to an existing structure and/or use to an extent or amount of less than fifty (50) percent of its market value, shall be elevated and/or flood proofed to the greatest extent possible.
9. Permit Required. A zoning and/or building permit, as applicable, shall be required for all activities which include, but are not limited to changing of use, constructing, demolishing, or moving buildings or other structures, paving, filling, grading, excavation, mining, dredging or drilling operations, or the storage of materials and equipment, provided, however, that those structures, land uses, and water uses lawfully existing prior to the adoption of this Ordinance shall not be required to comply with this Section unless expansions or exterior additions are proposed, or compliance is necessary to correct a serious and substantial threat to public health, safety, or property. In addition, any applicable federal and/or state permits shall apply.
10. Application Requirements for Building Permits. The following minimum requirements shall apply to any proposed construction or development requiring a building permit plus any other information as may be required by the Township's building permit process, Township Zoning Officer, and this Article and Ordinance. If there is any conflict between any of the following requirements and those elsewhere in this Ordinance, or in any other code, ordinance, or regulation, the

more restrictive provision shall apply.

- a. *Township Zoning Officer Determination Required.* If any proposed construction or development is located entirely or partially within any identified floodplain area, a building permit shall be required. Applicants for building permits shall provide all the necessary information in sufficient detail and clarity to enable the Township Zoning Officer to determine that:
  - 1) All such proposals are consistent with the need to minimize flood damage and conform to the requirements of this and all other applicable codes and ordinances.
  - 2) All utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damage.
  - 3) Adequate drainage is provided so as to reduce exposure to flood hazards.
  - 4) Prior to the issuance of any building permit, the Township Zoning Officer 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.
- b. *Permit Application Review Procedure.* Upon receipt of an application for a building permit by the Township the following procedures shall apply:
  - 1) Within three (3) working days following receipt of the application, a complete copy of the application and all accompanying documentation shall be forwarded to the following for review and comment:
    - a) The Chester County Planning Commission by registered or certified mail for its review and recommendations;
    - b) The Chester County Conservation District;
    - c) The Township Planning Commission; and
    - d) The Township Engineer.

The recommendations of the Chester County Planning Commission and Chester County Conservation District shall be considered by the Township Zoning Officer for possible incorporation into the proposed Plan. The recommendations of the Township Planning Commission and Township Engineer shall be incorporated into the proposed plan.

- 2) If an application is received that is incomplete, the Township shall notify the applicant in writing, stating in what respect the application is deficient.
  - 3) If the Township decides to disapprove an application, it shall notify the applicant, in writing, of the reasons for the disapproval.
  - 4) Department of Community and Economic Development (DCED) Review and Determination.
    - a) If the Township approves an application, it shall file written notification, together with the application and all pertinent information, with the DCED, by registered or certified mail, within five (5) working days after the date of approval.
    - b) Before issuing the permit, the Township shall allow the DCED thirty (30) days, after receipt of the notification by the DCED, to review the application and decision made by the Township.
    - c) If the Township does not receive any communication from the DCED during the thirty (30) day review period, it may issue a permit to the applicant.
    - d) If the DCED should decide to disapprove an application, it shall notify the Township and the applicant, in writing, of the reasons for the disapproval, and the Township shall not issue the permit.
- c. *Special Technical Requirements.* The following minimum technical requirements shall apply to any proposed construction or development requiring a building permit.
- 1) No application for a building permit shall be approved unless it can be determined that the structure or activity will be located, constructed, and maintained in a manner which will:

- a) Fully protect the health and safety of the general public and any occupants of the structure. At a minimum, all new structures shall be designed, located, and constructed so that:
    - i. The structure will survive inundation by waters of the one hundred (100) year flood without any lateral movement or damage to either the structure itself, or to any of its equipment or contents below the one hundred (100) year flood elevation;
    - ii. The lowest floor (including basement) elevation will be at least one and one half (1.5) feet above the one hundred (100) year flood elevation; and
    - iii. The occupants of the structure can remain inside for an indefinite period of time and be safely evacuated at any time during the one hundred (100) year flood.
  - b) Prevent any significant possibility of pollution, increased flood levels or flows, or debris endangering life and property.
- 2) All 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 and the DCED.
- d. *Required information.* Applicants shall file the following minimum information plus any other pertinent information as may be required:
- 1) A completed building permit application form.
  - 2) Evidence as to conformance with applicable state and federal permits.
  - 3) A plan of the entire site, clearly and legibly drawn at a scale of one (1) inch equals one hundred (100) feet or less, showing the following:
    - a) North arrow, scale, and date.
    - b) Topographic contour lines.

- c) All property and lot lines including dimensions and the size of the site expressed in acres or square feet.
  - d) The location of all existing and proposed buildings, structures, and other improvements, including the location of any existing or proposed subdivision and land development.
  - e) The location of all existing streets, drives, and other accessways.
  - f) 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, and the source of information for this data.
- 4) Plans of all proposed buildings, structures and other improvements, drawn at suitable scale showing the following:
- a) The proposed lowest floor elevation of any proposed building based upon National Geodetic Vertical Datum of 1929.
  - b) The elevation of the one hundred (100) year flood.
  - c) Profiles and elevations of buildings and streets showing the one hundred (100) year flood.
  - d) Detailed information concerning any proposed floodproofing measures.
- 5) The following data and documentation:
- a) Documentation, certified by a registered professional engineer, to show that the cumulative effect of any proposed development within floodplain areas other than the floodway, when combined with all other existing and anticipated development, will not increase the elevation of the one hundred (100) year flood more than one (1) foot at any point. In the case of permitted expansion or enlargement of existing structures in the floodway, documentation, certified by a registered professional engineer, to show that the cumulative effect of any proposed expansion or enlargement will not increase the elevation of the one hundred (100) year flood.

- b) A document, certified and sealed by a registered professional engineer, which states that the proposed construction or development has been adequately designed to withstand the pressures, velocities, impact, and hydrostatic forces associated with the one hundred (100) year flood. Such statement shall include a description of the type and extent of floodproofing measures, which have been incorporated into the design of the structure and/or the development.
  - c) Detailed information needed to determine compliance with Section 1002.A.6.c.1 and Section 1002.A.5.o, including:
    - i. The amount, location and purpose of any potentially hazardous materials or substances that are intended to be used, produced, stored or otherwise maintained on the site.
    - ii. 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 in Section 1002.A.6.c.1 and Section 1002.A.5.o, during a one hundred (100) year flood.
  - d) The appropriate component of the PaDEP “Planning Module for Land Development.”
  - e) Where any excavation or grading is proposed, a plan meeting the requirements of the PaDEP, to implement and maintain erosion and sedimentation control.
  - f) A description of the proposed use.
- e. *Changes.* After the issuance of a building permit by the Township Zoning Officer, 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 Township Zoning Officer. Requests for any such change shall be submitted in writing and shall be submitted by the applicant to the Township Zoning Officer for consideration.
  - f. *Placards.* In addition to the building permit, the Township Zoning Officer shall issue a placard which shall be displayed on the premises during the time construction is in progress. This placard shall show the number of the

building permit, the date of its issuance and be signed by the Township Zoning Officer.

g. *Start of Construction.*

- 1) Work on the proposed construction and/or development shall begin within six (6) months and shall be completed within twelve (12) months after the issuance of the building permit or the permit shall expire unless a time extension is granted, in writing, by the Township Zoning Officer. Time extensions shall be granted only if a written request is submitted by the applicant, which sets forth sufficient and reasonable cause for the Township Zoning Officer to approve such a request,
- 2) Construction and/or development shall be considered to have started with the preparation of land, land clearing, grading, filling, excavation of basement, footings, piers or foundations, erection of temporary forms, the installation of pilings under proposed subsurface footings or the installation of sewer, gas, and water pipes, or electrical or other services. Time extensions shall be granted only if a written request is submitted by the applicant, which sets forth sufficient and reasonable cause for the Township Zoning Officer to approve such a request.

h. *Inspection or Revocation.*

- 1) During the construction period, the Township Zoning Officer or his designated representative 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 Township, county, state, and federal regulations. The Township Zoning Officer shall complete as many inspections during and upon completion of the work as are necessary.
- 2) In the discharge of his/her duties, the Township Zoning Officer shall have the authority to enter the building, structure, or premises or development in the identified floodplain area, upon presentation of proper credentials, at any reasonable hour to enforce the provisions of this Article.
- 3) In the event the Township Zoning Officer discovers that the work does not comply with the permit application or any applicable laws, regulations, or ordinances, or that there has been a false statement or misrepresentation by any applicant, the Township Zoning Officer shall revoke the building permit and report such fact to the Board of Supervisors for whatever action is necessary.



- 4) A record of all such inspections and violations of this Article shall be maintained.

11. Variances Within the Floodplain Overlay District. If compliance with any of the requirements of this Ordinance would result in an unnecessary hardship for a prospective builder, developer, or landowner, the Zoning Hearing Board may, upon appeal, grant relief from the strict application of the requirements. Requests for variances shall be considered by the Zoning Hearing Board in accordance with the following:

- a. No variance shall be granted for any construction, development, use or activity within any floodway area or within the area measured fifty (50) feet landward from the top-of-bank of any watercourse that would cause any increase in the one hundred (100) year flood elevation, cause additional threats to public safety, extraordinary public expense, defraud or victimize the public, conflict with any other applicable laws, ordinances, or regulations, or jeopardize the flood insurance program of the Township.
- b. No variance shall be granted for any construction, development, use, or activity within any identified floodplain area, other than as in Subsection 11.a above, that would, together with all other existing and anticipated development, increase the one hundred (100) year flood elevation more than one (1) foot at any point.
- c. No revisions or modifications shall be granted for any of the requirements pertaining to development under Section 1002.A.6.c.
- d. If granted, a variance shall involve only the least modification necessary to provide relief.
- e. 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 Ordinance.
- f. Whenever a variance is granted, the Zoning Hearing Board shall notify the applicant in writing that:
  - 1) The granting of the variance may result in increased premium rates for flood insurance.
  - 2) Such variance may increase the risks to life and property.
- g. In reviewing any request for a variance, the Zoning Hearing Board shall consider, but not be limited to, the following:

- 1) That there is good and sufficient cause for granting the requested variance.
  - 2) That failure to grant the variance would result in unnecessary hardship to the applicant.
  - 3) The granting of the variance will not result in, create, or cause:
    - a) An unacceptable increase in flood heights;
    - b) Additional threats to public safety;
    - c) Extraordinary public expense;
    - d) Nuisances;
    - e) Fraud on or victimization of the public; or
    - f) Conflict with any applicable local or state ordinance regulations.
  - 4) That the request meets the criteria for the granting of a variance as required by Section 1707 of this Ordinance.
  - h. The Zoning Hearing Board shall maintain a complete record of all variance requests and related actions. In addition, a report of all variances granted during the year shall be included in the annual or biennial report to the Federal Insurance Administration.
  - i. Notwithstanding any of the above, all structures shall be designed and constructed so as to have the capability of resisting the one hundred (100) year flood.
12. Requirements for Variances. In addition to the requirements of Article XVII, Zoning Hearing Board, applicants for variances shall provide five (5) copies of the following items:
- a. A written request including a completed permit application form and describing the proposed activity or construction and estimated cost.
  - b. A map drawn at a scale of one (1) inch equal to not more than one thousand (1000) feet, showing the site location.
  - c. A plan of the entire site, clearly and legibly drawn at a scale no smaller than one (1) inch equals one hundred (100) feet, showing the following:

- 1) North arrow, scale, and date.
  - 2) Topography based upon the National Geodetic Vertical Datum of 1929, showing existing and proposed contours at intervals of not more than two (2) feet.
  - 3) All property and lot lines and rights-of way, including dimensions and the size of the site expressed in acres or square feet.
  - 4) The location of all existing streets, drives, and other accessways, and parking areas, with information concerning widths, pavement types and construction, and elevations.
  - 5) The location of any existing bodies of water or watercourses, buildings, structures and other public or private facilities, including railroad tracks and facilities, and any other natural and man-made features affecting, or affected by, the proposed activity or development.
  - 6) The location of the floodway and flood fringe boundary lines, information and spot elevations concerning the one hundred (100) year flood and regulatory flood elevations, and information concerning the flow of water, including direction and velocities.
  - 7) The location of all proposed buildings, structures, utilities, and other improvements.
  - 8) Any other information which the Township considers necessary for adequate review of the application.
- d. Plans of all proposed buildings, structures and other improvements, clearly and legibly drawn at suitable scale showing the following:
- 1) Sufficiently detailed architectural or engineering drawings including floor plans, sections, and exterior building elevations, as appropriate.
  - 2) For any proposed building, the elevation of the lowest floor (including basement) and, as required by the Township, the elevation of any other floor.
  - 3) Complete information concerning flood depths, pressures, velocities, impact and hydrostatic forces, and other factors associated with the one hundred (100) year flood.

