

# **Pennsbury Township**

**Chester County, Pennsylvania**

## **Zoning Ordinance**

**Current Ordinance**  
*1982*  
*with amendments through 2006*

## Chapter 162

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[HISTORY: Adopted by the Board of Supervisors of the Township of Pennsbury 3-15-1982.  
Amendments noted where applicable.]



**ARTICLE I**  
**General Provisions**

162-1. Short title: effective date.

This chapter shall be known and may be cited as the “Pennsbury Township Zoning Ordinance of 1982.” This chapter shall become effective five days after its enactment.

162-2. Purposes.

- A. This chapter is enacted under and pursuant to the Municipalities Planning Code, Act 247 of 1968, as amended,<sup>1</sup> and in order to achieve the following community objectives: to promote, protect and facilitate the public health, safety, and general welfare of the inhabitants of the Township of Pennsbury by coordinated and practical community development; by providing for proper density of population and assuring adequate light and air; and facilitating the adequate provision of transportation, police protection, water, sewerage, schools, parks, public grounds and to prevent overcrowding of land, light, danger and congestion in travel, transportation, loss of health, life or property from fire, flood, panic or other danger.
- B. The regulations and districts contained herein represent reasonable consideration as to the character of the districts and their suitability for particular uses of land and have been made with a view to preserving the existing environment and assuring the development of a future environment that realizes the greatest possible use and enjoyment of land on individual properties, balanced against the necessary protection of the values of buildings and land and the use and enjoyment of land on adjacent properties, with the objective of promoting and protecting the public welfare through the regulation of land use and the process of land development.

162-3. Community development objectives.

- A. Pennsbury Township is rich in historic significance and natural resources and is located seven miles south of the Borough of West Chester, three miles east of the Borough of Kennett Square, and has as its eastern boundary the Brandywine Creek. Among the land uses contained in the Township are a variety of residential subdivisions, rolling open undeveloped land, and farmland.
- B. The development objectives of the Township as set forth in proper context and detail in its Comprehensive Plan, are summarized herein as follows:
  - (1) Provide for the orderly growth and development of the Township.
  - (2) Provide the opportunity for a variety of choices in residential living, which are in keeping with the character of the Township.
  - (3) Provide for the controlled development of commercial areas, which are consistent with the resources of the Township.

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<sup>1</sup> Editor’s Note: See 53 P. S. § 10101 et seq.



- (4) On its own authority with regard to Township roads, and with regard to PennDOT for state-owned roads, to develop and maintain a safe, efficient, convenient, and adequate Township wide circulation which serves existing and anticipated future needs.
- (5) Develop efficient and dependable community facilities for the health, safety, and welfare of existing and future residents of the Township.
- (6) Protect and preserve the historic areas of the Township.
- (7) Support and encourage the preservation and continuation of agricultural activity and the working farm in the Township.
- (8) Recognize land as a valuable resource and allocate its uses wisely so that it may be conserved, not wasted.
- (9) To encourage the preservation of prime agricultural land and natural and historic resources through acquisition of easements, transfer of development rights and rezoning. **[Added 8-6-2001 by Ord. No. 2001-3]**
- (10) To protect, preserve and conserve open land, forests and woodlands. **[Added 8-6-2001 by Ord. No. 2001-3]**

#### 162-4. Interpretation.

In the interpretation and application of the provisions of this chapter, the said provisions shall be held to be the minimum requirements for the promotion and protection of the public health, welfare and safety. Where the provisions and any statute, other ordinance or regulation impose greater restrictions than this chapter, the provisions of such statute, ordinance or regulation shall be controlling.

## **ARTICLE II Terminology**

### 162-5. General (interpretation).

As used in this chapter, words expressed in the present tense include the future; words in the masculine gender include the feminine and the neuter; the singular includes the plural and the plural the singular. The words “shall” or “must” are always mandatory; the word “may” is permissive. The word “building” includes “structure” and shall be construed as if followed by the phrase “or part thereof.” The word “person” includes “individual,” profit or nonprofit organization,” “partnership,” “company,” unincorporated association,” “Corporation,” or other similar entities. When terms, phrases or words are not defined, they shall have their ordinarily accepted meanings or such as the context may imply.

### 162-6. Definitions. **[Amended 1-12-1987; 6-4-1990; 12-16-1991; 9-7-1993]**

Unless otherwise expressly stated, the following words and phrases shall, for the purpose of this chapter, have the meanings herein indicated:

**ABANDONMENT** – An intentional and absolute relinquishment and cessation of that use without intention to resume the said use for a period of time or the voluntary discontinuance of a use for a continuous period of time as indicated within Section 162-94E.

**ACCESSORY APARTMENT** – A self-contained residential dwelling unit resulting from the conversion of, or addition to, an existing single-family detached residence creating two units. The accessory unit is complete with kitchen and bath facilities, has direct access to the main residence, and is subordinate to the primary dwelling unit that exists in terms of size and function. Use of the accessory apartment is limited to family members and domestic help.

**ACCESSORY BUILDING OR STRUCTURE** – A building or structure, not intended for dwelling purposes, which is subordinate to the main building and the use of which is customarily incidental to and located on the same lot occupied by the principal building.

**ACCESSORY DETACHED DWELLING** – A self-contained dwelling that results from the conversion of an existing building or the construction of a new building, which is complete with food preparation and bathroom facilities and is accessory to the principal dwelling that exists on the same lot. The term “accessory detached dwelling” shall not include a mobile home as defined in this chapter. **[Added 4-20-1998 by Ord. No. 1998-4]**

**ACCESSORY HOME OCCUPATION** – An activity, carried out for gain by a resident that is clearly subordinate to the existing use of the property.

**ACCESSORY USE OR STRUCTURE** – A use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure. **[Amended 9-18-06 by Ord. No. 06-09-18]**

**ADULT ORIENTED ESTABLISHMENT** – An enterprise operated for profit, whether direct or indirect, that is distinguished or characterized by its emphasis on matters or activities depicting, describing or relating to sexual activities or sexual anatomical areas and, in conjunction therewith, may have facilities for the presentation of sexual entertainment for observation by patrons. This enterprise may include, without limitation, such activities as observation by

patrons. This enterprise may include, without limitation, such activities as adult bookstores; adult motion-picture theaters; adult mini-motion picture theaters; premises with booths, cubicles, rooms. Studios and the like for patrons to individually view motion pictures or live adult entertainers; and any premises used or represented as an adult entertainment studio, rap studio, exotic dance studio, encounter studio, sensitivity studio, modeling studio or any other term of like import. **[3-15-2004 by Ord. No. 2004-1]**

**AGRICULTURE or AGRICULTURAL OPERATION** – An enterprise that is actively engaged in the commercial production and preparation for market of crops, livestock and livestock products and in the production, harvesting and preparation for market or use of agricultural, agronomic, horticultural, silvicultural and aquacultural crops and commodities. The term includes an enterprise that implements changes in production practices and procedures or types of crops, livestock, livestock products or commodities produced consistent with practices and procedures that are normally engaged by farmers or are consistent with technological development within the agricultural industry. **[Amended 8-6-2001 by Ord. No. 2001-3]**

**ALTERATION** – As applied to a building or structure, a change, rearrangement, addition to or diminution of the structural parts of existing facilities thereof.

**APPLICANT** – A landowner or developer, as herein defined, who has filed an application for development, including heirs, successors and assigns.

**BASEMENT** – Means any area of the building having its floor below ground level on all sides. **[Amended 9-18-06, Ord. No. 06-09-18]**

**BASE ZONING** – The classification of all land within Pennsbury Township, in accordance with the Zoning Map of Pennsbury Township.

**BLOCK** – A tract of land bounded by streets.

**BOARD** – The Pennsbury Township Board of Supervisors, except in Article XXI, where the term means the Pennsbury Township Zoning Hearing Board.

**BOARD, LODGING, OR ROOMING HOUSE** – A private dwelling in which at least three but not more than six rooms are offered for lodging for compensation, whether or not table board is furnished to lodges, and in which no transient guests are accommodated and no public restaurant is maintained.

**BRIGHTNESS** – A term usually applied to the intensity of sensation resulting from viewing a surface, opaque or transmitting, from which light comes to the eyes. Everything that is visible has some degree of brightness.

**BUFFER AREA** – An area which is landscaped and maintained in a natural state adjacent to a property boundary, not containing any structures except for those permitted in Section 162-78E, and which is landscaped and maintained as required in Section 138-41 of Chapter 138, Subdivision and Land Development.

**BUFFER PLANTING STRIP** – A strip or area of land within the required Buffer Area which is landscaped with trees and shrubs and maintained as required by Section 162-78E of this chapter.

**BUILDING** – A combination of materials to form a permanent structure having walls and a roof. Included shall be all manufactured homes and trailers to be used for human habitation. **[Amended 9-18-06, Ord. No. 06-09-18]**

**BUILDING HEIGHT** – A vertical distance measured from the elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck lines of mansard roofs, and to the mean height between eaves and ridge for pictured, gabled, hipped, or gambrel roofs.

**BUILDING INSPECTOR** – The officer or other designated authority charged with the administration and enforcement of the Township Building Code<sup>2</sup>. In Pennsbury Township, the duties of Building Inspector may be combined with the duties of Zoning Officer under the designation of “Code Enforcement Officer.”

**BUILDING SETBACK LINE** – A line established within a lot, measured from the street right-of-way line and parallel thereto, defining the minimum distance in which no building may be constructed. In the case of an interior lot not fronting a street for its full width, the building setback line shall be a line parallel to the property line nearest the street right-of-way, defining the minimum distance in which no building may be constructed.

**CAREGIVERS** – Unrelated individuals whose employment is required to assist the owner or members of owner’s immediate family in performing most of the normal daily living activities such as hygienics, dressing, eating, and walking, and who are professionally licensed by the Commonwealth of Pennsylvania or employed by or operating under the supervision of a professionally licensed individual or organization. **[Added 4-2-1998 by Ord. No. 1998-4]**

**CARTWAY** – That portion of a street right-of-way, paved or unpaved, customarily used by vehicles in the regular course of travel over the street.

**CELLAR** – The portion of a building, which is partly or completely below grade and having at least ½ its height below grade. A cellar shall not be considered a story in determining the permissible number of stories.

**CENTRAL SEWAGE COLLECTOR AND TREATMENT SYSTEM** – A sanitary sewage collection and treatment system in which sewage is carried from individual discharges by a system of pipes to one or more common treatment and disposal facilities approved by applicable agencies.

**CENTRAL WATER SUPPLY SYSTEM** – A system for supplying water from a common source or sources to all dwellings and other buildings within a development. The water supply source may be located on-site and/or off-site and may be publicly or privately owned.

**CHURCH** – A building utilized for public divine worship. The term church shall also include temple, synagogue, mosque, rectory of parish house, and other similar places of worship.

**CLUSTER DEVELOPMENT** – An arrangement of residential structures that allows for grouping structures by reducing lot area and yard requirements and incorporating the remaining area as open space.

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<sup>2</sup> Editor’s Note: See Chapter 78, Building Construction.

CODE – The Pennsylvania Municipalities Planning Code, and all amendments thereto and reenactment thereof.<sup>3</sup>

COMMON OPEN SPACE – A parcel or parcels of land or an area of water, or a combination of land and water, within a development designed and intended for the use or enjoyment of residents of the development, excluding streets, off-street parking areas, areas set aside for public facilities and private yards. It must be substantially free of structures, but may contain such improvements as are in the subdivision or development plan as finally approved and are appropriate for residents' recreation. [**Amendment 2-22-2000 by Ord. No. 2001-1**]

COMMUNICATION TOWER – A reception and transmission tower intended for commercial transmission or reception of radio, television, telephone, cellular or digital communications, excluding from said definition, however, an amateur radio tower utilized in connection with the operation of an amateur radio by an operator licensed by the Federal Communications Commission. [**Added 4-1-1996**]

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. [**Added 9-18-06, Ord. No. 06-09-18**]

COMPREHENSIVE PLAN – The Comprehensive Plan of Pennsbury Township, as adopted and amended from time to time.

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

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

CONVALESCENT HOME – See “Nursing home”.

CONVENIENCE COMMERCIAL – Shopping facilities designed solely to serve residents of a planned residential development, such as a small food market or delicatessen, drug store or newsstand.

CRITICAL ENVIRONMENTAL AREAS – Areas identified and described in the Comprehensive Plan and open space provisions (Article XVI), including: flood hazard and flood fringe areas; prime agricultural soils; steep and very steep slopes; prime woodlands; low water yield areas; visually sensitive areas; historic and cultural sites and structures.

CUL-DE-SAC STREET – A local residential street intersecting another street at one end, and terminating at the other end by a permanent vehicular turnaround.

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<sup>3</sup> Editor's Note: See 53 P. S. § 10101 et seq.

CUT SHEETS (CUTS) – Manufacture’s catalog sheets including photographs or pictures showing the design of the fixture and the performance data for the luminaire. The cuts also show lighting fixture supports, poles and light standards, which are proposed with applicable notes.

DENSITY, GROSS – The number of dwelling units per acre, calculated by dividing the total number of dwelling units by the total acreage of the tract. For example, the gross density of a ten-acre tract on which 20 dwelling units are proposed is two dwelling units per acre. Unless otherwise stated, maximum density shall be constructed as gross density.

DENSITY, NET – The number of dwelling units per acre, calculated by dividing the total number of dwelling units by the number of acres developed inclusive of yard areas and private parking spaces, but exclusive of common open space, interior streets, rights-of-way and easements outside of yard areas. The net density of a ten-acre tract in which 20 dwelling units are proposed and that contains five acres of open space, rights-of-way, and streets is calculated by subtracting the five acres from the total tract size and dividing the number of proposed units by the remainder. In this example the net density is four dwelling units per acre.

DEVELOPER – Any landowner, agent of such landowner or tenant with the permission from a landowner, who makes or causes to be made an application for approval of a land development.

DEVELOPMENT – Any man-made change to improved or unimproved real estate, including by 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; filing, grading and excavation; mining; dredging; drilling operations; storage of equipment or materials; and the subdivision of land. **[Amended 9-19-06, Ord. No. 06-06-18]**

DOMESTIC EMPLOYEE – An employee of the owner of an accessory apartment or an accessory detached dwelling such as a servant, maid, gardener, farmhand or stableperson whose services are employed on the owner’s premises on a full time basis and whose occupancy of the apartment or detached dwelling is included as part of the employee’s remuneration. The term shall not include any employee or other person paying rent for occupancy of an apartment or detached dwelling. **[Added 4-2-1998 by Ord. No 1998-4]**

DWELLING or DWELLING UNIT – A building or entirely self-contained portion thereof containing complete housekeeping facilities, for occupancy by only one family (including any domestic servants living or employed on the premises) with no enclosed space (other than vestibules, entrance or other hallways or porches) in common with any other dwelling unit. Dwelling units may be classified, but limited to the following:

- A. SINGLE-FAMILY – A building having only one dwelling unit from ground to roof, independent outside access and open spaces on all sides.
- B. TWO-FAMILY – A building containing two dwelling units; a twin or duplex;
  - (1) TWIN – A building containing two dwelling units, separated by a party wall, each having independent outside access and open space on three sides.
  - (2) DUPLEX – A building containing two dwelling units from ground to roof, each of which has independent outside access and open space on all sides.

- C. **MULTIFAMILY** – A building containing three or more dwelling units; including but not limited to triplex, fourplex, (quadraplex), townhouse (single-family, attached) and apartment buildings.
- (1) **TRIPLEX** – A building containing three dwelling units, each unit of which as an open space on at least one side.
  - (2) **FOURPLEX** – A building containing four dwelling units each unit of which has an open space on two nonparallel sides. Also called a quadraplex.
  - (3) **TOWNHOUSE** – A building containing not more than seven dwelling units, each of which is separated by party walls on opposite sides, and each of which has only one dwelling unit from ground to roof, independent outside access, not more than two walls in common with adjoining units and open space to the front and rear (internal units) or front, rear and one side (end units). Each unit can be referred to a single-family attached unit, particularly when separately owned.
  - (4) **APARTMENT** – A building containing three or more dwelling units separated by party walls, and which may have more than one dwelling unit from ground to roof, common outside accesses and hallways.

**EDUCATIONAL USE** – Land or buildings specifically designed, arranged and intended for the purpose of education, including preschool, elementary and secondary schools either public or private; colleges, universities, and vocational schools; and including schools related to religious organizations.

**ELECTRIC SUBSTATION** – An assemblage of equipment for purposes other than generation or utilization, through which electric energy in bulk is passed for the purposes of switching or modifying its characteristics to meet the needs of the general public provided that in residential districts an electric substation shall not include rotating equipment, storage of materials, trucks or repair facilities, housing of repair crews, or office or place of business.

**ENVIRONMENTALLY SENSITIVE AREAS** – Those areas of land the disturbance of which would contribute to the degradation of environmental conditions or amenities. Environmentally sensitive areas shall include, but are not limited to, floodplains, floodplain soils, steep slopes, wetlands, wetland margins, lakes and ponds, lake and pond shorelines, woodlands, and carbonate geologic formations.

**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.

**FAMILY** –

- A. Individuals living together as a single, nonprofit housekeeping unit and doing their cooking on the premises, when said individuals are:
- (1) Related by blood, marriage, or adoption, including foster children under the care of foster parents placed under the auspices of the Pennsylvania Department of Welfare or a County Child Services Agency and children under the age of 18

years that meet the definition of “family status” under the Federal Fair Housing Act amendments of 1988; or

- (2) Unrelated individuals who meet the definition of a person with a “handicap” under the Federal Fair Housing Act amendments of 1988 and who live together in a facility licensed or operated by the Pennsylvania Department of Public Welfare or the United States Government; or
- (3) No more than four unrelated individuals without qualifying handicap living together as a single nonprofit housekeeping unit and doing the cooking on the premises.

B. This definition does not include or apply to the residents or employees of a club, fraternity house, lodge, or lodging or rooming house in which lodging is provided by compensation.

**FARM BUILDING** – Any building used for storing agricultural equipment, or farm produce or products, housing livestock or poultry, or processing dairy products. The term farm building shall not include dwellings, but shall include a barn and silo.

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

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

**FLOOD EVALUATION, REGULATORY** – The one-hundred-year-flood elevation plus a freeboard safety factor of 1½ feet.<sup>4</sup> [**Amended 9-18-06, Ord. No. 06-09-18**]

**FLOOD FRINGE AREA** – The remaining portions of the one-hundred-year-floodplain in those areas where a floodway has been delineated in the Flood Insurance Study for Pennsbury Township, prepared by the U.S. Army Corps of Engineers, Dated June 1976 and designated as 420285B. The outermost boundaries shall be the one-hundred-year flood elevations as shown in the flood profiles in the Flood Insurance Study.

**FLOOD HAZARD AREA (FLOODWAY)** – An area which is comprised of the special flood hazard area defined by the U. S. Department of Housing and Urban Development, Federal Emergency Management Agency; soils subject to flooding and localized flooding defined by the U. S. Department of Agriculture, Soil Conservation Service; and any watercourse, lake or pond. [**Amended 2-22-2000 by Ord. No. 2000-1**]

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

**FLOODPLAIN** – Land areas which are subject to partial or complete flooding from an adjoining or nearby river or watercourse. For the purpose of this chapter, the floodplain shall include, but is not limited to, the area included in the Flood Hazard Overlay District.

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<sup>4</sup> Editor’s Note: See 32 P. S. § 679.101 et seq.



FLOODPLAIN AREA – A relatively flat or low land area which is subject to partial or complete inundation from an adjoining or nearby stream, river or watercourse; and/or any area subject to the unusual and rapid accumulation of surface waters from any source. **[Added 9-18-06, Ord. No. 06-9-18]**

FLOODPLAIN SOILS – Areas subject to periodic flooding and listed in the Soil Survey of Chester and Delaware Counties, Pennsylvania, U. S. Department of Agricultural, Soil Conservation Service, May 1963, as being on the floodplain or subject to flooding. Floodplain soils include but are not limited to the following soil types:

- A. Congaree Silt Loan (Cn)
- B. Chewacla Silt Loan (Ch)
- C. Wehadkee Silt Loan (We)

FLOODPROOFING – Means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents. **[Amended 9-18-06, Ord. No. 06-09-18]**

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. **[Amended 9-18-06, Ord. No. 06-9-18]**

FLOOR AREA – As applied to a building the sum of the horizontal areas enclosed by outside walls, fire walls, or party walls, of the principal and accessory buildings. In the absence of walls, the sum of the horizontal areas under roof.

FLOOR AREA, HABITABLE – The sum of the gross horizontal areas of all rooms used for dwelling purposes, exclusive of basements not included in height calculations, cellars, open porches, garages and accessory buildings.

FLOOR AREA RATIO – The aggregate floor area, in square feet, of a building or group of buildings on a lot divided by the area, in square feet, of the lot.

FOOT-CANDLE (FC) – A quantitative unit for measuring illumination equivalent to the illumination produced by a plumber's candle (standard source) measured at a distance of one foot. One lumen per square foot.

FORESTED AREAS – Those areas of extensive vegetation in which the dominant plants are trees that are indigenous to the area, such as being illustrated on woodland maps contained within the Township Comprehensive Plan.

FORESTRY – The management of forests and timberlands when practiced in accordance with accepted silvicultural principals, through developing, cultivating, harvesting, transporting and selling trees for commercial purposes, which does not involve any land development. **[Added 8-6-2001 by Ord. No. 2001-3]**

FREEBOARD – A margin or factor of safety, expressed in feet above the one-hundred-year flood elevation or flood hazard area.

GARAGE, PRIVATE – An accessory building or part of a principal building used for the storage of motor vehicles.

GASOLINE OR SERVICE STATION – A structure, building or area of land or any portion thereof that is used for the sale of gasoline, and/or other motor vehicle fuel, which may or may not include facilities for lubricating, washing, sale of accessories and otherwise servicing and minor repairing of motor vehicles, but not principally the painting and/or body work thereof or the sale of new or used automobiles. Any business or industry dispensing gasoline for its own use and vehicles will not be deemed to be a gasoline service station.

GLARE – The interference with proper vision, or eye discomfort which comes directly from a light source or is reflected from a light source or is reflected from a glossy surface.

GREEN AREA – That portion of a tract or lot maintained in its natural state or landscaped with shrubs, trees, lawn and is not occupied by any buildings, paved surfaces, or man-made structures.

HELIPAD, PRIVATE – A “Private Helipad” (“Helipad”) is defined as a take off and landing area on the ground (only) of prescribed dimensions, surface construction, and subject to other Conditions. A Private Helipad is for the sole personal (and not business) use of the property owner and his/her family on which the Helipad is located. Facilities and accommodations for fueling, servicing, maintaining, testing, parts storing and helicopter storing are strictly forbidden. Only Private Helipads may be permitted in Pennsbury Township. **[Added 9-18-06, Ord. No. 06-09-18-5]**

HELIPORT – A “Heliport” is defined as a commercial facility designed for take offs and landings of commercially operated helicopters as a commercial transportation business where a fare is charged for travel. A Heliport typically can include a full compliment of facilities for passenger ticketing, baggage, waiting areas, and boarding areas; and fueling, service, maintenance and storage for the helicopters. The take off and landing pads are located on the ground. Heliports are specifically prohibited in Pennsbury Township. **[Added 9-18-06, Ord. No. 06-09-18-5]**

HELISTOP - A “Helistop” is defined as one of a system of multiple Helipads owned by a business and used for business purposes where helicopters make stops along a prescribed route or series of stops owned by the business. A Helistop may have limited facilities for fueling, servicing, maintaining, testing, parts storing and helicopter storing. The take off and landing pad can be located on the ground or on top of a suitable and permitted building. Helistops are specifically prohibited in Pennsbury Township. **[Added 9-18-06, Ord. No. 06-09-18-5]**

HISTORIC STRUCTURE – Any structure that is: **[Added 11-18-1996]**

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

- C. Individually listed on a state inventory of historic places in state with historic preservation programs which have been approved by the Secretary of the Interior; or
- D. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
  - (1) By an approved state program as determined by the Secretary of the Interior; or
  - (2) Directly by the Secretary of the Interior in states without approved programs.

HOMEOWNERS ASSOCIATION – A nonprofit organization comprised of homeowners or property owners, planned and operated under state guidelines, for the purpose of administering to the needs of residents through the maintenance of community-owned property.

HOSPITAL – An accredited medical facility within which the diagnosis, treatment and care, both inpatient and outpatient, of human ailments are performed.

HOTEL AND INN – A building or buildings arranged for or used for shelter and accommodation for compensation of tourists or transient guests.

HYDRIC SOILS – A 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 are those plant species that have adapted to saturated soils and periodic inundations occurring in wetlands. Hydric soils include, but are not limited to the following soils, as classified by the U.S. Department of Agriculture, Soil Conservation Service, and delineated in the Soil Survey of Chester and Delaware Counties, May 1963:

- A. Bedford Silt Loan (Bd)
- B. Lawrence Silt Loam (La)
- C. Glenville Silt Loan (Ge)
- D. Guthrie Silt Loam (Gu)
- E. Worsham Silt Loan (Wo)

IDENTIFIED FLOODPLAIN AREA – The floodplain area specifically identified in this Ordinance as being inundated by the one hundred (100) year flood. **[Added 9-18-06, Ord. No. 06-09-18]**

ILLUMINATION – The density of luminous flux on a surface.

IMMEDIATE FAMILY – Individuals who have one or more of the following relationships one to another: spouse, parent, parent in-law, step parent, grandparent, grandparent in-law, step grandparent, son and son-in-law, daughter and daughter-in-law, step child, grandchild, step grandchild, brother, sister, brother-in-law, sister-in-law, nieces and nephews. **[Added 4-20-1998 by Ord. No. 1998-4]**

IMPERVIOUS COVER – Materials which are impenetrable and thus unable to absorb liquids, such as buildings, structures, and paved areas.

INDUSTRIAL PARK – A grouping of three or more industrial establishments which are part of a compatible industrial community, subdivided and developed according to a comprehensive plan that includes the common use of streets and utilities.

ISOLUX DIAGRAM – A line plotted on any appropriate set of coordinates which shows all the points on a plan view where the illumination is the same as an isolux (isofoot-candle) line. When a series of such lines for various illumination levels are plotted on the same set of coordinates an isolux diagram is formed.

LABORATORY – A building or group of buildings within which the principal uses are facilities for scientific research, investigation, testing and experimentation, but not including the manufacture of products for sale.

LAND DEVELOPMENT – Any of the following activities:

- A. The improvement of one lot or two or more contiguous lots, tracts, or parcels of land for any purpose involving:
  - (1) A group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or
  - (2) The division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.
- B. A subdivision of land. **[Amended 9-18-06, Ord. No. 06-09-18]**
- C. The following activities are excluded under the definition of land development:
  - (4) One or more un-subdivided single family detached dwelling(s) constructed and used pursuant to Section 162.87 and/or 162.87.1. **[Added 9-18-06, Ord. No. 06-09-18-1; However, note that Section C (1) -- C (3) had previously been deleted by Ordinance No. 9-18-06]**

LAND DISTURBANCE – Any activity, which exposes soils, alters topography and or alters vegetation, except for the removal or a safety hazard, diseased tree or invasive vegetation. A safety hazard would be a buried hazardous substance or septic system, junk material or over hanging tree. **[Added 9-18-06, Ord. No. 06-09-18-3]**

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

LANDSCAPES PLAN – A plan for the installation and maintenance of plantings, prepared according to the provisions of Section 138-41 of Chapter 138, Subdivision and Land Development.

LANDSCAPED AREA – That portion of a tract or lot in which plantings or other features have been installed in accordance with the provisions for landscaping in Section 138-41 of Chapter 138, Subdivision and Land Development. The landscaped areas includes: the buffer planting strip; those plantings which serve a functional and/or aesthetic purpose and are located around and between buildings, roads, parking areas, sidewalks, walkways, sitting areas, service or maintenance structures, courtyards and the like; and plantings within a buffer area.

LAKES AND PONDS – Natural or artificial bodies of water which retain water year-round. Artificial ponds may be created by dams, or result from excavation. Lakes are bodies of water two or more acres in extent. Ponds are bodies of water less than two acres in extent.

LAKE AND POND SHORELINES – The landslide edges of lakes and ponds from the established shoreline to an upland boundary. Lake and pond shorelines shall be measured 100 feet from the spillway crest elevation.

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.

LOT AREA – The area of land included within the title lines of a lot. The following shall not be included when determining the minimum of lot area calculated for development.

- A. Any land lying within the Flood Hazard District as defined herein.
- B. Area within the title lines set aside as right-of-way for a street, public or private utilities and all areas of easements, including but not limited to: storm drainage easements, sewage easements and easements of access.
- C. Any land containing slopes in excess of 25%, providing that compliance to this Subsection C shall not be required if the proposed lot is three access or more.