- 4) Detailed information concerning any proposed floodproofing measures.
  - 5) Cross-section drawings for all proposed streets, drives, other accessways and parking areas, showing all rights-of-ways and pavement widths.
  - 6) Profile drawings for all proposed streets, drives, and vehicular accessways including existing and proposed grades.
  - 7) Plans and profiles of all proposed sanitary and storm sewer systems, water supply systems, and other utilities and facilities.
- e. The following data and documentation:
- 1) Certification from the applicant that the site upon which the activity or development is proposed is owned by the applicant or the client he represents or in which the applicant has a demonstrated equitable interest.
  - 2) A statement sealed by a registered professional engineer, architect, or landscape architect that the proposed construction has been adequately designed to protect against damage from the one hundred (100) year flood.
  - 3) A statement, sealed by a registered professional engineer, architect, or other qualified person, which contains a complete and accurate description of the nature and extent of pollution that might possibly occur from the development during the course of a one hundred (100) year flood, including a statement concerning the effects such pollution may have on human life.
  - 4) A statement, sealed by a registered professional engineer, architect, or landscape architect, which contains a complete and accurate description of the effects proposed development will have on the one hundred (100) year flood elevations.
  - 5) A statement, sealed by a registered professional engineer, architect, or landscape architect, which contains a complete and accurate description of the kinds and amounts of any loose buoyant materials or debris that may possibly exist or be located on the site below the one hundred (100) year flood elevations and flows.
  - 6) The appropriate component of the PaDEP "Planning Module for Land Development," if necessary.

- 7) Where any excavation or grading is proposed, a plan meeting the requirements of the PaDEP to implement and maintain erosion and sedimentation control.
  - 8) Any other applicable permits such as, but not limited to, a permit for any activity regulated by the PaDEP under Section 302 of Act 166, the Floodplain Management Act, 32 p.s. §§ 679.302.
  - 9) An evacuation plan which fully explains the manner in which the site will be safely evacuated before or during the course of a one hundred (100) year flood.
13. Abandonment. Notwithstanding provisions in Article XV to the contrary, no abandoned nonconforming use or structure shall be reestablished, repaired, or re-occupied within any floodway area or within the area measured fifty (50) feet landward from the top-of-bank of any watercourse. No abandoned nonconforming use or structure shall be reestablished, repaired, or re-occupied within any other identified floodplain area except in conformance with the regulations set forth in this Section. Historic resources may be reestablished, repaired, or re-occupied upon a determination that the historic resource does not constitute a threat to public safety.

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

1. Measurement of Slopes.
  - a. *Steep Slopes.* For the purposes of this Ordinance, 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 (3) or more two (2) foot contour intervals (six [6] 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 thirty (30) percent of moderately steep slopes shall be regraded, cleared, built upon, or otherwise altered or disturbed.
  - 2) Very Steep Slopes. No more than fifteen (15) percent 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. Clearcutting 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 thirty-three (33) percent 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 twenty-one (21) days. Cut and fill resulting in slopes of greater than twenty-five (25) percent 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 the Subdivision and Land Development Ordinance and 25 Pa. Code §§ 102.1 – 102.51.
  - 1) An erosion and sedimentation control plan and soil stabilization plan shall be submitted consistent with the requirements of the Subdivision and Land Development Ordinance.
  - 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 Subsection 1002.B.2.h, above.
  - 3) For slopes of greater than twenty-five (25) percent, 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 (2) 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 Ordinance, the riparian forest buffer shall be divided into two (2) 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 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 (ie. permitted stream or wetland crossing) not to exceed a maximum permitted disturbance of five (5) percent;
    - 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 streambank stabilization, as approved by the Chester County Conservation District (CCCD).
- b. *Zone Two Protection Standards.*
- 1) Except as specified below, no more than twenty (20) percent 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 twenty (20) percent disturbance allowance.
  - 3) A maximum disturbance of five (5) percent is permitted for regulated activities permitted by the Commonwealth of Pennsylvania (ie. permitted stream or wetland crossings) and shall count towards the twenty (20) percent disturbance allowance.
  - 4) Where the riparian buffer is reduced to less than a one hundred (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 seventy-five (75) feet in width, measured from the top of the streambank.
  - 6) An erosion and sedimentation control plan, in accordance with Pa. Code Title 25 Chapter 102, shall be required for any land disturbance within five hundred (500) feet of any watercourse.
  - 7) Timber harvesting shall only be permitted within the twenty (20) percent disturbance limits of a zone two riparian forest buffer and shall be restricted to selective cutting as approved by the Township Zoning Officer. Clearcutting 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 Section 1002.D 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 one hundred (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)	Species	Min. Size (dbh)	Species	Min. Size (dbh)
Apple	24"	Hickory	32"	Sassafras	20"
Ash	32"	Locust	30"	Spruce	30"
Beech	32"	Maple	32"	Sycamore	36"
Cherry	24"	Oak	32"	Tulip	36"
Elm	30"	Osage Orange	20"	Poplar	30"
Hemlock	30"	Pine	30"	Walnut	

**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, no more than thirty-five (35) percent of woodlands shall be regraded, cleared, built upon, or otherwise altered or disturbed for residential uses and no more than fifty (50) percent of woodlands shall be regraded, cleared, built upon or otherwise altered for non-residential uses.
- 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. Clearcutting 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 ten (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 (4) 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 one hundred (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 Section 1206. Where necessary to meet the intent of the requirements of Section 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 Section 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 twenty (20) percent 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 twenty (20) percent disturbance allowance, except as noted otherwise.

- a) A maximum disturbance of five (5) percent is permitted for regulated activities permitted by the Commonwealth of Pennsylvania (ie. permitted stream or wetland crossings) and shall count towards the twenty (20) percent 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 twenty (20) percent disturbance allowance and shall be restricted to selective cutting. Clearcutting 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 Section 1002.D, herein, and the model timber harvesting plan included in Appendix B.

3. Delineation.

- a. *Wetlands.* The applicant shall delineate the limits of wetlands on the site in accordance with Section 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 Section 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 (2) 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 two thousand five hundred (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 Ordinance. 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 sheetflow over pervious areas or into infiltration BMPs (i.e., routing runoff as sheetflow 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 Ordinance, 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 two hundred (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 fifteen (15) service connections, or serves an average of at least twenty-five (25) people for at least sixty (60) days each year.
- g. Nutrient and pesticide management plans shall be required for landscaped areas of five (5) acres or more in size requiring regular maintenance and management and/or using nutrient and pesticides on fifty (50) percent 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.

### **SECTION 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.

<b>Protected Resource</b>	<b>Column A Amount of Land in Protected Resource* (sq.ft.)</b>	<b>Column B Maximum Disturbance Allowance** (percent)</b>	<b>Column C Maximum Amount of Permitted Disturbance (sq.ft.)</b>	<b>Column D Proposed Disturbance of Resource (sq.ft.)</b>
Floodplain		0%		
Steep Slopes:				
Moderately				
Very Steep				
Wetlands		0%		
Wetland Margins		20%		
Riparian Buffers:				
Zone 1 Buffer		0%		
Zone 2 Buffer		20%		
Woodlands				
Residential uses		35%		
Non-residential		50%		
<b>Total</b>				

\* See Section 1001.C., 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 Ordinance.
  - 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 Section 1126, shall apply.
  - b. In addition to the provisions of Section 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 Ordinance. 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 the Zoning Ordinance.”

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**Article XI: Supplemental Use Regulations**

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**SECTION 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.

**SECTION 1101. ACCESSORY USES, BUILDINGS, AND STRUCTURES**

- A. **General.** Uses 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 in Sections 1101.C through G and Section 1101.B.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.
  3. A minimum setback of not less than ten (10) feet from the lot lines except for a minimum setback of not less than fifteen (15) feet for active accessory uses, such as tennis courts or swimming pools, or for accessory buildings or uses larger than fifty (50) square feet.
  4. A maximum height of fifteen (15) feet, except as otherwise expressly permitted in this Ordinance.
- B. **Agricultural Accessory Uses.** The following uses shall be permitted when incidental and subordinate to an agricultural use 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 Ordinance.

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 Section 1101.C.
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 (1) sale of agricultural product accessory use per agricultural use.
  - b. At least fifty (50) percent of agricultural products displayed for sale shall be produced on the agricultural land contiguous to said building or stand.
  - c. Agricultural sales shall clearly be subordinate to the principal agricultural uses.
  - d. Any building, stand, sales, display, or parking area shall be at least thirty (30) feet from any street line, and shall be at least fifty (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 one thousand five hundred (1,500) square feet in size.
  - e. A minimum of three (3) parking spaces, or one (1) space for each three hundred (300) square feet of building or stand total floor area, whichever shall be greater, shall be provided behind the street right-of-way line.
  - f. 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 (2) secondary farm businesses shall be allowed per agricultural use.
  - b. A maximum of two (2) 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, but are not limited to the following and shall not include intensive agricultural uses and shall be carried on within a barn or shed of a typical size within the Township and not used in conjunction with an intensive agricultural use:
    - 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.
    - 11) Other similar uses to those above listed uses.
9. Additional Farm-Related Dwelling. Additional farm dwellings, as permitted by special exception in the Agricultural Preservation District, 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 the Agricultural Preservation District, however any additional dwellings shall be setback a minimum of twenty-five (25) feet from all lot lines.
- c. A maximum of two (2) additional farm-related dwellings shall be permitted on a parent agricultural tract as follows:
  - 1) one (1) additional dwelling unit is permitted on parent agricultural tracts from ten (10) to twenty-five (25) acres, and
  - 2) an additional farm-related dwelling is permitted on tracts larger than twenty-five (25) acres.
  - 3) These two (2) dwelling units shall be permitted in addition to any expansion of the primary dwelling by way of an agricultural accessory dwelling unit, below.
- 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 one hundred (100) percent of the gross floor area of the existing dwelling or two thousand (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 (1) dwelling unit and shall follow the regulations as per Section 1132.
  - 3) Additional Agricultural Dwelling Units. Additional agricultural dwelling units shall be permitted on an agricultural parent parcel in accordance with the requirements of this Section and Article IV.
- 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 Section 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 (2) 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. Non-commercial swimming pools shall be completely enclosed by a permanent fence of durable material at least four (4) 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 multi-family 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 (4) square inches in any direction. This fencing provision shall not apply to a swimming pool four (4) 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.

- 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 (3) consecutive days, and shall be limited to not more than four (4) times within one (1) calendar year. There shall be at least thirty (30) days between each occurrence.
- b. Signs advertising garage or yard sales shall be limited to four (4) square feet in size, and shall be posted no more than two (2) days prior to the sale and removed by the day after the final day of the sale. No more than four (4) 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 (1) 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 Section 1104.
- 6. Fences or walls 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 (1) vehicle per lot within the lot boundaries. There shall be a maximum of one (1) such vehicle per lot, and such vehicle shall be a maximum length of thirty-five (35) feet. Such vehicle shall be owned or operated by the resident of the lot.
11. Minor home occupation in accordance with Section 1115.
12. Major home occupation in accordance with Section 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 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, and is only permitted by special exception.
  - 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 (1) supplemental dwelling unit shall be allowed on each lot.
  - e. The supplemental dwelling unit shall be permitted only in one (1) 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 accessory building on the same lot as the principal dwelling.
  - 3) Additions of no greater than fifteen (15) percent 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 thirty (30) percent of the principal dwelling's total floor area, and shall have a minimum floor area of four hundred (400) square feet.
  - h. Two (2) 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.

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 Section 1104.
6. Flagpoles.
7. Cafeteria.

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 Section 1104.
  6. Flagpoles.
  7. Cafeteria.
- 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 (6) months. The permit may be renewed for three (3) 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 (2) 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 fourteen (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, non-profit 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 (7) consecutive days per event, and shall be limited to not more than four (4) events in a calendar year for each organization. There shall be a thirty (30) 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.

## **SECTION 1102. ADULT COMMERCIAL USE**

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 one thousand (1,000) feet from another adult entertainment use in West Caln Township.
  2. Adult entertainment uses shall be located a minimum of five hundred (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 ninety (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 Ordinance 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.

### **SECTION 1103. AGRICULTURAL USES**

Agricultural uses 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. Any structures used for the shelter or housing of livestock or poultry shall be located not less than one hundred (100) feet from any lot line. Except as provided for dwellings or for riding rings, no other farm building or structure shall be constructed closer than fifty (50) feet to any abutting property or public right-of-way. Where setbacks provided in the applicable district differ from fifty (50) feet, the greater dimension shall apply.
3. 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 silo, or bulk bin. In no case shall any building exceed eighty-five (85) feet in height.

4. The storage or stock-piling of manure or other odor or dust producing substance shall not be permitted within one hundred (100) feet of any abutting property or public right-of-way, closer than one hundred (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
  5. 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.
  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 Soil Conservation Service and under the Nutrient Management Act of 1993, as amended, and such plans shall be mandatory when required by aforesaid Act.
- B. **Agricultural Uses.** Agricultural uses and customary buildings associated with agricultural uses shall be in accordance with the following standards:
1. The keeping of farm animals, exclusive of customary household pets and except as otherwise stated, shall be in accordance with the provisions of Section 1212.
  2. Except as permitted in Section 1101.B.8, no slaughtering, processing, or production operations for commercial purposes shall be permitted.
- C. **Intensive Agricultural Uses.** Intensive agricultural uses and customary buildings associated with intensive agricultural uses shall be in accordance with the following standards:
1. The minimum lot area for intensive agricultural uses shall be fifteen (15) acres in all districts, with the exception of the Agricultural Preservation District where the minimum lot size for intensive agricultural uses is ten (10) acres.
  2. Residential uses, adjacent to an intensive agricultural use including agricultural buildings or structures housing mushrooms, poultry, hogs, or other livestock; accessory mushroom composting; feed lots, or other odor or dust producing activities, shall be located a minimum of one hundred (100) feet from any adjacent intensive agricultural use. Intensive Agricultural uses shall be set back a minimum of one-hundred (100) feet from any floodplain or watercourse.

3. The keeping of farm animals, exclusive of customary household pets and except as otherwise permitted shall be in accordance with the provisions of Section 1212.

**SECTION 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 fifteen (15) feet, or if a freestanding antenna the highest point shall be fifty (50) feet.
  - d. No more than two (2) antenna of any kind, including radio, television or microwave dish antenna, shall be permitted per lot, nor shall more than one (1) freestanding radio or television antenna or one (1) 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 ten (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 ten (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 (1) 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 (3) feet in diameter may be installed, subject to those specific regulations set forth for residential accessory uses, above.
  - 2) Microwave dish antennas exceeding three (3) feet in diameter shall be permitted, subject to the following:
    - a) The total height of the microwave dish antenna shall not exceed twelve (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 twenty-five (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 fifteen (15) feet, otherwise Subsection 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 fifteen (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 two hundred (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 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 one hundred and twenty five (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 twelve (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 (4) feet minimum or evergreen trees planted every ten (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 Section 1214.H. 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 (3) 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 Ordinance.
- 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 (1) 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 fifteen (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 two-hundred (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 Subsection 1104.B.3 in order for the Township to assess visual impact. The site plan shall meet all other applicable requirements of the Zoning Ordinance 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 fifteen (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 one-quarter (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 Section 1104.B.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 sixty (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 (1) 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.

## **SECTION 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 (2) acres.
- B. Building and permanent structures must be setback a minimum of seventy-five (75) feet from all property lines. Parking and display areas for automobiles and trucks and service and loading areas shall be a minimum of fifty (50) feet from all residential uses and districts.
- C. A minimum of twenty (20) percent of the lot shall be landscaped and open areas.
- D. Primary access shall be from a collector or arterial road, as designated in the Comprehensive Plan, and as herein defined.
- E. This use may contain up to a maximum of sixty-thousand (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 (1) 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 Ordinance.
- 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.

#### **SECTION 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 in the Comprehensive Plan, and as herein defined.
- B. There shall be no more than one (1) point of egress to each street on which the lot abuts.
- C. The access shall be set back at least forty (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 Section 1111.

#### **SECTION 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. Non-resident employees shall be restricted to two (2) 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 one hundred (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 a.m. to 10 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 twenty thousand (20,000) square feet in the Village District and Rural Center District, and shall be one (1) acre in other districts where the use is permitted.
- J. Off-street parking shall be as provided in Article XIII.

#### **SECTION 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 fifteen (15) feet in height.
- C. No cemetery (except where located on the same lot as a church) shall be less than ten (10) acres in size, except that a pet cemetery shall have a minimum lot area of five (5) acres. Cemeteries associated with places of worship shall have a minimum lot size of one (1) 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 of 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 fifty (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 (2) feet. This provision shall not apply to burial vault(s) completely enclosed within a mausoleum.

#### **SECTION 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 (3) 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 fifty (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.

#### **SECTION 1110. DAY CARE CENTER (COMMERCIAL OR NON-PROFIT)**

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 Public Welfare 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 (5) 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 (5) 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.

#### **SECTION 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 Section 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 (8) cars for restaurant and a minimum of five (5) 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 forty (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 fifteen (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.

## SECTION 1112. EDUCATIONAL USE

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

- A. **Public or Private Non-Profit School.** A public or private non-profit 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 seventy-five (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 non-residential use or district shall be a minimum of fifty (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 (1) acre.
  - 2. Building or structures associated with this use shall be setback a minimum of fifty (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.

### **SECTION 1113. FUNERAL HOME**

Funeral Homes shall comply with the following provisions:

- A. The minimum lot area per such use shall be one (1) 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.

### **SECTION 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 two-hundred (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 forty (40) feet from the intersection of any street.
- C. Fuel pumps shall be at least twenty (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 ten (10) days. Junk vehicles may not be stored in the open at any time. There shall be no more than two (2) 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.

**SECTION 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 twenty (20) percent 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 (1) 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 by special exception in those zoning districts where major home occupations are permitted and when other applicable criteria of this Section and Ordinance 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 café;
  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 Ordinance, 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 Section 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 Ordinance. 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 Ordinance 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 (1) 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 thirty (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 Ordinance 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 p.m. prevailing time, and 7 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 p.m. prevailing time and 8 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 Section 1204.
10. All commercial vehicles shall be parked on the same lot as the home occupation, and only one (1) 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 (2) 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 Ordinance, 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 Ordinance, 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 thirty (30) percent or six hundred (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 (1) person, other than resident members of the immediate family may be employed or subcontracted at the residence. Use of non-resident employees must have prior approval from the Zoning Hearing Board.

4. No more than two (2) clients at any one (1) given time shall be permitted to visit the premises to conduct business related to the major home occupation.
5. One (1) exterior sign no greater than a total of four (4) 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 (2) stylist or barber chairs are provided and all other provisions of this Ordinance are met.
9. Instructional services may be permitted as a major home occupation provided that a maximum of three (3) students may be instructed at any one (1) time, and there shall be no more than two (2) 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 (4) and six (6) children or adults, not related to the caregiver. A family day care home shall be registered with the Pennsylvania Department of Public Welfare. 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 (4) 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 (1) additional space is required for each non-resident 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.

#### **SECTION 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 (1) acre, however the minimum lot size of a hotel/motel and conference facility is five (5) 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 Section 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.

**SECTION 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 Section 1207.
- C. The access shall be set back at least forty (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.

**SECTION 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 (1) 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 (1) 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: Ten (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 (50) feet from external public roads.
  - b. Fifty (50) feet from any agricultural use, industrial use, commercial use or district.
  - c. One hundred (100) 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 (2) acres, but no individual lot shall be less than one (1) acre.
4. Lot Width.
  - a. Tract Width: Minimum tract frontage along the arterial or collector road from which the park takes access shall be one hundred and fifty (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 Section 902.A.
5. Building Coverage. The area of individual lots covered by buildings shall not exceed the following:
  - a. Forty-five (45) percent for lots one (1) to less than three (3) acres.
  - b. Forty (40) percent for lots of three (3) acres or more.
6. Lot Coverage. The area of individual lots covered by impervious surface shall not exceed the following:
  - a. Fifty-five (55) percent for lots one (1) to less than three (3) acres.
  - b. Fifty (50) percent for lots of three (3) acres or more.
7. Setbacks. The minimum setbacks for individual lots shall be in accordance with the provisions of Sections 902.A.
8. Building Height. Building height shall be in accordance such requirements of the district in which such use is located.

- E. At least seventy (70) percent of the total floor area of the office or industrial park shall be devoted to office or industrial uses.

## **SECTION 1119. JUNKYARD OR SALVAGE YARD**

Junkyards or salvage yards shall be subject to the following regulations in addition to the Township's Junkyard Ordinance, Ordinance # 1-94, as amended. To the extent that there are any inconsistencies between the provisions of this Ordinance and Ordinance #1-94, the Ordinance 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 Floodplain Overlay District as defined in Article X or located such that contaminants from the operation can seep or flow into a stream or other body of water.
- 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 setback at least one hundred (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 fifteen (15) percent slope, which shall comply with the requirements of the Township Subdivision and Land Development Ordinance.
- D. The maximum lot coverage including storage, buildings, and structures shall not exceed sixty (60) percent.
- E. The area where junk and any other material is stored shall be enclosed with a wall or fence at least six (6) feet in height and which is designed and constructed so as to be at least ninety (90) percent solid or opaque. An effective year-round screen shall be provided pursuant to the screening and landscaping provisions in Article XII.
- F. Storage piles shall not exceed eight (8) feet in height within fifty (50) feet of the screening or fence line. Junk or other material shall be permitted to be piled not exceeding ten (10) feet in the remaining area of the junkyard. No more than two (2) adjoining rows of junked cars shall be stored together.
- G. There shall be provided at least a fifteen (15) 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 50 feet of the point located at the centerline 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 Act 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 two hundred (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 one thousand (1,000) square feet.
  2. Corridors of at least thirty-five (35) feet in width shall be maintained as firebreaks on all sides of tire piles. No point in the pile shall be more than twenty-five 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 six (6) 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 the Subdivision and Land Development Ordinance.

- 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.

#### **SECTION 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 (1) acre, and there shall be no more than ten (10) dogs or other domestic animals per one (1) acre, excluding dogs under six (6) months old.
- B. Each use shall have all exercise areas or pens entirely fenced to prevent animals from leaving the property and set back a minimum of one hundred (100) feet from all lot lines, a minimum of one hundred twenty five (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 twenty-five (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 twenty-five (25) percent 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 p.m. prevailing time and 7 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.

#### **SECTION 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 fifty (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 one-hundred (100) feet from any property line, Floodplain Overlay District 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 Ordinance. The applicant shall have the burden of proof that the landfill use complies with the standards and regulations as set forth by the forementioned. 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 Ordinance 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 (8) feet in height to deter trespassing, and to prevent debris from blowing onto adjoining properties. There shall be no openings greater than three (3) inches by three (3) inches in the fence or wall. The fence or wall shall be setback a minimum of fifty (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 by the Comprehensive Plan 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 ground water.

- J. The hours of operation shall be limited to 6 a.m. prevailing time to 6 p.m. prevailing time, Monday through Saturday.
- K. For purposes of this Section 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 Ordinance. 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, Section 1137, and for recycling centers, Section 1130, shall apply for landfill uses.

## **SECTION 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 Section 1132.C 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.

## **SECTION 1123. MOBILE HOME PARK**

Mobile home parks shall comply with the provisions of Article VII of the Subdivision and Land Development Ordinance.

## **SECTION 1124. MULTI-FAMILY DEVELOPMENT**

Multi-family 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 multi-family building shall be one hundred and twenty (120) feet.
- C. Multi-family 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 (3) 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. Fifty (50) feet
  - 2. Facing end walls (short wall). Twenty-five (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 Section 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 twenty (20) feet from common parking lots and refuse collection centers.
- K. 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 multi-family townhouse development, no more than two (2) contiguous units shall have the same facade setback within a building. Changes in unit setback shall involve a minimum of four (4) feet.
- L. Outdoor lighting shall be in accordance with Article XII.

#### **SECTION 1125. NURSING HOME, LIFE CARE FACILITY, OR RETIREMENT COMMUNITY**

A nursing home, life care facility, or retirement community 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, that may include one (1) or any combination of nursing home, life care facility, or retirement community housing as defined in this Ordinance, and shall be permitted when in accordance with the following standards:

- A. The following minimum tract size shall be met:
  - 1. Rural Residential District 3 acres
  - 2. Rural Center District 1 acre
- B. In addition to the minimum tract area required above, an additional one thousand (1,000) square feet of tract area shall be required for each resident patient beyond a total of twenty

- (20) in the Rural Center District and beyond a total of forty (40) in the Rural Residential District.
- C. Maximum building coverage shall be forty (40) percent and maximum lot coverage shall be fifty (50) percent.
  - D. Each facility shall provide an outdoor sitting facility. The sitting area shall be landscaped and shall not be located adjacent to parking lots, detention basins, or collector or arterial roads unless adequate screening is provided. Sitting areas shall not be located on slopes of over five (5) percent grade.
  - E. 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.
  - F. Wheelchair access to all dwelling units and community facilities, in accordance with the Americans with Disabilities Act of 1990, as amended, shall be provided in the design of structures, pedestrian walkways and parking lots. Where practical and desirable, buildings shall be interconnected by means of covered or enclosed walkways.
  - G. Location, design and layout of buildings containing dwelling units shall be so designed to ensure open space and privacy between units.
  - H. A minimum building setback from the entire tract perimeter of twenty-five (25) feet shall be provided.
  - I. The proposed use shall obtain all applicable state and federal permits, licenses, and certificate of need, as applicable to the proposed use.

#### **SECTION 1126. OPEN SPACE USE, OWNERSHIP, AND MAINTENANCE STANDARDS**

The following regulations shall apply to areas of required open space under the cluster development option associated with the Site-Responsive Residential and Rural Residential Districts.