LOT AREA, GROSS – The area of land contained within the limits of the legally described property lines bounding the lot. **[Added 9-18-06, Ord. No. 06-09-18-3]**

LOT AREA, NET – The area of land contained within the limits of the legally described property lines bounding the lot, except for the following used to determine the minimum lot area calculated for development: street or railroad rights-of-way, common open space, easements for the purposes of access, public or private utility, or Stormwater management, prohibitively steep slopes (25%+), the Flood Hazard District, and wetlands as defined by this Ordinance. For lots requiring a minimum lot area of less than one (1) acre, the minimum lot area shall equal the net lot area consisting of contiguous land, undivided by streams, wetlands, floodplains, prohibitive steep slopes, existing streets, existing rights-of-way, or easements. For lots requiring a minimum lot area of one (1) acre or more, the minimum lot area shall be the gross lot area with a minimum net lot area of at least one (1) acre of contiguous land undivided by streams, wetlands, floodplains, prohibitive steep slopes, existing rights-of-way, or easements. **[Added 9-18-06, Ord. No. 06-09-18-3]**

LOT AVERAGING – A means of developing single-family detached dwellings on lots, some of which are larger and some of which are smaller than is otherwise required, not incorporating areas of common open space within the development and all of which when combined represent the average lot size as is required within the district.

LOT, CORNER – A lot at the junction of and abutting on two or more intersecting streets where the interior angle of intersection does not exceed 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 on the side lot lines within the street lines intersect at an interior angle of less than 135 degrees.

LOT, INTERIOR – Any lot which only has access to a street by either an easement or right-of-way and may be characterized as landlocked; or any lot which has limited frontage to a street by virtue of being flag-shaped.

LOT, REVERSE FRONTAGE – A lot extending between and having frontage on two generally parallel streets with vehicular access only from the minor street.

LOT WIDTH – The distance between side lot lines at the building setback line, measured parallel to the street line. Where the street line is curved or angled, the lot width shall be measured as a straight line.

LOWEST FLOOR – The lowest floor of the lowest fully enclosed area (including basement). An unfinished, flood resistant partially enclosed area, used solely for parking of vehicles, building access, and incidental storage, in an area other than a basement area is not considered the lowest floor of a building, provided that such space is not designed and built so that the structure is in violation of the applicable non-elevation design requirements of this ordinance. **[Added 9-18-06, Ord. No. 06-09-18]**

LUMINAIRE – A complete lighting unit, lighting unit assembly, (including reflectors, bulb, glassware, socket, etc.) and accessories for mounting.

MANUFACTURED HOME – A structure, transportable in one or more sections, which is built on a permanent chassis, and is designed for use with or without a permanent foundation when attached to the required utilities. The term includes park trailers, travel trailers, recreational and other similar vehicles which are placed on a site for more than 180 consecutive days. **[Added 9-18-06, Ord. No. 06-09-18]**

MANUFACTURED HOME PARK – A parcel of land under single ownership, which has been planned and improved for the placement of two or more manufactured homes for non-transient use. **[Added 9-18-06, Ord. No. 06-09-18]**

MICROWAVE ANTENNAS FOR SATELLITE RECEPTION – A parabolic ground based reflector, together with its pedestal and any other attachments and parts thereof, commonly referred to as dish-shaped antenna, used or intended to receive microwaves, radio-waves, or electromagnetic waves from an overhead satellite. This definition shall not include a transmitting device.

MINERALS – Any aggregate or mass of mineral matter, whether or not coherent. The term includes, but is not limited to, limestone and dolomite, sand and gravel, rock and stone, earth, fill, slag, iron ore, zinc ore, vermiculite and clay, anthracite and bituminous coal, coal refuse, peat and crude oil and natural gas. **[Added 8-6-2001 by Ord. No. 2001-3]**

**MINIMUM BUILDABLE AREA** – The minimum buildable area is that area of a lot that has no development restrictions. The minimum buildable area shall not include the area of any required setbacks (except driveways which cross yards), buffer yards, natural features with 100% protection standard and the portion of those natural features that may not be developed or intruded upon as specified in Section 162-53, Natural Resources Protection Standards.

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

**MOBILE HOME (MANUFACTURED HOME)** – A transportable, single-family dwelling intended for permanent occupancy, office, or place of assembly, contained in one or more sections, built on a permanent chassis, 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 with or without a permanent foundation. The term includes park trailers, travel trailers, and other similar vehicles which are placed on a site more than 180 consecutive days.

**MOBILE HOME (MANUFACTURED 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 (MANUFACTURED HOME) PARK** – A parcel or contiguous parcels of land under single ownership which has been so designed and improved that it contains two or more mobile home lots for the placement thereon of mobile homes. **[Amended 2-22-2000 By Ord. No. 2000-1]**

**MOTEL** – A building or group of buildings containing individual rooms or apartment accommodations primarily for transients, each of which is provided with a separate exterior entrance and a parking space, and offered principally for rental and use by motor vehicle travelers. The term “motel” includes, but is not limited to, auto courts, motor courts, motor inns, motor lodges, or roadside hotels.

**MUSEUM** – An institution devoted to the procurement, care, study, display and exhibition of objects of lasting interest or value.

**NEW CONSTRUCTION** – Structures for which the start of construction commenced on or after March 15, 1982, and includes and subsequent improvements thereto. **[Added 11-18-1996] [Amended 9-18-06, Ord. No. 06-09-18]**

**NONCONFORMING LOT** – A lot the area or dimension of which was lawful prior to the adoption or amendment of this chapter, but which fails to conform to the requirements of the zoning district in which it is located by reason of such adoption or amendment.

**NONCONFORMING STRUCTURE** – A structure or part of a structure manifestly not designed to comply with the applicable use or extent of use provisions in this chapter, or any amendment

heretofore or hereafter enacted, where such structure lawfully existed prior to the enactment of this chapter, or any amendment hereof, or prior to the application of such ordinance or amendment to each location by annexation. Such nonconforming structures include, but are not limited to, nonconforming signs.

**NONCONFORMING USE** – A use, whether of land or of structure, which does not comply with the applicable use provision of this chapter, or any amendment heretofore or hereafter enacted, where such use was lawfully in existence prior to the enactment of this chapter or any amendment hereof, or prior to the application of such ordinance or amendment to each location by reason of annexation.

**NURSING HOME** – A facility operated for the purposes of providing therein lodging, board and nursing care to sick, invalid, infirm, disabled or convalescent persons for compensation. The term “convalescent home” is included within this definition.

**ON-SITE SEWER SERVICE** – The disposal of sewage by use of septic tanks or other approved means within the confines of the lot on which the use is located.

**OWNER OCCUPIED DWELLING** – A dwelling which is the principal place of residence and legal domicile of an individual who owns the lot on which the residence is erected or who owns a minimum 25% interest in the lot, whether as joint tenant, tenant in common, copartner or shareholder, on which the dwelling is erected. **[Added 4-20-1998 by Ord. No. 1998-4]**

**PARKING SPACE** – An outdoor or garage space used for parking motor vehicles, the usable area of which is not less than 162 square feet (nine by 18) to which there is access from a street, alley or driveway. **[Amended 2-5-1996]**

**PERMANENTLY PROTECTED OPEN SPACE** – An area of land within a tract or parcel of land which is the subject of a subdivision or land development plan which is the subject of a perpetual, legally binding covenant in favor of the Township (or, if the Board of Supervisors consents, a conservation organization under the U. S. Internal Revenue Code), running with the land and prohibiting the construction of structures for residential, office, commercial, industrial or other use (except for agricultural, recreational or municipal use when permitted as a conditional use under Article XVI of this chapter<sup>5</sup>) and which vests in the Township or other approved entity the right to enforce the use, maintenance and management restrictions and obligations upon such land. Whether or not an area of land meets the requirements of permanently protected open space shall be determined by the Board of Supervisors in consultation with the Township Solicitor after examination of the title to the property and any documentation submitted by the landowner. **[Added 10-18-1993]**

**PERMIT, BUILDING** – A statement issued and signed by the Building Inspector authorizing proposed occupancy of the land and/or a structure (occupancy permit) and the erection, alteration, or enlargement of a building or structure (building permit). The statement should indicate that the proposed use complies with this chapter or with a decision and order of the Zoning Hearing Board or a court of competent jurisdiction rendered in connection with an application relative to use of the premises involved.

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<sup>5</sup> Editor’s Note: See § 162-106.



PERMIT, ZONING – A statement issued and signed by the Zoning Ordinance authorizing a proposed use (zoning permit) or erection, alternation or enlargement of a sign (sign permit). The statement should indicate that the proposed use complies with this chapter or with a decision and order of the Zoning Hearing Board or a court of competent jurisdiction rendered in connection with an application relative to use of the premises involved.

PERSON – An individual, partnership, public or private association or corporation, firm, trust, estate, municipality, government unit, public utility or any other legal entity whatsoever, which is recognized by law as the subject of rights and duties. **[Added 9-18-06, Ord. No. 06-09-18]**

PLANNED RESIDENTIAL DEVELOPMENT – An area of land, controlled by a land owner, to be developed as a single entity for a number of dwelling units, or combination of residential and nonresidential uses, the development plan for which does not correspond in lot size, bulk, type of dwelling, or use, density, or intensity, lot coverage and required open space to the regulations established in any one district created, from time to time, under the provisions of this chapter.

PLANNING COMMISSION – For the purpose of this chapter, the Planning Commission of Pennsbury Township.

PRESERVATION OR PROTECTION – When used in connection with natural and historic resources, shall include means to conserve and safeguard these resources from wasteful or destructive use but shall not be interpreted to authorize the unreasonable restriction of forestry, mining or other lawful uses of natural resources. **[Added 8-6-2001 by Ord. No. 2001-3]**

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. **[Added 8-6-2001 by Ord. No. 2001-3]**

PRIME AGRICULTURAL SOILS – Those soils possessing the greatest production capability for crops. The capability Class I, Class II, and Class III soils, as defined by the U. S. Department of Agriculture, Soil Conservation Service in the Soil Survey for Chester and Delaware Counties, Pennsylvania, 1963, are considered as prime agricultural soils.

PUBLIC HEARING – A formal meeting held pursuant to public notice by the Pennsbury Township Board of Supervisors or Planning Commission, intended to inform and obtain public comment, prior to taking action in accordance with the Pennsylvania Municipalities Planning Code<sup>6</sup> or this chapter.

PUBLIC MEETING – A forum held pursuant to notice under 65 PA. C.S.A. Ch. 7 (relating to open meetings). **[Amended 8-6-2001 by Ord. No. 2001-3]**

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

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<sup>6</sup> Editor's Note: See 53 P. S. § 10101 et seq.

**PUBLIC SEWAGE SYSTEM** – An off-site system for the treatment and disposal of sewage in which sewage is conveyed by interceptor to a publicly operated treatment plant and disposed of through means approved by the Pennsylvania Department of Environmental Protection.

**RECREATIONAL VEHICLE** – A vehicle which is: **[Added 11-18-1996]**

- A. Built on a single chassis;
- B. Four hundred square feet or less when measured at the largest horizontal projection;
- 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. **[Amended 9-18-06, Ord. No. 06-09-18]**

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

**REPETITIVE LOSS** – Flood related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on average, equals or exceeds 25 percent of the market value. **[Added 9-18-06, Ord. No. 06-09-18]**

**RESTAURANT** – A building used for the purpose of furnishing meals to the public to be consumed within the building of the place of business, in accordance with the design and intention of the facilities.

**RETAILING** – A commercial activity comprising the sale of commodities in small quantities directly to the consumers.

**RETIREMENT COMMUNITY** – A development of individual or multiple dwellings units which may include a community center and is designed for adult individuals and/or couples who do not have resident dependent children. The residents thereof need not be actually retired from their occupation or employment.

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

**RIPARIAN BUFFER** – An area of trees and other vegetation adjacent to a watercourse that forms a transition area between the aquatic and terrestrial environment. The riparian buffer is designed to separate more intensive human land uses from sensitive water resources and especially to intercept runoff from upland sources for the purpose of mitigating the effects of nutrients, sediment, organic matter, pesticides or other pollutants prior to entry into surface waters. Where the riparian buffer is not wooded, it shall be maintained as a filter strip of dense grass and forbs no less than one (1) foot high or other features to provide sediment filtering, nutrient uptake and convert concentrated flow to uniform, shallow sheet flow. The riparian buffer shall be divided into two Zones; Zone One, Inner Riparian Buffer, 35' wide and Zone Two, Outer Riparian Buffer, 65' wide for a minimum total of 100 feet:

- A. **ZONE ONE: INNER RIPARIAN BUFFER** – This zone shall begin at each edge of any identified watercourse and shall occupy a margin of land on each side, each with a minimum width of thirty-five (35) feet. The width of such margin shall be measured

horizontally on a line perpendicular to the nearest edge of the watercourse at bankful flow, as reviewed and approved by the Township Engineer. Where very steep slopes (+25%) are located within and extend beyond such margin, Zone One shall extend to include the entirety of the very steep slopes up to a maximum dimension of one hundred (100) feet on either side of the subject watercourse.

- B. **ZONE TWO: OUTER RIPARIAN BUFFER** – This zone begins at the outer edge and on each side of any area delineated within Zone One and shall occupy a minimum width of 65’ and occupy any additional area, if any, within one hundred (100) feet of the nearest edge of any watercourse, measured as for Zone One. **[Added 9-18-06, Ord. No. 06-09-18-3]**

**SCHOOL** – A building designed and used for human educational purposes, including only the following: preschool, nursery school, elementary and secondary schools, colleges, universities, junior colleges, and vocational and technical schools. A school may be either private or public.

**SIGN** – Any structure or part thereof or any device attached to a building or painted or represented thereon which shall display or include any letter, word, model, banner, pennant, insignia, device, trade flag, symbol or representation which is in the nature of, or which is used as, an announcement, direction or advertisement for commercial purposes or otherwise. A sign includes a billboard, neon tube, string of lights or similar device outlining or hung upon any part of a building or lot but, does not include the flag or insignia of any nation, group of nations, governmental agency, or any political, educational, charitable, philanthropic, civic, professional, religious or like campaign, drive, movement or event.

**SINGLE AND SEPARATE OWNERSHIP** – The ownership of a lot by one or more persons, partnerships, or corporations, which ownership is separate and distinct from that of any abutting or adjoining lot.

**SPECIAL EXCEPTION** – A use which is not permitted as of right, but which when 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.

**SPECIAL PERMIT** – A special approval which is required for hospitals, nursing homes, jails, and new manufactured home parks and subdivisions and substantial improvements to such existing parks, when such development is located in all, or a designed portion of a floodplain. **[Added 9-18-06, Ord. No. 06-09-18]**

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

**STORY** – That part of any building, exclusive of cellars but inclusive of basements, comprised between the level of one finished floor and the level of the next higher finished floor, than that part of the building comprised between the level of the highest finished floor and the top of the roof joist.

**STREET** – A public (dedicated) or private (undedicated) right-of-way intended for use as a means of vehicular and pedestrian circulation to provide access to more than one lot. The word “street” includes thoroughfare, avenue, boulevard, court, drive, expressway, highway, lane, alley, service

street, and road or similar terms. Types of streets include the following: [**Amended 2-22-2000 by Ord. No. 2000-1**]

- A. ARTERIAL (MAJOR) – A street serving a large volume of comparatively high-speed and long distance traffic, including all facilities classified as main and secondary highways by the Pennsylvania Department of Transportation.
- B. COLLECTOR STREET – A street designed and located to provide means to drain traffic off local streets and to provide access for through traffic between residential neighborhoods and districts within the Township to arterial streets and/or a street used for access to nonresidential properties, i. e., commercial, industrial, professional, etc.
- C. CUL-DE-SAC STREET – A local street intersecting another street at one end, and terminating at the other end by a permanent vehicular turnaround.
- D. LOCAL STREET – A street intended to serve and provide access to the properties abutting thereon and not connecting with other streets in such a manner as to encourage through traffic.
- E. MARGINAL-ACCESS STREET – A local street parallel and adjacent to an arterial street, (but separated from it by a reserve strip) which provides access to abutting properties.
- F. PRIVATE STREET – A local street, serving four or more lots, that is not offered or required to be offered for dedication.
- G. SINGLE-ACCESS STREET – A local street or streets, including but not limited to cul-de-sac and loop designs, which has only one point of intersection with an existing Township or state road or with a proposed road having more than one access point.

STREET LINE – The edge or side limit line of the legal right-of-way of a road or street.

STRUCTURE – Anything constructed or erected on the ground or attached to the ground including, but not limited to buildings, sheds, manufactured homes, and other similar items. This term includes any man-made object having an ascertainable stationary location on or in land or water whether or not affixed to land. [**Amended 9-18-06, Ord. No. 06-09-18**]

SUBSTANTIAL DAMAGE – Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50% of the market value of the structure before the damage occurred. [**Added 11-18-1996**]

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

- A. MAJOR – Any subdivision of land into four or more lots and/or requiring the installation of public improvements.

B. MINOR – A subdivision in which:

- (1) No street is to be constructed or widened.
- (2) Any other improvements that requires a bond or escrow as a performance guaranty is to be constructed.
- (3) No earthmoving activities will take place except those normal to construction of a single-family dwelling on each lot.
- (4) No more than three lots are created.

**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. **[Added 9-18-06, Ord. No. 06-09-18]**

**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” (or “repetitive loss”) regardless of the actual repair work performed. The term does not, however, include either:

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

**SWIMMING POOL** – A reasonably permanent pool or open tank, whether in ground or above ground, not located within a completely enclosed building, and capable of containing water for swimming, bathing, or wading at least 1 ½ feet depth. Farm ponds and stormwater retention basins are not included within this definition.

**UNIFORM CONSTRUCTION CODE (UCC)** – The statewide building code adopted by the Pennsylvania General Assembly in 1999 applicable to new construction in all municipalities whether administered by the municipality, a third party or the Department of Labor and Industry. Applicable to residential and commercial buildings. The Code adopted The International Residential Code (IRC) and the International Building Code (IBC), by reference, as the construction standard applicable with the Commonwealth floodplain construction. For coordination purposes, references to the above are made specifically to various sections of the IRC and the IBC. **[Added 9-18-06, Ord. No. 06-09-18]**

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

**WATERCOURSE** – Any natural or artificial stream, river, creek, ditch, channel, canal, waterway, gully, or ravine in which water flows in a definite direction or course, either continuously or intermittently, and has a defined bed and banks.

WETLANDS – Those areas that are inundated and saturated 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.

WETLANDS MARGIN – The transitional area extending from the outer limit of the wetland. For the purposes of this chapter, the wetlands margin shall extend 100 feet from the wetland boundary or to the limit of the hydric soils, whichever is less. The limit of hydric soils shall be as mapped in the Soil Survey of Chester and Delaware Counties, Pennsylvania, U. S. Department of Agriculture, Soil Conservation Service, May 1963, unless reclassified by a certified soil scientist.

WHOLESALING – A commercial 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.

WOODED LOT OR WOODLANDS – A lot or portion thereof ¼ acre or greater in area, having more than one viable tree of a caliper of six inches or greater per 1,000 square feet of lot area. (To determine if an area is considered a wooded lot, the total area of the land in question, in square feet, shall be divided by 1,000. If the number of viable trees of diameter of six inches or greater equals or exceeds the result from the division above, the area in question is considered a wooded lot.)

WOODLAND DISTURBANCE – (1) Any activity that alters the existing structure of a woodland or hedgerow. Alterations include the cutting or removal of canopy trees, sub-canopy trees, under-story shrubs and vines and herbaceous woodland floor species; (2) Any activity which constitutes a land disturbance within a woodland or hedgerow; (3) woodland disturbance does not include the selective cutting or removal of invasive plant species. **[Added 9-18-06, Ord. No. 06-09-18-3]**

YARD OR SETBACK – An open area around the inner periphery of each lot, extending along the lot lines and street lines and inward to a structure, in which no buildings or structures shall be erected. The size of yard shall be measured as the shortest distance between the structure and lot line or street line. In the case of a corner lot, the yards extending along all streets are front yards; the remaining yards shall include a rear yard, opposite the street to which the principal building is generally faced, and a side yard, opposite the other street.

- A. YARD, FRONT – A yard between a structure and a street line and extending the entire length of the street line.
- B. YARD, REAR – A yard between a structure and a rear lot line.
- C. YARD, SIDE – A yard between a structure and a side lot line, extending the entire lot length of the side lot line.

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



**ARTICLE III**  
**Establishment of Districts**

Section 162-7. Classes of districts.

A. For the purposes of this chapter, the Township of Pennsbury is hereby divided into the following classes of districts:

R-1	Residential
R-2	Residential
R-3	Residential
R-4	Residential
R-5	Residential
MHP	Mobile Home Park
HC	Highway Commercial
VC	Village Commercial
LI	Light Industrial
MU	Multi-Use

B. In addition, certain areas are also designated as eligible for PRD Planned Residential Development.

C. Certain areas are, in addition to otherwise applicable regulations, subject to the regulations contained in Article XV, Flood Hazard District. **[Amended 2-22-2000 by Ord. No. 2000-1]**

SECTION 162-8. Zoning Map.

The boundaries of districts shall be as shown on the map attached hereto and made part of this chapter which map shall be known as the "Zoning Map of Pennsbury Township." In addition to the base zoning districts, certain areas are included in the Planned Residential Development District, Flood Hazard District and Steep Slope Conservation District of this chapter. Said maps and all notations, references and data shown thereon are hereby incorporated by reference into this chapter and shall be as much a part of this chapter as if all were fully described herein.

SECTION 162-9. District boundaries. **[Amended 2-22-2000 by Ord. No. 2000-1]**

In the case of the Flood Hazard District, rules for interpretation of district boundaries are contained in Article XV, Section 162-58. For all other districts, the boundaries between districts are, unless otherwise indicated, the centerlines of streets or such lines extended or lines parallel or perpendicular thereto. Where figures are shown the Zoning Map between a street and a district boundary line they indicate that the district boundary line runs parallel to the street line at a distance there from equivalent to the number of feet so indicated. Where a district boundary is indicated as approximately following a lot or other property line, or a line designating natural features, such as streams and watercourses, such lot or property line or natural feature designation shall be construed to be such boundary. Where any questions or disagreement may develop concerning the exact location of any district boundary line, the matter shall be decided by the Zoning Hearing Board per procedures established in Article XXI of this chapter.



SECTION 162-10. Federal, state, county or municipally owned property.

Whenever federal, state, county or municipally owned property is included in one or more zoning districts, it shall be subject to the provisions of this chapter only insofar as is permitted by the Constitution and Laws of the United States of America and the Commonwealth of Pennsylvania. Municipal property shall be exempt from all but the setback and land coverage provisions of this chapter.

**ARTICLE IV**  
**Residential District (R-1)**

SECTION 162-11. Purpose.

- A. In addition to the general goals listed in the statements of purposes and community development objectives, it is the purpose of this district to encourage and promote continued agricultural, open space and conservation uses in the R-1 District, while also permitting low-density residential development which will be consistent with existing residential development and perpetuate the rural character of the area; and also, by providing the option of utilizing the provisions in Article XVI, Lot Averaging and Cluster Development<sup>7</sup>, to enable landowners within the R-1 District to elect to develop in a manner other than lot by lot which will provide a greater variety of type, design and layout of dwellings and conservation of open space ancillary to such buildings. **[Amended 2-22-2000 by Ord. No. 2000-1]**
  
- B. Accordingly, the district incorporates a density standard which, among other things, provides for farm and low-density dwelling uses, permits development on a lot by lot basis, but through the use of the planned residential development option, encourages preservation of open space ancillary to such development, and facilitates the conservation of agricultural and woodland areas, surface and underground water supplies, and the control of soil erosion and surface water flooding.
  
- C. In the Residential R-1 District, the following regulations shall apply.

SECTION 162-12. Use regulations.

- A. Uses by right. A building may be erected, altered or used, and a lot or premises may be used, by right, for any of the following purposes and no other:
  - (1) One single-family dwelling.
  - (2) Woodlands, game preserves or other conservation purposes.
  - (3) Agricultural uses.
  - (4) The display and sale of farm products shall be permitted, provided that:
    - (a) At least 50% of such products shall have been produced on the property on which they are offered for sale.
    - (b) Parking space for at least three cars shall be provided behind the highway right-of-way line.
    - (c) Sale of farm products shall be conducted from a portable stand, dismantled at the end of the growing season, provided that such structure shall be located at least 40 feet from the right-of-way of the road.

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<sup>7</sup> Editor's Note: The former Article XVI, Lot Averaging and Cluster Development, was superseded by a new Article XVI, Open Space Design Options, adopted 10-18-1993.

- (5) A planned residential development. **[Amended 2-22-2000 by Ord. No. 2000-1]**
  - (6) Open space design options in accordance with the provisions of Article XVI of this chapter.
  - (7) Forestry. **[Added 8-6-2001 by Ord. No. 2001-3]**
- B. Uses by special exception. The following uses shall be permitted as a special exception when authorized by the Zoning Hearing Board, subject to the standards of Section 162-115 of this chapter:
- (1) Place of worship, including a rectory or parish house accessory to the worship activity conducted on the lot, provided that the lot on which such activity takes place has vehicular access by driveway directly onto a principal arterial, minor arterial, or major collector street. **[Amended 6-21-1999 by Ord. No. 1999-2]**
  - (2) Educational use licensed or certified to conduct its educational activity by the Commonwealth of Pennsylvania provide that the lot on which this activity takes place has vehicular access by driveway directly onto a principal arterial, minor arterial, or major collector street, excluding, however, offices of other functions not accessory to the educational activity being conducted on the premises. **[Amended 6-21-1999 by Ord. No. 1999-2]**
  - (3) Golf course, county club, riding stable, hunt club or other outdoor recreational use or similar club or lodge, provided that:
    - (a) The minimum area of the property on which the use is conducted shall not be less than 10 acres;
    - (b) Each structure shall be clearly incidental to the outdoor use;
    - (c) Any club or lodge building and its services shall be for the use of members and their guests only;
    - (d) No commercial activity or use such as campground, amusement park, pitch and putt golf course and similar uses customarily carried on a businesses, shall be permitted; and
    - (e) The use and design are compatible with the natural character of the area.
  - (4) Bed-and-breakfast, in accordance with the provisions of Section 162-89.
- C. Accessory uses. The following accessory uses shall be permitted, provided that they shall be incidental to any of the foregoing permitted uses:
- (1) Customary agricultural and residential accessory uses.
  - (2) Tennis court, provided that it is located behind the front façade of the house and building line, is set back at least 50 feet from all property lines and is at least 10 feet from any existing or proposed on-lot sewage absorption areas; and further provided that lighting facilities shall be screened to prevent glare and facilities are designed so that they shall not interfere with the use or enjoyment of any neighboring property. **[Amended 1-12-1987; 6-19-2000 by Ord. No. 2000-5]**

- (3) Private, noncommercial greenhouse.
- (4) Accessory home occupations shall be permitted by right or by special exception, as determined by the criteria of Section 162-83 and when in conformance with the applicable standards of Section 162-83.
- (5) Accessory apartments shall be permitted by special exception when in conformance with the standards of Section 162-87.
- (6) Swimming pool, provided it conforms to the setback and other regulations and standards set forth in Section 162-84. **[Added 6-19-2000 by Ord. No. 2000-5]**
- (7) One additional single family dwelling as an accessory use to a permitted single family dwelling subject to the requirements of Section 162-87.1. **[Added 9-18-06, Ord. No. 06-09-18-1]**

SECTION 162-13. Area and bulk regulations.

- A. Lot area. Every lot shall have an area of not less than three acres, provided that, if the lot does not abut a road or street, the lot must be connected to a road or street by a fee simple right-of-way at least 25 feet wide which right-of-way shall be in addition to the minimum lot area of three acres or the lot must be serviced by a shared driveway as defined by Chapter 138, Subdivision and Land Development, as amended. **[Amended 11-16-1987<sup>8</sup>; 1-5-1998 by Ord. No. 1998-1]**
- B. Lot width. Each lot shall have a width not less than 250 feet at the building line.
- C. Lot coverage. Not more than 15% of the area of each lot may be occupied by buildings or other impervious cover.
- D. Front yard. There shall be a front yard of not less than 60 feet from the front building line to the street line or front lot line.
- E. Side yard.
  - (1) For every single-family dwelling there shall be two side yards not less than 60 feet in aggregate width and neither of which shall be less than 25 feet in width.
  - (2) For every principal building other than a dwelling there shall be two side yards, neither of which shall be less than 40 feet in width.
- F. Rear yard. There shall be a rear yard on each lot which shall be not less than 50 feet in depth, unless the lot is a reverse frontage lot, in which event the requirements of Section 162-78B(2) shall apply.
- G. Accessory buildings. No accessory buildings or structures shall be situated within the front yard, nor within 10 feet of any side or rear property line. On lots having a lot area of one acre or less, the maximum floor rear for all accessory buildings on a lot shall be 500 square feet. **[Amended 12-16-1991; 8-17-1992]**

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<sup>8</sup> Editor's Note: This ordinance provided that it become effective 10-14-1987.

- H. Height restrictions. No building or structure shall exceed three stories or 35 feet in height, except that the maximum building height of an accessory building other than a farm building shall be 15 feet on lots of one acre or less and 20 feet on lots in excess of one acre, and provided that a church steeple may extend to a height of not more than 45 feet. **[Amended 6-4-1990; 12-16-1991; 8-17-1992]**

SECTION 162-14. Design standards.

- A. Residential and agricultural uses by right.
- (1) Parking. As required by Section 162-78A of this chapter.
  - (2) Access and highway frontage. As required by Section 162-78B of this chapter.
- B. Recreational uses by right and uses by special exception.
- (1) Parking. As required by Section 162-78A of this chapter.
  - (2) Access and highway frontage. As required by Section 162-78B of this chapter.
  - (3) Interior circulation and emergency access. As required by Section 162-78C of this chapter.
  - (4) Loading and unloading. As required by Section 162-78D of this chapter.
  - (5) Landscaping and screening. As required by Section 162-78E of this chapter.

**ARTICLE V**  
**Residential District (R-2)**

SECTION 162-15. Purpose.

- A. In addition to the general goals listed in the statement of purposes and community development objectives, it is the purpose of this district to encourage and promote continued agricultural, open space and conservation uses in the R-2 District; while also permitting low-to medium-density residential development which will be consistent with existing residential development and perpetuate the rural character of the area; and also, by providing the option of utilizing the provisions in Article XVI, Lot Averaging and Cluster Development<sup>9</sup>, to enable landowners within the R-2 Zone to elect to develop in a manner other than lot by lot which will provide a greater variety in type, design and layout of dwellings and conservation of open space ancillary to such buildings. **[Amended 2-22-2000 by Ord. No. 2000-1]**
- B. Accordingly, the district incorporates a density standard which, among other things, provides for farm and low-to medium-density dwelling uses, permits development on a lot by lot basis, but through the use of the cluster and planned residential development options, encourages preservation of open space ancillary to such development, and facilitates the conservation of agricultural and woodland areas, surface and underground water supplies, and the control of soil erosion and surface water flooding. In the R-2 Residential District, the following regulations shall apply.

SECTION 162-16. Use regulations.

- A. Uses by right. A building may be erected, altered or used, and lot or premises may be used, by right, for any of the following purposes and for no other:
- (1) One single-family dwelling. **[Amended 6-4-1990]**
  - (2) Woodlands, game preserves or other conservation purposes.
  - (3) Agricultural uses.
  - (4) The display and sale of farm products shall be permitted, provided that:
    - (a) At least 50% of such products shall have been produced on the property on which they are offered for sale.
    - (b) Parking space for at least three cars shall be provided behind the highway right-of-way line.
    - (c) Sale for farm products shall be conducted from a portable stand, dismantled at the end of the growing season, provided that such structure shall be located at least 40 feet from the right-of-way line.

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<sup>9</sup> Editor's Note: The former Article XVI, Lot Averaging and Cluster Development, was superseded by a new Article XVI, Open Space Design Options, adopted 10-18-1993.

- (5) A planned residential development. **[Amended 2-22-2000 by Ord. No. 2000-1]**
  - (6) Open space design options in accordance with the provisions of Article XVI of this chapter.
  - (7) Forestry. **[Added 8-6-2001 by Ord. No. 2001-3]**
- B. Uses by special exception. The following uses shall be permitted as a special exception when authorized by the Zoning Hearing Board, subject to the standards of Section 162-115 of this chapter.
- (1) Place of worship, including a rectory or parish house accessory to the worship activity conducted on the lot, provided that the lot on which such activity takes place has vehicular access by driveway directly onto a principal arterial, minor arterial, or major collector street.
  - (2) Educational use licensed or certified to conduct its educational activity by the Commonwealth of Pennsylvania provided that the lot on which this activity takes place has vehicular access by driveway directly onto a principal arterial, minor arterial, or major collector street, excluding, however, offices or other functions not accessory to the educational activity being conducted on the premises. **[Amended 6-21-1999 by Ord. No. 1999-2]**
  - (3) Golf course, country club, riding stable, hunt club or other outdoor recreational use or similar club or lodge, provided that:
    - (a) The minimum area of property on which the use is conducted shall not be less than 10 acres.
    - (b) Each structure shall be clearly incidental to the outdoor use.
    - (c) Any club or lodge building and its services shall be for the use of members and their guests only.
    - (d) No commercial activity or use such as a campground, amusement park, pitch and putt golf course and similar uses customarily carried on as businesses, shall be permitted; and
    - (e) The use and design are compatible with the natural character of the area.
  - (4) Bed-and-breakfast, in accordance with the provisions of Section 162-89.
- C. Conditional uses. The following use shall be permitted as a conditional use when authorized by the Board of Supervisors, subject to the standards set forth herein and in Section 162-106 of this chapter.
- (1) Retirement community, with facilities to serve residents of such community and their guests only, in accordance with the following specific provisions:
    - (a) A retirement community shall provide a combination of individual dwelling units in any combination of single or multifamily buildings and may include

a community center consisting of one or more buildings in which the following uses may be permitted.

- [1] Medical treatment, nursing and convalescent facilities;
  - [2] Dining facilities;
  - [3] Auditoriums, activity rooms, craft rooms, libraries, lounges, and similar recreational facilities for members of the community;
  - [4] Office and retail service facilities designed and adequate to serve only the members of the community, such as, but not necessarily limited to the following uses: doctor's offices, pharmacy, gift shop, coffee shop, bank, beauty shop and barbershop.
- (b) The intensity of use shall not exceed 2.5 dwelling units and equivalent dwelling units per gross acre. For purposes of this section four beds for patient, resident and/or staff person use provided within the community center or accessory buildings shall be deemed the equivalent of one dwelling unit. **[Amended 2-22-2000 by Ord. No. 2000-1]**
  - (c) The minimum tract size for a retirement community shall be 50 acres.
  - (d) A retirement community shall be developed and operated under the direction and control of a single owner or agent for the owner.
  - (e) Not less than 40% of the total area in the tract shall be designated as an used exclusively for common open space. Otherwise, location, design and layout, and maintenance of common open space shall be in accord with the requirements of Sections 162-67C, 162-68 and 162-69 of this chapter. **[Amended 2-22-2000 by Ord. No. 2000-1]**
  - (f) There shall be a setback of 100 feet around the entire perimeter of the tract in which no structures shall be situated.
  - (g) Multiple accesses may be required for a retirement community, depending on the size of the community, number of vehicle trips per day and road capacity. Where a tract has frontage on more than one road, at least one access may be required by way of each road.
  - (h) Site planning requirements for sanitary sewage disposal, water supply, storm drainage, erosion and sedimentation control, conservation of trees and natural features, and landscaping and buffers shall comply with the standards set forth in applicable sections of this chapter. **[Amended 2-22-2000 by Ord. No. 2000-1]**
- D. Accessory uses: The following accessory uses shall be permitted, provided that they shall be incidental to any of the foregoing permitted uses:
- (1) Customary agricultural and residential accessory uses.



- (2) Tennis court, provided that it is located behind the front façade of the house and building line, is set back at least 50 feet from all property liens and is at least 10 feet from any existing or proposed on-lot sewage absorption areas; and further provided that lighting facilities shall be screened to prevent glare and facilities are designed so that they shall not interfere with the use or enjoyment of any neighboring property. [**Amended 1-12-1987; 6-19-2000 by Ord. No. 2000-5**]
- (3) Private, noncommercial greenhouse.
- (4) Accessory home occupations shall be permitted by right or by special exception, as determined by the criteria of Section 163-83 and when in conformance with the applicable standards of Section 162-83.
- (5) Accessory apartments shall be permitted by special exception when in conformance with the standards of Section 162-87.
- (6) Swimming pool, provided it conforms to the setback and other regulations and standards set forth in Section 162-84. [**Added 6-19-2000 by Ord. No. 2000-5**]
- (7) One additional single family dwelling as an accessory use to a permitted single family dwelling subject to the requirements of Section 162-87.1. [**Added 9-18-06, Ord. No. 06-09-18-1**]

SECTION 162-17. Area and bulk regulations.

- A. Lot area. Every lot shall have an area of not less than two acres, provided that, if the lot does not abut a road or street, the lot must be connected to a road or street by a fee simple right-of-way at least 25 feet wide which right-of-way shall be in addition to the minimum lot area of two acres or the lot must be serviced by a shared driveway as defined by Chapter 138, Subdivision and Land Development, as amended. [**Amended 11-16-1987<sup>10</sup>; 1-5-1998 by Ord. No. 1998-1**]
- B. Lot width. Each lot shall have a width not less than 200 feet at the building line.
- C. Lot coverage. Not more than 15% of the area of each lot may be occupied by buildings or other impervious cover.
- D. Front yard. There shall be a front yard of not less than 60 feet from the front building line to the street line or front lot line.
- E. Side yards.
  - (1) For every single-family dwelling, there shall be two side yards not less than 60 feet in aggregate width, and neither of which shall be less than 25 feet in width.
  - (2) For every principal building other than a dwelling, there shall be two side yards neither, of which shall be less than 40 feet in width.

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<sup>10</sup> Editor's Note: This ordinance provided that it become effective 10-14-1987.

- F. Rear yard. There shall be a rear yard on each lot which shall be not less than 50 feet in depth, unless the lot is a reverse frontage lot, in which event the requirements of Section 162-78A(2) shall apply.
- G. Accessory buildings. No accessory buildings or structures shall be situated within the front yard, nor within 10 feet of any side or rear property line. On lots having a lot area of one acre or less, the maximum floor area for all accessory buildings on a lot shall be 500 square feet. **[Amended 12-16-1991; 8-17-1992]**
- H. Height restrictions. No building or structure shall exceed three stories or 35 feet in height, except that the maximum building height of an accessory building other than a farm building shall be 15 feet on lots of one acre or less and 20 feet on lots in excess of one acre, and provided that a church steeple may extend to a height of not more than 45 feet. **[Amended 6-4-1990; 12-16-1991; 8-17-1992]**

SECTION 162-18. Design standards.

- A. Residential and agricultural uses by right.
  - (1) Parking. As required by Section 162-78A of this chapter.
  - (2) Access and highway frontage. As required by Section 162-78B of this chapter.
- B. Recreational uses by right and uses by special exception.
  - (1) Parking. As required by Section 162-78A of this chapter.
  - (2) Access and highway frontage. As required by Section 162-78B of this chapter.
  - (3) Interior circulation and emergency access. As required by Section 162-78C of this chapter.
  - (4) Loading and unloading. As required by Section 162-78D of this chapter.
  - (5) Landscaping and screening. As required by Section 162-78E of this chapter.
  - (6) Storage. As required by Section 162-78F of this chapter.
  - (7) Lighting. As required by Section 162-78G of this chapter.
- C. Conditional uses. In granting or denying a conditional use or establishing conditions on such grants, the standards set forth in Section 162-106, where relevant, shall be applied. The burden of establishing compliance with such standards shall be upon the applicant. In addition, the following specific design standards shall be applicable:
  - (1) Parking. As required by Section 162-78A of this chapter.
  - (2) Access and highway frontage. As required by Section 162-78B of this chapter.
  - (3) Interior circulation and emergency access. As required by Section 162-78C of this chapter.

- (4) Loading and unloading. As required by Section 162078D of this chapter.
- (5) Landscaping and screening. As required by Section 162-78E of this chapter.
- (6) Storage. As required by Section 162-78F of this chapter.
- (7) Lighting. As required by Section 162-78G of this chapter.

**ARTICLE VI**  
**Residential District (R-3)**

SECTION 162-19. Purpose.

- A. In addition to the general goals listed in the statements of purposes and community development objectives, it is the purpose of this section to encourage medium-density residential development in the R-3 Zone which is compatible with existing residential development and easily accessible to major highways and commercial areas; while also permitting medium to high-density residential development, by providing the option of utilizing the provisions in Article XVI, Lot Averaging and Cluster Development<sup>11</sup>, to enable landowners within the R-3 Zone to elect to develop in a manner other than lot by lot which will provide a greater variety in type, design and layout of dwellings and conservation of open space ancillary to such dwellings. **[Amended 2-22-2000 by Ord. No. 2000-1]**
- B. Accordingly, the district incorporates a density standard which, among other things, provides for medium-density dwelling uses, permits development on a lot by lot basis, but through the use of the cluster and planned residential development options, encourages preservation of open space ancillary to such development, and facilitates the conservation of agricultural and woodland areas, surface and underground water supplies, and the control of soil erosion and surface water flooding.
- C. In the R-3 Residential District, the following regulations shall apply.

SECTION 162-2. Use regulations.

- A. Uses by right. A building may be erected, altered or used, and a lot or premises may be used, by right, for any of the following purposes and for no other:
- (1) One single-family dwelling. **[Amended 6-4-1990]**
  - (2) Woodlands, game preserves or other conservation purposes.
  - (3) Agricultural uses.
  - (4) The display and sale of farm products shall be permitted, provided that:
    - (a) At least 50% of such products shall have been produced on the property on which they are offered for sale.
    - (b) Parking space for at least three cars shall be provided behind the highway right-of-way line.
    - (c) Sale of farm products shall be conducted from a portable stand, dismantled at the end of the growing season, provided that such structure shall be located at least 40 feet from the right-of-way of the road.

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<sup>11</sup> Editor's Note: The former Article XVI, Lot Averaging and Cluster Development, was superseded by a new Article XVI, Open Space Design Options, adopted 10-18-1993.

- (5) A planned residential development. **[Amended 2-22-2000 by Ord. No. 2000-1]**
  - (6) Open space design options in accordance with the provisions of Article XVI of this chapter.
  - (7) Forestry. **[Added 8-6-2001 by Ord. No. 2001-3]**
- B. Uses by special exception. The following uses shall be permitted as a special exception when authorized by the Zoning Hearing Board, subject to the standards of Section 162-115 of this chapter:
- (1) Place of worship, including a rectory or parish house accessory to the worship activity conducted on the lot, provided that the lot on which such activity takes place has vehicular access by driveway directly onto a principal arterial, minor arterial, or major collector street. **[Amended 6-21-1999 by Ord. No. 1999-2]**
  - (2) Educational use licensed or certified to conduct its educational activity by the Commonwealth of Pennsylvania provided that the lot on which this activity takes place has vehicular access by driveway directly onto a principal arterial, minor arterial, or major collector street, excluding, however, offices or other functions not accessory to the educational activity being conducted on the premises. **[Amended 6-21-1999 by Ord. No. 1999-2]**
  - (3) Golf course, country club, riding stable, hunt club or other outdoor recreational use or similar club or lodge, provided that:
    - (a) The minimum area of the property on which the use is conducted shall be 10 acres;
    - (b) Each structure shall be clearly incidental to the outdoor use;
    - (c) Any club or lodge building and its services shall be for the use of members and their guests only;
    - (d) No commercial activity or use such as a campground, amusement park, pitch and putt golf course and similar uses customarily carried on as business, shall be permitted; and
    - (e) The use and design are compatible with the natural character of the area.
- C. Conditional uses. The following use shall be permitted as a conditional use when authorized by the Board of Supervisors, subject to the standards set forth in Section 162-16C(1) and Section 162-106 of this chapter:
- (1) Retirement community.
- D. Accessory uses. The following accessory uses shall be permitted, provided that they shall be incidental to any of the foregoing permitted uses:
- (1) Customary agricultural and residential accessory uses.

- (2) Tennis court, provided that it is located behind the front façade of the house and building line, is set back at least 50 feet from all property lines and is at least 10 feet from any existing or proposed on-lot sewage absorption areas; and further provided that lighting facilities shall be screened to prevent glare and facilities are designed so that they shall not interfere with the use or enjoyment of any neighboring property. **[Amended 1-12-1987; 6-19-2000 by Ord. No. 2000-5]**
- (3) Private, noncommercial greenhouse.
- (4) Accessory home occupations shall be permitted by right or by special exception, as determined by the criteria of Section 162-83 and when in conformance with the applicable standards of Section 162-83.
- (5) Accessory apartments shall be permitted by special exception when in conformance with the standards of Section 162-87.
- (6) Swimming pool, provided it conforms to the setback and other regulations and standards set forth in Section 162-84. **[Added 6-19-2000 by Ord. No. 2000-5]**
- (7) One additional single family dwelling as an accessory use to a permitted single family dwelling subject to the requirements of Section 162-87.1. **[Added 9-18-06, Ord. No. 06-09-18-1]**

SECTION 162.21. Area and bulk regulations.

- A. Lot area. Every lot shall have an area of not less than one acre, provided that, if the lot does not abut a road or street, the lot must be connected to a road or street, by a fee simple right-of-way at least 25 feet wide which right-of-way shall be in addition to the minimum lot area of one acre or the lot must be serviced by a shared driveway as defined by Chapter 138, Subdivision and Land Development, as amended. **[Amended 11-16-1987<sup>12</sup>; 1-5-1998 by Ord. No. 1998-1]**
- B. Lot width. Each lot shall have a width not less than 150 feet at the building line.
- C. Lot coverage. Not more than 15% of the area of each lot may be occupied by buildings or other impervious cover.
- D. Front yard. There shall be a front yard of not less than 50 feet from the front building line to the street line or front lot line, where it fronts on a local residential street, or 75 feet where it fronts on an arterial or collector road.
- E. Side yard.
  - (1) For every single-family dwelling, there shall be two side yards not less than 50 feet in aggregate width and neither of which shall be less than 20 feet in width.
  - (2) For every principal building other than a dwelling, there shall be two side yards neither of which shall be less than 35 feet in width.

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<sup>12</sup> Editor's Note: This ordinance provided that it become effective 10-14-1987.

- F. Rear yard. There shall be a rear yard on each lot which shall be not less than 40 feet in depth, unless the lot is a reverse frontage lot, in which event the requirements of Section 162-78B(2) shall apply.
- G. Accessory buildings. No accessory buildings or structures shall be situated within the front yard, nor within 10 feet of any side or rear property line. On lots having a lot area of one acre or less, the maximum floor area for all accessory buildings on a lot shall be 500 square feet. **[Amended 12-16-1991; 8-17-1992]**
- H. Height restrictions. No buildings or structure shall exceed three stories or 35 feet in height, except that the maximum building height of an accessory building other than a farm building shall be 15 feet on lots of one acre or less and 20 feet on lots in excess of one acre, and provided that a church steeple may extend to a height of not more than 45 feet. **[Amended 6-4-1990; 12-16-1991; 8-17-1992]**

SECTION 162-22. Design standards.

As required in Section 162-18 of this chapter.

**ARTICLE VII**  
**Residential District (R-4)**

SECTION 162-23. Purpose.

- A. In addition to the general goals listed in the statements of purposes and community development objectives, it is the purpose of this section to encourage medium-to high-density residential development in the R-4 Zone which is compatible with existing residential development and easily accessible to major highways and commercial uses; while also providing the option of utilizing the provisions in Article XVI, Lot Averaging and Cluster Development,<sup>13</sup> to enable landowners within the R-4 Zone to elect to develop in a manner other than lot by lot which will provide a greater variety in type, design and layout of dwellings and conservation of open space ancillary to such dwellings. **[Amended 2-22-2000 by Ord. No. 2000-1]**
- B. Accordingly, the district incorporates a density standard which, among other things, provides for medium-to high-density dwelling uses, and permits development on a lot by lot basis, but through the use of the cluster and planned residential development options, encourages preservation of open space ancillary to such development.
- C. In the R-4 Residential District, the following regulations shall apply.

SECTION 162-24. Use regulations.

- A. Uses by right. A building may be erected, altered or used, and a lot or premises may be used, by right, for any of the following purposes and for no other:
  - (1) One single-family dwelling. **[Amended 6-4-1990]**
  - (2) Woodlands, game preserves or other conservation purposes.
  - (3) Agricultural uses.
  - (4) The display and sale of farm products shall be permitted, provided that:
    - (a) At least 50% of such products shall have been produced on the property on which they are offered for sale.
    - (b) Parking space for at least three cars shall be provided behind the highway right-of-way line.
    - (c) Sale of farm products shall be conducted from a portable stand, dismantled at the end of the growing season, provided that such structure shall be located at least 40 feet from the right-of-way of the road.
  - (5) A planned residential development. **[Amended 2-22-2000 by Ord. No. 2000-1]**
  - (6) Forestry. **[Added 8-6-2001 by Ord. No. 2001-3]**

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<sup>13</sup> Editor's Note: The former Article XVI, Lot Averaging and Cluster Development, was superseded by a new Article XVI, Open Space Design Options, adopted 10-18-1993.



B. Uses by special exception. The following uses shall be permitted as a special exception when authorized by the Zoning Hearing Board, subject to the standards of Section 162-115 of this chapter.

- (1) Place of worship, including a rectory or parish house accessory to the worship activity conducted on the lot, provided that the lot on which such activity takes place has vehicular access by driveway directly onto a principal arterial, minor arterial, or major collector street. **[Amended 6-21-1999 by Ord. No. 1999-2]**
- (2) Educational use licensed or certified to conduct its educational activity by the Commonwealth of Pennsylvania provided that the lot on which this activity takes place has vehicular access by driveway directly onto a principal arterial, minor arterial, or major collector street, excluding, however, offices or other functions not accessory to the educational activity being conducted on the premises. **[Amended 6-21-1999 by Ord. No. 1999-2]**
- (3) Golf course, country club, riding stable, hunt club or other outdoor recreational use or similar club or lodge, provided that:
  - (a) The minimum area of the property on which the use is conducted shall not be less than 10 acres;
  - (b) Each structure shall be clearly incidental to the outdoor use;
  - (c) Any club or lodge building and its services shall be for the use of members and their guests only;
  - (d) No commercial activity or use such as a campground, amusement park, pitch and putt golf course and similar uses customarily carried on as businesses, shall be permitted; and
  - (e) The uses and its design are compatible with the natural character of the area.

C. Conditional use. The following uses shall be permitted as a conditional use when authorized by the Board of Supervisors, subject to the standards set forth herein and in Section 162-106 of this chapter:

- (1) Retirement community, in accordance with the specific provisions of Section 162-16C(1) of this chapter.
- (2) Two-family dwelling, provided it is served by central sewage and water systems. **[Amended 2-22-2000 by Ord. No. 2000-1]**
- (3) Multifamily dwellings, in accordance with the following specific provisions:
  - (a) The minimum tract size for multifamily dwellings shall have an area of not less than 15 acres, with a minimum width of 300 feet at the building line.

- (b) The gross density for development of multifamily dwellings shall not exceed three dwelling units per acre.
  - (c) Net density for development of fourplex and for townhouse dwellings shall not exceed six dwelling units per acre, while net density for development of apartments shall not exceed eight dwelling units per acre.
  - (d) Township units shall not be less than 20 feet in width.
  - (e) Multifamily dwellings shall be served by central sewage and water. **[Amended 2-22-2000 by Ord. No. 2000-1]**
  - (f) Not less than 40% of the total area of the tract shall be designated as and used exclusively for common open space. Ownership, maintenance, location and design of the common open space shall be in accordance with Sections 162-67C, 162-68 and 162-69 of this chapter. **[Amended 2-22-2000 by Ord. No. 2000-1]**
  - (g) Not more than 25% of the area of each tract may be occupied by buildings, parking areas, or other impervious cover.
  - (h) For all multifamily structures, there shall be a front yard of not less than 30 feet from the front building line to the street line or front lot line, where they front on a parking area or local residential street, or 50 feet where they front on an arterial or collector road.
  - (i) No multifamily structure shall be located within 100 feet of a side or rear boundary of the tract to be subdivided or developed, and no parking area shall be located within 25 feet thereof.
  - (j) No multifamily structure shall be situated less than 50 feet from any other residential structure.
  - (k) No accessory building or structures shall be situated within the front yard, nor within 10 feet of any side or rear property line.
  - (l) No building or structure shall exceed three stories or 35 feet in height, except that no accessory building shall exceed 20 feet in height.
- (4) Conversions of dwellings into two or more dwelling units, in accordance with the provisions of Section 162-80.
- D. Accessory uses. The following accessory uses shall be permitted, provided that they shall be incidental to any of the foregoing permitted uses:
- (1) Customary agricultural and residential accessory uses.
  - (2) Tennis court, provided that it is located behind the front façade of the house and building line, is set back at least 50 feet from all property lines and is at least 10 feet from any existing or proposed on-lot sewage absorption areas; and further

provided that lighting facilities shall be screened to prevent glare and facilities are designed so that they shall not interfere with the use or enjoyment of any neighboring property. **[Amended 1-12-1987; 6-19-2000 by Ord. No. 2000-5]**

- (3) Private, noncommercial greenhouse.
- (4) Accessory home occupations shall be permitted by right or by special exception, as determined by the criteria of Section 162-83 and when in conformance with the applicable standards of Section 162-83.
- (5) Swimming pool, provided it conforms to the setback and other regulations and standards set forth in Section 162-84. **[Added 6-19-2000 by Ord. No. 2000-5]**

#### SECTION 162-25. Area and bulk regulations.

##### A. Lot area.

- (1) Single-family dwelling or nonresidential uses. Every lot containing a single-family dwelling or nonresidential use shall have an area of not less than 20,000 square feet, provided that, if the lot does not abut a road or street, the lot must be connected to a road or street by a fee simple right-of-way at least 25 feet wide which right-of-way shall be in addition to the minimum lot area of 20,000 square feet or the lot must be serviced by a shared driveway as defined by Chapter 138, Subdivision and Land Development, as amended. **[Amended 11-16-1987<sup>14</sup>; 1-5-1998 by Ord. No. 1998-1]**
- (2) Two-family dwelling (duplex or twin dwellings). Every lot containing a duplex or twin dwelling shall have an area of not less than 15,000 square feet per dwelling unit, provided that, if the lot does not abut a road or street, the lot must be connected to a road or street by a fee simple right-of-way at least 25 feet wide which right-of-way shall be in addition to the minimum lot area of 15,000 square feet or the lot must be serviced by a shared driveway as defined by Chapter 138, Subdivision and Land Development, as amended. **[Amended 11-16-1987<sup>15</sup>; 1-5-1998 by Ord. No. 1998-1]**

##### B. Lot width.

- (1) Single-family dwelling or nonresidential use. Every lot containing a single-family dwelling or nonresidential use shall not be less than 100 feet in width at the building line.
- (2) Two-family dwelling. Every lot containing a twin or duplex dwelling shall have a minimum aggregate lot width for two dwelling units of 125 feet.

##### C. Lot coverage. Not more than 20% of the area of each lot may be occupied by buildings or other impervious cover.

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<sup>14</sup> Editor's Note: This ordinance provided that it become effective 10-14-1987.

<sup>15</sup> Editor's Note: This ordinance provided that it become effective 10-14-1987.

- D. Front yard. There shall be a front yard of not less than 40 feet from the building line to the street line or front lot line, where it fronts on a local residential street, or 60 feet where it fronts on an arterial or collector road.
- E. Side yards.
- (1) For every single-family or two-family dwelling, there shall be two side yards not less than 50 feet in aggregate width and neither of which shall be less than 20 feet in width.
  - (2) For every principal building other than a dwelling, there shall be two sides yards neither of which shall be less than 35 feet in width.
- F. Rear yard. There shall be a rear yard on each lot which shall be not less than 40 feet in depth, unless the lot is a reverse frontage lot in which event the requirements of Section 162-78B(2) shall apply.
- G. Accessory buildings. No accessory buildings or structures shall be situated within the front yard, nor within 10 feet of any side or rear property line. On lots having a lot area of one acre or less, the maximum floor area for all accessory buildings on a lot shall be 500 square feet. **[Amended 12-16-1991; 8-17-1992]**
- H. Height restrictions. No building or structure shall exceed three stories or 35 feet in height, except that the maximum building height of an accessory building other than a farm building shall be 15 feet on lots of one acre or less than 20 feet on lots in excess of one acre, and provided that a church steeple may extend to a height of not more than 45 feet. **[Amended 6-4-1990; 12-16-1991; 8-17-1992]**

SECTION 162-26. Design standards.

As required in Section 162-18 of this chapter.



**ARTICLE VIII**  
**Residential District (R-5)**

SECTION 162-27. Purpose.

- A. In addition to the general goals listed in the statements of purposes and community development objectives, it is the purpose of this section to encourage high-density residential development in the R-5 Zone which is compatible with existing residential development and easily accessible to major highways and commercial uses; while also providing the option of utilizing the provisions in Article XVI, Lot Averaging and Cluster Development,<sup>16</sup> to enable landowners with the R-5 Zone to elect to develop in a manner other than lot by lot which will provide a greater variety in type, design and layout of dwellings and conservation of open space ancillary to such dwellings. **[Amended 2-22-2000 by Ord. No. 2000-1]**
- B. Accordingly, the district incorporates a density standard which, among other things, provides for high-density dwelling uses, and permits development on a lot by lot basis, but through the use of the cluster and planned residential development options, encourages preservation of open space ancillary to such development.
- C. In the R-5 Residential District, the following regulations shall apply.

SECTION 162-28. Use regulations.

- A. Uses by right. A building may be erected, altered or used, and a lot or premises may be used, by right, for any of the following purposes and for no other.
  - (1) One single-family dwelling. **[Amended 6-4-1990]**
  - (2) Woodlands, game preserves or other conservation purposes.
  - (3) Agricultural uses.
  - (4) The display and sale of farm products shall be permitted, provided that:
    - (a) At least 50% of such products shall have been produced on the property on which they are offered for sale.
    - (b) Parking space for at least three cars shall be provided behind the highway right-of-way line.
    - (c) Sale of farm products shall be conducted from a portable stand, dismantled at the end of the growing season, provided that such structure shall be located at least 40 feet from the right-of-way of the road.
  - (5) A planned residential development. **[Amended 2-22-2000 by Ord. No. 2000-1]**
  - (6) Forestry. **[Added 8-6-2001 by Ord. No. 2001-3]**

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<sup>16</sup> Editor's Note: The former Article XVI, Lot Averaging and Cluster Development, was surprised by a new Article XVI, Open Space Design Options, adopted 10-18-1993.