- A. **Use of Open Space.** The following are uses permitted in the open space under the cluster development option:
  - 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 non-commercial 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 non-commercial 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 fifty (50) feet of abutting properties.
7. Individual 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 twenty-five (25) percent 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 twenty-five (25) percent of the common open space.
10. Dwelling and accessory structures associated with a farmstead that occupied the site on the effective date of this Ordinance.
11. Historic resources listed on the Township Historic Sites Survey, in accordance with the provisions of Section 1138.

B. **Open Space Ownership and Management Standards.** Designated open space shall be held under any one (1) 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.
  - 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 (1) 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 (1) or more individual lots.
2. Lease Back 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 lease back 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.
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 by-laws, 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 by-laws 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 thirty (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 by-laws; and
  - j. A Township Administration representative shall be an ex officio, non-voting member of the Homeowners Association Board. Additionally, the Homeowners Associations by-laws 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 non-profit 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 re-transfers 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 eighteen (18) months from the date of acceptance of dedication. The amount of financial security shall not exceed fifteen (15) percent of the actual cost of installation of said improvements.
- C. **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 on-going 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 (1) 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 (30) 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 ten (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 fifteen (15) percent 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.

## **SECTION 1127. OUTDOOR CAFÉ**

An outdoor café shall adhere to the following:

- A. The outdoor café shall be part of an indoor restaurant with a minimum indoor seating capacity of ten (10) persons.
- B. Outdoor café uses, abutting or adjacent to residential uses, shall stop serving customers on or before 9 p.m. prevailing time on weekdays and clear all tables of food, beverages, and customers on or before 10 p.m., and shall stop serving customers on or before 10 p.m. prevailing time on weekends and clear all tables of food, beverages, and customers on or before 11 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 café should be separated from parking areas or traffic flow area by fencing or buffering, however in any location where the outdoor café is not separated from the flow of traffic or parking areas, no table shall be located within five (5) feet of the curb or the boundary of that area, which ever is closer.
- G. The outdoor café must provide table service.
- H. The applicant shall maintain the outdoor café 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 café within ten (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 café 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.

## SECTION 1128. QUARRYING OR MINING OPERATION

Quarrying and mining operations shall be subject to the following regulations:

- A. Minimum site area: Fifty (50) acres
- B. Minimum setbacks from property lines:
  1. Front yard. Three hundred (300) feet
  2. Side yard. Two hundred (200) feet
  3. Rear yard. Two hundred (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 (1) mile radius of the site, at a scale of no greater than one thousand (1,000) feet to the inch with a twenty (20) 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 (1) 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 one hundred (100) feet to the inch with a five (5) 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 twenty-five (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 in the Comprehensive Plan, and as herein defined. Access to roads shall be a minimum of forty (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 Section 1206 and any other applicable standards of the Subdivision and Land Development Ordinance, 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 p.m. prevailing time and 7 a.m. prevailing time and shall adhere to the standards set forth in Section 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 twenty (20) feet shall be provided with the following protection and screening:
  - a. A chain link fence at least ten (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 one hundred (100) feet and no lower than six (6) 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.



**SECTION 1129. RECREATIONAL USE (OUTDOOR AND INDOOR)**

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

**A. Non-Commercial 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 non-commercial nature, but in accordance with the following development standards:
  - a. Impervious cover for the use shall not exceed fifteen (15) percent of the lot area, including pedestrian or bicycle paths.
  - b. Any improvements, such as a building or structure, excluding impervious cover, foot or bicycle paths and unnecessary accessways, shall be no closer than one hundred (100) feet to any lot boundary.
2. Minimum lot size: Five (5) acres
3. General Development Standards. Non-commercial recreational uses or facilities shall adhere to the general development standards set forth in Section 1129.B.5.

**B. Commercial Recreational Uses or Facilities.** The standards under this Subsection 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. The following aggregate minimum lot areas shall be required based on each proposed use:

Use	Minimum Lot Area
Golf Course (per nine 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

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 the Subdivision and Land Development Ordinance and any other Township, county, state, or federal regulations.

2. The area or square footage necessary for recreational facilities including, but not limited to, tennis courts, basketball courts, soccer fields, baseball fields, and swimming pools shall be based on the specifications set forth in *Planning and Design of Outdoor Sports Facilities*, Departments of the Army, Navy, and Air Force, Fredonia Books, December 2003, as amended.
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 fifty (50) feet to any lot line, and shall be screened from dwellings in accordance with Article XII. When located within or abutting a residential use or district.
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 one hundred (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. General Development Standards.
  - a. *Master Plan requirements.* A master plan for the entire tract of land shall be prepared as part of the application for a use under this Section. The master plan shall provide sufficient data to ascertain the impact the facility will pose on the Township when it is complete.
  - b. Impervious coverage for the proposed use shall not exceed the maximum lot coverage standard of the applicable zoning district.
  - c. Buildings or structures shall be located no closer than fifty (50) feet from any lot boundary or one hundred (100) feet from any residential property line.
  - d. 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 thirty (30) days. The operator of the campground shall deliver to the Board of Supervisors written management procedures sufficient to assure compliance with the thirty (30) 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 in the Comprehensive Plan, and as herein defined.
- d. There shall be no more than one (1) point of egress to each street on which the lot abuts.
- e. The access shall be set back at least forty (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 (1) attendant shall be on duty at all times.

#### **SECTION 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 Ordinance. In the event that any of the provisions of this Ordinance 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 (5) 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 one hundred (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 (6) 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 (8) feet, with openings not more than three (3) inches by three (3) 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 in the Comprehensive Plan, and as herein defined.
- L. A zoning permit shall be obtained and renewed on an annual basis.

#### **SECTION 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 (2) 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 non-profit) as per Section 1110.
    - e. Rectory or other lodging for minister, priest, rabbi, or similarly qualified individual.
    - f. Cemetery as per Section 1108.
    - g. Culomburium.
- 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 fifty (50) feet from a residential use or district. Any outdoor play areas shall be in accordance with Section 1112.A.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.

## **SECTION 1132. RESIDENTIAL CONVERSION**

The following requirements shall apply for residential conversions:

- A. Single-family detached dwellings converted to two (2) 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 façade 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:

<u>Type of Unit</u>	<u>Minimum Floor Area</u>
Efficiency	450 sq. ft.
1 bedroom	550 sq. ft.
2 bedrooms	700 sq. ft.
3 bedrooms (maximum permitted)	800 sq. ft.

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.

### **SECTION 1133. RESTAURANT**

The following regulations shall apply to restaurants:

A. The use shall have access to either a collector or arterial road, as designated in the Comprehensive Plan, and as herein defined.

B. Trash receptacles shall be provided outside of the restaurant for patron use, but shall not be located closer than twenty-five (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 Section 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 forty (40) feet from street intersections, and shall meet the access requirements of Section 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.

#### **SECTION 1134. RIDING ACADEMY AND STABLES**

The following regulations shall apply for stables and riding academies:

- A. The minimum size of a riding academy shall be four (4) acres for the first horse and one (1) 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 fifty (50) feet to street line and residential uses or districts, and thirty (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 the Subdivision and Land Development Ordinance.

#### **SECTION 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 in the Comprehensive Plan, and as herein defined.
- B. The minimum aisle width between buildings shall be twenty (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 twenty (20) percent 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 (8) 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.

## **SECTION 1136. SHOPPING CENTER**

A shopping center shall follow the following standards. These criteria shall also apply to any single proposed retail use more than twenty-thousand (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 in the Comprehensive Plan, and as herein defined.
- C. No building or permanent structure, other than a sign, shall be permitted within twenty-five (25) feet from a lot line and fifteen (15) feet of the street line.
- D. No parking, loading, or service area shall be less than twenty-five (25) feet from any property line and less than ten (10) feet from any street line.
- E. Off-street parking shall be in accordance with Article XIII. This use, including parking and service areas, shall be fully buffered from all adjacent residential uses and districts as per the commercial buffer requirements in Article XII.
- F. Outdoor storage and lighting shall comply with standards set forth in Article XII.



- G. Interior roadways for access and circulation shall be provided in accordance with the standards in the Subdivision and Land Development Ordinance.
- H. 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.
- I. Trash receptacles for patron use shall be provided outside of any establishment with take-out service or convenience shopping.
- J. 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.
- K. The shopping center use shall contract with a security firm to provide on-site security.

#### **SECTION 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 Ordinance. In the event that any of the provisions of this Ordinance 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 (8) feet, with openings not more than three (3) inches by three (3) 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 (8) 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 fifteen (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.
- L. A transfer station may include the separation and collection of material for the purpose of recycling if the standards of Section 1130 for a recycling center are met.
- M. 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.

## **SECTION 1138. USES WITHIN AN HISTORIC RESOURCE**

Certain structures are of an historic character and their preservation will help protect the character of the Township, the value of the land as well as educate residents as to the history of the Township. Many historic structures have become obsolete in size or layout or are expensive to renovate or reuse for uses that are otherwise allowed under existing zoning, and so it is the purpose herein to encourage the preservation of historic resources by permitting additional uses, subject to restrictions as set forth as follows:

- A. Within all zoning districts in the Township, when built as an original structure or as modified in accordance with applicable requirements of the appropriate agency or governing authority in an historic resource as designated on the West Caln Township Historic Sites Survey, the use of such buildings as single-family detached dwelling, single-family attached dwellings, and two-family detached dwellings are permitted by conditional use under Article XVI, in addition to other uses permitted in the district. The Township is permitting these additional uses in order to encourage the preservation of historic resources.
- B. The applicant shall make every effort to preserve the integrity of the exterior of the historic resource and shall use as a guideline the Secretary of the Interior's Standards for Rehabilitation. Distinctive features, construction techniques or examples of craftsmanship shall be preserved. The applicant must demonstrate to the Township through plans by a qualified architect that these standards have been taken into account and met to the greatest extent possible for the exterior of the historic resource, barring safety issues.
- C. Square footage shall be as set in the applicable zoning district, or as otherwise permitted by the Board of Supervisors in order to allow the reuse of a historic resource.
- D. The West Caln Township Historic Sites Survey is hereby adopted for the purposes set forth in this Section. Any owner of a structure not included on the Historic Sites Survey and, thus, not eligible for the benefits conferred by this Section, may appeal to the Zoning Hearing Board requesting inclusion of such structure on the Historic Sites Survey. The Zoning Hearing Board may, with the recommendation of the Township Historic Commission, after a hearing and presentation of testimony by interested parties, amend the Historic Sites Survey to include such structure, if the following conditions are satisfied in the judgment of the Zoning Hearing Board, taking into account all testimony presented:
  - 1. The structure becomes listed in or eligible for the National Register of Historic Places and proof thereof is presented; or
  - 2. If the structure is at least one hundred (100) years old; retains substantially all of its original exterior architectural features; meets substantially all of the criteria of historic affiliation, architecture, integrity, use, and other features which characterize a majority of the structures identified on the Historic Sites Survey; and if testimony as to the foregoing facts shall be presented on behalf of the applicant by an architect or architectural historian competent to testify in the matters presented.

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## Article XII: General Regulations

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### SECTION 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 Ordinance, the most restrictive provisions shall apply.

### SECTION 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 one hundred (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. Driveways, sidewalks, fences and walls, as specified in this Article and Section 1101, and signs, as specified in Article XIV. Other accessory uses, as specified in Section 1101, and other permanent structures shall not project into a front yard.
  - 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 fifteen (15) feet.
  - 3. Arbors, open trellises, and flagpoles, except as provided in Section 1203, below.
  - 4. The front yard areas of all residential uses shall be maintained primarily as non-impervious 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 twenty (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 (4) feet over a public walkway and the lower edge of such projecting structure shall be higher than eight (8) feet above the ground level of such walkway. No portion of a projection shall be located closer than four (4) feet from a curb line.
- 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 sixty (60) percent of the required lot width at the building setback line.
- G. **Height Restrictions.** No building or structure shall exceed the height limitations of this Ordinance, 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, solar panels, barns, silos, stables for sheltering livestock, poultry, and farm products. Except as otherwise expressly permitted under this Ordinance, no building, structure or use shall exceed 85 feet in height, including but not necessarily limited to Commercial Communication Facilities under Section 1104.B.3 and water supply towers under Section 1210.C

## **SECTION 1202. FEDERAL, STATE, AND COUNTY OWNED PROPERTY**

Whenever federal, state, or county owned property is included in one (1) or more zoning districts, it shall be subject to the provisions of this Ordinance to the extent permitted by the Constitution and laws of the United States of America and the Commonwealth of Pennsylvania.

## **SECTION 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 the Subdivision and Land Development Ordinance. 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.