- B. Uses by special exception. Any of the following uses shall be permitted as a special exception when authorized by the Zoning Hearing Board, subject to the standards of Section 162-115 of this chapter:
- (1) Place of worship, including a rectory or parish house accessory to the worship activity conducted on the lot, provided that the lot on which such activity takes place has vehicular access by driveway directly onto a principal arterial, minor arterial, or major collector street. **[Amended 6-21-1999 by Ord. No. 1999-2]**
  - (2) Educational use licensed or certified to conduct its educational activity by the Commonwealth of Pennsylvania provided that the lot on which this activity takes place has vehicular access by driveway directly onto a principal arterial, minor arterial, or major collector street, excluding, however, offices or other functions not accessory to the educational activity being conducted on the premises.
  - (3) Golf course, country club, riding stable, hunt club or other outdoor recreational use or similar club or lodge, provided that:
    - (a) The minimum area of the property on which the use is conducted shall not be less than 10 acres;
    - (b) Each structure shall be clearly incidental to the outdoor use;
    - (c) Any club or lodge building and its services shall be for the use of members and their guests only;
    - (d) No commercial activity or use such as a campground, amusement park, pitch and putt golf course and similar uses customarily carried on as businesses, shall be permitted; and
    - (e) The uses and its design are compatible with the natural character of the area.
- C. Conditional uses. The following uses shall be permitted as a conditional use when authorized by the Board of Supervisors, subject to the standards set forth herein and in Section 162-106 of this chapter.
- (1) Retirement community, in accordance with the specific provisions of Section 162-16C(1) of this chapter.
  - (2) Two-family dwelling, provided it is served by central sewage and water systems. **[Amended 2-22-2000 by Ord. No. 2000-1]**
  - (3) Multifamily dwellings, in accordance with the following specific provisions:
    - (a) The minimum tract size for multifamily dwellings shall have an area of not less than 15 acres, within a minimum width of 300 feet at the building line.

- (b) The gross density for development of multifamily dwellings shall not exceed four dwelling units per acre.
  - (c) Net density for development of fourplex and for townhouse dwellings shall not exceed six dwelling units per acre, while net density for development of apartments shall not exceed eight dwellings units per acre.
  - (d) Townhouse units shall not be less than 20 feet in width.
  - (e) Multifamily dwellings shall be served by central sewage and water. **[Amended 2-22-2000 by Ord. No. 2000-1]**
  - (f) Not less than 40% of the total area of the tract shall be designated as and used exclusively for common open space. Ownership, maintenance, location and design of the common open space shall be in accordance with Section 162-67C, 162-68 and 162-69 of this chapter. **[Amended 2-22-2000 by Ord. No. 2000-1]**
  - (g) Not more than 25% of the area of each tract may be occupied by buildings, parking areas, or other impervious cover.
  - (h) For all multifamily structures, there shall be a front yard of not less than 30 feet from the front building line to the street line or front lot line, where they front on a parking area or local residential streets, or 50 feet where they front on an arterial or collector road.
  - (i) No multifamily structure shall be located within 100 feet of a side or rear boundary of the tract to be subdivided or developed, and no parking area shall be located within 25 feet thereof.
  - (j) No multifamily structure shall be situated less than 50 feet from any other residential structure.
  - (k) No accessory buildings or structures shall be situated within the front yard, nor within 10 feet of any side or rear property line.
  - (l) No building or structure shall exceed three stories or 35 feet in height, except that no accessory building shall exceed 20 feet in height.
- (4) Conversions of dwellings into two or more dwelling units, in accordance with the provisions of Section 162-80.
- D. Accessory uses. The following accessory uses shall be permitted, provided that they shall be incidental to any of the foregoing permitted uses:
- (1) Customary agricultural and residential accessory uses.
  - (2) Swimming pool, provided it conforms to the setback and other regulations and standards set forth in Section 162-84. **[Amended 1-12-1987; 6-19-2000 by Ord. No. 2000-5]**



- (3) Private, noncommercial greenhouse.
- (4) Accessory home occupations shall be permitted by right or by special exception as determined by the criteria of Section 162-83 and when in conformance with the applicable standards of Section 162-83.

SECTION 162-29. Area and bulk regulations: single-family, two-family and nonresidential uses.

A. Lot area.

- (1) Every lot containing a single-family dwelling or nonresidential use shall have an area of not less than 17,500 square feet per dwelling unit, provided that, if the lot does not abut a road or street, the lot must be connected to a road or street by a fee simple right-of-way at least 25 feet wide which right-of-way shall be in addition to the minimum lot area of 17,5000 square feet or the lot must be serviced by a shared driveway as defined by Chapter 138, Subdivision and Land Development, as amended. **[Amended 11-16-1987<sup>17</sup>; 1-5-1998 by Ord. No. 1998-1]**
- (2) Every lot containing twin or duplex dwellings shall have an area of not less than 12,000 square feet per dwelling unit, provided that, if the lot does not abut a road or street, the lot must be connected to a road or street by a fee simple right-of-way at least 25 feet wide which right-of-way shall be in addition to the minimum lot area of 12,000 square feet or the lot must be serviced by a shared driveway as defined by Chapter 138, Subdivision and Land Development, as amended. **[Amended 11-16-1987<sup>18</sup>; 1-5-1998 by Ord. No. 1998-1]**

B. Lot width.

- (1) Every lot containing a single-family dwelling or nonresidential use shall not be less than 75 feet in width at the building line.
- (2) Every lot containing twin or duplex dwellings shall have a minimum aggregate lot width for two dwelling units of 100 feet.

C. Lot coverage. Not more than 25% of the area of each lot may be occupied by buildings or other impervious cover.

D. Front yard. There shall be a front yard of not less than 30 feet from the front building line to the street line or front lot line, where it fronts on a local residential street, or 50 feet where it fronts on an arterial or collector road.

E. Side yards.

- (1) For every dwelling, there shall be two side yards not less than 35 feet in aggregate and neither of which shall be less than 15 feet in width.

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<sup>17</sup> Editor's Note: This ordinance provided that it become effective 10-14-1987.

<sup>18</sup> Editor's Note: This ordinance provided that it become effective 10-14-1987.

- (2) For every principal building other than a dwelling, there shall be two side yards neither of which shall be less than 25 feet in width.
- F. Rear yard. There shall be a rear yard on each lot which shall be not less than 30 feet in depth, unless the lot is a reverse frontage lot, in which event the requirements of Section 162-78B(2) shall apply.
- G. Accessory buildings. No accessory buildings or structures shall be situated within the front yard, nor within 10 feet of any side or rear property line. On lots having a lot area of one acre or less, the maximum floor area for all accessory buildings on a lot shall be 500 square feet. **[Amended 12-16-1991; 8-17-1992]**
- H. Height restrictions. No building or structure shall exceed three stories or 35 feet in height, except that the maximum building height of an accessory building other than a farm building shall be 15 feet on lots of one acre or less and 20 feet on lots in excess of one acre, and provided that a church steeple may extend to a height of not more than 45 feet. **[Amended 6-4-1990; 12-16-1991; 8-17-1992]**

SECTION 162-30. Design standards.

As required in Section 162-18 of this chapter.



**ARTICLE IX**  
**Mobile Home Park District (MHP)**

SECTION 162-31. Purpose.

- A. In addition to the general goals listed in the statements of purposes and community development objectives, it is the purpose of the Mobile Home Park District to provide adequate facilities for mobile homes, to promote a safe and attractive neighborhood environment that will complement surrounding properties, and to encourage preservation of open space areas by centralizing mobile homes and encouraging desirable conditions for good design and properly maintained mobile home parks.
- B. In the Mobile Home Park District (MHP), the following regulations shall apply.

SECTION 162-32. Use regulations.

- A. Uses by right. A building may be erected, altered or used, and a lot or premises may be used, by right, for any of the following purposes and for no other:
  - (1) Mobile home park.
  - (2) Agricultural uses.
  - (3) Forestry. **[Added 8-6-2001 by Ord. No. 2001-3]**
- B. Accessory uses. The following accessory uses shall be permitted, provided that they shall be incidental to any of the foregoing permitted uses:
  - (1) Customary agricultural and residential accessory uses.
  - (2) Accessory uses associated with mobile home park office or service buildings.

SECTION 162-33. Area and bulk regulations.

- A. Tract size. A mobile home park shall have an area of not less than 10 contiguous acres. Additions to any existing mobile home park shall contain an area of not less than five contiguous acres.
- B. Gross density. The gross density shall be no more than five mobile homes per acre.
- C. Yard dimensions. Mobile home lots within a mobile home park shall be so designed that in no instance shall the exterior walls of mobile home units or additions thereto come within 25 feet of the exterior walls of an adjacent mobile home. No mobile home, office or service building shall be closer than 25 feet to the cartway of any street, and no closer than 75 feet of the mobile home park boundary.
- D. Accessory buildings. Accessory buildings or structures shall be located to the side or rear of the principal structure and not less than 15 feet from any principal structure on an adjacent mobile home lot.

- E. Height restrictions. No mobile or accessory structure shall exceed 15 feet in height, while no mobile home park office or service building shall exceed 25 feet in height.
- F. Minimum habitable floor area. No mobile home shall be permitted within a mobile home park unless it contains at least 700 square feet of internal floor area, exclusive of additions, porches, patios, storage sheds and accessory structures.

SECTION 162-34. Design standards.

Design standards contained in Article VII of Chapter 138, Subdivision and Land Development, shall apply to all mobile home parks.

**ARTICLE X**  
**Highway Commercial District (HC)**

SECTION 162-35. Purpose.

In addition to the general goals listed in the statements of purpose and community development objectives, the purposes of this article are to provide sufficient space in appropriate locations for the types of commercial and service establishments anticipated to protect against objectionable influences such as noise or glare and from hazards of fire, to provide provisions for off-street parking spaces, safe circulation of pedestrian and motor traffic, to promote the most desirable use of land and pattern of building development, to strengthen the economic base of the Township, to protect the character of the commercial area and nearby districts, and to encourage harmonious architectural design relationship of buildings to one another in keeping with the theme of existing structures within the district. In the Highway Commercial District (HC), the following regulations shall apply.

SECTION 162-36. Use regulations.

- A. Uses by right. A building or group of buildings may be erected, altered or used, and a lot or premises may be used, by right, for any of the following purposes and for no other:
- (1) Professional offices and/or financial institutions.
  - (2) Government offices serving the public, such as post offices, municipal building, community or civic center buildings or use, including library.
  - (3) Laboratory or research facilities.
  - (4) Wholesale sales, storage or distribution.
  - (5) Gift, art, craft, and antique shops.
  - (6) Retail stores with floor area limited to under 3,000 square feet for any one store.
  - (7) Eating and drinking establishments for the sale and consumption of food and beverages without drive-in, drive-through or takeout service (service at table or sit-down facilities only). **[Amended 9-8-1998 by Ord. No. 1998-9]**
  - (8) Automotive accessory store.
  - (9) Undertaking establishments.
  - (10) Personal service shops, such as barbershops, hairdresser, laundry or dry cleaning and other similar uses.
  - (11) Forestry. **[Added 8-6-2001 by Ord. No. 2001-3]**
- B. Uses by special exception. Any of the following uses shall be permitted as a special exception when authorized by the Zoning Hearing Board, subject to the standards of Section 162-115 of this chapter.

- (1) Gasoline service station.
  - (2) Retail stores, with floor area greater than 3,000 square feet.
  - (3) Newspaper publishing and job printing.
  - (4) Factory outlet or showroom-type outlets, such as furniture, appliance, or furniture sales and service.
  - (5) Hospital, medical or health center.
  - (6) Theaters, bowling alleys, racquetball courts, or minimum golf course.
  - (7) Hotels, motels, or inns.
  - (8) Living quarters in commercial structures, other than gasoline service stations.  
**[Amended 6-4-1990]**
- C. Conditional uses. Commercial day-care facilities, when in conformance with Section 162-88.
- D. Accessory uses. Accessory uses customarily associated with and incidental to the uses designated in Section 162-36A or 162-36B shall be permitted.

SECTION 162-37. Area and bulk regulations.

- A. Commercial uses. Every use permitted in Sections 162-36A and 162-36B shall comply with the following area and bulk regulations:
- (1) Lot area. Every lot shall have an area of not less than 30,000 square feet.
  - (2) Lot width. Every lot shall have a width at the building line and at the street line of not less than 100 feet.
  - (3) Floor area ratio. The total usable floor area shall not exceed 40% of the total lot area.
  - (4) Front yard. There shall be a front yard of not less than 75 feet from the front building line to the right-of-way of the street line, within which no building or outdoor displays shall be situated.
  - (5) Side yards. There shall be side yards of not less than 25 feet, within which no building or outdoor display shall be situated.
  - (6) Rear yard. There shall be a rear yard of not less than 25 feet, within which no building or outdoor display shall be situated.
  - (7) Accessory structures. All accessory structures shall be located in conformance with the requirements herein specified.

- (8) Height requirements. No building or structure shall exceed three stories or 35 feet in height, whichever is less, except that no accessory building or structure shall exceed 20 feet in height.
- (9) Lot coverage. Not more than 60% of the area of any lot may be occupied by buildings, parking area and other impervious cover.

B. Conditional zoning bonuses and development by conditional uses.

- (1) The Board of Supervisors may authorize a waiver or modification of the provisions and requirements of Sections 162-36A and 162-37A regulating use, lot area, yards, building height and Sections 162-78A and 162-78D regulating off-street parking and loading, if an application for development is deemed to be in compliance with the guidelines for land use and development contained in the Pennsbury Township Comprehensive Plan and furthers the goals described therein.
- (2) In addition to the requirements for conditional use approval set forth in Section 162-106 and design standards specifically applicable to a proposed use, the Board of Supervisors, in evaluating an application for conditional use approval hereunder, shall be satisfied with the adequacy of water and sewer facilities, and provisions for off-street parking and access and highway frontage. The Board shall have discretion to vary the parking requirements (either by increasing or decreasing) otherwise prescribed for the proposed use in Section 162-78, where evidence presented at a conditional use hearing so justifies.
- (3) The waiver or modification shall take the form of zoning bonuses, conditional upon specific approval of detailed development plans and granted only a return for specific action on the part of the application, which advances, and implements the planning concepts prescribed for the district. The decision of the Board of Supervisors is final.
  - (a) Conditional use. Permit applications for those uses described in Section 162-36C may be granted only upon a specific recommendation of the Planning Commission and approval of the Board of Supervisors that the proposed use is compatible with existing or proposed surrounding uses, and will have no significant adverse effect upon those surrounding uses.
  - (b) Minimum tract size for conditional zoning bonuses. The tract of land under application for the conditional zoning bonuses must be no less than two acres and under single and separate ownership.
  - (c) Conditional zoning bonuses. Zoning bonuses, which waive or modify the requirements of Sections 162-37A and 162-78 may be granted as follows:
    - [1] Lot area bonus. The requirements of Section 162-37A(1) may be modified at the discretion of the Board to allow the following:



- [a] The reduction of lot area to a minimum of 21,000 square feet providing the density does not exceed two lots (stores or units) per acre.
- [2] Yard encroachment bonus. The requirements of Section 162-37A(4) and Section 162-37A(7) may be modified at the discretion of the Board to allow a front yard of not less than 50 feet from the building line to the street line or a rear yard of not less than 20 feet from a rear property line. In no case shall side yard requirements be modified.
- [3] Building height bonus. The height of a building may be increased to a maximum of 45 feet at the discretion of the Board.
- [4] Parking bonus. The regulations of Section 162-78A(1) of this chapter which govern the provision of off-street parking may be modified and the Board of Supervisors may authorize a reduction of up to 50% in the number of required off-street parking spaces if, upon review of a parking study submitted by the applicant, it is concluded that one or more of the following situations exist:
  - [a] Based upon a study of the shopping habits of customers or clients at similar establishments it is likely that at least 50% of the customers or clients of the proposed use will patronize one or more surrounding establishments within the District, parking at the first establishment visited and walking to the other establishments.
  - [b] Because of the special character of hours of operation of the proposed development or use, the Planning Commission and the Board of Supervisors agree that the use does not need the number of off-street parking spaces otherwise required.
- (d) Eligible reciprocal action. The use permits and/or zoning bonuses described above may only be granted by the Board of Supervisors conditional to such specific reciprocal action on the part of the applicant which, by the determination of the Board, furthers the objective and general planning concepts of the District. Examples of actions which warrant consideration by the Board are:
  - [1] Providing for the combined access of the proposed use or development to reduce the number of curb cuts and facilitate pedestrian and vehicular circulation.
  - [2] Landscaping of yard areas, existing and proposed parking areas in excess of the minimum requirement of Section 162-78E.

- [3] Providing architectural design consistent and compatible with the facades and in keeping with the overall architectural theme of existing structures within the District.
- [4] Providing architectural design compatible with the topography found within the District.
- [5] Similar cooperative actions indicating a desire to further the goals of the Highway Commercial District.

SECTION 162-38. Design standards.

A. Commercial uses by right and by conditional use.

- (1) Parking. As required in Section 162-78A(1) of this chapter.
- (2) Access and highway frontage. As required in Section 16278B of this chapter.
- (3) Interior circulation. As required in Section 162-78C of this chapter.
- (4) Loading. As required in Section 162-78D of this chapter.
- (5) Landscaping. As required in Section 162-78E(1) of this chapter.
- (6) Screening. As required in Section 162-78E(2) of this chapter.
- (7) Storage. As required in Section 162-78F of this chapter.
- (8) Lighting. As required in Section 162-78G of this chapter.

B. Uses by special exception.

- (1) Parking. As required in Section 162-78A(1) of this chapter.
- (2) Access and highway frontage. As required in Section 162-78B of this chapter.
- (3) Interior circulation. As required in Section 162-78C of this chapter.
- (4) Loading. As required in Section 162-78D of this chapter.
- (5) Landscaping. As required in Section 162-78E(1) of this chapter.
- (6) Screening. As required in Section 162-78E(2) of this chapter.
- (7) Storage. As required in Section 162-78F of this chapter.
- (8) Lighting. As required in Section 162-78G of this chapter.



**ARTICLE XI**  
**Village Commercial District (VC)**

SECTION 162-39. Purpose.

- A. In addition to the general goals listed in the statements of purposes and community development objectives it is the purpose of this article to provide sufficient opportunity in village centers for commercial and service establishments compatible with a village setting, to protect such users from intrusive, incompatible or objectionable influences such as noise and glare and the hazards of fire, to provide provisions for off-street parking spaces, safe circulation of pedestrian and motor traffic, to strengthen the economic base of the Township, and to protect the character of the Village Commercial and adjacent Districts.
- B. In the Village Commercial District (VC), the following regulations shall apply.

SECTION 162-40. Uses regulations.

- A. Uses by right. A building or group of buildings may be erected, altered or used, and a lot or premises may be used, by right, for any of the following purposes and no other:
- (1) Single-family dwelling.
  - (2) Two-family dwelling.
  - (3) Professional offices.
  - (4) Retail stores, art, craft, and antique shops with floor area limited to under 1,500 square feet for any one store.
  - (5) Barbershops, hairdresser and other such personal service shops.
  - (6) Museum, library or other educational, cultural or philanthropic use of similar nature.
  - (7) Municipal building or community center.
  - (8) Cottage industries such as blacksmith, tinsmith, cabinetmaker and similar trades.
  - (9) Forestry. **[Added 8-6-2001 by Ord. No. 2001-3]**
- B. Uses by special exception. The following use shall be permitted as a special exception when authorized by the Zoning Hearing Board, subject to the standards of Section 162-115 of this chapter. **[Amended 6-4-1990; 2-22-2000 by Ord. No. 2001-3]**
- (1) Bed-and-breakfast, in accordance with the provisions of Section 162-89.
- C. Conditional uses. **[Amended 11-4-1985]**

- (1) Any of the following uses shall be permitted as a conditional use when authorized by the Board of Supervisors, subject to the standards and procedures set forth herein and in Section 162-106:
  - (a) Retail store having in a building an excess of 1,500 and a maximum of 2,000 square feet of floor area or a group of two or more retail stores on the same lot.
  - (b) Living quarters in commercial buildings, other than gasoline service stations.
  - (c) Conversions of dwellings into two or more dwelling units, in accordance with the provisions of Section 162-80.
  - (d) Commercial day-care facilities, when in accordance with Section 162-88.
- (2) In addition to the requirements for individual use approval set forth in Section 162-106 and the design standards specifically applicable to a proposed use, the Board of Supervisors in evaluating an application for conditional use approval hereunder, shall be satisfied with the adequacy of water and sewer facilities, and provisions for off-street parking and access and highway frontage. The Board shall have discretion to vary the parking requirements (either by increasing or decreasing) otherwise prescribed for the proposed use in Section 162-78, where evidence presented at a conditional use hearing so justifies.

D. Accessory use. The following accessory uses shall be permitted, provided they shall be incidental to any of the foregoing permitted uses;

- (1) Customary residential accessory uses, including private garage and greenhouses.
- (2) Accessory use customarily associated with and incidental to uses designated in Sections 162-40A and 162-40B.

#### SECTION 162-41. Area and bulk regulations.

- A. Single-family residences. Single-family residences shall conform to the area and bulk regulations set forth in Section 162-29.
- B. Two-family dwellings (duplexes or twin dwellings). Two-family dwellings shall conform to the area and bulk regulations set forth in Section 162.29.
- C. Commercial uses. Every use permitted in Sections 162-40A(3), (4), (5), (6), (7), (8), and authorized as a conditional use in Section 162-40B shall comply with the following area and bulk regulations:
  - (1) Lot area. Every lot shall have an area of not less than 10,000 square feet.
  - (2) Lot width. Every lot shall have a width at the building line and at the street line of not less than 60 feet.
  - (3) Floor-area ration. The total usable floor area shall not exceed 40% of the total lot area, or 3,000 square feet, whichever is less [other than retail uses, the maximum

square footage of which is regulated by Sections 162-40A(4) and B(1).  
**[Amended 11-4-1985]**

- (4) Front yard. There shall be a front yard of not less than 50 feet from front building line to the street line, within which no building or outdoor displays shall be situated.
- (5) Side yards. There shall be side yards of not less than 10 feet each within which no buildings or outdoor displays shall be situated.
- (6) Rear yard. There shall be rear yard of not less than 20 feet within which no buildings or outdoor displays shall be situated.
- (7) Accessory structures. All accessory structures shall be located in conformance with the requirements herein specified.
- (8) Height requirements. No buildings or structures shall exceed three stories or 35 feet in height, whichever is less, except that no accessory building or structure shall exceed 20 feet in height.
- (9) Lot coverage. Not more than 65% of the area of any lot may be occupied by buildings, parking area and other impervious cover.

SECTION 162-42. Design standards.

A. Single-family and two-family residences.

- (1) Parking. As required by Section 162-78A(2) of this chapter.
- (2) Access and highway frontage. As required by Section 162-78B of this chapter.

B. Commercial uses by right and by special exception. **[Amended 6-4-1990]**

- (1) Parking. As required by Section 162-78A(1) of this chapter.
- (2) Access and highway frontage. As required by Section 162-78B of this chapter.
- (3) Loading. As required in Section 162-78D of this chapter.
- (4) Landscaping. As required in Section 162-78E(1) of this chapter.
- (5) Screening. As required in Section 162-78E of this chapter.
- (6) Storage. As required in Section 162-78F of this chapter.
- (7) Lighting. As required in Section 162-78G of this chapter.



**ARTICLE XII**  
**Light Industrial District (LI)**

SECTION 162-43. Purpose.

- A. The Light Industrial District is designed primarily to provide for selected modern, non-  
nuisance research and industrial establishments with a view to encouraging attractive,  
large-site, low lot coverage development in areas which are particularly well suited for  
such uses. In promoting the general purposes of this chapter, the intent of the LI District  
is to encourage only those types of industrial uses which would not constitute a hazard or  
a nuisance to the population of the adjacent areas.
- B. In the Light Industrial District (LI), the following regulations shall apply.

SECTION 162-44. Use regulations.

A building or group of buildings may be erected, altered, or used, and a lot or premises may be  
used, by right, for any of the following purposes and for no other:

- A. Uses by right.
- (1) Scientific research laboratory, or other testing or research establishment.
  - (2) Office building.
  - (3) Manufacturing, compounding, processing, packaging, or treatment of such  
products as bakery goods, confections, candy, toiletries, perfumes, cosmetics,  
and dairy products.
  - (4) Manufacture of novelties from previously prepared materials, jewelry, watches,  
clocks, optical goods, professional and scientific goods.
  - (5) Manufacture and assembly of small electrical appliances and parts, such as  
lighting fixtures and fans and electronic measuring and controlling devices;  
assembly of electrical equipment such as radio and television receivers and home  
movie equipment.
  - (6) Printing, publishing, lithographing, binding, and similar processes.
  - (7) Manufacture of boxes, containers, bags, novelties, and other packaging products  
from previously prepared materials.
  - (8) Accessory use on the same lot with and customarily incidental to any of the  
foregoing permitted uses, which use may include storage within a completely  
enclosed building in conjunction with a permitted use, and living  
accommodations for a watch man or similar employee.
  - (9) Forestry. [**Added 8-6-2001 by Ord. No. 2001-3**]
- B. Accessory uses. Only accessory uses customarily associated with and incidental to  
permitted light industrial uses shall be permitted.



SECTION 162-45. Special development regulations.

All applications for zoning permits for light industrial uses shall also demonstrate compliance with the following special development regulations:

- A. An accessory building may be separate from a principal building but it shall not encroach upon or extend into any of the required yard areas.
- B. All structures erected within said district shall comply with the requirements and specifications set forth in the BOCA Basic Building Code, as most recently amended, and as recommended by the National Board of Fire Underwriters. Compliance therewith shall be determined by the Township Engineer and/or Building Inspector.
- C. All utilities are to be underground.
- D. Subdivision and building permits to be granted after following procedures established in Chapter 138, Subdivision and Land Development, as amended.
- E. All recipients of building permits must certify that they fully understand the performance standards of Section 162-78 and the intended uses will not violate them.
- F. All new structures requiring sewage disposal must provide capped sewer lines, to the appropriate place on the lot as specified by the Township Engineer. This requirement may be waived by the Board upon proof that compliance is impractical.
- G. Existing and proposed perimeter and internal roads must meet specifications determined by the Township Engineer as adequate for the LI District in general and the proposed use in particular, and such road specifications may exceed those set forth in Chapter 138, Subdivision and Land Development.
- H. A certification from the chief of the appropriate fire company as to the adequacy of provisions for emergency vehicle access and water availability shall be required.
- I. All physical performance standards required by Section 162-79 shall be specifically addressed and compliance therewith demonstrated.

SECTION 162-46. Area and bulk regulations.

Every use authorized in Section 162-44A shall comply with following area and bulk regulations:

- A. Lot area. Every lot shall have an area of not less than five acres.
- B. Lot width. Every lot shall have a width at the building line of not less than 300 feet.
- C. Floor-area ratio. The total usable floor area shall not exceed 50% of the total lot area.
- D. Front yard. There shall be a front yard of not less than 150 feet.
- E. Side yards. There shall be side yards of not less than 50 feet.

- F. Rear yard. There shall be a rear yard of not less than 50 feet.
- G. Accessory structures. All accessory structures shall be located in conformance with the requirements herein specified.
- H. Height restrictions. No building or structure shall exceed three stories or 35 feet in height, whichever is less.
- I. Lot coverage. Not more than 30% of the area of any lot may be occupied by buildings and not more than 60% of the area of any lot may be occupied by buildings, parking area and other impervious cover.

SECTION 162-47. Design standards.

- A. Parking. As required by Section 162-78A(1) of this chapter.
- B. Access and highway frontage. As required by Section 162-78B of this chapter.
- C. Interior circulation. As required by Section 162-78C of this chapter.
- D. Loading. As required by Section 162-78D of this chapter.
- E. Landscaping. As required by Section 162-78E(1) of this chapter.
- F. Screening. As required by Section 162-78E(2) of this chapter.
- G. Storage. As required by Section 162-78F of this chapter.
- H. Lighting. As required by Section 162-78G of this chapter.



**ARTICLE XIII**  
**Multi-Use District (MU) codified through June 2007**

SECTION 162-48. Purpose.

- A. In addition to the general goals listed in the statements of purpose and community development objectives, it is the purpose of this district to provide for a variety of land uses whose intensity of development is compatible and more appropriately situated together in an area accessible to major highways and other community facilities. Such land uses include multifamily and commercial.
- B. Accordingly, the district incorporates density standards which, among other things, provide for high-density dwelling uses, and permit commercial development on a lot by lot basis, while providing a cluster option to encourage design compatible with surrounding uses and the preservation of open space ancillary to such development. In the Multi-District (MU), the following regulations shall apply.

SECTION 162-49. Use regulations.

A. Uses by Right

- (1) A building or group of buildings may be erected, altered or used, and a lot or premises may be used, by right, for any permitted use within the Highway Commercial District (HC), Section 162-36A.
  - (2) Residential/Multi-Use Development. A residential/multi-use development shall conform to the specific provisions set forth in Section 162-51.1. and shall be subject to Land Development approval in accordance with the Subdivision and Land Development Ordinance of Pennsbury Township, Chapter 139 of the Code of the Township of Pennsbury.
- B. Uses by special exception. Any use permitted as a special exception in the Highway Commercial District (HC), 162-36B shall be permitted as a special exception when authorized by the Zoning Hearing Board, subject to the standards of 162-115 of this chapter, and provided that no adult-oriented establishment and no facility for vehicular repairs, servicing or dispensing of fuel shall be permitted. **[Amended 3-15-2004, by Ord. No. 2004-1]**
- C. Conditional uses. Any of the following uses shall be permitted as a conditional use when authorized by the Board of Supervisors, subject to the standards and procedures set forth herein and in Section 162-106:
- (1) Any conditional use permitted in the Highway Commercial District (HC), Section 162-36C.

- (2) Conversions of dwellings into two or more dwelling units, in accordance with the provisions of Section 162-80.
- (3) Traditional Neighborhood Development (TND) in accordance with the provisions of Article XXIV. **[Added 3-15-2004, by Ord. No. 2004-1]**

D. Accessory uses.

- (1) Accessory uses customarily associated with and incidental to uses designated in Section 162-49A, 162-49B, or 162-49C shall be permitted.
- (2) Communication towers when utilized or reserved for use by a municipality or other governmental entity, subject to conformance with the provisions and standards set forth in Section 162-92. **[Added 4-1-1996]**

SECTION 162-50. Area and bulk regulations.

- A. Commercial uses. Commercial uses shall conform to the area and bulk regulations set forth in Article X, Highway Commercial District, Section 162-37A.
- B. Residential/Multi-Use Development. A residential/multi-use development shall have a minimum lot area of eight (8) acres and shall conform to the specific provisions set forth in § 162-51.1.

SECTION 162-51. Design standards.

A. Commercial uses by right.

- (1) Parking. As required in Section 162-78A(1) of this chapter.
- (2) Access and highway frontage. As required in Section 162-78B of this chapter.
- (3) Interior circulation. As required in Section 162-78C of this chapter.
- (4) Loading. As required in Section 162-78D of this chapter.
- (5) Landscaping. As required in Section 162-78E(1) of this chapter.
- (6) Screening. As required in Section 162-78E(2) of this chapter.
- (7) Storage. As required in Section 162-78F of this chapter.
- (8) Lighting. As required in Section 162-78G of this chapter.

B. Uses by special exception.

- (1) Parking. As required in Section 162-78A(1) of this chapter.
- (2) Access and highway frontage. As required in Section 162-78B of this chapter.

- (3) Interior circulation. As required in Section 162-78C of this chapter.
  - (4) Loading. As required in Section 162-78D of this chapter.
  - (5) Landscaping. As required in Section 162-78E(1) of this chapter.
  - (6) Screening. As required in Section 162-78E(2) of this chapter.
  - (7) Storage. As required in Section 162-78F of this chapter.
  - (8) Lighting. As required in Section 162-78G of this chapter.
- C. Conditional uses. In granting or denying a conditional use or establishing conditions on such grants, the standards set forth in Section 162-106, where relevant, shall be applied. The burden of establishing compliance with such standards shall be upon the applicant. In addition, the following specific design standards shall be applicable:
- (1) Parking. As required in Section 162-78A(1) of this chapter.
  - (2) Access and highway frontage. As required in Section 162-78B of this chapter.
  - (3) Interior circulation. As required in Section 162-78C of this chapter.
  - (4) Loading. As required in Section 162-78D of this chapter.
  - (5) Landscaping. As required in Section 162-78E(1) of this chapter.
  - (6) Screening. As required in Section 162-78E(2) of this chapter.
  - (7) Storage. As required in Section 162-78F of this chapter.
  - (8) Lighting. As required in Section 162-78G of this chapter.

SECTION 162-51.1 Area and Bulk regulations for a residential/multi-use development.

- A. Total Lot Coverage. Not more than sixty percent (60%) of the total lot area subject to a Residential/Multi-Use Development shall be covered by buildings/structures and impervious surfaces. Of the remaining forty percent (40%) minimum green area, not less than one-third of the minimum green area (i.e., not less than 13.3% of the total Net Tract Area) shall be devoted to neighborhood open areas reserved for community use as parks.
- B. Residential/Multi-Use Development Floor Area. Not more than twenty percent (20%) of the total floor area of a Residential/Multi-Use Development shall be devoted to non-residential uses.
- C. Residential/Multi-Use Development Number of Dwelling Units. The total number of dwelling units of all types shall not exceed six (6) multiplied by the total acreage of the tract as a whole (i.e., the gross density shall not exceed six (6) dwelling units per acre). With respect to residential uses within a Residential/Multi-Use Development, not less than

fifty percent (50%) of the total number of dwelling units shall be a mix of single-family, two-family or triplex dwellings not more than fifty percent (50%) shall be townhouse dwellings, and not more than forty percent (40%) shall be apartment dwellings.

D. **Building Size Restriction.** No individual commercial building shall contain more than a 9000 sq. ft. of gross floor area. A townhouse building shall contain no more than six dwelling units.

E. **Apartment Unit Size.** Apartment units shall adhere to the following size requirements:

	<u>Minimum (sq. ft.)</u>
One (1) Bedroom	700
Two (2) Bedrooms	900
Three (3) bedrooms	1200

F. **Maximum Building Height.** Except as herein below provided, no structure or principal building shall exceed thirty-five (35) feet in height. Roof structures above the cornice line which exceed the applicable height limit, but are consistent with the appearance of the overall design, are permitted provided the building height does not exceed a maximum of forty-five (45) feet and that the area of the roof over 35 feet in height shall not exceed 10% of the total roof area.

G. **Proximity to Green Spaces.** No residential dwelling unit shall be located any further than three hundred fifty (350) feet from a planned or existing park. The park must be physically accessible from these dwellings without crossing prohibited areas or otherwise requiring a circuitous route to reach the park.

H. **Residential Setback, Lot Width, and Lot Area Regulations.**

(1) **Front Setback.** Sixteen (16) feet minimum, twenty (20) feet maximum, except that unenclosed front porches may be twelve (12) feet minimum. The front setback shall be measured from the face of the curb or cartway (public or private street). Sidewalks may be located within the front yard area. Where the front of the dwelling does not face toward a street, the front setback shall be a minimum of twelve (12) feet from the inside edge of a sidewalk or pathway. Where a garage is "front loaded" the driveway area between the garage and any sidewalk shall be not less than 20 feet.

(2) **Side to Side Separation.** Each side of a residential building (other than townhouses) shall be separated from the side of an adjacent residential building by not less than fifteen (15) feet. Each side yard abutting a street shall have a minimum of ten (10) feet. The side-to-side separation between townhouse buildings shall be a minimum of twenty (20) feet.

(3) **Rear to Rear Separation.** Residential buildings shall have a rear-to-rear separation distance of not less than fifty (50) feet. The rear-to-rear separation of garages that face towards the front of the respective properties shall be a

minimum of ten (10) feet. Garages that face a rear alley shall be located such that a paved 18 ft long parking area is provided between the face of the garage and the near paved edge of the alley.

(4) Unit Width.

	<u>Minimum (feet)</u>	<u>Maximum (feet)</u>
Single Family Dwelling	24	90
Two Family Dwelling Each Unit	24	80
Triplex Each Side Unit	24	80
Triplex Center Unit	24	50
Townhouse, Each Unit	24	--

(5) Lot Area. There are no minimum lot areas required for a Residential/Multi-Use Development, so long as the setback and building separation requirements set forth above are met. "Lots" may coincide with building foot-prints or may include at the Applicant's option, adjacent yard areas. Dwelling units of any type may be configured and developed as condominium units.

I. Setback from Arterial Road and Collector Road. Notwithstanding any other applicable setbacks, the setbacks from an arterial road for buildings within a Residential/Multi-Use Development shall be a minimum of seventy-five (75) feet and from a collector road shall be a minimum of seventy-five (75) feet for commercial buildings and fifty (50) feet for residential buildings. Within a seventy-five (75) foot setback, streets, alleys, parking and driveways may be located, but not closer to the street line than thirty-five (35) feet. Within the fifty (50) foot setback, alleys, parking and driveways may be located, but not closer to the street line than twenty (20) feet.



J. Utilities.

- (1) All uses in the Residential/Multi-Use Development shall be served by public water and public or community sewer services, as defined and regulated in applicable sections of the Township Subdivision and Land Development Ordinance, Chapter 138 of the Code, and in accordance with the current Act 537 Plan for Pennsbury Township.
- (2) All utilities serving residential and non-residential uses shall be placed underground in the Residential/Multi-Use Development. To the greatest extent practicable, utility boxes and meters shall be placed to the rear of structures or otherwise screened from view.

K. Preservation of Historic Resources (Subject to provisions of Article XIXA).

- (1) Within the Residential/Multi-Use Development, historic structures and other historical resources, including historic ruins or sites, historic road or other transport routes, paths and trails, historic battlefields, and any other historic landscape features shall be studied by a registered archaeologist, documented, and preserved to the greatest degree practicable.
- (2) No historic structure or resource shall be removed, relocated or demolished without the approval of the Board of Supervisors.
- (3) The following standards shall apply to the rehabilitation, alteration, or enlargement of any historic resource, unless such alteration is required solely for purposes of compliance with applicable building code, ADA or other regulations:
  - (a) Construction plans for the rehabilitation, alteration or enlargement of any historic structure shall be in substantial compliance with the Secretary of the Interior's currently adopted Standards for Rehabilitation, as revised and as available at the Township offices.
  - (b) Landscape plans shall be submitted with any application for Land Development Approval committing the Applicant to preservation of existing landscape material and/or introduction of new landscape material so as to retain and/or enhance the integrity of the historical landscape setting.

L. Preservation of Natural Resources shall be subject to provisions of Article XIV of the Zoning Ordinance as well as the following.

- (1) Within the Residential/Multi-Use Development, natural resources including, but not limited to, ponds, streams and springs, native vegetation, and wildlife habitat, shall be preserved in compliance with all applicable Township, County, State and Federal regulations.

- (2) For developments pursuant to this Article, the following steep slope standards shall apply:
- (a) Steep slopes shall be classified as follows:
    - (i) Manmade Slopes
    - (ii) Steep Slopes (greater than 25%)
    - (iii) Precautionary Slopes (between 15% and 25%)
  - (b) **Manmade Slopes:** Manmade slopes are defined as slopes resulting from past grading undertaken for the construction of any improvements, such as stormwater management basins or ponds, roads, retaining walls, buildings, or any other modifications to the natural topography. Manmade slopes may be re-disturbed provided that stabilization of the disturbed slopes shall be in strict conformance with the applicable provisions of the Pennsbury Township Subdivision and Land Development Ordinance including section 138-42, and the Chester County Conservation District. Stabilization measures shall include the application of 4-6 inches of topsoil, seeding, mulch, and the application of soil erosion control matting for those slopes 3:1 (Horizontal/Vertical) or steeper.
  - (c) **Steep Slopes:** Steep slopes are defined as slopes greater than 25% as measured over a 10 foot vertical rise, with a minimum area of 3,000 square feet. Steep slope areas exceeding 3,000 square feet shall be subject to the regulations of §162-53.C(2); provided, however, that improvements may be constructed within the Steep slope area as part of an overall development plan and in accordance with the following:
    - (i) Cross sections through the slopes shall be developed showing the impact and modification to the slopes.
    - (ii) A plan and narrative prepared by a registered engineer or architect shall show methods used in preventing and overcoming any structural limitations or physical difficulties relating to the steep sloped area. The narrative shall provide a detailed sequence of construction describing how disturbance will be minimized and how disturbed or re-graded areas will be stabilized to prevent accelerated erosion.
  - (d) **Precautionary Slopes:** Precautionary slopes may be re-graded and improvements constructed within such areas, subject to compliance with the requirements of subsections (c)(i) and (ii), above.

- (3) Wetlands. Within this Article, wetlands which are determined to be non-jurisdictional wetlands shall not be subject to the standards set forth in § 162.5 3F.
- (4) Woodlands. Within this Article, woodland areas, if disturbed, shall be in conformance with the standards of §138-41.F, Conservation of Woodlands and Other Vegetation, under the Subdivision and Land Development Ordinance.

M. Parking.

- (1) On-and off-street parking shall generally be provided in accordance with §162.78.A., except as provided herein:
  - (a) Single family, Two family and Triplex dwellings and Townhouses: Either (i) two on-lot parking spaces of which at least one space shall not be located within a garage, or (ii) One (1) on-lot space not located within a garage, and One (1) on-street in proximity to the dwelling unit shall be provided for each dwelling unit.
  - (b) Apartments; Two (2) spaces within a nearby parking area and/or on-street in proximity to the apartment will be provided for each dwelling unit.
  - (c) Offices: Three and one-half (3.5) spaces per one-thousand (1000) sq. ft. will be provided in a nearby parking area and/or on-street in close proximity to each office, except that where permitted, medical or dental offices shall have five (5) spaces per one-thousand (1000) square feet.
  - (d) Retail: Four and one-half (4.5) spaces per one-thousand (1,000) square feet will be provided in a nearby parking area and/or on-street in proximity to the use, will be provided for each retail use.
  - (e) Restaurant: Twelve (12) spaces per one thousand square feet of dining area will be provided in a nearby parking area.
- (2) Parking areas within the Residential/Multi-Use Development shall be designed and landscaped so as to appear broken in mass, in proportion to the scale of structural development. Coordination of access to parking areas and shared parking among adjacent uses shall be required wherever practicable. On street parking shall be permitted wherever practicable and shall be included in the calculation of available parking.
- (3) In order to reduce the total amount of impervious cover, the Board of Supervisors, as part of the Land Development Approval process, may authorize a delay in paving of some parking areas until actual need has been demonstrated. All grading and drain construction shall be completed for all parking spaces required by this Article to reduce future construction and paving costs and site

disruptions if maximum parking density is later required. Areas so prepared will be seeded in grass for best appearance and restricted from other building or landscape use. In any case, off-street parking areas shall utilize pervious paving materials or otherwise provide for drainage to infiltration beds to the greatest extent practicable in order to maximize potential for groundwater infiltration. Once actual need has been demonstrated for additional parking areas, they shall be installed in accordance with the requirements of this Ordinance upon a finding by the Board of Supervisors that the parking is necessary.

- (4) To the extent that parking areas are visible from public streets, visual impacts shall be mitigated through introduction of landscape screening, landscape walls, use of pedestrian paving materials, or other design means.
- (5) No commercial vehicles shall be parked within the Residential/Multi-Use Development except for purposes of deliveries or service calls, or when parked inside a garage, or when used in conjunction with a retail business in the Residential/Multi-Use Development (such as delivery van for a flower shop). In Residential/Multi-Use Development commercial areas, delivery or service vehicles shall be parked behind commercial buildings to minimize their visual impact on the community. No boats, RVs, trailers, or similar vehicles may be parked or stored with the Residential/Multi-Use Development.
- (6) The design and use of streets and alleys shall adhere to the following standards in lieu of the Design Standards set forth in Article VI of the Subdivision and Land Development Ordinance (Pennsbury Code, Chapter 138):
  - (a) Streets shall be designed to calm traffic speeds and promote pedestrian movement. Applicants shall refer to the Traffic Calming Handbook published by the Pennsylvania Department of Transportation (PennDOT). Streets with no on-street parking shall be twenty-two (22) feet wide; twenty-six (28) feet wide with parking on one side unit; and thirty-two (34) feet wide with parking on both sides. Bumpouts where parallel parking strips meet intersections are desirable.
  - (b) Alleys may be provided to move vehicular access to the rear of the residence and principal structures, and thereby improve the appearance of the streetscape.
  - (c) Where provided, alleys shall be at least fourteen (18) feet in width if designed for two-way travel and at least twelve (14) feet in width if designed for one-way travel.
  - (d) On-street parking in alleys shall be prohibited unless additional width is provided for parallel parking.
  - (e) All street radii shall be designed to accommodate emergency vehicles as required by the Subdivision and Land Development Ordinance.

- N. Landscape and Streetscape Design. All lands not utilized to provide for permitted impervious cover shall be left in their natural state or landscaped with appropriate vegetation or other suitable landscape material generally as provided in §162-78. Streetscape landscaping and pedestrian amenities shall be provided as necessary to meet overall neighborhood planning objectives and as reasonably related to the intensity of proposed development. Landscape and streetscape design shall be coordinated with adjacent properties. Where appropriate, the township shall require any of the following amenities, including provision for their regular upkeep and maintenance:
- (1) Public trash receptacles;
  - (2) Public benches of approved design along wide walks and at appropriate intervals and locations within green spaces;
  - (3) Bike racks located in areas where the sidewalk width has been designed to accommodate such features;
  - (4) Landscape plans and shade trees;
  - (5) Sidewalks;
  - (6) Street, alley and trail (as appropriate) lighting designed consistent with the goals of this Article, Chapter 138 of the Code of Pennsbury Township, and §162-78.G. of this Ordinance, except that street lights shall not exceed fourteen (14) feet in height along all public sidewalks and trails. All appropriate lighting shall take into account the need to ensure public safety without disrupting individual privacy and neighboring communities from excessive brightness. Limitations on hours of operation shall be a condition of Land Development Approval.
- O. Signs. In addition to the standards set forth in § 162-73; the design of signs within the Residential/Multi-Use Development also shall adhere to the following standards:
- (1) Signs affixed to the exterior of a building shall be architecturally compatible with the style, composition, materials, colors, and details of the building, as well as with other signs used on the building or its vicinity. In particular, artisan-crafted signs and high quality materials are strongly encouraged.
  - (2) Signs shall be consistent with facade features and shall not interfere with door or window openings, conceal architectural details, or obscure the composition of the facade where they are located. Signs shall be placed on a facade only in a manner appropriate to the style of the building.
  - (3) Whenever possible, signs located on adjacent buildings shall be placed at the same height, in order to create a unified sign band.

- (4) Wood and painted metal are the preferred materials for signs. Flat signs should be framed with raised edges. Signs using wood shall use only high-quality exterior grade wood with suitable grade finishes.
- (5) Sign colors should be compatible with the colors of the building facade. A dull or matte finish shall be used to reduce glare.
- (6) No sign shall be illuminated by lighting sources internal to the sign, such as internally lit signs with a translucent glass or plastic sign face, nor shall signs be permitted which themselves are a source of light, such as neon lit signs. Any illumination of signs in any district shall be so shielded that the source of light shall not be visible from a point off the lot on which the sign being illuminated is erected, and so that only the sign is illuminated thereby. Signs shall be illuminated only during the hours of operation, including after hours appointments, of the use on which lot the sign is situated or until 8:00 p.m., prevailing time, whichever is later. The light source shall be extinguished at the end of business hours.
- (7) Signs shall be mounted so that the method of installation is concealed to the maximum extent practicable. Signs applied to masonry surfaces should be mechanically fastened to mortar joints only, and not directly into brick or stone. Drilling to provide electrical service (i.e., lighting), only as allowed by this Ordinance, shall also meet these installation and drilling requirements.

P. Lighting Standards. The standards set forth in § 162-127.F.7. and § 162-78.G. shall apply within a Residential/Multi-Use Development.

Q. Community Maintenance.

A Residential/Multi-Use Development shall be governed by a master Declaration of Covenants, Easements and Restrictions, the terms of which shall be reviewed and approved by the Township. The Declaration shall, provide for a Community Association for the community maintenance of exteriors of all buildings. In addition, the Declaration shall provide for community maintenance of all landscape areas (i.e., within individual lots, adjacent to non-residential uses, and within common open space/parkland areas of the community), sidewalks, trails, and interior streets/roadways except for the roads or streets within the Residential/Multi-Use Development which are designed to be dedicated to the Township.

**ARTICLE XIV**  
**Natural Resource Protection Standards**  
**[Amended 1-12-1987; 9-7-1993]**

SECTION 162-52. Purpose.

The purpose of this article is to promote the public health, safety, and welfare by minimizing adverse environmental impacts. This article is intended to meet the following objectives:

- A. Evaluate the potential environmental impacts on valuable natural resources and protect these resources through the implementation and enforcement of natural resource protection standards.
- B. Identify and conserve environmentally sensitive lands including floodplains, steep slopes, woodlands, lakes, ponds, watercourses, and wetlands.
- C. Minimize disturbance of steep slope areas to limit soil erosion, protect natural vegetative cover, prevent siltation of streams and the degradation of water quality, and to prevent damage to property.
- D. Protect water resources associated with carbonate geologic formations from land use and development patterns which would threaten their quality and quantity as a result of pollution and the alteration of natural drainage patterns.

SECTION 162-53. Natural resource protection standards.

All uses and activities established after the effective date of this chapter shall comply with the following standards. Site alterations, regrading, filling, or clearing of any natural resources prior to the submission of applications for zoning or building permits or the submission of plans for subdivision or land development shall be a violation of this chapter. In the event that two or more resources overlap, the resource with the greatest protection standard (the least amount of alteration, regrading, clearing, or building) shall apply to the area of overlap.

- A. Floodplain. Areas identified as within the Flood Hazard District of the one-hundred-year recurrence interval flood shall not be altered, regraded, filled, or built upon except in conformance with Article XV, Flood Hazard District regulations of this chapter. For areas defined as being within the Flood Hazard District where the one-hundred-year floodplain (with a floodway and flood fringe) has not been delineated on the Flood Insurance Study for Pennsbury Township, the requirements of Floodplain Soils shall be met. Minor road crossings may be permitted in the floodplain where design approval is obtained from the Township and the Pennsylvania Department of Environmental Protection and where no other reasonable access is available.
- B. Floodplain soils. All such areas shall not be altered, regraded, filled, or built upon except in conformance with Article XV, Flood Hazard District regulations of this chapter. Minor road crossings may be permitted in floodplain soils where design approval is obtained from the Township and the Pennsylvania Department of Environmental Protection and where no other reasonable access is available. Floodplain soils shall not be used where the one-hundred-year floodplain (with a floodway and flood fringe) has been delineated.

- C. Steep slopes. In areas of steep slopes, the following standards shall apply:
- (1) Fifteen percent to 25%: No more than 30% of such areas shall be altered, regraded, cleared, or built upon.
  - (2) Greater than 25%: No more than 15% of such areas shall be altered, regraded, cleared, or built upon.
  - (3) Areas of steep slope that are less than 3,000 square feet shall be exempted from these standards.
- D. Woodlands and other vegetation. Wooded lots and other existing vegetation shall not be disturbed except in conformance with the standards of Section 138-41F, Conservation of woodlands and other vegetation, of Chapter 138, Subdivision and Land Development, and the standards listed below.
- (1) Woodlands in environmentally sensitive areas. No more than 20% of woodlands which overlap other environmentally sensitive areas shall be altered, regraded, cleared, or built upon. Environmentally sensitive areas include, but are not limited to, floodplains, floodplain soils, steep slopes, wetlands, wetland margins, and lake or pond shorelines.
  - (2) Other woodlands. No more than 50% of woodlands which do not overlap other environmentally sensitive areas [as defined in Subsection D(1) above] shall be altered, regraded, cleared, or built upon.
- E. Watercourses/Riparian Buffers [**Amended 9-18-06, by Ord. No. 06-09-18-3**]
- (1) The following practices and activities are restricted within Zones 1 and 2 of the riparian buffer, except with approval by the Township and if required, the Pennsylvania Department of Environmental Protection:
    - (a) Clearing of existing vegetation.
    - (b) Soil disturbance by grading stripping or other practices.
    - (c) Filling or dumping.
    - (d) Use, store or application of pesticides, except for the spot spraying or noxious weeds or non-native species.
    - (e) Housing, grazing or other maintenance of livestock.
    - (f) Storage or operation of motorized vehicles, except for maintenance or emergency use approved by the Township.
  - (2) Zone One – With the exception of those uses or activities listed below, no woodland disturbance or other land disturbance shall be permitted within the Zone One Riparian Buffer:



- (a) Regulated activities permitted by the Commonwealth, Army Corps of Engineers or other Federal Agency (i.e. permitted stream or wetland crossing.)
  - (b) Provision for unpaved trail and trail access;
  - (c) Selective removal of hazardous or invasive alien vegetative species;
  - (d) Vegetation management in accordance with an approved landscape plan or open space management plan; or
  - (e) A soil conservation project approved by the Chester County Conservation District.
  - (f) Removal of hazardous material or septic system, junk material, overhanging tree or diseased tree.
- (3) Zone Two – Except for the following activities, no more than twenty (20) percent of a Zone Two Riparian Buffer on the lot that is effected shall be regraded, filled, built upon, or otherwise altered or disturbed:
- (a) Activities permitted in the Zone One Riparian Buffer.
  - (b) Timber harvesting, when conducted in compliance with a timber harvesting plan approved by the Township. Clear-cutting or grubbing of timber shall not be permitted within the riparian buffer.
- (4) When a subdivision or land development is proposed where there is no established vegetated or wooded buffer, i.e. agricultural areas, a one hundred (100) foot riparian buffer shall be established and maintained in accordance with the following guidelines:
- (a) Forested and unforested vegetation shall be established through natural succession. Selective planting shall be incorporated on site devoid of vegetation to stimulate native species and discourage invasive species.
  - (b) Plant selection and planting shall be planned by a Landscape Architect under the guidance of the Chester County Conservation District, PaDEP, USDA, a Land Conservancy or Land Trust or licensed ecologist.
  - (c) The required width for all riparian buffers (i.e., the base width shall be a minimum of 100' with the requirements to expand the buffer depending on:
    - i. Riparian buffer shall be modified if there are steep slopes that are within a close proximity to the watercourse and drain into the watercourse system. In those cases, the riparian buffer width can be adjusted by adding 25' to slopes between 15 and 25% and 50' to slopes greater than 25%.

- ii. Riparian buffers shall be extended to encompass the entire 100-year floodplain and zone with minimum width or 25' beyond the edge of the floodplain.
      - iii. When wetland or critical areas extend beyond the edge of the required buffer width, the buffer shall be adjusted so that the buffer consists of the extent of the wetland plus a 25' zone extending beyond the wetland edge.
    - (d) The following land uses and or activities are designated as potential water pollution hazards and must be set back from any watercourse or waterbody by the distance indicated below:
      - i. storage of hazardous substances (150').
      - ii. above or below ground petroleum storage facilities (150').
      - iii. drainfields from on-site sewage disposal and treatment system (100').
      - iv. raised septic systems (250').
      - v. solid waste landfills or junkyards (300').
      - vi. confined animal feedlot operations (250').
      - vii. subsurface discharges from a wastewater treatment plant (100').
  - (5) The riparian buffer, including wetlands and floodplains shall be managed to enhance and maximize the unique value of these resources. Management includes specific limitations or alteration of the natural conditions of these resources.
  - (6) All riparian buffers created by a new subdivision shall be maintained through a declaration of protective covenant, which is required to be submitted for approval by the Township. The covenant shall be recorded in the land records and shall run with the land and continue in perpetuity. Management and maintenance requirement information shall be included.
  - (7) The Riparian Buffer may be included in net density calculations with uses permitted in the Township Zoning Ordinance, unless this riparian buffer is required to be subtracted out.
- F. Wetlands. Such areas shall not be altered, regraded, filled, piped, diverted, or built upon except where state and federal permits have been obtained.
- (1) Delineation.
    - (a) Wetlands boundaries shall be delineated through an on-site assessment which shall be conducted by a professional soil scientist or others of demonstrated qualifications. Such a person shall certify that the methods used correctly reflect currently accepted technical concepts, including the presence of wetlands vegetation, hydric soils, and/or hydrologic indicators. A study shall be submitted with sufficient detail to allow a through review by the Township. The study must be approved by the Board of Supervisors on the recommendation of the municipal engineer.

- (b) In the event that a wetlands delineation validated by the U.S. Army Corps of Engineers is shown to vary from the wetlands boundary derived from Subsection F(1)(a) above, the Corps delineation shall govern.
- G. Wetlands margin. No more than 20% of such areas shall be altered, regraded, filled, or built upon. In addition, any Department of Protection's regulations under Chapter 105 concerning activities in wetlands margins shall be met.
- H. Lakes and ponds. Such areas shall not be altered, regraded, filled, piped, diverted, or built upon.
- I. Lakes and pond shorelines. No more than 20% of such areas shall be altered, regraded, filled, or build upon.
- J. Carbonate geologic formations. For areas within the Groundwater Protection District, as defined in Section 162-55 of this chapter, the requirements of Section 162-55 shall apply.

SECTION 162-54. Application of natural resource protection standards.