## **SECTION 1204. OUTDOOR STORAGE AND DISPLAY**

- A. **General Requirements.** The following shall apply for all uses in all districts, except as otherwise noted in this Ordinance:
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 Sections 1205 and 1206.
  2. All organic refuse or garbage shall be stored in tight, vermin-proof containers. In multi-family developments of greater than ten (10) units, commercial uses, and industrial uses, garbage storage shall be centralized to expedite collection and enclosed on three (3) sides by screening or plantings.
  3. There shall be no outdoor storage or accumulation for a period in excess of seven (7) 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 Section 1210.D shall also be applicable to this Section, and shall override any storage or waste disposal circumstances otherwise permitted by this Ordinance.
  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 Ordinance, no more than one (1) vehicle without a license plate or proof of inspection shall be stored outside per lot for a period greater than three (3) 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 Section 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 Section 1101.

**B. Residential Outdoor Storage.** The following shall apply for all residential uses except as otherwise noted in this Ordinance:

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 twenty-four (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 Section 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 (6) 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 Ordinance:

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 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 three hundred (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 twenty-five (25) feet to any building or lot line or fifty (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 Ordinance, 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 Section 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 (6) feet in height.

## **SECTION 1205. FENCES, HEDGES, AND WALLS**

- A. Unless otherwise required by this Ordinance, no fence or wall, except a retaining wall, or a wall of a building permitted under terms of this Ordinance, over six (6) feet in height, shall be erected within any of the yards required by this Ordinance, unless that portion of the fence or wall which exceeds six (6) feet in height has a ratio of open area to solid area of at least four (4) to one (1). In no case shall a fence or wall exceed eight (8) feet in height, except in the case of a junkyard or salvage yard where the regulations set forth in Section 1119, shall apply, and in the case of a cell tower or other antennae provided for in Section 1104 where the maximum height of a fence shall not exceed twelve (12) feet in height.
- 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 the Subdivision and Land Development Ordinance.
- C. Fences or walls shall not be located in drainage easements or drainage swales that are part of an approved stormwater management plan in accordance with the provisions set forth in the Subdivision and Land Development Ordinance.
- D. Fences or walls shall not be located in any natural drainage areas.
- E. Fences or walls that are in conformance with all of the provisions of this and any other applicable ordinances may be permitted within required setbacks.
- 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 Section 1101.C.3.

## **SECTION 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.
  - 1. Applicability. Buffer areas shall be located between potentially conflicting uses and shall be required in addition to the landscaping requirements of Section

1206.B. 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 ten (10) or more multi-family 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 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 2.b., below.
- c. *Industrial Buffer.* Any industrial use or intensive agricultural use, except as noted in Subsection 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 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 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 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. The minimum buffer planting requirements are as follows:

a. *Residential Buffer Plantings.*

- 1) One (1) canopy tree per forty (40) feet, plus one (1) evergreen per thirty (30) feet of boundary; or
- 2) One (1) canopy tree per forty (40) feet, plus one (1) flowering tree per sixty (60) feet, plus one (1) evergreen per sixty (60) feet of boundary.
- 3) The Residential Buffer yard width shall be no less than twenty-five (25) feet.

b. *Commercial Buffer Plantings.*

- 1) One (1) evergreen per twenty (20) feet, and one (1) flowering tree per sixty (60) feet of boundary.
- 2) The Commercial Buffer yard width shall be no less than thirty-five (35) feet.

c. *Industrial Buffer Plantings.*

- 1) One (1) evergreen per twenty-five (25) feet, plus one (1) berm four (4) feet high; or
- 2) Six (6) foot high cedar or spruce fencing with one (1) flowering or evergreen tree per thirty (30) feet.
- 3) The Industrial Buffer yard width shall be no less than forty (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 (1) canopy or flowering tree at an average of one (1) tree per forty (40) feet, plus one (1) evergreen tree at an average of one (1) tree per twenty (20) feet; or

- 2) One (1) canopy or flowering tree at an average of one (1) tree per forty (40) feet, plus one (1) shrub per eight (8) feet.
- 3) The Intensive Buffer yard width shall be the setback specified for the required fence for the individual use in Article XI, or thirty (30) feet, whichever is greater.

3. General Buffering and Screening Requirements.

- a. Buffer yards shall be kept clean of all debris, rubbish, weeds, and tall grass.
- b. Planting in the buffer area shall be installed and thereafter maintained 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 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 (3) 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 (3) inches diameter at breast height (DBH) and/or eight (8) 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 (3) 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 3., below.
  - b. Landscaping, including street trees, planted buffers, parking lot landscaping, and all other required plantings, shall be in accordance with Section 1206.A., 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 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 features (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 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 twelve (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 Section 1002.D.2.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 Section 1206.A., 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 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 (5) feet from any property line, and trees shall not be closer than ten (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 (5) 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. All parking areas shall have a minimum of one (1) canopy tree or flowering tree, as listed in Appendix A, for every five (5) parking spaces. This number shall include the trees required in the planting beds and islands in this Subsection. Shrubs, ground covers, and other plant materials shall be



used within the planting islands and/or peninsulas to complement the required trees. Trees and shrubs shall be pruned to allow for safe sight distance.

- c. Raised planting beds shall be at intervals not to exceed twelve (12) spaces with beds offset on alternating sides of parking rows. Such planting beds shall be planted with a minimum of one (1) tree per bed. Such trees shall be selected from the canopy or flowering trees list in Appendix A.
- d. Raised planting islands shall be located at each end of a double loaded parking row and shall be planted with a minimum of two (2) trees per island. Such trees shall be selected from the street/urban trees list in Appendix A.
- e. Perimeter plantings shall be provided around all parking areas and shall have a minimum width of five (5) feet.
- f. Perimeter planting strips and raised planting islands shall be protected by curbs, berms, or a similar defined edge.

**C. Plant Materials.** Plant materials shall be as follows:

- 1. Each buffer planting option listed in Section 1206 A., above, may use any of the plant materials listed in Appendix A. Vegetation chosen to satisfy screening and landscaping requirements 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. A list of invasive species or plants that are specifically prohibited is also included in Appendix A. All planting materials shall meet the standards of the American Association of Nurserymen. Any trees and shrubs which are selected to satisfy screening and landscaping requirement shall meet minimum standards for size at the time of planting:
  - a. Shrubs: thirty (30) inches height from grade
  - b. Trees: three (3) inch minimum diameter at breast height (DBH)
- 2. Where it is determined that, due to topography or other factors, the buffer classes prescribed in Section 1206. A., 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 (3) to five (5) feet to increase its effectiveness, as determined by the Board of Supervisors.
- 3. 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.

4. Existing trees within the required buffer yard greater than three (3) inches in caliper or greater than eight (8) 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 Section 1002 D.2.b.3.
5. Plant materials chosen to satisfy screening and landscaping requirements or to supplement existing vegetation should be of a native species indigenous to the area. A variety of plant materials should be installed to promote bio-diversity, and reflect the rural character of the area and shall be preserved in accordance with the requirements set forth in Section 1002 D.2.b.3. Native plant materials are identified in Appendix A.
6. 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.
7. 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.
8. 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.

## **SECTION 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 (2) 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 Ordinance, shall be so located and so designed as to further the purposes of this Ordinance as set forth in Article I, herein.
2. Where any commercial district abuts an arterial or collector road, it is the intent of this Ordinance to strongly encourage the installation of a parallel service street, or the combination of off-street parking facilities for two (2) or more lots. Points of access to such roads shall be spaced at safe intervals in accordance with this Article and the Subdivision and Land Development Ordinance.
3. Where any multi-family 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 in the Comprehensive Plan, 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 Section 1206.A, shall be provided. Where the rear lot line of the residential development abuts an arterial road, a Commercial Buffer as provided in Section 1206.A, 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 forty (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 one hundred (100) feet of street frontage shall have no more than one (1) accessway to such street, and no lot with one hundred (100) feet or more of street frontage shall have more than two (2) accessways to any one (1) street. If a lot with one hundred (100) feet or more of street frontage has more than one (1) street frontage, a total of two (2) points of access shall be allowed per street frontage if each access point is one-way only, or a total of two (2) access points shall be permitted for such lot if each access point is two (2) way. A common access point for two (2) 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 the Subdivision and Land Development Ordinance, which documents any necessary traffic control device and/or highway modifications required by the Township and/or the Pennsylvania Department of Transportation (PennDOT).

## **SECTION 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 the Subdivision and Land Development Ordinance.

### **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, raised islands shall be placed at the ends of parking bays so that the end of the bay adjacent to a driving aisle or ring road is clearly delineated. Such islands shall be landscaped in accordance with Section 1206. B.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 (1) 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 six (6) percent, measured along the centerline, for a distance of no less than twenty-five (25) feet from the street right-of-way line. Beyond that point, interior roads and drives shall have a maximum grade of ten (10) percent.
  - 7. Minimum width of interior circulation lane cartway with abutting parking shall be as follows:

Angle of Parking (degrees)	One way lane	Two way lane
90	22 ft.	24 ft.
60	18 ft.	20 ft.
45	15 ft.	18 ft.

- 8. Minimum width of interior circulation lane cartway with no abutting parking shall be as follows:

Use	One Lane – One way drives	Two Lane – Two way drives
Residential	10 ft.	18 ft.
Commercial	12 ft.	22 ft.
Institutional	12 ft.	22 ft.
Industrial	14 ft.	25 ft.

- 9. Minimum entrance and exit drive widths shall be in accordance with the provisions of Section 1305.F.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 one hundred (100) feet of a principal structure. Where a principal structure is located more than one hundred (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:        | Fourteen (14) feet    |
| 2. | Minimum all-weather surface width: | Ten (10) feet         |
| 3. | Minimum curve radii:               | Thirty-five (35) feet |
| 4. | Minimum overhead clearance:        | Twelve (12) feet      |

- D. **Pedestrian Circulation.** The following standards shall apply for all uses, as applicable:

1. Pedestrian facilities such as sidewalks, trails, and pathways shall be maintained or installed as necessary and desirable to achieve the following:
  - a. Logically continue, link or expand existing pedestrian facilities on, across and abutting the site.
  - b. Provide pedestrian access to existing or anticipated public transportation pick up points, public parks, community facilities 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 (5) 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 (4) feet.
2. Maximum separation of pedestrian and vehicular routes shall be encouraged for safety and well being of pedestrians. Separation can be in the form of any one (1) 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.

## SECTION 1209. OUTDOOR LIGHTING REQUIREMENTS

- A. **Purpose.** To require and set minimum standards for outdoor lighting to:

1. Provide lighting in outdoor public 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 and the night sky from nuisance glare and stray light from poorly aimed, placed, applied, maintained, or shielded sources.

**B. Applicability.**

1. 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, multi-family residential, commercial, industrial, and institutional uses.
2. The Board of Supervisors may require lighting be incorporated for other uses and or locations, as they deem necessary.

**C. Illumination Levels<sup>1</sup>.** In any case, lighting intensities and uniformity ratios<sup>2</sup> shall be in accordance with the current recommended practices of the Illuminating Engineering Society of North America (IESNA) Lighting Handbook, Current Edition.

1. Future amendments to said recommended practices shall become part of this Ordinance without future action of the Township.
2. Examples of intensities for typical outdoor applications, as extracted from the 8<sup>th</sup> Edition of the Lighting Handbook, are included below:

Use /Task	Maintained Footcandles	Uniformity Ave.: Min.
Streets, local residential	0.4 average	6:1
Streets, local commercial	0.9 average	6:1
Parking, residential, multi-family		
- Low vehicular/pedestrian activity	0.2 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

<sup>1</sup> Illumination Levels are maintained horizontal footcandles on the task, e.g. pavement or area surface.

<sup>2</sup> 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].

- 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	----

**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 roadways, pathways and parking areas, fixtures shall meet IESNA “full cutoff” criteria (not have more than 2.5 percent of their light output emitted above 90 degrees at any lateral angle around the fixture).
3. 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.
4. 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. Control of Nuisance Lighting and Disabling Glare.**

1. All outdoor lighting, whether or not required by this Ordinance; 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, e.g., disabling glare, and so as not to create a nuisance by projecting or reflecting objectionable light onto a neighboring use or property, e.g., nuisance glare.
2. Floodlights and spotlights 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 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 twenty-five (25) percent of the levels normally permitted by this Ordinance for the use.
  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 thirty (30) inches above the grade at the property line.
  7. Externally illuminated off-premises signs shall be lighted by fixtures mounted at the top of the sign and aimed downward. Such fixtures shall be automatically extinguished between the hours of 10 p.m. and dawn.
  8. Fixtures meeting IESNA “full cutoff” criteria shall not be mounted in excess of twenty (20) feet above grade. Fixtures not meeting IESNA “full cutoff” criteria shall not be mounted in excess of sixteen (16) feet above grade except as specifically approved by the Board of Supervisors.
  9. Fixtures used for architectural lighting, e.g., facade, fountain, feature and landscape lighting, shall be aimed so as not to project their output beyond the objects intended to be illuminated and shall be extinguished between the hours of 10 p.m. and dawn.
- F. **Height Restrictions.** The maximum height of lighting facilities erected within the Township shall be twenty-five (25) feet, unless an applicant can prove to the satisfaction of the Board of Supervisors that this height limitation will impact the safe operation of the proposed use.
- G. **Installation.**
1. Electrical feeds for lighting standards shall be run underground, not overhead.
  2. Lighting in parking areas shall be placed a minimum of five (5) feet outside of the paved area, or on concrete foundations at least thirty (30) inches high above the pavement, or suitably protected by other approved means.
- H. **Maintenance.** Lighting fixtures and ancillary equipment shall be maintained so as to always meet the requirements of this Ordinance.
- I. **Residential Development Fixture Placement.** Street lighting fixtures in residential developments shall be placed at the following locations:

1. At 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. At the apex of the curve of any street, public or non-public, within the proposed development, having less than three hundred (300) foot minimum centerline 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 twenty-five (25) m.p.h. or greater.
6. At trail heads or cross walks associated with sidewalks, pathways, or trails.