- A. Plan information. In order to meet the natural resource protection standards of Section 162-53 of this chapter, the following information is required to be provided.
  - (1) A site analysis plan as required by Section 138-23C of Chapter 138, Subdivision and Land Development, including all encroachments and disturbances necessary to establish the proposed use of the site.
  - (2) A landscape plan as required by Section 138-41A of Chapter 138, Subdivision and Land Development.
  - (3) Where steep slopes are present, plan information shall also include:
    - (a) Plan profile and typical cross-sections of the entrance drive and street providing public access with the seal of a registered professional engineer.
    - (b) A statement prepared by a registered structural engineer or architect indicating all methods to be used in preventing and overcoming any structural and physical difficulties created by steep slopes, how the existing natural environment will be protected, and how materials will be delivered to the site without disrupting the environmental features of the site.
    - (c) A statement signed by the owner or future occupant at the time of subdivision, land development, or building permit application stating that there is a full understanding of any difficulties associated with access stemming from steep slopes.
  - (4) Calculations which indicate the area of the site with natural resources that would be disturbed or encroached upon. The calculations shall be shown on the plan as follows:

Resource	Disturbance Allowance Ratio	Acres of Land in Resources	Resource Protection Land (Ac. X Disturbance Allowance)	Proposed Disturbance of Protection Land
Floodplains	0%			
Floodplains soils	0%			
Steep slopes: 15 to 25%	30%			
Greater than 25%	15%			
Riparian Buffer Zone One	0%			
Riparian Buffer Zone Two	20%			
Woodlands: Env. Sensitive	20%			
Other woodlands	50%			
Lakes or ponds	0%			
Watercourses or streams	0%			
Wetlands	0%			
Lake or Pond Shoreline	20%			
Wetlands Margin	20%			
TOTAL				

**[Amended 9-18-06, by Ord. No. 06-09-18-3]**

**B. Minimum buildable area. [Amended 10-18-1993]**

- (1) The purpose of the identification of the minimum buildable area is to ensure sufficient area is provided for the general location of the building, driveway, patio, other improvements and site alterations while meeting the natural resources protection standards and minimum setback requirements of this chapter.
- (2) Within any proposed subdivision, for uses other than planned residential developments, subdivisions utilizing the open space design options of Article XVI, and mobile home parks, all single-family detached residential lots shall have a contiguous minimum buildable area as indicated below:

Zoning District	Minimum Lot Size	Minimum Area (sq. ft.)	Maximum Lot Coverage
R-1	3 acres	9,000	15%
R-2	2 acres	8,000	15%
R-3	1 acres	5,000	15%
R-4	20,000 sq. ft.	3,500	20%
R-5	17,500 sq. ft.	3,000	25%
VC	10,000 sq. ft.	2,500	65%

- (3) Where the option of lot averaging is chosen, all lots which are less than or equal to one acre in size shall have a contiguous minimum buildable area of at least 20% of the lot area. All lots which are greater than one acre in size shall have a contiguous buildable area of at least 10% of the lot area.

- C. On-lot sewage systems. For uses with individual on-lot sewage systems, a 3,000 square foot or larger area, in addition to the minimum buildable area specified in Subsection A above, shall be identified for the location of the sewage system. Where applicable, a reserve or replacement area shall also be identified. Such area(s) shall not include natural features with a 100% protection standard and the portion of those natural features that may not be developed or intruded upon as specified in Section 162-53.
- D. Continued Protection of Identified Natural Resources [**Added 9-18-06, by Ord. No. 06-09-18-3**]

To ensure the continued protection of identified natural resources, the following requirements shall apply:

(1) Protected resources on Individual Lots

- (a) For natural resource protection areas on individual lots, restrictions meeting Township specifications shall be placed in the deeds for each site or lot that has natural resources protection areas within its boundaries. It shall be clearly stated in the individual deeds that the maintenance responsibility lies with the individual property owner but the Township has the right to enforce and charge the homeowner for work to bring violations into compliance. The restrictions shall provide for the continuance of the resource protection areas in accordance with the provisions of this Ordinance.
- (b) Other mechanisms for ensuring the continued protection of identified resources, such as conservation easements, may also be considered and used if approved by the Township.

(2) Protected Resource Areas Held in Common

For natural resources protection areas held in common, the provisions of Article XVI, Open Space Design Options, Section 162.69, Management of Permanently Protected Open Space, shall apply. In addition to the provisions of Section 162.69, restrictions meeting Township specifications shall be placed on the natural area to be held in common. 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 protection 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 regulation 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 subjected to additional review and re-approval and shall be consistent with the natural

resource protection standards of Article XIV of the Pennsbury Township Zoning Ordinance.”

SECTION 162-55. Groundwater Protection District.

The Groundwater Protection District shall be deemed an overlay on the applicable zoning districts, and shall be shown on the Pennsbury Township Groundwater Protection Overlay Map.

A. Definition and interpretation. The Groundwater Protection District coincides with the carbonate or limestone geologic formations and includes all of the following areas:

- (1) The area designated and identified on Map 7, Geologic Formations, of the Pennsbury Township Comprehensive Plan as the limestone (marble) area; and
- (2) All lands containing Class 3 soils for urban suitability as identified in the soil legend for Chester County Soils, surveyed and published by the U.S. Department of Agriculture. Class 3 soils consist of all Hagerstown Silt Loam (Ha), Bedford Silt Loam (Bd), Guthrie Silt Loam (La), which soils are associated with underlying carbonate or limestone geologic formations.
- (3) In reviewing all applications for compliance with the provisions of this section, the Township shall make its review on the basis of Groundwater Protection District boundaries as described in Section 162-55A(1) and (2).
- (4) Where interpretation is needed as to the exact location of the boundaries of the District as shown on the Groundwater Protection District Overlay Map, as, for example, where there appears to be a conflict between a mapped boundary and actual field conditions, an initial determination of the exact boundary of the Groundwater Protection District shall be made by the Township Engineer.
- (5) Any party seeking such a determination may submit a geologic study of the area in question, or other pertinent documentation for consideration. The Township Engineer shall make a written report of the results of his initial determination, a copy of which shall be provided to the Board of Supervisors.
- (6) Any party aggrieved by any such determination of the Township Engineer may appeal to the Zoning Hearing Board. The person contesting the location of the district boundary shall have the burden of proof in case of any such appeal.

B. Applicability.

- (1) Regulations pertaining to the Groundwater Protection District in this section shall constitute an overlay on the otherwise applicable zoning districts as delineated on the Township Zoning Map. Should such regulations be declared inapplicable for any tract of land for any reason by the Board of Supervisors, the zoning applicable to such tract shall be the district in which it is located, as shown on the Township Zoning Map, without consideration of this section.
- (2) No structure, land or water shall be used or developed, and no structure shall be located, extended, converted or structurally altered without full compliance with the standards and procedures as set forth in Section 162-55C.

- (3) In the Groundwater Protection District, alteration and development of land may be hazardous with respect to foundation safety of structures, the creation of unstable land as a result of changes in drainage, and the contamination of ground and surface waters. Within the limitations of the information available at the time of review of individual applications, the Township shall attempt to make reasonable judgments as to the applicant's compliance with the standards of Section 162-55C. Under no circumstances shall Pennsbury Township or any officer or employee of the Township assume any liability for any interested party's reliance upon the regulations of Section 162-55 or any decisions made by the Township in the administration of such regulations.

C. Standards.

- (1) No structure, land or water shall be used or developed, and no structure shall be located, extended, converted or structurally altered in the Groundwater Protection District unless the applicant takes all reasonable measures to minimize the adverse impacts of this proposed action, as set forth in Subsection C(1)(a) through (d) below. To minimize shall not mean to eliminate, but to make the most substantial effort possible under the circumstances to reduce the adverse effect of the action required to be minimized.
  - (a) The below ground storage of heating oil, gasoline, chemical solutions or other substances which, if released, would constitute pollutants to ground or surface waters. If warranted, as determined by the Township, the applicant may be required to place tank(s) in a concrete vault, install other impervious lines, and/or install monitoring devices. The applicant shall also demonstrate compliance with all applicable regulations of the Pennsylvania State Police, Fire Marshall Division.
  - (b) The use of fill containing any material which would represent a potential contamination hazard to ground or surface waters. Materials shall include but not necessarily be limited to wastes identified as hazardous by the Pennsylvania Department of Environmental Protection.
  - (c) Storage, handling, processing or disposal of toxic materials or any other substance with the potential to contaminate ground and surface waters. The applicant shall also demonstrate compliance with Chapter 75 of the Rules, and Regulations of the Pennsylvania Department of Protection and with the Resource Conservation and Recovery Act of 1976 (P.L. 94-580, as amended<sup>19</sup>).
  - (d) Land grading or construction of buildings or other site improvements which would directly or indirectly diminish the flow of natural springs. If warranted, as determined by the Township, water table data from observation wells shall be provided by the applicant.
- (2) Should the Township find that an applicant may create a significant risk to the public's health or safety, in spite of taking all reasonable actions to minimize such risks, or should the Township determine that the applicant has not taken all

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<sup>19</sup> Editor's Note: See 42 U.S.C.A. § 6901 et seq.

reasonable actions to minimize such risks, the Township may deny the application in accordance with Section 162-55D, herein. In either case of denial, the applicant may submit an environmental assessment report in accordance with Section 162-55E for further consideration by the Board.

D. Procedures for all applicants in the Groundwater Protection District.

- (1) Except for applicants initially electing to submit an environmental assessment report as set forth in Section 162-55E, all other applicants whose properties are located entirely or partially within the Groundwater Protection District, as defined in Section 162-55A, shall submit the following information to the Township:
  - (a) A map, at a scale no smaller than one inch equals 100 feet indicating the location of the property and all proposed improvements thereon and their geographic relationship to the Township's Groundwater Protection District. The applicant shall utilize the carbonate area boundaries depicted on the Township Groundwater Protection District map.
  - (b) For areas proposed for grading, construction of buildings and other improvements, the applicant shall submit information for such areas, indicating the presence of any of the following carbonate features:
    - [1] Depressions.
    - [2] Fissures, lineaments, faults or air photo fracture traces.
    - [3] Lakes occurring after rainfall events.
    - [4] Outcrops of bedrock.
    - [5] Seasonal high water tables.
    - [6] Sinkholes.
    - [7] Soil molting, as defined by a soil scientist.
    - [8] Springs.
    - [9] Surface drainage entering the groundwater.
  - (c) Such information may be based upon field surveys and/or published data, but in either case shall be supported by an explanation of its source including the qualifications of the individuals directly responsible for preparing such information.
  - (d) The applicant shall furnish a map indicating existing and proposed drainage conditions, the locations of existing private and public wells on adjoining properties and the locations and extent of all proposed uses and improvements cited in Section 162-55C.



- (2) The Township Engineer shall review the information provided by the applicant as required in Section 162-55D(1) and may make a site inspection of the property, having notified the applicant at least five days in advance. The Township Engineer shall submit a memorandum report to the Board, presenting his findings with respect to the applicant's compliance with each and every standard in Section 162-55C, for which one of the following opinions shall be rendered:
  - (a) Compliance. The application complies with the standard.
  - (b) Compliance with additional conditions. The application would comply with the standard, provided that certain additional conditions were met by the applicant.
  - (c) Noncompliance. The application does not comply with the standard.
  - (d) Nondetermination. A determination of compliance cannot be made on the basis of information provided by the applicant.
- (3) A copy of the Township Engineer's report shall also be forwarded to the applicant. Should that report contain findings of noncompliance or nondetermination, the applicant shall be permitted to submit an environmental assessment to the Township in accordance with procedures set forth in Section 162-55E. Should the applicant fail to notify the Township, in writing, within the applicable time period (including a written request for extension thereof if necessary), of his intent to submit an environmental assessment, all findings of nondetermination shall be acted upon the Board in the same manner as findings of noncompliance.

E. Environmental assessment report.

- (1) All applicants filing an environmental assessment report shall prepare such a report in accordance with the provisions of this section. In such instances, the report shall provide additional information to the Township, demonstrating that the applicant can comply with all standards in Section 162-55C, one or more of such standards would not be applicable, given the conditions of the applicant's property or existing uses thereon, or that his proposed action poses no threat to public health or safety.
- (2) The format and contents of the environmental assessment report shall be as follows:
  - (a) Statement of purpose. This section shall indicate those standards in Section 162-55C being addressed in the report and whether the applicant is attempting to demonstrate compliance or justify noncompliance with those standards.
  - (b) Description of existing conditions. This section shall present a description of existing characteristics of the property with respect to geology, topography, ground and surface water hydrology, soils, vegetation, and existing improvements and uses.

- (c) Description of the proposed action. This section shall describe the proposed action, including: types, locations and phasing of proposed site disturbances and construction, as well as proposed future ownership and maintenance of the property and the proposed improvements. Plans describing the proposed action may either be included within or accompany the environmental assessment report.
  - (d) Proposed measures to control potential adverse environmental impacts. This section shall describe all measures proposed by the applicant to control all adverse impacts which may occur as a result of the proposed action. It shall address all impacts cited by the Township Engineer in his report on the application, prepared in accordance with procedures described in Section 162-55E.
  - (e) List and qualifications of preparers. The names, addresses, telephone numbers and qualifications of persons directly responsible for preparing the environmental assessment shall be provided.
  - (f) Appendices. Any additional information which the applicant wishes to provide may be included in one or more appendices to the report.
- (3) The environmental assessment report must be received by the Township no later than 20 days prior to the final date by which the Township must formally act upon the application. The report shall be submitted in six copies to the Township. The Township Engineer shall review the report and submit his findings in a memorandum to the Board. A copy of that memorandum shall be forwarded to the applicant.

**ARTICLE XV**  
**Flood Hazard District**  
**[Amended 9-7-1993]**

SECTION 162-56. Statutory authorization, findings of fact, and legislative intent.

A. Statutory authorization.

- (1) Protection against serious consequences of flooding has become an objective of primary importance to Pennsbury Township. Studies of the Brandywine Creek and its tributaries by the Federal Department of the Army, Corps of Engineers, the Federal Emergency Management Agency, and Chester County agencies have delineated areas prone to flooding and which must be open for movement of floodwaters; a part of such areas is found within the Township [**Amended 2-22-2000 by Ord. No. 2000-1**]
- (2) The Township further considers floodplain areas as particularly desirable for uses wherein most structures are unnecessary, among which include forestry, agriculture and recreation, and wishes to preserve these areas for such uses.
- (3) Therefore, pursuant to the authorization set forth in the Pennsylvania Flood Plain Management Act (Act 1978-166<sup>20</sup>) and the Pennsylvania Municipalities Planning Code,<sup>21</sup> the Township of Pennsbury, Chester County, Pennsylvania adopts this article.

B. Findings of fact.

- (1) Losses resulting from periodic flooding. The Flood Hazard District of Pennsbury Township is subject to periodic inundation which results in loss of property, loss of life, damage to structures, injury to people, disruption of public and private activities and services, burdensome public expenditures for flood protection, and relief and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.
- (2) General causes of these flood losses. These flood losses are caused by the cumulative effect of obstructions in the Flood Hazard District causing increases in flood heights and velocities and the occupancy of Flood Hazard District by uses vulnerable to floods.

C. Intended purpose. In addition to the general goals listed in statement of purposes and community development objectives, it is the purpose of this article to minimize those losses described above by provisions designated:

- (1) To regulate or prevent the erection of buildings and other structures in areas unfit for development by reason of periodic flooding.

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<sup>20</sup> Editor's Note: See 32 P.S. § 679.101 et seq.

<sup>21</sup> Editor's Note: See 53 P. S. § 10101 et seq.

- (2) To protect public health by preventing pollution of surface and subsurface water supplied and providing surface area to absorb and retain runoff for maintenance of the subsurface water supply.
- (3) To protect the public safety by preserving natural floodplains and valley flats in order to prevent the increase in flood volume and rate of flow which results from covering the floodplains with impervious surfaces, constructing natural drainage channels, and providing areas for the deposition of sediment.
- (4) To prevent added downstream damage from increased flood volume and rate of flow and to permit uses of the floodplain compatible with the preservation of natural conditions and the maintenance of the stream flow throughout the year.
- (5) To minimize the financial burden imposed on the community, its governmental bodies, and individuals by floods.
- (6) To incorporate by reference thereto the Flood Insurance Study for Pennsbury Township prepared by the U.S. Army Corps of Engineers for the Federal Emergency Management Agency (FEMA) dated November 20, 1996, or the most recent revision thereof. **[Amended 2-22-2000 by Ord. No. 2000-1]**

SECTION 162-57. General provisions.

- A. Compliance. No structure, wall, fence or other obstruction, except fences of four or fewer horizontal wires, shall be erected, extended or converted, without full compliance with the terms of this chapter and other applicable regulations.
- B. Abrogation and greater restriction. It is not intended by this article to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this article imposes greater restrictions, the provisions of this article shall prevail. All other ordinances inconsistent with this article are hereby repealed to the extent of the inconsistency only.
- C. Severability. The provisions of this article shall be severable, and if any of the provisions hereof shall be held to be unconstitutional, invalid or illegal by a court of competent jurisdiction, such decisions shall not affect the validity of any of the remaining provisions of this chapter.
- D. Warning and disclaimer of liability. The degree of flood protection required by this article is considered reasonable for regulatory purposes and is based on scientific study. Larger floods may occur on rare occasions or the flood height may be increased by man-made or natural causes such as ice jams or bridge openings constructed by debris. In such instances, areas outside the Flood Hazard District or land uses permitted within the District may be subject to flooding or flood damages. This article shall not increase liability on the part of Pennsbury Township or any officers or employees thereof for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.

SECTION 162-58. Identification of the Flood Hazard District.

A. Definition of Flood Hazard District. The Flood Hazard District is defined as the land area contained within any of the following, whichever is greater:

(1) “The identified floodplain area shall be those areas of Pennsbury Township, Chester County, which are subject to the one hundred (100) year flood, as identified in the Chester County Flood Insurance Study (FIS) dated September 29, 2006 and the accompanying maps (digital and paper) as prepared for the Federal Emergency Management Agency (FEMA), or the most recent revision thereof.” **[Amended 9-18-06, by Ord. No. 06-09-18]**

(a) Floodway Areas (FW). The areas identified as Floodway in the Flood Insurance Study 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 Flood Insurance Study.

(b) Flood Fringe Area (FF).

[1] The remaining portions of the one-hundred-year floodplain in those areas identified in the Flood Insurance Study, where a floodway has been delineated.

[2] The basis for the outermost boundary shall be the one-hundred-year flood elevations as shown in the flood profiles contained in the Flood Insurance Study.

(c) General Floodplain Area (FA). The areas identified as Zone A in the Flood Insurance Study for which no one-hundred-year elevations have been provided. When available, information from other federal, state, and other acceptable sources 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-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.

(2) Areas delineated by engineering study.

(a) In lieu of Subsection A(1)(c) above, the Township may require the applicant to determine the floodplain elevation with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers, certified soil scientists, or other 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 through technical review by the Township Engineer. If the applicant disagrees with the findings of the Township Engineer, he may appeal the findings to the Zoning Hearing Board.

- (b) All identified Flood Hazard Districts may be revised or modified by the Board where studies or information provided by a qualified agency or person documents the need for such revision. However, prior to any such change, approval must be obtained from the Federal Emergency management Agency. **[Amended 2-22-2000 by Ord. No. 2000-1]**
  - (3) Land within 50 feet of any stream, wetland, or body of water in the Township adjacent to a flowing stream, shown on the U.S. Geological Survey Topographic Maps of the Regional Base Map Series of 1985 for the Unionville, West Chester, Kennett Square, and Wilmington North series unless an engineering study consistent with Section 162-58A(2) indicates such area is not within the Flood Hazard District.
  - (4) Land denoted as being alluvial soils on the Soil Survey for Chester and Delaware Counties, Pennsylvania, of the Soil Conservation Services, United States Department of Agriculture, May 1963 unless an engineering study consistent with Section 162-58A(2) indicates such area is not within the Flood Hazard District.
  - (5) All areas which have been flooded within the last 100 years, as recorded or indicated by written or other objective records, such as the United States Army Corps of Engineers survey.
- B. Zoning Map overlay. The Flood Hazard District Map of Pennsbury Township based on the delineations cited in Section 162-58A above, shall be deemed an overlay on the applicable zoning districts. The Flood Hazard District Map shall be used as a general guideline only and shall not be considered to include all floodplain areas within the Township as defined in Section 162-58A above.

SECTION 162-59. Use regulations.

- A. Permitted uses and limitations. The following uses shall be permitted within the Flood Hazard District to the extent that they are not prohibited by any other ordinance or provisions of this chapter and provided that they do not require structure, fill, or storage of materials or equipment or cause any increase in flood levels in the Township, during a one-hundred-year flood.
- (1) Agricultural uses, excluding structures, such as: general farming, pasture, orchard, grazing, outdoor plant nurseries, truck farming, forestry, and wild crop harvesting. Agricultural practices shall not cause alluvial deposits to build up in watercourses or cause undue erosion to the Flood Hazard District.
  - (2) Forestry, lumbering, and reforestation, according to recognized soil conservation practices subject to the provisions of Section 162-59C(3) and excluding storage and mill structures.
  - (3) Recreation uses such as: parks, camps, picnic grounds, golf courses, archery and shooting ranges, hiking and riding trails, hunting and fishing areas, game farm fish hatchery, wildlife sanctuary, nature preserve, arboretum, swimming area and boat launching sites; excluding structure with the exception of anchored picnic tables.

**[Section 162-59A(4) and A(5) Deleted 7-6-2004; Ord. No. 2004-4, (6)(7)(8) renumbered (4)(5)(6)]**

- (4) Permeable parking areas and roads to serve other permitted uses in the Flood Hazard District or where required by the regulations for any contiguous district.
  - (5) In no event shall any kind of fill including but not limited to earth, trash, garbage or any material whatsoever be deposited in the floodplain area without the issuance of a special exception by the Zoning Hearing Board and then only after a permit is issued by the Department of Environmental Protection, Bureau of Dams and Waterways Management, of the Commonwealth of Pennsylvania.
  - (6) No change in grade either by fill or cut shall be allowed except as stated in Subsection A(5). All requests for a change of grade shall be accompanied by a detailed engineering report including maps showing all existing contours and proposed contours, trees and structures together with the reasons for requesting the change. In no case shall fill be used which in any way will contaminate or pollute the streams if the requested change is allowed.
- B. Uses by special exception. Any of the following uses shall be permitted as a special exception when authorized by the Zoning Hearing Board subject to the standard of Section 162-115 of this chapter and the specific standards below in this subsection and in Section 162-61C. In determining any application hereunder, the Zoning Hearing Board shall consider the recommendations of the Board of Supervisors, the Township Planning Commission and the Township Engineer and shall consider the extent to which the requested uses will increase an elevation of flood stages, contribute to groundwater pollution and cause erosion during and after construction. No development shall be permitted which would cause any increase in flood levels in the Township during a one-hundred-year flood.
- (1) Nonstructural accessory uses customarily incidental to any of the foregoing permitted uses.
  - (2) Circuses, festivals and similar transient amusement enterprises.
  - (3) Boat rentals, docks and piers.
  - (4) Sealed water supply wells, water pipelines, and sanitary sewer line systems provided they are designed and constructed to eliminate infiltration of floodwater into the systems and discharges from the systems into waters of the commonwealth.
  - (5) Storm and sanitary sewer outlets, sewage treatment plants and pumping stations and water treatment plants, and storm sewer systems, subject to approval of the Department of Environmental Protection of the commonwealth and the Township Engineer; provided that such facilities shall be designed and constructed to eliminate infiltration of floodwaters into the systems and discharges from system into the waters of the commonwealth.

- (6) Grading of fill provided that the effect is not to alter substantially the cross-sectional profile of the stream basin at the point of the proposed use. A prerequisite to the granting of a special exception for fill or grading shall be the issuance of necessary permits from the Department of Environmental Protection, Regional Office. All requests for a change of grade shall be accompanied by a detailed engineering report, including maps showing all existing contours and with the reasons for requesting the change. In no case shall fill be used which in any way will contaminate or pollute the streams if the requested change is allowed. **[Amended 9-18-06, by Ord. No. 06-09-18]**
  - (7) Dams, culverts, and bridges when approved by the Department of Environmental Protection, Regional Office. **[Amended 9-18-06, by Ord. No. 06-09-18]**
- C. Prohibited uses and activities. The following uses and activities are specifically prohibited in any Flood Hazard District.
- (1) Sod farming.
  - (2) Removal of topsoil.
  - (3) Cutting or removal of live trees or other flora except where the area is devoted to forestry or nursery use in which case precautions shall be taken to ensure:
    - (a) The maintenance of existing runoff characteristics associated with the one-hundred-year frequency, twenty-four-hour duration storm.
    - (b) The control of erosion and sedimentation.
  - (4) Installation or maintenance of on-site sewage disposal systems and wells.
  - (5) The placement or substantial improvement of a mobile or manufactured home.
  - (6) Junkyard or storage yard or the storage of any material which, if inundated, would float.
  - (7) The storage of any substance, the discharge of which into the waters of the commonwealth would constitute pollution under the Clean Streams Law<sup>22</sup> and its regulations promulgated thereunder. Storage of any of the following dangerous material or substances on the premises are specifically prohibited:
    - (a) Acetone.
    - (b) Ammonia.
    - (c) Benzene.
    - (d) Calcium carbide.

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<sup>22</sup> Editor's Note: See 35 P.S. § 691.1 et seq.



- (e) Carbon disulfide.
- (f) Celluloid.
- (g) Chlorine.
- (h) Hydrochloric acid.
- (i) Hydrocyanic acid.
- (j) Magnesium.
- (k) Nitric acid and oxides of nitrogen.
- (l) Petroleum products (gasoline, fuel, oil, etc.).
- (m) Phosphorous.
- (n) Potassium.
- (o) Sodium.
- (p) Sulfur and sulfur products.
- (q) Pesticides (including insecticides, fungicides, and rodenticides).
- (r) Radioactive substances.
- (s) Other substances as may be defined as hazardous by the Pennsylvania Department of Community and Economic Development or Environmental Protection.

(8) Alteration or relocation of any watercourse, unless and until the applicant has notified the governing bodies of adjacent municipalities and the Pennsylvania Department of Community and Economic Development, with copies of such notices being sent to the Federal Insurance Administrator, and demonstrated to the satisfaction of the Township Engineer that the flood-carrying capacity of the watercourse as altered or relocated is maintained at a level equal to or better than the existing flood-carrying capacity. This requirement shall be in addition to the requirements of the Department of Environmental Protection, Regional Office pertaining to such alteration or relocation. **[Amended 9-18-06, by Ord. No. 06-09-18]**

D. Existing structures and uses. Structures and uses existing in the Flood Hazard Overlay District prior to the enactment of this chapter, but which are not in compliance with these provisions, may continue to remain provided that:

- (1) Any modification, alternation, reconstruction, or improvement, of any kind to an existing structure, to an extent or amount of 50% or more of its market value,

shall constitute a substantial improvement and shall be undertaken only in full compliance with the provisions of this chapter.

- (2) Any modification, alteration, reconstruction, or improvement of any kind to an existing structure, to an extent or amount of less than 50% of its market value, shall be elevated and/or floodproofed to the greatest extent possible.
- (3) Any modification, enlargement, alteration, or improvement shall be elevated a minimum of 1½ feet above the one-hundred-year flood elevation of the site.

SECTION 162-60. Uses by variance.

- A. Standards. In any instance where the Zoning Hearing Board is required to consider a request for a variance from the provisions of this article, the Board shall first determine that the standards and criteria enumerated in Section 912 of the Municipalities Planning Code<sup>23</sup> are met before granting the request. In considering whether the proposed use would be injurious to the public health, welfare and safety, the Board shall give special and particular consideration to the factors enumerated in Section 162-61C.
- B. In accordance with the Pennsylvania Floodplain Management Act,<sup>24</sup> issuance of a variance for the following uses is prohibited:
  - (1) Hospitals and medical facilities (public or private);
  - (2) Nursing homes (public or private);
  - (3) Jails and penitentiaries;
  - (4) New mobile and manufactured home parks and subdivisions, and substantial improvements to such parks and subdivisions.

SECTION 162-61. Administration.

- A. Special exception procedures for Flood Hazard District. Upon receiving an application for a special exception permit, the Zoning Hearing Board shall, prior to rendering a decision thereon, require the applicant to furnish such of the following material as is deemed necessary by the Board.
  - (1) Plans in triplicate drawn to scale showing the nature, location, dimension and elevation of the lot and existing and proposed uses; photographs showing existing uses and vegetation; soil types and other pertinent information.
  - (2) A series of cross-sections at twenty-five-foot intervals along the lot shoreline, showing the stream channel or the lake or pond bottom, and elevation of adjoining land areas, to be occupied by the proposed uses, and high water information.

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<sup>23</sup> Editor's Note: Section 912 of the Municipalities Planning Code was repealed December 21, 1988, by P.L. 1329, No. 170, § 90. See now 53 P.S. § 10910.2

<sup>24</sup> Editor's Note: See 32 P.S. § 679.101 et seq.

- (3) Profile showing the slope of the bottom of the stream channel.
  - (4) Specifications for building materials and construction, floodproofing, filing, dredging, grading, storage, water supply and sanitary facilities.
  - (5) Computation of the increase, if any, in the height of flood stages which would be attributable to any proposed uses.
  - (6) Provisions to assure that adequate drainage shall be required to minimize flood hazard.
  - (7) The location of any existing bodies of water or watercourse, identified floodplain areas, and, if available, information pertaining to the floodway, and the flow of water including direction and velocities.
  - (8) Plans of all proposed buildings, structures, and other improvements, drawn at a 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-year flood;
    - (c) If available, information concerning flood depths, pressures, velocities, impact and uplift forces, and other factors associated with a one-hundred-year flood; and
    - (d) Detailed information concerning any proposed floodproofing measures.
  - (9) A document, certified by a registered professional engineer or architect, which states that the proposed construction or development has been designed to withstand the pressures, velocities, impact and uplift forces associated with the one-hundred-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 development.
- B. Consultation by the Zoning Hearing Board. In considering any application for a special exception, the Zoning Hearing Board shall invite the participation of other technical experts to determine the extent to which the proposed use would diminish the capacity of the Flood Hazard District to store and absorb floodwaters, to moderate flood velocities and to accommodate sediment; be subject to flood damage; and cause erosion and impair the amenity of the Flood Hazard District.
- C. Factors to be considered by the Zoning Hearing Board.
- (1) In passing upon each application for a special exception or variance, the Board shall consider, in addition to their criteria:
    - (a) The danger to life and property due to increased flood heights or velocities caused by encroachments.