**J. Lighting Plan Submission.**

1. Lighting plans shall be submitted to the Township for review and approval and shall include:
  - a. Layout of the proposed fixture locations.
  - b. Iso-footcandle plots for individual fixture installations and ten by ten (10 x 10) foot illuminance-grid plots for multi-fixture installations, that demonstrate compliance with the intensities and uniformities set forth in this Ordinance.
  - c. Description of the equipment, including fixture catalog cuts, photometrics, glare reduction devices, lamps, control devices, mounting heights and mounting methods proposed.
2. When requested by the Board of Supervisors, the applicant shall submit a visual impact plan 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.

**K. Post Installation Inspection.** The Township reserves the right to conduct a post-installation nighttime inspection to verify compliance with the requirements of this Ordinance, and if appropriate, to require remedial action at no expense to the Township.

**L. 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 (5) 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 Ordinance, 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 L.1.b. above.

**M. Nonconforming Lighting.** Any lighting fixture or lighting installation existing on the effective date of this Ordinance that does not conform with the requirements of this Ordinance, shall be considered as a lawful nonconformance shall be made to conform with the requirements of this Ordinance 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

**N. Street Lighting Dedication.**

1. When street lighting 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 street lighting.

3. Assumption of Costs of Dedicated Street Lighting.
  - a. 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 street lighting fixture. These costs shall include:
    - 1) Administration;
    - 2) Collection;
    - 3) Pro-ration of non payables;
    - 4) Actual utility electrical charges;
    - 5) Maintenance and maintenance contracts for fixtures and associated equipment.

## **SECTION 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 Ordinance 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 the Subdivision and Land Development Ordinance.
  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 the Subdivision and Land Development Ordinance. 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 the Subdivision and Land Development Ordinance, 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'.

- D. **Stormwater Management and Erosion Control.** All uses shall meet the regulations of the Subdivision and Land Development Ordinance 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.

**SECTION 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. Top soil shall be redistributed as cover in final landscaping and shall be reapplied to provide a minimum cover of four (4) inches for all disturbed land areas, which shall be reseeded and stabilized with vegetation growth native to the area within six (6) 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.

## SECTION 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 Section 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, as follows:

- A. **Permitted Number of Animals.** A minimum of three (3) 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 (2) 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. For each additional animal, 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 Board of Supervisors):

	<b>Animal</b>	<b>Additional acreage required per Animal*</b>
1.	Horse	1.5
2.	Cow	1.5
3.	Beef Cattle	1.5
4.	Swine	.15
5.	Sheep	.30
6.	Poultry, Rabbits	.02

\*beyond the initial two (2) to three (3) 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 upon the streets or other public ways or the Township. Such action is hereby declared to be a nuisance and dangerous to the public health 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 one hundred (100) feet of any abutting property or public right-of-way, closer than one hundred (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 one hundred fifty (150) square feet shall be provided for each mature horse.
  2. A shelter area of one hundred (100) square feet shall be provided for each pony, mule, donkey, cow or other livestock animal of similar size.

3. A shelter area of seventy-five (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 (3) 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.

### **SECTION 1213. MUNICIPAL AND PRIVATELY OWNED PARKS**

Parks and playgrounds owned by West Caln Township and non-profit, privately owned parks shall be permitted in all districts.

### **SECTION 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 Ordinance.

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.** The most restrictive of the following regulations shall apply:

1. All buildings and structures and activities within such buildings and structures shall follow applicable Township codes and ordinances.
2. 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.
3. All associated activities and all storage of flammable and explosive material shall:
  - a. 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.
  - b. Conform to the requirements of PaDEP rules and regulations, for storing, handling and use of explosives.

**C. Glare and Heat.**

1. 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 Section 1305.
2. No floodlighting, spotlights, or high-intensity lighting, except for surveillance, security, safety lighting shall be permitted in any residential district after 10 p.m. prevailing time.
3. 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, or watercourses, or into the ground, of any liquid and 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.
- 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 (1) time in any fifteen (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		
<i>Receiving Land Use</i>	<i>Time Frame</i>	<i>Maximum Noise Level Limit</i>
Residential, Park/Open Space, Agriculture, or Institutional	7 a.m. – 9 p.m. prevailing time 9 p.m. – 7 a.m. prevailing time, Sundays, and holidays	55 dBA 50 dBA
Commercial	7 a.m. – 9 p.m. prevailing time 9 p.m. – 7 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 (1) time in any fifteen (15) second interval), the sound level shall not exceed twenty (20) dBA over 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 or television reception 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 Section 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 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.
- 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.

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## Article XIII: Off-Street Parking and Loading Regulations

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### SECTION 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.

### SECTION 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 Section 1303; or
  3. An existing structure or use on or after the effective date of this Ordinance, is altered, enlarged, or substantially improved, meaning an improvement of fifty (50) percent or more of the structures floor area, so as to increase the amount of parking spaces required, to be in compliance with Section 1303.
- B. Structures and uses in existence on the date of adoption of this Ordinance 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 Ordinance 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 Ordinance shall be in conformance with this Section. Off-street parking facilities provided to comply with the provisions of this Ordinance 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.

### SECTION 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 Section 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 Section 1206.
- D. **Off-Street Parking in Required Yards.** Parking areas may occupy no more than fifty (50) percent of any required front yard.

### SECTION 1303. REQUIRED OFF-STREET PARKING SPACES

- A. Uses not specifically listed herein shall comply with the parking standards for the most similar use, as determined by the Board of Supervisors with recommendation from the Township Engineer.
- B. Where a building or use contains or includes more than one (1) 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 Section 1304.
- C. Spaces needed for business vehicles owned or operated by any of the following uses shall be above and beyond the following off-street parking requirements and shall not occupy the minimum required spaces for uses as follows in this Section.
- D. The following off-street parking provisions shall constitute the minimum parking spaces required for the uses indicated below, hereafter erected, converted or otherwise established in any district. Where computation result in fractions, a fraction of one-half (1/2) or more shall be rounded up, and a fraction of less than one-half (1/2) rounded down. In addition, one (1) space for each company vehicle stored on the premises shall be provided. In this Section, “s.f.” shall be interpreted as “square feet” and “GLA” shall be interpreted as “gross leasable area,” as defined in Article II.

1. The following parking standards shall apply for residential uses:

Residential Uses	Minimum Off-Street Parking Requirement
Single-family detached	2 spaces per dwelling unit, excluding garages
Single-family semi-detached dwelling, or Two-family detached dwelling.	2 spaces per dwelling unit, excluding garages
Multi-family, Residential conversion, Mobile home park	2 spaces per dwelling unit, plus 1 space per every 5 dwelling units to accommodate visitor parking
Supplemental dwelling unit	2 spaces per supplemental dwelling unit
Home occupation: a) Major, other than family day care home which shall conform with Article XI.  b) Minor	a) Number of required spaces for the primary residential use, plus 1 additional space per each non-resident employee and 1 space per client or customer  b) No additional parking requirements beyond those for the primary residential use

Nursing home	1 space per every 4 patient beds, plus 1 space per employee on the largest shift
Group housing	1 space per 3 beds, plus 1 space per employee on the largest shift
Retirement housing	1.5 spaces per dwelling unit, plus 1 space per every 5 dwelling units to accommodate visitor parking

2. The following parking standards shall apply for commercial uses:

<b>Commercial Uses</b>	<b>Minimum Off-Street Parking Requirement</b>
Automobile sales and service	1 space per 400 s.f. GLA. Outdoor display areas for automobile sales shall not be included in the required parking spaces
Bank or similar financial institution	1 space per 250 s.f. for customer service, plus 1 space per employee on the largest shift, plus stacking requirements for drive-through service, if applicable, as per Article XII
Bed and breakfast	1 space per rental unit, plus 1 space per employee, plus 2 spaces for the resident property owners
Club or lodge	1 space per 3 members the facility is designed to accommodate, plus 1 space per employee; an additional fifteen (15) percent of the total spaces required shall be reserved for auxiliary spaces
Day care center (child or adult)	1 space per employee, plus 1 unloading space per 5 children/adults
Gas station/service station	1 space per pump, plus 2 stacking spaces per pump, plus 2 spaces per service bay
Car wash	3 stacking spaces per bay, plus 2 drying spaces per bay
Convenience store	1 space per 200 s.f. GLA
Grocery store or supermarket	1 space per 100 s.f. GLA
Hotel or motel	1 space per rental unit, plus 1 space per employee on the largest shift; an additional 15 percent of the total spaces required shall be reserved for auxiliary spaces
with conference facility	plus 1 space per every 3 seats of capacity for meeting facilities
Kennel or animal shelter	1 space per employee, plus 1 space per 10 units of animal holding capacity
Laundromat	1 space per 100 s.f. GLA
Office – business and administrative	1 space per employee, plus 1 space per reception area seat or 1 space per 100 s.f. GLA whichever is more applicable
Office - professional and medical	1 space per employee, plus 1 space per waiting room seat or 1 space per 100 s.f. GLA whichever is more applicable

Personal service shop (hair salon, barber shop, tailor, dry cleaner pick-up, etc.)	1 space per 250 s.f. GLA
Recreational use a) Indoor recreation/physical fitness club b) Outdoor recreation or park c) Theater d) Bowling alley	a) 1 space per 200 s.f. GLA, plus 1 space per employee b) 1 space per 1,000 s.f. of lot area, plus 1 space per employee c) 1 space per 3 seats d) 4 spaces per bowling lane
Research and development facility	1 space per 300 s.f. GLA
Restaurant, outdoor café, or similar use a) with table service, but no drive-through  b) with no fixed seats or table service c) with drive-through service	a) 1 space for every 3 seats provided for customers, plus 1 space per employee on the largest shift b) 1 space per 75 s.f. of GLA c) a vehicle stacking lane is required as per Article XI, in addition to the requirements of a or b) above
Retail store	1 space per 100 s.f. GLA, when not in a shopping center
Shopping center	1 space per 200 s.f. GLA
Department store (when not in a shopping center)	1 space per 75 s.f. GLA
Veterinary clinic	4 spaces per vet on duty, plus 1 space per employee

3. The following parking standards shall apply for public/institutional uses:

Educational Use a) High school  b) Elementary and middle school  c) Trade or professional school  d) Studio for performing or visual arts, or other school	a) 1 space per 4 students, plus 1 space per instructor and employee b) 1 space per 15 students, plus 1 space per instructor and employee c) .75 spaces per 1 student at maximum capacity, plus 1 space per instructor or employee d) 1 space per instructor or employee, plus 1 space per 10 students at maximum capacity
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<b>Public/Institutional Uses</b>	<b>Minimum Off-Street Parking Requirement</b>
Community center	8 spaces per 1,000 s.f. GLA or 1 space per 4 seats, whichever is greater
Educational use a) High school          b) Elementary and middle school	a) 1 space per 4 students, plus 1 space per instructor and employee, plus impervious reserve parking area in accordance with the requirements of Section 1304 for special events based upon a minimum of 1 space per 5 fixed seats in the auditorium          b) 1 space per 15 students, plus 1 space per instructor and



c) Trade or professional school	employee, plus impervious reserve parking area in accordance with the requirements of Section 1304 for special events based upon a minimum of 1 space per 5 fixed seats in the auditorium / cafeteria
d) Studio for performing or visual arts, or other school	c) .75 spaces per 1 student at maximum capacity, plus 1 space per instructor or employee, plus impervious reserve parking area in accordance with the requirements of Section 1304 for special events based upon a minimum of 1 space per 5 fixed seats in the auditorium / cafeteria,  d) 1 space per instructor or employee, plus 1 space per 10 students at maximum capacity plus, impervious reserve parking area in accordance with the requirements of Section 1304 for special events based upon a minimum of 1 space per 5 fixed seats in the auditorium / cafeteria,
Funeral home	1 space for every 2 individuals the facility is designed to accommodate, plus 1 space per residents, 1 space per non-resident employee; an additional 15 percent of the total spaces required shall be reserved for auxiliary spaces
Library or museum	1 space per 250 s.f. GLA
Life care facility	1 space per dwelling unit, plus 1 space per every 2 patient beds, plus 1 space per employee on the largest shift.
Municipal building or government office	1 space per employee, plus 1 space for 2 persons permitted maximum capacity; an additional 15 percent of the total spaces required shall be reserved for auxiliary spaces
Place of worship or religious use	1 space per every 2 seats; an additional fifteen (15) percent of the total spaces required shall be reserved for auxiliary spaces
Post office	2 spaces per 250 s.f. for customer service, plus 1 space per employee on the largest shift
Public service or utility facility	2 spaces per facility, plus 1 space per assigned employee

4. The following parking standards shall apply for industrial uses:

<b>Industrial/Manufacturing Uses</b>	<b>Minimum Off-Street Parking Requirement</b>
Industrial establishment	1 space per employee on largest shift, plus 2 spaces per 1,000 s.f. GLA for customer/visitor parking up to 10,000 s.f. GLA above which 1 space per 1,000 s.f. GLA
Repair, cleaning, processing facility laundry/dry cleaning facility (not including laundry pick up)	1 space per employee, plus 2 spaces for visitors
Wholesale, storage, distribution	1 space per employee on largest shift, plus 2 spaces per 1,000 s.f. GLA for customer/visitor parking up to 10,000 s.f. GLA above which 1 space per 1,000 s.f. GLA
Sanitary landfill, transfer station	1 space per employee on largest shift

Self-storage units/mini-warehouse	1 space per employee on largest shift, plus 1 spaces per 5 units for interior storage units and 1 space per 2 units for exterior storage units
Quarrying, mining	1 space per employee on largest shift
Recycling center	1 space per 5,000 s.f. of lot area, plus 1 space per employee on largest shift
Junk yard	1 space per 5,000 s.f. GLA, 1 space per employee

#### SECTION 1304. PARKING ALTERNATIVES

A. **Reserve Parking Area.** To reduce unnecessary impervious surface coverage and excess stormwater run-off, the number of required parking spaces may be reduced when authorized as a special exception by the Zoning Hearing Board when the following are met:

1. Documentation is submitted that the use requires less parking than required in Section 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 twenty (20) percent 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 Ordinance.

B. **Shared Parking Facilities Between Uses.** The number of required parking spaces for commercial, institutional, and industrial uses required by this Ordinance may be modified when authorized by special exception by the Zoning Hearing Board. Three (3) 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 ten (10) percent 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.

- C. **Off-Site Parking Areas.** Required parking spaces for commercial, institutional, and industrial uses may be accommodated off-site in commercial, village, or industrial districts, provided:
1. The owner(s) of the establishment(s) shall submit an application that includes a site plan and agreement showing (joint) use, maintenance responsibility, and location of the off-street parking area.
  2. The number of spaces fulfills the requirements for use(s) based on Section 1303, for which the lot is designated to accommodate.
  3. Adequate pedestrian walkways or sidewalks for pedestrian safety are provided.
  4. The lot is within five hundred (500) feet of the principal use(s).
  5. The applicant(s) shall provide sufficient legal documentation, as required by the Zoning Hearing Board, to assure the long-term availability of the parcel to be used for off-site parking. This may be in the form of a lease, contract, deed restriction, easement, or similar instrument, of which the form and duration shall be subject to the review of the Township Solicitor.
- D. At the discretion of the Zoning Hearing Board, off-street parking requirements may be reduced based on hardship, based on criteria in Section 1707 and Section 1708.

**SECTION 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 (9) feet wide by eighteen (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 (2) 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 Section 1209.
- F. An off-street parking area with a minimum required capacity of five (5) 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 run-off.
  - 2. Parking spaces shall be reasonably level, sloping not more than five (5) percent in any direction, but sloping at least one (1) percent to provide for drainage.
  - 3. Minimum width of interior circulation lane cartway within parking areas shall be in accordance with Sections 1207 and 1208.
  - 4. Minimum entrance and exit drive widths shall be:
    - a. One-way access – Fourteen (14) feet.
    - b. Two-way access – Twenty-four (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 (1) vehicle, plus one (1) vehicle for every fifty (50) spaces provided in the parking area, for up to ten (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 Section 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 (4) 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 Section 1203 and the Subdivision and Land Development Ordinance shall apply to all access points.
14. Parking areas greater than fifty (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 Section 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.

**SECTION 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 (1) 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 (2) 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 (1) off-street loading space of suitable size. Where there is an aggregate gross floor area of twenty thousand (20,000) square feet or more for such use, one (1) additional off-street loading space shall be provided for each additional twenty-thousand (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 (1) off-street loading space. Where there is an aggregate gross floor area of thirty thousand (30,000) square feet or more for such use, one (1) additional off-street loading space shall be provided for each additional thirty thousand (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 Section 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 twelve (12) feet in width and seventy (70) feet in length, exclusive of aisle and maneuvering space, with a minimum vertical clearance of fourteen (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 twelve (12) feet in width and thirty (30) feet in length, with a minimum vertical clearance of fourteen (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 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 Section 1206.

6. Lighting standards for off-street loading areas shall be in accordance with the provisions of Section 1209.

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**Article XIV: Sign Regulations**

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**SECTION 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.

**SECTION 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.

**SECTION 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 ten (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 Section 1201.C.6.
4. Advertising signs within four hundred (400) feet of a public park of five (5) acres or more in area, 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 thirty (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 (2) square feet in size, shall be permitted in any district but shall be installed no closer than forty (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.**

1. No animated sign, nor signs that revolve, swing, or have movable parts, or have flashing lights or reflectors, except barbershop poles, shall be permitted after the effective date of this Ordinance.
2. 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.

3. External lighting, or back-lighting in the case of window signs, is the preferred method of illumination. Internally lit signs are discouraged.

**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 Section 1410.E.
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. All business signs, and all other signs which exceed four (4) square feet shall require a permit, except as specified in Section 1404.

**SECTION 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 (4) feet in height or higher than eight (8) feet in height, above grade. Unless otherwise specified, a freestanding sign shall be no more than twelve (12) feet in height.
2. Freestanding signs shall be limited to one (1) such sign per lot or development per street frontage. If more than one (1) use is carried on in a structure or lot, the one (1) 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 (1) 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 (1) such sign per lot or development per street frontage. If more than one (1) use is carried on in a structure or lot, the one (1) 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 (1) 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 (2) 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 (6) feet above grade.

**C. Projecting Signs.**

1. No portion of a projecting sign shall be less than eight (8) feet nor more than fifteen (15) feet above grade, or project more than four (4) 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 (8) feet above grade nor extend more than twelve (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 ten (10) percent of the total area of the building front facade in the Site-Responsive Residential, Rural Residential, and Village Districts and fifteen (15) percent 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 (1) wall sign shall be permitted on the building front facade or one (1) 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 twenty-five (25) percent of the total window area of the building front façade may be used for permanent signs that are etched, painted, or permanently affixed to the window, and a maximum of an additional ten (10) percent of the total window area of the building front façade 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 (1) 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 (1) per street frontage of the establishment.
2. The lowest edge of the canopy, marquee, or awning sign shall be at least eight (8) feet above grade.
3. A canopy, marquee, or awning without lettering or other advertising shall not be regulated as a sign.

**SECTION 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.
- B. Temporary signs or emblems of a religious, civic, philanthropic, historical, community, or educational organization not exceeding four (4) square feet in total sign area. No more than four (4) off-premises signs shall be permitted, shall not exceed four (4) 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 (2) weeks prior to the first day of the announced activity and shall be removed no later than one (1) 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 (8) feet on any one (1) side nor have a total sign area in excess of sixteen (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 restrooms, 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 (2) 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 (2) 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 twenty-four (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 (1) square foot and not more than one (1) such sign shall be erected for each property held in single and separate ownership, unless such property fronts on more than one (1) street, in which case one (1) 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 (2) 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 (4) 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 Section 1101.C.4.
- O. Temporary window signs announcing a charity drive or event of civic, philanthropic, educational, or religious organization, less than four (4) square feet, placed in a store or office window.
- P. Temporary signs or emblems of a political organization or political campaign not exceeding four (4) 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 ten (10) feet apart, there shall be no more than one (1) sign per candidate per property at or near intersections, such signs shall not exceed four (4) 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 (1) day after the final day of the activity to which they refer.

#### **SECTION 1405. PROHIBITED SIGNS**

- A. A flashing, moving, rotating, oscillating, animated, or revolving sign, with the exception of barbershop poles.
- 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 the West Caln Zoning Ordinance.

#### **SECTION 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 Section 1404. Permits shall run for one (1) successive three (3) month period and may be re-issued for an additional one (1) successive three (3) 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 twenty-four (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 (3) 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 (1) portable sign per establishment.
- G. Signs announcing a temporary community event shall be limited to sixteen (16) square feet in total sign area, and shall be posted no sooner than two (2) weeks prior to the first day of the announced event and shall be removed no later than one (1) day after the final day of the announced event. Additionally, no more than four (4) 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 (4) square feet in total sign area.

#### **SECTION 1407. SIGNS IN SITE RESPONSIVE RESIDENTIAL AND RURAL RESIDENTIAL DISTRICTS**

In addition to the exempt signs in Section 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 (2) square feet.

2. Not more than one (1) 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 twelve (12) square feet in total sign area.
  2. Not more than one (1) such sign shall be placed on such premises held in single and separate ownership unless such premises fronts on more than one (1) street, in which case, one (1) 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 twelve (12) square feet on any one (1) side. The total sign area of any such sign shall not exceed twenty-four (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 (2) signs shall be permitted on any one (1) 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 (4) 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 Section 1409.B.



- 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.

#### **SECTION 1408. SIGNS IN VILLAGE DISTRICTS**

In addition to the exempt signs in Section 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 Section 1407 for like applicable uses.
- B. For all commercial uses, signs may be erected in accordance with either Subsection 1. or 2. as outlined below:
  - 1. One (1) freestanding sign up to ten (10) square feet of total sign area, plus only one (1) of the following:
    - a. One (1) wall sign mounted parallel on the wall up to eight (8) square feet in total sign area and in no case shall exceed eight (8) feet in width;
    - b. One (1) wall sign, when part of the architectural design of the building, consisting of individual letters or symbols, not to exceed ten (10) percent of the total area of the building front façade and in no case shall exceed eight (8) feet in width;
    - c. One (1) awning sign not to exceed ten (10) square feet, and letters shall not exceed one (1) foot in height; or
    - d. One (1) window sign consisting of individual letters or symbols not to exceed twenty-five (25) percent of total window area of the building front facade.
  - 2. One (1) projecting sign up to ten (10) square feet of total sign area plus only one (1) of the following:
    - a. One (1) wall sign mounted flush on the wall up to eight (8) square feet in total sign area and in no case shall exceed eight (8) feet in width;
    - b. One (1) wall sign, when part of the architectural design of the building, consisting of individual letters or symbols, not to exceed ten (10) percent

of the total area of the building front façade and in no case shall exceed eight (8) feet in width;

- c. One (1) awning sign not to exceed ten (10) square feet, and letters shall not exceed one (1) foot in height; or
  - d. One (1) window sign consisting of individual letters or symbols not to exceed twenty-five (25) percent of total window area of the building front facade.
- 3. If a building fronts on more than one (1) street, one (1) additional sign in accordance with either Subsection 1. or 2. above may be permitted on one (1) additional street frontage.
  - 4. Where multiple uses are located within a structure, the size of the permitted freestanding sign may be increased by two (2) square feet for each additional use, up to a maximum total sign area of sixteen (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 (2) or three (3) colors are encouraged. The sign message is encouraged to be simple and readable.
- 4. Wall signs designed as an integral part of the front façade 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.

#### **SECTION 1409. SIGNS IN AGRICULTURAL PRESERVATION, RURAL CENTER, AND MULTI-PURPOSE DISTRICTS**

In addition to the exempt signs in Section 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 (1) of the following sign types shall be permitted for an establishment:
    - a. Wall Sign. Such a sign shall not exceed fifteen (15) percent of the total area of the building front façade attributable to the use, and in no case shall exceed twelve (12) feet in width;
    - b. Awning sign. Such a sign shall not exceed ten (10) percent of the total area of the building front façade attributable to the use; or
    - c. Marquee or canopy sign. The sign area shall not exceed forty (40) percent of the front face area of the marquee or canopy to which the sign is attached.
  2. Window Sign. Not to exceed twenty-five (25) percent of the building front facade total window area attributable to the use.
  3. Freestanding or Ground Sign.
    - a. One (1) such sign is permitted on a lot or in a development per street frontage.
    - b. Such sign shall not exceed twenty-four (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 (1) establishment, such as a shopping center or medical office building, in accordance with the following regulations:
1. Only one (1) of the following sign types shall be permitted per establishment:
    - a. Wall Sign. Such a sign shall not exceed fifteen (15) percent of the total area of the building front façade attributable to the use, and in no case shall exceed twelve (12) feet in width;
    - b. Awning sign. Such a sign shall not exceed ten (10) percent of the total area of the building front façade attributable to the use ; or
    - c. Marquee or canopy sign. The sign area shall not exceed forty (40) percent of the front face area of the marquee or canopy to which the sign is attached.
  2. Window Sign. Not to exceed twenty-five (25) percent of the building front facade total window area to façade attributable to the use.
  3. Freestanding or Ground Sign.
    - a. One (1) such sign is permitted on a lot or in a development per street frontage.
    - b. Such sign shall not exceed twenty-eight (28) square feet in total sign area for one (1) establishment, however for each additional establishment, the size of the permitted sign may be increased by four (4) square feet, up to a maximum total sign area of forty-four (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.