- (b) The danger that materials may be swept onto other lands or downstream to the injury of others. In no event shall any materials which are capable of floating, toxic (to humans, animals or vegetation) or explosive or any junk materials be placed within a Flood Hazard District.
  - (c) The proposed water supply and sanitation systems and the ability of these systems to avoid causing disease, contamination and unsanitary conditions.
  - (d) The susceptibility of the proposed use to flood damage and the effect of such damage on the owner.
  - (e) The importance of the proposed use to the community.
  - (f) The requirements of the use of waterfront location.
  - (g) The availability of alternative locations not subject to flooding for the proposed use.
  - (h) The compatibility of the proposed use with existing and foreseeable nearby uses.
  - (i) The relationship of the proposed use to the Pennsbury Township Comprehensive Plan.
  - (j) The safety of access to the property in times of flood for ordinary and emergency vehicles.
  - (k) The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters expected at the site.
  - (l) The impact on habitat for wildlife, fish and plant life.
  - (m) No variances shall be granted for any development in the floodway portion of the Flood Hazard District as delineated in the Flood Insurance Study if such development would cause any increase in the one-hundred-year flood elevation.
  - (n) Whenever any variance is granted by the Zoning Hearing Board, the Township shall notify the applicant in writing that:
    - [1] The granting of the variance may result in increased premium rates for flood insurance; and
    - [2] Such variances may increase risks to life and property.
  - (o) Such other factors which are relevant to the purposes of this chapter.
- (2) If granted, a variance or special exception shall involve only the least modification necessary to provide relief.

- (3) A complete record of all variance requests and related actions shall be maintained by the Township. In addition, a report of all variances granted during the year shall be included in the annual report to the Federal Insurance Administrator.
- D. Conditions. Upon consideration of the factors listed above and the purposes of this chapter, the Board shall attach such conditions to the granting of a special exception permit as it deems necessary to further the purposes of this chapter.
- (1) Any new construction and/or substantial improvement to an existing structure shall have the lowest floor (including basement) elevated to at least 1 ½ feet above the one-hundred-year flood elevation of the Flood Hazard District at the place of construction. The required elevations shall be as determined in the Flood Insurance Study. For those areas in which the one-hundred-year flood elevations are not given in the Flood Insurance Study, the elevation shall be determined by selecting the point on the boundary of the Flood Hazard District nearest to the site in question and elevating the lowest floor of the structure to 1 ½ feet above such elevation. **[Amended 9-18-06, Ord. No. 06-09-18]**
- (2) All such structures shall be securely anchored to prevent flotation, collapse and lateral movements; all such structures shall employ construction materials and techniques to minimize flood damages. Adequate drainage shall be provided. The elevation of the proposed lowest floor shall be indicated on the application for a building permit. The provisions of the National Flood Insurance Program Regulations (4)CFR 60.3(d) are applicable to such construction. Among such conditions, without limitation because of specific enumeration, may be included: **[Amended 9-18-06, by Ord. No. 06-09-18]**
- (a) Installation of watertight doors, bulkheads, and shutters.
- (b) Reinforcement of walls to resist water pressure.
- (c) Use of paints, membranes or mortars to reduce seepage of water through walls.
- (d) Addition of mass or weight to structures to resist flotation.
- (e) Installation of pumps to lower water levels in structure.
- (f) Construction of water supply and waste treatment systems so as to prevent the entrance of floodwaters.
- (g) Pumping facilities for subsurface external foundation wall and basement floor pressures.
- (h) Construction to resist rupture or collapse caused by water pressure or floating debris.
- (i) Cutoff valves on sewer lines or the elimination of gravity flow basement drains.
- (j) Elevation of structure to reduce likelihood of flood damage.

- (k) “Uniform Construction Code Coordination. The Standards and Specification contained in 34 PA Code (Chapters 401-405), as amended and not limited to the following provisions shall apply to the above and other sections and subsections of this ordinance, to the extent that they are more restrictive and/or supplement the requirements of this ordinance.

International Building Code (IBC) 2003 or the latest edition thereof: Sections 801, 1202, 1403, 1603, 1605, 1612, 3402, and Appendix G.

International Residential Building Code (IRC) 2003 or the latest edition thereof: Sections R104, R105, R109, R323, Appendix AE101, Appendix E and Appendix J.” **[Added 9-18-06, by Ord. No. 06-09-18]**

- (3) “The following provisions shall apply whenever any improvement is made to an existing structure located within any identified floodplain area:
- (a) No expansion or enlargement of an existing structure shall be allowed within any floodway area that would cause any increase in the elevation of the one hundred (100) year flood.
  - (b) Any modification, alteration, reconstruction, or improvement of any kind to an existing structure, to an extent or amount of less than fifty (50) percent of its market value, shall be elevated and/or floodproofed to the greatest extent possible.
  - (c) Any modification, alteration, reconstruction, or improvement of any kind that meets the definition of “repetitive loss” shall be undertaken only in full compliance with the provisions of this ordinance.
  - (d) The requirements of 34 PA Code Chapter 401-405, as amended and the 2003 IRC (Secs. R102.7.1, R105.3.1, R105.3.1.1 and Appendices E and J) or the latest revision thereof and the 2003 IBC (Sec. 101.3, 3403.1 and Appendix G) or the latest revision thereof shall also be utilized in conjunction with the provisions of this section.” **[Added 9-18-06, by Ord. No. 06-09-18]**

E. Declaration of flood hazard status. In any case where the Zoning Hearing Board shall grant a special exception or a variance to permit the erection of a structure in the Flood Hazard District, or a special exception or a variances to permit a change in nonconforming use of a structure already existing in the Flood Hazard District, the Board shall, for the protection of prospective purchasers and leases, impose the following conditions:

- (1) Require the applicant to advise prospective purchasers and/or lessees that the lot is located either entirely or partially, as the case may be, in the Flood Hazard District.
- (2) Require that, before settlement or change in use, as the case may be, may take place, the purchaser or lessee shall signify in writing that he has been advised

that the premises lies partially or entirely in the Flood Hazard District and signed copy of such certification shall be delivered to the Township by the applicant.

- (3) A deed restriction shall be created and placed on record to run as a covenant with the land, which restriction shall contain the following provisions: “This lot is entirely (Partially) within the Flood Hazard District as defined by Section 162-58A of the Pennsbury Township Zoning Ordinance.”





**ARTICLE XVI**  
**Open Space Design Options**  
**[Amended 6-7-1993; 10-18-1993<sup>25</sup>]**

SECTION 162-62. Purpose.

The alternative design options established under this article have been created to support the protection of the unique and rich ecology, wildlife habitats, and natural and scenic landscapes, historical buildings and archaeology which characterize Pennsbury Township, including scenic views, historic sites and structures, water bodies, floodplains, wetlands, wet soil conditions, steep slope areas, ridge lines, rock outcroppings, wildlife habitats, unique vegetation, and woodlands of the Township. The purposes of this article are:

- A. To provide an opportunity for flexibility in lot designs and dwelling types not afforded by conventional lot-by-lot development.
- B. To provide for a more varied, innovative, and efficient development pattern.
- C. To preserve unique and sensitive landscapes and site features by locating new dwelling sites in areas removed from such features.
- D. To protect scenic vistas from encroachment by development.
- E. To retain and protect open space areas, including areas noted for their value as a wildlife habitat or corridor or as site of unique vegetation.
- F. To minimize potential adverse impacts resulting from the location of new residential development adjacent to nonresidential uses.
- G. To provide a means to attain the aims and objectives of the Comprehensive Plan relative to orderly growth and the enhancement of environmental resources.
- H. To support the objectives of the Lower Brandywine Scenic River Project as prepared and published by the Environmental Management Center of the Brandywine Conservancy.
- I. To provide incentives in the form of additional dwelling units to landowners who satisfy the purposes and accomplish the open space preservation objectives of this article and to defray the additional development cost often associated with the use of the design options sought by this article.

SECTION 162-63. General regulations.

- A. Any tract of land which shall be the subject of an application for subdivision, land development or both using the provisions of this article must be held in single and separate ownership by the applicant or, in the case of multiple ownership, the tract must be developed according to a single plan with responsibility for its implementation and completion vested in a common authority.

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<sup>25</sup> Editor's Note: Former Article XVI, Planned Residential Development, as amended 6-4-1990, was repealed 9-2-1997 by Ord. No. 1997-3. Former Articles XVII through XXIV have been renumbered as Articles XVI through XXIII, respectively.

- B. Use of the design options, uses and benefits afforded to the applicant under this article shall be permitted only when approved as a conditional use according to the requirements of Section 162-106 of this chapter and where the applicant demonstrates, to the satisfaction of the Board of Supervisors, compliance with all design standards and criteria of this article
- C. The Scenic Landscapes Map for the Pocopson Creek and the Main Stem of the Brandywine Creek as published by the Environmental Management Center of the Brandywine Conservancy in November of 1987 for the Lower Brandywine Scenic River Project (herein the “Brandywine River Scenic Landscapes Map”), is incorporated herein by reference as a part of this chapter and shall be deemed an overlay on the applicable zoning districts. The map shall be used as described on applicable portions of this chapter or any other ordinance of the township.
- D. The Pennsbury Township Historic Site Survey as contained in the Pennsbury Township Comprehensive Plan is incorporated herein by reference as a part of this chapter. The Historic Site Survey shall be used as described in applicable portions of this chapter or any other ordinance of the Township.

SECTION 162-64. Permitted use.

Where permitted as a conditional use, an applicant may utilize land within any R-1, R-2 or R-3 Zoning District under the open space design options set forth in this article and for development of one or more of the following residential uses:

- A. Single-family detached dwellings.
- B. Single-family attached, two-family, multifamily, and accessory residential dwellings through renovation or adaptive re-use of structures included in the Chester County Historic Sites Survey of 1982, subject to the requirements of Section 162-70 of this article.
- C. Uses allowed for permanently protected open space, within such permanently protected open space, as set forth in Section 162-68 of this article.

SECTION 162-65. Requirements for submission to the Township.

- A. Applicants are strongly encouraged to meet informally with representatives of the Board of Supervisors, Planning Commission and, if in existence, Open Space Task Force prior to making a conditional use application in order to discuss community open space and resource conservation objectives.
- B. The applicant shall prepare and submit to the Township, as part of any conditional use application filed under the provisions of this article, a site analysis plan in accordance with the provisions of Section 138-21C of Chapter 138, Subdivision and Land Development. Once submitted, a site analysis plan which satisfies the requirements of Section 138-21C of Chapter 138, Subdivision and Land Development, need not be resubmitted with any subsequent sketch plan, preliminary plan or final plan submission.

- C. In accordance with Section 503 of the Municipalities Planning Code (53 P.S. Section 10503, the Board of Supervisors (or the Planning Commission upon prior approval of the Board of Supervisors) may retain such consultants as necessary to review and certify the accuracy of, and to comment upon, the site analysis plan and any other plans submitted by an applicant, with the reasonable and necessary charges for that purpose to be borne by the applicant.
- D. The procedure for review and approval of a conditional use application under this article shall be as set forth in Section 162-106 of this chapter.
- E. Upon written request from the applicant and if the Board of Supervisors and Planning Commission have previously reviewed a sketch plan and site analysis plan of the proposed development, the Board of Supervisors may elect to consider the preliminary subdivision plans simultaneously with the conditional use approval.

SECTION 162-66. Area and bulk regulations.

- A. The following requirements and benefits shall supersede existing bulk and area regulations for the district in which a parcel of land is situated and shall apply to the subdivision, land development and use of any parcel of land in the Township located in and R-1, R-2 or R-3 Zoning District, if and to the extent conditional use approval has been granted by the Board of Supervisors according to the procedures set forth in this article.
- B. For purposes for calculating the maximum permissible number of lots or dwelling units permitted on a tract of land being developed under the provisions of this article, the net tract acreage shall first be established by determining the gross area of the subject tract and subtracting from the gross area the area of the following:
  - (1) Any land within the Flood Hazard District as defined in Section 162-58A of this chapter;
  - (2) Any land which has been established at the time of the application as public or private right-of-way, street, driveway, utility easement, parking area, storm drainage collection area or passageway, unless the use allowed by the right-of-way or easement is intended to be discontinued, abandoned and removed under the plan which is the subject of the application; and
  - (3) Any land with a slope greater than 25%.
- C. Except as provided in Subsection F below, the maximum permissible number of lots and dwelling units on any tract shall be the product obtained by multiplying the net tract acreage, established as above, by the appropriate multiplier obtained from the table below. For purposes of this article, a single dwelling unit and the lot on which it is constructed shall be calculated as one; multiple dwelling units on a single lot shall be calculated by the number of dwelling units; and each lot on which no dwelling units is proposed shall be counted as one (except for lots which are to be devoted to permanently protected open space, which shall not be counted).
- D. Wherever the design options afforded by this article are utilized for the development of a tract of land, an area of permanently protected open space in such development shall be

required having an area not less than the product of gross area within the boundaries of the subject tract multiplied by the percentage of open space expressed in the column of the table which corresponds to the multiplier used to calculate maximum permissible density. Without limitation of the foregoing, in no case shall permanently protected open space encompass less than 50% of the gross area within the boundaries of the subject tract.

TABLE OF MULTIPLIERS FOR DENSITY CALCULATION  
Multiplier as a Function of Permanently Protected

Base Zoning District	Minimum Standard Lot	50% Open Space	65% Open Space	80% Open Space
R-1	3 acres	0.30	0.38	0.48
R-2	2 acres	0.46	0.58	0.66
R-3	1 acre	1.05	1.05	1.05

- E. Notwithstanding the foregoing or any other provision of this article to the contrary, the maximum number of lots and dwelling units calculated as provided above shall be permitted only when the application and accompanying plans satisfy all other applicable provisions of this article; applicants are advised that it may not be possible, in all cases, to achieve the maximum while complying with open space criteria and other requirements of this article.
  
- F. In addition to the maximum permissible number of lots and dwelling units on any tract calculated as provided in Section 162-66A, B, C, and D, the applicant shall be permitted, only as part of the conditional use approval for Article XVI,<sup>26</sup> additional dwelling units and accompanying lots through the renovation or adaptive reuse of structures contained in the Comprehensive Plan of the Township; provided that such renovation and adaptive reuse complies with the designing standards for historic resources in Section 162-70. Except where physically unfeasible due to existing locational and/or structural attributes, all such dwelling requirements in Subsection G below.
  
- G. The following area and bulk regulations shall apply to buildings on any tract developed pursuant to this article:
  - (1) Minimum separation between buildings at any point shall not be less than 20 feet.
  - (2) Minimum setback from the edge of cartway (or outside edge of curb, if applicable) of any street shall be not less than 25 feet, except as provided in Section 162-67B(3), below.
  - (3) Not more than 10% of the gross tract area shall be covered with impervious surfaces.
  - (4) Maximum building height shall not exceed 35 feet provided, however, that a building height of 35 feet or less than 35 feet may, when considered in conjunction with building location, be a factor in denying conditional use approval (or a lower building height may be a condition imposed) if, in the judgment of the Supervisors, the purposes of this article pertaining to, among

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<sup>26</sup> Editor's Note: See § 162-106.

other things, the preservation of scenic vistas, are not satisfied by the applicant's plan.

H. Where the gross area of any tract within a R-3 district to be subdivided is less than 15 acres, the tract when permitted as a conditional use shall be eligible for development utilizing lot averaging provisions, as follows: **[Added 6-5-1995]**

- (1) The maximum gross density of developments utilizing lot averaging shall not be more than allowed through the zoning district regulations.
- (2) The site shall be suitable for development in the manner proposed without hazards to persons or property, on or off the site, due to flooding, erosion, or other dangers or inconveniences. Conditions of soil, groundwater level, drainage, and topography shall be compatible with proposed design.
- (3) A site plan, including layout of streets and lots, shall accompany the application for conditional use and shall be, in the judgment of the Board of Supervisors, in compliance with the purpose of this article.
- (4) The following specific design standards shall be applicable:
  - (a) Parking. As required by Section 162-78A of this chapter.
  - (b) Access and highway frontage. As required by Section 162-78B of this chapter.
  - (c) Landscaping and screening. As required by Section 162-78E of this chapter.
- (5) Central water and/or central sewer must be provided or utilized where available unless the Board of Supervisors determines that the cost of providing or utilizing same is prohibitive or impractical.
- (6) For development utilizing lot averaging, the minimum area and bulk regulations in the table below shall be applicable.

Lot Averaging Area and Bulk Regulations R-3

Lot area	20,000 sq. ft.
Lot width	100 ft.
Lot coverage	15% max.
Front yard	40 ft.
Side yards:	
Aggregate	40ft.
Minimum	15 ft.
Rear yard <sup>1</sup>	40 ft.
Accessory structures <sup>2</sup>	10 ft.

NOTES:

1 Unless the lot is a reverse frontage lot, Section 162-78B(2) shall apply.

2 Minimum distance from a side or rear property line.

- (7) No lot of such size as to be capable of further subdivision under the district regulations shall be included in determining the average lot area unless the possibility of such further subdivision is eliminated by a deed restriction or agreement in a form acceptable to the Township and duly recorded in the Office of the Recorder of Deeds of Chester County.
- (8) All plans utilizing lot averaging provisions shall adhere to the open space resource protection standards set forth in Section 162-67C(1) of this chapter.

SECTION 162-67. Conservation and development design standards.

- A. Conditions. The standards set forth in this section shall be treated as conditions which must be satisfied by the applicant prior to the granting of conditional use approval under this article by the Board of Supervisors as well as standards for the subdivision, land development and subsequent use of land which is the subject of any such conditional use approval after such approval has been granted.
- B. General development standards.
  - (1) Except to the extent plainly in conflict with the provisions of this article, the requirements of Articles XIV and XVIII of this chapter shall apply to any development submitted for approval under this article. The interpretation and resolution of such conflicts shall be made by the Board of Supervisors, subject to appeal to the Zoning Hearing Board.
  - (2) All buildings (except existing buildings proposed to be retained in the conditional use application) shall be situated so that they are set back a minimum of 75 feet from the pre-development perimeter boundary of the tract which is the subject of the Conditional use application. In the case of a tract proposed for development which is comprised of two or more parcels of land, the set back described in the preceding sentence shall be measured only from the boundary with any tract of land which is not the subject of the conditional use application.
  - (3) All buildings (except existing buildings proposed to be retained in the conditional use application) shall be situated so they are set back a minimum of 75 feet from any pre-existing street.
- C. Open space resource protection standards.
  - (1) The applicant shall demonstrate to the satisfaction of the Board of Supervisors, by the use of sound, professional land planning, landscaping, architectural, and engineering techniques and practices that the development and combination of land uses proposed in the conditional use application under this article protect against disturbance of the following open space resources (by construction of buildings or site improvements, destruction of vegetation or otherwise) to the maximum extent feasible:
    - (a) Areas designated as scenic vistas on the Brandywine River Scenic Landscape Map.

- (b) Any views of natural or agricultural landscapes, other natural features (such as woodlands, ponds or stream valleys) or historic buildings or ruins which are visible from existing streets or the Brandywine Creek, whether or not identified on the applicant's site analysis plan. To achieve this objective the applicant should propose a design which, among other things, locates buildings entirely below the elevation of the nearest ridge line unless clearly unfeasible. Where the applicant contends that the location of dwellings entirely below ridge lines is unfeasible, approval of the proposed locations shall be contingent upon demonstration of either or a combination of the following mitigative design techniques:
- [1] The submission of individual lot landscaping plans demonstrating effective screening of views from public roads and adjacent tracts.
  - [2] The submission of individual building designs plans with sufficient detail to demonstrate, in terms of how such buildings may be viewed from public roads or adjacent tracts, replication of proportional relationships of form and massing evident in existing historic resources, including ratios of height to width, length of individual façade segment, roof pitch, relative size and placement of windows, doors, and other façade details. The distance from any point of public view that may be considered as a mitigating factor in review of plans for buildings within such view.
- (c) Historic resources. Historic resources shall be preserved through incorporation into permanently protected open space to the extent feasible or by preservation and adaptive reuse according to the standards set forth in Section 162-70. For purposes of this section, historic resources shall include: historic structures, ruins or sites of former historic structures; historic roads or other transport traces, paths and trails; know areas of rich archaeological deposits; and any other historic landscape features; and shall further include, without limitation, and building or other structure included on the National Register of Historic Places, in the Historic Sites Survey of Chester County or in the Pennsbury Township Inventory of Historic Sites contained in the Comprehensive Plan of the Township. Features not so listed which have an age, wholly or in part, of 150 years shall be presumed to be historic resources unless demonstrated otherwise by the applicant.
- (d) Lands within the Flood Hazard District as defined in Section 162-58A or lands affected by the National Resources Protection Standards found in Section 162-53 of this chapter. In addition, the restrictions against use of lands as set forth in Sections 162-59 and 162-55C of this chapter shall be applied.
- (e) Wildlife habitats, particularly where species or habitat types included in the Pennsylvania Natural Diversity Inventory are found, and with a particular emphasis on the location of permanently protected open space

so as to preserve corridors necessary for wildlife habitat which happen to cross property boundaries. Where feasible, multiple habitat area on a single tract shall be preserved, particularly where differing habitat types have been inventoried, in order to promote maintenance of habitat diversity.

(f) Streams (both perennial and intermittent) and wetlands falling under the jurisdiction of the U. S. Army Corps of Engineers or the Pennsylvania Department of Environmental Protection shall not be disturbed except for permitted crossings to provide necessary pedestrian, equestrian, or vehicular access.

(g) Mature trees and woodlands, including any existing trees greater than eight inches dbh, hedgerows, fence lines, rock outcroppings and other noted landscape features. Woodland removal shall not exceed 40% of total woodland area on any tract.

(2) The location and layout of permanently restricted open space shall be configured so as to promote adherence to resource protection standards in this subsection.

(3) The permanently protected open space shall include an area, comprising not less than 10% of the gross tract area, which constitutes neither Flood Hazard District, nor wetlands (as defined by the U. S. Army Corps of Engineers or the Pennsylvania Department of Environmental Protection) nor slopes in excess of 25%.

(4) Without limitation of any other requirements of this article or the definition of permanently protected open space under Section 162-5 of this chapter, permanently protected open space in any plan and application submitted for conditional use approval under this article shall be dedicated to the Township or restricted from further development or construction beyond that which is approved as part of the conditional use application and decision of the Supervisors by deed restriction, conservation easement or other agreement running in favor of the Township, a qualified conservation organization or both (as the Supervisors elect) in a form acceptable to the Supervisors (in consultation with the Township Solicitor) and which must be duly recorded in the office of the Recorder of Deeds of Chester County. The requirements of this Subsection C(4) shall be satisfied if, in the alternative, the permanently protected open space is dedicated to and accepted by the Township, if offered by the applicant and accepted by the Township, if offered by the applicant and accepted by the Supervisors in their discretion.

D. Calculation of open space for purposes of determining the multiplier in Section 162-66. Not all land, which meets the definition of permanently protected open space under this chapter, shall necessarily qualify as open space for the purpose of determining the multiplier under Section 162-67. Portions of land which are occupied by any of the following features shall be excluded from open space for purposes of determining the multiplier in the Table of Multipliers in Section 162-66:

(1) Any area not satisfying the definition of permanently protected open space under this chapter.



- (2) Any area occupied by any impervious surface (including buildings, other structures, parking areas, tennis courts, swimming pools and the like) unless proposed in the conditional use application and approved by the Board of Supervisors to be retained for a permitted use in permanently protected open space under this article, and sewage treatment facility (other than subsurface sewage disposal areas and land application disposal areas which may be included in the open space calculation) or any Stormwater management structure or facility.
- (3) Any area located within 25 feet of any building or other structure (existing or proposed) except structures accessory to permitted uses of the permanently protected open space (such as agricultural or community recreation buildings or other structures).
- (4) Any area with a width of less than 75 feet measured perpendicular from any point on the boundary of open space sought to be included in the determination.
- (5) Any parcel of permanently protected open space having an area less than 1.0 acre (measured by its boundaries with land not qualifying as permanently protected open space).

SECTION 162-68. Use of permanently protected open space.

- A. Areas designated as permanently protected open space may, upon approval as a conditional use under this article, be used for any of the following:
  - (1) Crop or pasture land.
  - (2) Cultivation of nursery stock or orchard trees.
  - (3) Woodland, meadow, wetland, wildlife habitat, game preserve, or similar conservation-oriented area.
  - (4) Public, common or private park or outdoor recreation area.
  - (5) Land application of treated waste water in accordance with the Municipal Sewage Facilities Plan (act 537 Plan) of the Township<sup>27</sup>.
- B. Further subdivision of permanently protected open space may be permitted by approval of the Board of Supervisors in accordance with all applicable provisions of this chapter and Chapter 138, Subdivision with the requirements of the conditional use approval, testimony given in support thereof and the standards for conditional use set forth in this article can be and is demonstrated by the applicant.

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<sup>27</sup> Editor's Note: See 35 P. S. § 750.1 et seq.

SECTION 162-69. Management of permanently protected open space.

- A. Any application for conditional use approval under this article shall contain a conceptual plan for the long term management of the permanently protected open space which is to be created as part of the development. Such a plan shall include a discussion of the manner in which the permanently protected open space will be owned and by whom it will be managed and maintained; the conservation, land management and agricultural techniques and practices which will be used to conserve and perpetually protected the permanently protected open space; the professional and personnel resources that will be necessary in order to maintain and manage the property; the nature of public or private access that is planned for the permanently protected open space; and the source of money that will be available for such management, preservation and maintenance on a perpetual basis. The adequacy and feasibility of this conceptual management plans as well as its compatibility with the open space preservation objectives of Section 162-67C shall be a factor in the approval or denial of the conditional use application by the Board of Supervisors.
- B. The conceptual management plan shall be transformed into a more detailed open space management plan and presented to the Township for review and approval with the final subdivision and land development plan. The Board of Supervisors may require that the management plan be recorded, with the final subdivision and land development plans, in the Office of the Recorder of Deeds of Chester County. In order to allow for the changing needs inherent in the perpetual management of land, the management plan shall contain a provision to the effect that it may be changed by written application to the Board of Supervisors, so long as the proposed change is feasible and consistent with the purposes of preservation of open space set forth in this article and so long as the plan for such change avoids a likelihood of the obligation for management and maintenance of the land falling upon the Township without the consent of the Board of Supervisors, and the approval of the Board of Supervisors in that regard shall not be unreasonably withheld or delayed.
- C. The permanently protected open space in any land development or Subdivision utilizing the design options of this article shall, subject to the approval of the Supervisors, be owned and maintained by one or a combination of the following: condominium association, homeowners association, the Township, the County of Chester, the Commonwealth of Pennsylvania, a qualified conservation organization, or a private landowner.
- D. The Township may, but shall not be required to, accept dedication of all or any portion of the permanently protected open space, if offered by the applicant or any subsequent owner thereof and only if accepted by the Township on such terms and conditions as the Board of Supervisors may deem appropriate.
- E. The Township may, but shall not be required to, accept easements for public use of any portion or portions of the permanently protected open space, title to which is to remain in ownership by another person or entity otherwise permitted under the preceding subsections to owe permanently protected open space, if offered by the applicant or any subsequent owner thereof and only if accepted by the Township on such terms and conditions as the Board of Supervisors may deem appropriate.

- F. All or portions of the permanently protected open space may, if approved by the Board of Supervisors, in the case of applications involving the creation of fewer than 30 dwelling units, be divided among one or more of the lots proposed for the development. Where deemed appropriate, the Board of Supervisors may require that responsibility for maintenance of restricted open space be conferred upon and divided among the owners of one or more individual lots.

SECTION 162-70. Standards for historic resources.

Applicant shall comply with the following standards where renovation or reuse of any historic resource included in the Historic Sites Survey of Chester County and listed on the Township Inventory of Historic Sites is proposed in order to develop dwelling units in addition to the maximum otherwise permissible under Section 162-66F above.

- A. Construction plans for the rehabilitation, alteration, or enlargement of any such historic structure shall be in substantial compliance with the Secretary of the Interior's currently adopted Standards for Rehabilitation, as revised.
- B. Authentic period materials and colors shall be used on all facades and any portion of any historic structure or enlargement thereof visible from any existing or proposed public right-of-way. Appropriate substitute color, design or material may occur only upon the approval of the Board of Supervisors after written recommendation of the Pennsbury Township Historical Commission.
- C. Applicant shall demonstrate preservation of sufficient landscaped or buffer area surrounding historic structures to retain the integrity of the historical landscape setting. Applicant may demonstrate mitigation of impacts to historical landscape setting through plans showing the introduction of vegetation or other screening in harmony with such landscape setting and through retention of view lines which visually link historic structure to their landscape setting.
- D. Facilities and equipment for heating/air conditioning, trash collection and compaction, and other structural elements not in keeping with historical architectural themes shall be concealed architecturally or otherwise screened completely from view.
- E. Applicant shall guarantee permanent adherence to these standards through establishment of appropriate conservation/façade easement(s) granted to a nonprofit historical or environmental conservation organization capable of enforcing the restrictions or a governmental entity, according to documentation acceptable to the Board of Supervisors after consultation with the Township Solicitor.



**ARTICLE XVII**  
**Signs**

SECTION 162-71. Definitions.

As used in this article, the following terms shall have the meanings indicated:

**ACCESSORY USE SIGNS** – Signs which identify or advertise home occupations.

**ARTISAN SIGN** – Temporary advertising signs of workmen performing services at or alterations to a building or premises.