## **SECTION 1410. SIGN PERMITS AND BONDS**

- A. A sign permit shall be required for all business signs, and all other signs which exceed four (4) square feet, except as specified in Section 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. 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.
- C. 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.
- D. All applications for sign permits shall be accompanied by the property owners written consent if the property owner is not the owner of the sign.
- E. Signs deemed by the Township Zoning Officer to be illegal or without permit, shall be removed within three (3) days of written notification by the Township Zoning Officer in accordance with the provisions of Section 1602, of this Ordinance. 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 Ordinance and shall be punishable in accordance with the provisions of Article XVI.

#### **SECTION 1411. NON-CONFORMING SIGNS**

The total sign area of all non-conforming signs relating to a use at the effective date of this Ordinance, or at the effective date of any amendment of this Ordinance by which any sign shall be made nonconforming, shall not be increased, subject to the provisions of Article XV.

#### **SECTION 1412. REMOVAL OF SIGNS**

If a use is abandoned or ceases for a period of thirty (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.

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**Article XV: Non-Conforming Uses, Structures, Lots, and Signs**

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**SECTION 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 Ordinance shall be known and regarded as nonconforming and the following regulations shall apply to them.

**SECTION 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 Ordinance, or authorized by a building permit issued prior thereto, which does not conform with the provisions of this Ordinance, 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 Ordinance although such use does not conform to the provisions of this Ordinance except as specified herein.

**SECTION 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 twenty-five (25) percent. This increase shall occur only once per the existence of the nonconforming use.
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 Ordinance.

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 Ordinance.
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 seventy-five (75) percent 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 (1) year from the date of damage or destruction and shall be carried on without interruption and shall be completed within one (1) 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 (1) year or more, subsequent use of such building, structure, or land shall be in conformity with the provisions of this Ordinance.
- E. **Abandonment.** If a nonconforming use of a structure or land is removed or abandoned for a continuous period of one (1) 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 (12) month period. The permit application for such approval shall be filed within thirty (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 Ordinance.

### SECTION 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 twenty-five (25) percent 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 seventy-five (75) percent 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 (1) year from the date of damage or destruction, and shall be carried on without interruption and shall be completed within one (1) year of the starting date.

#### **SECTION 1504. NONCONFORMING LOTS**

- A. A building or structure may be erected or altered on any nonconforming lot held at the effective date of this Ordinance, under the following circumstances:
1. Any owner of two (2) 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 (1) 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.

## SECTION 1505. NONCONFORMING SIGNS

Any nonconforming sign legally existing at the effective date of this Ordinance 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 Ordinance, or at the effective date of any amendment of this Ordinance by which any sign shall be made nonconforming, shall not be increased.
- C. **Repair or Replacement.** Nonconforming signs, once removed or damaged more than sixty (60) percent, including structural framing or bracing, shall be replaced only with conforming signs. Nonconforming signs with damage of sixty (60) percent 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 ninety (90) days after the date such use terminates.

## SECTION 1506. REGISTRATION

In order to facilitate the administration of this Ordinance, 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.

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**Article XVI: Administration and Enforcement**

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**SECTION 1600. PURPOSE AND APPLICATION**

The purpose of this Article is to outline the procedures and regulations by which the Township Zoning Ordinance shall be administered. The procedures for obtaining and regulating permits, enforcing this Ordinance, and the responsibilities of the Township Zoning Officer are included herein. Procedures for amending this Ordinance 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.

**SECTION 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 (1) year, and may thereafter be appointed annually to serve for a term of one (1) 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 Ordinance 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 the Ordinance.
  2. To enforce all provisions of this Ordinance 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 Ordinance 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 Ordinance or as directed by a competent court of jurisdiction, subject to such conditions or stipulations contained in any such order.
  5. To issue building, use and occupancy permits in accordance with the terms of this Ordinance.

6. To conduct inspections and surveys to determine compliance or noncompliance with the terms of this Ordinance.
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 Ordinance. 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 Ordinance. 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 Ordinance.
8. To keep an official written record of all business and activities, including complaints of a violation of any of the provisions of this Ordinance and of the subsequent action taken on each such complaint. 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.

## **SECTION 1602. ENFORCEMENT NOTICE**

- A. If it appears to the Township that a violation of any provision of this Ordinance 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 the Ordinance.
4. The date before which the steps for compliance must be commenced and the date before which the steps must be completed.
5. That the recipient of the notice has the right to appeal to the Zoning Hearing Board within 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.

#### **SECTION 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 Ordinance 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 thirty (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.

#### **SECTION 1604. ENFORCEMENT REMEDIES**

Any person, partnership, or corporation who or which has violated or permitted the violation of the provisions of this Ordinance shall, upon being found liable therefore in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than five hundred dollars (\$500), plus all court costs, including reasonable attorney'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 District Justice. 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 District Justice determining that there has been a violation further determines that there was a good faith basis for such person violating this Ordinance to have believed that there was no such violation. In that latter event, there shall be deemed to have been only one (1) such violation until the fifth (5<sup>th</sup>) day following the date of the determination of a violation by the District Justice, and thereafter, each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney's fees collected for the violation of this Zoning Ordinance shall be paid over to the Township within thirty (30) days or as set forth in the associated proceedings.

#### **SECTION 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 Ordinance. 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.

#### **SECTION 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.

#### **SECTION 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 (1) 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 Ordinance and other existing regulations.
- B. One (1) copy of the architectural plans for any proposed building or structure under application.

#### **SECTION 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 Ordinance 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 fifteen (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 (6) months during alterations or partial occupancy of a building pending its completion, provided that such a temporary permit may require conditions and safeguards needed to protect the occupants and the public.

#### **SECTION 1609. ISSUANCE OR REFUSAL OF PERMITS**



If the Township Zoning Officer determines that an application is in compliance with the provisions of this Ordinance, 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 Ordinance, 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 ten (10) days.

## **SECTION 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 the present Zoning Ordinance 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 fifty (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 (1) inch equals one hundred (100) feet or the most detailed scale possible on a minimum of an 8.5x11 inch paper size to a maximum of a 30x36 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 Ordinance.
  - 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 forty-five (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 forty-five (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 forty-five (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 ten (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 Ordinance, as it may deem necessary to implement the purposes of this Zoning Ordinance. 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 Ordinance. 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 the Ordinance as contained in Article I, the purposes of the district in which it is located, the goal and objectives of the Comprehensive Plan(1998), and the proposed use will satisfy all of the relevant provisions and requirements of the Subdivision and Land Development Ordinance 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 Ordinance shall be fully complied with at the completion stage.
- e. If containing more than one (1) 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 the Subdivision and Land Development Ordinance 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 the Subdivision and Land Development Ordinance 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 (6) 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 (6) 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.

## **SECTION 1611      MUNICIPAL LIABILITIES**

The granting or denial of any permit under this Ordinance shall create no liability upon, nor a cause of action against, any Township official or employee for damages or injury that may occur

from the development, use, construction, enlargement, or other modification of structures or the use of land.

## ***Article XVII:                      Zoning Hearing Board***

## SECTION 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 Ordinance 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. Challenges to the validity of this Ordinance or Zoning Map raising procedural questions or alleged defects in the process of enactment or adoption which challenges shall be raised by an appeal taken within thirty (30) days after the effective date of said Ordinance. The appeal raising procedural questions shall be taken directly to court where the ordinance appealed from is the initial Township Zoning Ordinance and a Board has not been previously established.
  3. 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.
  4. 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 Ordinance.
  5. Applications for variances from the terms of the Zoning Ordinance, pursuant to Section 910.2 of Act 247, as amended.
  6. Applications for special exceptions under the Zoning Ordinance pursuant to Section 1708, or such provisions within a land use ordinance, pursuant to Section 912.1 of Act 247 as amended.
  7. Appeals from the Township Zoning Officer’s determination under Section 916.2 of Act 247 as amended.
  8. Appeals from the determination of the Township Zoning Officer or Township Engineer in the administration of this Ordinance 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.

#### **SECTION 1701. ESTABLISHMENT AND MEMBERSHIP**

- A. There shall be a Zoning Hearing Board consisting of three (3) adult residents of the Township who shall be appointed by resolution of the Board of Supervisors.
- B. The term of office shall be three (3) years and shall be fixed so that the term of office of one (1) 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 (1), but no more than three (3) residents of the Township to serve as alternate members of the Board. The term of office of the alternate member shall be three (3) years, and the alternate member shall hold no other office in the Township. When seated pursuant to the provisions of Section 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 Ordinance, 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 Section 1704 below, unless designated as a voting alternate member pursuant to Section 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 fifteen (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.

#### **SECTION 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 Section 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 Ordinance 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.

### **SECTION 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 Section 1704 of this Article.
- B. An application for a special exception or variance from the terms of this Ordinance 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 Ordinance 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.

#### **SECTION 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 Section 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 Section 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.

#### **SECTION 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 Section 1706 below.
- B. The first hearing before the Board or Hearing Officer shall be commenced within sixty (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 forty-five (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 one hundred (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 (7) hours of hearings within the one hundred (100) days, including the first hearing. Persons opposed to the application shall complete the presentation of their opposition to the application within one hundred (100) days of the first hearing held after the completion of the applicants 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 forty-five (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 Ordinance 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 forty-five (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 thirty (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 (45) 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 ten (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.

## **SECTION 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 (2) successive weeks, not less than seven (7) days, nor more than thirty (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 (1) 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 five hundred (500) feet of the lot or building in question and of every lot not on the same street within two hundred (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.

## **SECTION 1707. GRANTING OF VARIANCES**

- A. The Board shall hear and decide requests for variances where it is alleged that the provisions of this Ordinance inflict unnecessary hardship on the applicant. An applicant shall file an application as specified under Section 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 the Zoning Ordinance 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 the Zoning Ordinance 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 Ordinance.

#### **SECTION 1708. GRANTING OF SPECIAL EXCEPTIONS**

The Board shall hear and decide requests for special exceptions where special exceptions are permitted by this Ordinance 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 the Subdivision and Land Development Ordinance.
- 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 the Zoning Ordinance 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.

#### **SECTION 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 (1) year from the date of authorization thereof.

#### **SECTION 1710. TIME LIMITATIONS**

- A. No person shall be allowed to file any proceedings with the Board later than thirty (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 thirty (30) days after notice of determination is issued.

#### **SECTION 1711. STAY OF PROCEEDINGS**

Upon filing of any proceeding referred to in Section 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.

#### **SECTION 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 Section 1700.B.1, 2, 3, 4, 7, and 8 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 Section 1707, or special exception, under Section 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.

#### **SECTION 1713. APPEALS TO COURT**

Any person aggrieved by any decision of the Board, or any taxpayer, or any officer of the Township may, within thirty (30) days after entry of the decision of the Board as provided in 42 Pa.C.S. Section 5572, or, in the case of a deemed decision, within thirty (30) days after the date upon which notice of said deemed decision is given as set forth in Section 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.

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**Article XVIII: Amendments**

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**SECTION 1800. POWER OF AMENDMENT**

The Board of Supervisors may from time to time amend, modify or repeal this Ordinance including the Zoning Map, in accordance with this Article and Act 247, the Pennsylvania Municipalities Planning Code, as amended.

**SECTION 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 (1) 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 thirty (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 sixty (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.

#### **SECTION 1802. PLANNING COMMISSION REFERRAL**

The Board of Supervisors shall refer each proposed amendment, whether under this Article or under another Article, pursuant to Section 1801, being considered for adoption by Board of Supervisors to the Township Planning Commission and County Planning Commission at least thirty (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 Ordinance 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 thirty (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.

#### **SECTION 1803. DECISIONS OF THE BOARD OF SUPERVISORS**

All enactment of amendments to the Ordinance 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 thirty (30) days after enactment, a copy of the amendment to the Zoning Ordinance shall be forwarded to the County Planning Commission.

#### **SECTION 1804. CURATIVE AMENDMENT PROCEDURES**

- A. **Landowner Curative Amendments.** A landowner who desires to challenge, on substantive grounds, the validity of this Ordinance 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 the Zoning Ordinance 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.

## **SECTION 1805      CITIZEN'S PETITION FOR AMENDMENT**

- A. Whenever the owners of fifty (50) percent 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 Ordinance 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 Section 1801.