**BULLETIN BOARD** – A sign of permanent character, but with movable letters, words or numerals, indicating the names of persons associated with events conducted upon or products or services offered upon the premises upon which such a sign is maintained.

**BUSINESS SIGN** – A sign directing attention to a business, commodity, or service conducted, sold or offered upon the same premises as those upon which the sign is maintained.

**DEVELOPMENT SIGN** – A sign indicating that the premises is in the process of being subdivided and developed for the construction of dwellings or other buildings.

**DIRECTIONAL SIGN** – A sign conveying instructions with respect to the premises on which it is maintained, such as the entrance and exit of a parking area, a warning sign, a danger sign and similar information signs.

**FLASHING SIGN** – Any illuminated sign which the artificial light is not maintained stationary and/or constant in intensity of color at all times when such sign is in use including but not limited to moving, rotating, flashing, oscillating, shuttered or other similar sign.

**FREESTANDING SIGN** – A detached sign which shall include any sign, uprights or braces placed upon or in the ground and not attached to any building.

**IDENTIFICATION SIGN** – A sign, other than a bulletin board or name plate sign, indicating the name of a permitted use, the name or address of a building or the name of the management thereof.

**ILLUMINATED SIGN** – A nonflashing or nontwinkling sign which has characters, letters, figures, designs or outlines illuminated by direct or indirect electric lighting or luminous tubes as part of the sign.

**NAMEPLATE SIGN** – A sign which designates the name and address of an occupant or group of occupants.

**OFFICIAL TRAFFIC SIGN** – Signs erected by the Commonwealth of Pennsylvania Department of Transportation or the Township of Pennsbury which are designed to regulate traffic, describe road conditions, or supply directions.

**OFF-SITE DIRECTIONAL SIGNS** – Nonilluminated signs used to direct person to civic or service clubs, churches, schools, nonprofit organizations or other public or quasi-public sites or facilities.

**OUTDOOR ADVERTISING BILLBOARD** – A sign which directs attention to a business, commodity, service or entertainment not conducted, sold or offered upon the premises where such sign is located.

**PROFESSIONAL SIGNS** – Signs which indicate the profession of a doctor of medicine, veterinarian, dentist, teacher, artist, architect, musician, lawyer, district justice or practitioner of similar character.

**PROJECTING SIGN** – A display sign which is attached directly to any building wall and which extends more than 12 inches from the face of the wall.

**REAL ESTATE SIGN** – A temporary sign indicating the sale, rental or lease of the premises on which the sign is located.

**SIGN** – See Section 162-6.

**SIGN AREA or SIZE** – The entire area within a single continuous perimeter enclosing the extreme limits of such sign, together with all moldings, battens; cappings, nailing strips, latticing and platforms which are attached and are part of the sign proper and/or formatting an integral part of the display. Signs which are composed of letters, words or representations only and which do not form a square or rectangular pattern shall be considered to include in sign area a square or rectangular as drawn at the outer limits of the letters, words or representations. In computing the area of a double-face sign, only one side shall be considered provided that both faces are identical. In “V” type structures, the interior angle of which exceeds 45 degrees, both sides shall be considered in computing the sign area.

**TEMPORARY SIGN** – A sign notifying of or advertising a special event, such as festivals, concerts or exhibits, being displayed for not more than 45 days in duration.

**WALL SIGNS** – Any sign erected against the wall of any building, or displayed on windows or doors or displayed with the exposed face thereof in a plane parallel to the face of said wall, window or door and which sign is mounted at a distance measured perpendicular to said wall not greater than 12 inches.

**SECTION 162-72. Signs in residential districts.**

The following types of signs and no others shall be permitted in any residential district, provided that the signs comply with all requirements herein specified.

- A. Official traffic signs.
- B. Professional, accessory use or nameplate signs, provided that:
  - (1) The size of any such sign shall not exceed two square feet.
  - (2) Not more than one such sign shall be erected for each permitted use or dwelling unit.
- C. Identification signs for subdivisions, planned residential developments or multifamily developments, farms or estates, schools, churches and other permitted uses, provided that:

- (1) The size of any such sign shall not exceed 32 square feet.
  - (2) Not more than one such sign shall be placed at each entrance to a public road.
- D. Real estate signs, including:
- (1) Signs advertising the sale or rental of premises, provided that:
    - (a) The size of any such sign shall not exceed six square feet.
    - (b) Not more than one such sign shall be placed on premises held in single and separate ownership unless such premises front on more than one street, in which event one such sign may be placed on each frontage.
    - (c) All such signs shall be removed within 30 days of the sale or rental of the premises.
  - (2) Development signs, provided that:
    - (a) The area of such sign shall not exceed 32 square feet, and that no more than one such sign shall be erected at each entrance to a public road.
    - (b) Off-site directional signs shall not be permitted.
    - (c) All such signs shall be removed upon completion of active work by the developer.
- E. No trespassing signs or signs indicating the private nature of a driveway or premises, provided that the size of any such sign shall not exceed two square feet.
- F. Artisans' signs, 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 six square feet.
  - (3) Not more than one such sign per contractor shall be placed on premises held in single and separate ownership.
  - (4) Such signs shall be removed promptly upon completion of active work.
- G. Bulletin board signs for churches, schools, or institutions, provided that the sign area does not exceed 12 square feet.
- (1) The size of such sign except at the discretion of the Board of Supervisors shall not exceed 16 square feet.
  - (2) The sign shall be removed immediately upon completion of the special event, but in no event later than 45 days after issuance of permit as required by Section 162-76 of this chapter.

- H. Temporary signs, provided that:
  - (1) The size of such sign except at the discretion of the Board of Supervisors shall not exceed 16 square feet.
  - (2) The sign shall be removed immediately upon completion of the special event, but in no event later than 45 days after issuance of permit as required by Section 162-76 of this chapter.
- I. Business signs advertising the sale of farm products.

**SECTION 162-73. Signs in Highway Commercial, Industrial and Multi-Use Districts. [Amended 12-16-1991]**

The following types of signs shall be permitted in the Highway Commercial (HC), Light Industrial (LI) and Multi-Use (MU) Districts, provided that the signs comply with all requirements herein specified:

- A. Any sign permitted in residential districts which relates to a use permitted in the district.
- B. Real estate signs advertising the sale or rental of premises provided that:
  - (1) The size of any such sign shall not exceed 20 square feet.
  - (2) Not more than one such sign shall be placed on premises held in single and separate ownership unless such premises fronts on more than one street, in which case one such sign may be placed on each street frontage.
- C. Business signs, provided that: **[Amended 12-16-1991]**
  - (1) Not more than one sign shall be permitted for each business for those uses permitted by right as well as those permitted by conditional use.
  - (2) The maximum sign area of any sign, whether freestanding, projecting or wall mounted, shall not exceed an area equal to one square foot for every one linear foot of building frontage, but not to exceed 32 square feet in total area.
  - (3) In the case of a unified development with more than one entity under single and separate ownership, such as an office or industrial park, business center or shopping center, one freestanding sign may be erected at the entrance of the unified development. Such freestanding sign shall identify the name of the development or center and may include names of the principal businesses or uses and shall not exceed 32 square feet in total area. No freestanding sign shall be permitted for individual businesses located within the same development or on the same lot as the unified development.
  - (4) The area of permitted projecting or wall sign for individual uses within a unified development shall be computed as follows:



- (a) On buildings housing only one tenant, or multiple tenants that access the building via a common outside entrance(s), building frontage shall be that one face or wall of a building which is architecturally designed as the front of the building and which contains the main entrance for use by the general public. In instances where building frontage cannot be location and/or orientation, an average of the linear feet of those walls in question shall be used in calculating allowable sign area.
  - [1] Building-mounted signs on buildings housing only one tenant shall not exceed one square foot of sign area for every one linear foot of building frontage, however no one sign shall have a sign area in excess of 16 square feet. Such sign shall be located on the entry or parking side of the building.
  - [2] Buildings housing multiple tenants that access the building via a common outside entrance(s) shall be permitted one directory sign which shall not exceed 16 square feet in total area.
  
- (b) On buildings housing more than one tenant where each tenant has its own outside entrance(s), building frontage for each tenant shall be that one architecturally designed perimeter wall that contains that tenant's main entrance for use by the general public to the area occupied by that tenant. In instances where a tenant occupies an area which has more than one architecturally designed wall located on the perimeter of the building, only that one wall which contains the primary entrance for use by the general public shall be used in calculating allowable sign area. In instances where it cannot be clearly determined which perimeter wall contains the primary entrance for use by the general public, an average of the linear feet of those walls in question shall be used in calculating allowable sign areas.
  - [1] Building-mounted signs on buildings housing more than one tenant where each tenant has its own outside entrance(s) shall not exceed one square feet of sign area for each linear foot of building frontage occupied by each tenant. The maximum allowable sign area for any one tenant, however, shall not exceed a total of 16 feet.

SECTION 162-74. Signs in Village Commercial District

The following types of signs shall be permitted in the Village Commercial (VC) District, provided that the signs comply with all requirements herein specified:

- A. Any sign permitted in residential districts which relates to a use permitted in the district.
- B. Business signs, provided that:
  - (1) Not more than one sign shall be placed on each premises held in single and separate ownership.

- (2) The maximum sign area of each sign shall not exceed an area equal to one square foot for every one linear foot of building frontage, but not to exceed 32 square feet in total area.

SECTION 162-75. Signs in Mobile Home Park District.

The following types of signs shall be permitted in the Mobile Home Park (MHP) District, provided that the signs comply with all requirements herein specified:

- A. Any sign permitted in residential districts which relates to a use permitted in the district.
- B. Identification signs, provided that:
  - (1) The size of any such sign shall not exceed 32 square feet.
  - (2) Not more than one such sign shall be erected at each entrance of the park to a public road.
  - (3) Within each park, no more than two signs indicating the office and the location of supportive facilities, each of which shall not exceed three square feet in size.

SECTION 162-76. General regulations.

The following restrictions shall apply to all permitted sign uses:

- A. Flashing signs or outdoor advertising billboards shall not be permitted in any district. Any existing signs shall not be altered or changed in any way.
- B. No sign shall be erected so as to obstruct free and clear vision of any intersection, traffic control sign or signal. Such sign shall not have red, green or amber illumination.
- C. No sign shall be erected or maintained so as to prevent free ingress or egress from any door, window or fire escape.
- D. No business sign may be located nearer to a residence or a residential district lot line than permitted for other commercial or industrial structures. If located nearer than 50 feet or facing into a residence or a residential district, the source of light shall be so shielded that it is not visible from any point off of the lot and shall be so designed as not to shine or reflect light upon such residence or district. **[Amended 12-16-1991]**
- E. No sign, other than signs authorized by Section 162-72A, shall be located within or extend into or over any street right-of-way.
- F. No sign shall be illuminated by lighting sources internal to the sign, such as internally lit signs with a translucent glass or plastic sign face, nor shall signs be permitted which themselves are a source of light, such as neon lit signs. Any illumination of signs in any district shall be so shielded that the source of light shall not be visible from a point off the lot on which the sign being illuminated is erected, and so that only the sign is illuminated thereby. Signs shall be illuminated only during the hours of operation, including after hours appointments, of the use on which lot the sign is situated or until 8:00 p.m.,

prevailing time, whichever is later. The light source shall be extinguished at the end of business hours. **[Amended 12-16-1991]**

- G. Projecting signs may extend not more than 42 inches beyond the wall of a building. Projecting, freestanding, or wall signs shall have a minimum clearance of 10 feet to the finished grade of any sidewalk or 14 ½ feet above any parking area or drive.
- H. No part of any sign attached to a building shall extend above the permitted building height. No freestanding sign shall exceed the height of 12 feet from the grade of the nearest road. **[Amended 12-16-1991]**
- I. All signs shall be constructed of durable materials and shall be kept in good condition and repair. Whenever a sign becomes structurally unsafe or endangers the public safety, or the safety of a building or premises, the Township shall give written notice to the owner of the sign or the owner of the premises on which the sign is located that such sign be made safe or removed within five days at the expense of the owner or lessee.
- J. A sign shall be removed by the owner or lessee of the premises upon which the sign is located, at their expense when the business or activity it advertises is terminated.
- K. All signs shall be coordinated with the architectural of the principal use in such a manner that the overall appearance is harmonious in color, form and proportion. Drawings shall be required for each sign and shall be submitted with the final subdivision and/or land development application for approval by the Township Planning Commission and Board of Supervisors. The drawings shall also accompany applications for a sign permit in accordance with Section 162-77. The drawings shall show, in detail, the size, location, illumination, color, material and information included on the proposed sign. In addition to the above, the following standards shall apply to each sign: **[Amended 12-16-1991]**
  - (1) Information. The information shown on signs shall identify the use or business(es) in a simple and straightforward manner.
  - (2) Colors. No more than two or three colors shall be used for a sign. Colors used for the sign shall match either the background or trim color of the structure which it serves. (Suggested colors are contained in the Appendix.) When more than one sign is permitted, the colors on the sign shall be coordinated with each other to present a unified image.
  - (3) Materials. Signs are recommended to be constructed of natural materials such as wood, masonry or stone with painted or raised lettering and their design compatible with the architecture of the structure it serves. Wooden signs, either painted or carved, are preferred.
- L. All signs shall be securely mounted or fastened to the building upon which they are erected or, if freestanding, must be securely and safely installed in the ground. The installation of all signs must be approved by the Zoning Officer.
- M. Directional signs, not exceeding six square feet in size, shall be permitted in any district. No advertising matter shall be contained on signs of this type.

- N. Off-site directional signs shall indicate only the name of the facility, organization or site, including location of meetings, and the direction in which it is located or approximate distance. Such sign shall not exceed three square feet in area. No more than two such signs shall be permitted within the township, unless otherwise approved by the Board of Supervisors.

SECTION 162-77. Sign permits and bonds.

- A. Permits. In addition to applicable requirements of Article XX, a sign permit shall be required for all signs exceeding two square feet in area, and such signs shall be subject to annual inspection, unless otherwise provided. All illuminated signs shall be in accordance with the National Electrical Code. Applications for sign permits shall be filed in triplicate 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.
- B. Bond or liability insurance policy. Before any permit will be issued for any sign erected and/or projecting over property used by the public, a liability insurance policy or an indemnity bond payable to the Pennsbury Township, in a form and amount satisfactory to the Township Solicitor, shall be posted. Only one such bond or liability policy need be posted for the owner of the sign.
- C. Permit fees. 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 be resolution establish.
- D. All application for sign permits shall be accompanied by the property owner's written consent, if the property owner is not owner of the sign.
- E. Exemptions. The following signs are exempt from the requirements for a permit and fee, but shall not be construed as relieving the owner of the sign from the responsibility for its proper erection and maintenance in a good and safe condition.
- (1) Signs, as permitted in residential districts, six square feet or less in area.
  - (2) Official federal, state, or municipal signs.
  - (3) Artisan signs.
  - (4) Real estate signs.
- F. Annual inspection fees. All signs for which a permit is required shall be subject to annual inspection by the Zoning Officer. The fees for annual inspection shall be established by resolution by the Board of Supervisors, and the Zoning Officer shall issue a certificate of inspection upon payment of the same.

**ARTICLE XVIII**  
**General Regulations**

SECTION 162-78. Design standards.

The following shall apply to zoning district here indicated.

A. Parking. **[Amended 1-12-1987]**

(1) General standards.

- (a) Off-street parking spaces with proper and safe access from street or aisle shall be provided on each lot, either within a structure or in the open to serve the uses, within the district adequately.
- (b) Buildings, vehicular circulation and open space shall be arranged so that pedestrians moving between buildings and parking areas are not unnecessarily exposed to vehicular traffic.

(2) Location.

- (a) All parking spaces must be located on the property for which they are intended unless otherwise authorized by the Board of Supervisors subject to the following conditions:

- [1] The owners of two or more nonresidential establishments shall submit with their application a site plan and agreement showing joint use, agreement, maintenance responsibilities and location of a common off-street parking area.
- [2] Some portion of a common off-street parking area shall lie within 200 feet of an entrance, regularly used by patrons, into the building served thereby.

- (b) In no case shall any portion of a public or private street be utilized in complying with the parking requirements of this section.
- (c) Parking spaces for nonresidential uses shall not be located in the front yard setback areas, subject to the provisions of Section 162-78B(7).
- (d) For multifamily residential developments, the parking spaces shall be within 100 feet of the dwelling they serve.

(3) Size.

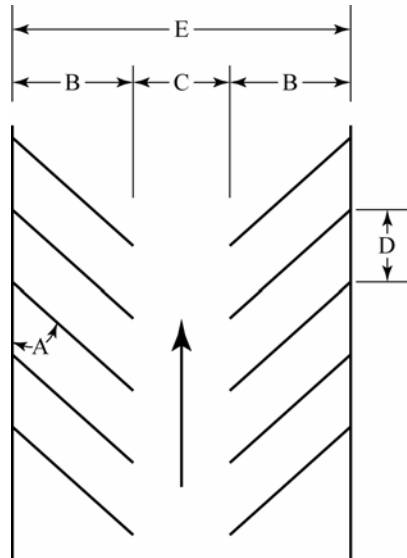
- (a) The following schedule of parking space and layout standards shall apply to all parking facilities in accordance with this section:

	Angle of Parking Row to Driveway Aisle			
	30°	45°	60°	90°
Depth of Parking Row <sup>1</sup>	17	20	21	20
Dept of Parking Space	9	11	9	10
Width of Aisle	11	13	18	24
	(1 way)	(1way)	(1 way)	(1 or 2 way)

Parallel parking spaces shall be at least 24 feet in length and eight feet in width

NOTES:

<sup>1</sup> Measured perpendicular, to the closed end of the space (see diagram).



A. Angle	Stall B. Length	C. Aisle	Stall D. Width	Total E. Width
90°	20 ft.	24 ft.	10 ft.	64 ft.
60°	21 ft.	18 ft.	9 ft.	60 ft.
45°	20 ft.	13 ft.	9 ft.	53 ft.
30°	17 ft.	11 ft.	9 ft.	45 ft.

- (b) The Planning Commission may recommend and the Board of Supervisors authorize the provision of up to 30% of the required parking spaces to be designed and designated for small cars for those uses of a site or lot which have little turnover and are typically occupied all day or over night primarily by the same employees or residents, such as for nonmedical offices or multifamily dwellings. Such small car spaces may

be eight feet in width if in perpendicular rows or seven feet if on an angle and 16 feet in width if in perpendicular, or proportionately shorter if angle parking. Approved small car spaces shall be grouped and clearly marked for small car use.

- (c) The Township may approve the use of continuous curbs as wheel stops and thus measure the size of parking spaces to be two feet less in length than otherwise required. In such instances the parking layout should allow for the vehicle to overhang the curb by two feet and such overhang area must be clear of all obstructions (signs, trees, etc.) and shall not be regarded as required landscape area or pedestrian circulation space.

(4) Design.

- (a) Parking facilities shall be designed with careful regard to orderly arrangement, topography, landscaping, ease of access, and shall be developed as an integral part of an overall site design.
- (b) Parking spaces for over 20 vehicles shall be so divided by permanent raised curbing that access lanes are clearly defined, and that moving traffic will be confined to designated access lanes.
- (c) All parking spaces shall be marked by durable painted lines at least four inches wide and extending the length of the space or by curbs or other means to indicate individual spaces. Signs or markers located on the surface within a parking lot shall be used as necessary to ensure efficient and safe traffic operation of a lot.
- (d) Parking spaces shall have paved all-weather surface, unless otherwise approved by the Board of Supervisors. Parking areas shall be maintained in a clean orderly and dust-free condition. Parking areas shall have a minimum slope of 1% in any direction to provide for drainage and a maximum of slope of 6% in any direction for safety, user convenience and Stormwater runoff. Parking areas shall be provided with adequate Stormwater drainage facilities to prevent damage or inconvenience to abutting property and/or public streets and alleys.
- (e) Parking areas shall be landscaped and screened in accordance with Section 162-78E. **[Amended 2-22-2000 by Ord. No. 2000-1]**
- (f) Handicapped parking. The following shall apply to all commercial, industrial, professional office, institutional, religious and educational uses:

- [1] If the total number of parking spaces exceeds 20, a minimum of 2% of the total number of parking spaces, but in no case less than one space, shall be designed and designated for physically handicapped persons.

- [2] Said spaces shall be most accessible and approximate to the building or buildings which the parking spaces shall serve.
  - [3] Each space or group of spaces shall be identified with a clearly visible marking and signs displaying the international symbol of access.
  - [4] Each space shall be 12 feet wide to allow room for persons in wheelchairs or on braces or crutches to get in and out of either side of an automobile onto level, paved surface suitable for wheeling or walking.
  - [5] Where possible, such spaces shall be located so that persons in wheelchairs or using braces or crutches are not compelled to wheel or walk behind parked cars.
  - [6] Where applicable, curb ramps shall be provided to permit handicapped people access from the parking lot to the sidewalk or building entrance.
- (5) Requirements. **[Amended 9-7-1993]**
- (a) Residential.
    - [1] Two off-street parking spaces for each dwelling unit having three or less bedrooms; three off-street parking spaces for each dwelling unit having four or more bedrooms.
    - [2] Each parking space shall have proper and safe access from the street or alley; driveways shall be so constructed as to permit vehicles to turn around on the lot, so as to eliminate the necessity of backing either on or off the lot.
    - [3] Parking spaces for each vehicle shall be at least 10 feet by 20 feet in size.
    - [4] Parking spaces shall have an approved all-weather surface and shall have safe and convenient access in all seasons.
  - (b) Industrial.
    - [1] Less than 100,000 square feet gross floor area: 2.5 spaces per 1,000 square feet of gross floor area.
    - [2] More than 100,000 square feet gross floor area: 2.0 spaces per 1,000 square feet of gross floor area.
    - [3] Industrial park: two spaces per 1,000 square feet of gross floor area.
  - (c) Commercial.



- [1] Eating and drinking establishment without table service (including Fast Food Restaurants): 15 spaces per 1,000 square feet of gross floor area.
- [2] Eating and drinking establishment with table service: 12 spaces per 1,000 square feet of gross floor area.
- [3] Hotel/motel: one space per unit plus four additional spaces per units.
- [4] Warehouse, wholesale sales: one space per 1,000 square feet of gross floor area.
- [5] Gas station (without repair service): one space per pump plus one stacking space per pump.
- [6] Gas station (with repair service): one space per pump plus one stacking space per pump plus two spaces per garage bay.
- [7] Automobile sales and service, automobile repair shop: one space for each 400 square feet of gross floor area plus two spaces per bay. Outdoor display area for automobile sales shall not be included in the required parking spaces.
- [8] Retail sales, consumed goods (sales of consumed or perishable goods with little seasonal variation in demand; includes supermarkets, convenience stores, and other similar retail establishments): 3.5 spaces per 1,000 square feet of gross floor area.
- [9] Retail sales, capital goods (sales of capital or nonperishable items which often have some seasonal fluctuation in demand; includes shopping centers, department stores, gift shops, jewelers, apparel and personal accessories, nurseries, bookstores, and other similar retail establishments): five spaces per 1,000 square feet of gross floor area.
- [10] Car wash: four stacking spaces per wash bay plus two drying spaces per wash bay.
- [11] Laundromat: one space per two washing machines.
- [12] Mini-storage: one space per six rentable storage units; or one space per 10 rentable storage units where there is sufficient room for parking immediately adjacent to the front of each drive-up storage unit.
- [13] Financial institution, bank: four spaces per 1,000 square feet of gross floor area.
- [14] Personal services: five spaces per 1,000 square feet of gross floor area.

- [15] Commercial day-care: two spaces per 10 children, plus one space per employee, plus one stacking space per 20 children.
  - [16] Junkyard: three spaces per one acre (43,560 square feet).
  - [17] Lumberyard: three spaces per 1,000 square feet of gross floor area in sales or display area, plus one space per 1,000 square feet of gross floor area of warehouse.
  - [18] Home occupations: See Section 162-83 of this chapter.
- (d) Professional.
- [1] Office buildings, business services, laboratories, and research and development facilities: 3.5 spaces per 1,000 square feet of gross floor area.
  - [2] Office park: three spaces per 1,000 square feet of gross floor area.
  - [3] Medical/dentist office: three spaces per treatment room plus one space for each doctor or dentist.
  - [4] Professional services/offices: five spaces per 1,000 square feet of gross floor area.
  - [5] Funeral home: 20 spaces per 1,000 square feet used for the operation of the funeral home or one space per four seats, whichever is greater.
- (e) Recreational.
- [1] Cinema: one space per 3.5 seats.
  - [2] Bowling alley: five spaces per lane.
  - [3] Health club (spa type): five spaces per 1,000 square feet of gross floor area.
  - [4] Tennis club: two spaces per court plus one space per 200 square feet of clubhouse gross floor area in excess of 1,000 square feet.
  - [5] Country club, golf club: four spaces per hole plus 50% of the requirements for any other associated use.
  - [6] Swim club, public pool: 10 spaces per 1,000 square feet of pool floor area.
  - [7] Miniature golf: three spaces per hole.

- [8] Indoor amusement arcade: one space per 200 square feet of gross floor area.
  - [9] Park: Varies according to facilities and service area.
- (f) Institutional.
- [1] Community center: one space for each four seats in the main assembly hall or four spaces per 1,000 square feet of gross area, whichever is greater.
  - [2] Nursing home: 0.5 spaces per bed.
  - [3] Hospital: two spaces per bed.
  - [4] Place of worship, church: one space per three seats.
  - [5] Elementary school: one space per 20 students of design capacity, plus one space per 400 square feet of gross floor area of office space.
  - [6] Junior high/middle school: one space per 20 students of design capacity, plus one space per 100 square feet of gym floor area or one space per four auditorium seats, whichever is greater.
  - [7] High school: one space per 10 students of design capacity, plus one space per 100 square feet of gym floor area or one space per four auditorium seats, whichever is greater.
  - [8] University without dormitories, community college: 20 spaces per classroom.
  - [9] University with Dormitories: one space per dormitory room, plus two per classroom.
  - [10] Airport: 30 spaces per 1,000 square feet of gross floor area in terminal.
  - [11] Utility installation: two spaces per facility.
  - [12] Library: two spaces per 1,000 square feet of gross floor area.
  - [13] Museum: three spaces per 1,000 square feet of gross floor area in gallery.
  - [14] Mass transit station: Varies according to service area.
- (g) Special exception or conditional use. For any use permitted by special exception or conditional use, it shall be the burden of the applicant to present evidence of the parking needs of the proposed use, and additional evidence thereon may be presented by the Planning Commission or

Board of Supervisors. The Zoning Hearing Board in granting a special exception, or the Board of Supervisors in granting conditional use approval, may attach specific parking requirements, which may be equivalent to, greater than, or less than the requirements set forth herein.

- (h) Accessory or combined uses.
  - [1] If a related or accessory use, such as a restaurant or an auditorium, in connection with a principal use, is open to the public, the off-street parking requirement for the related use shall be in addition to that of the principal use.
  - [2] The Planning Commission may approve the alternating use of parking facilities in cases where parties wish to cooperatively establish and operate parking facilities and where these uses generate parking demands primarily during hours when the remaining uses are not in operation. The burden of proof for a reduction in the total number of required parking space shall remain with the applicant and documentation shall be submitted to the Planning Commission substantiating the reasons for the requested parking reduction.
- (i) Uses not specified. The parking space requirements for uses not listed in Section 162-78A(5) shall be defined by the Board of Supervisors upon recommendation by the Planning Commission. Such determination shall be based upon the requirements for the most comparable use specified in Section 162-78A(5).
- (j) Reserve parking. The number of parking spaces to be constructed may be less than the number of spaces required herein in the event that both of the following conditions are met to the satisfaction of the Board of Supervisors.
  - [1] Evidence is submitted firmly documenting that the special nature of the proposed occupancy or use of the building requires less parking spaces than required by this subsection for the same.
  - [2] The site development plan submitted to and recommended for approval by the Planning Commission in accordance with Section 162-78A shall indicate the location and layout of the required parking area. Such design shall include those parking areas deemed unnecessary at the time of application and that will be constructed according to the requirements of this subsection in the event that the Board of Supervisors determines at any time that all or any additional portion of this parking is necessary and in the public health, safety, and welfare. Such area shall be designed as “reserved parking” on the site plan of record.
  - [3] No more than 20% of the required parking shall be provided in reserve spaces. In no event shall that authorized portion of the required parking area which is not to be constructed, but

reserved for possible future uses, be counted as open space or other nonpaved area required by other provisions of this chapter.

- [4] Reserved parking areas may be precast porous pavement (such as “grasscrete”) or, with the approval of the Board of Supervisors upon recommendation of the Township Engineer, oil-sealed gravel or grass, depending on the degree of anticipated use.

B. Access and highway frontage. In order to minimize traffic congestion and hazard, control street access in the public safety and encourage development of street highway frontage:

- (1) Unless clearly impractical, all lots in a residential subdivision shall have direct access only to a local residential street.
- (2) Where lots are created having frontage on existing arterial, collector or rural roads within the Township, the subdivision street pattern shall provide reverse frontage access to local streets within the subdivision rather than access to the arterial, yard of eighty (80) feet from the street line of any arterial, collector or local residential roads.
- (3) All lots radiating from a cul-de-sac have a minimum of 50 feet frontage at the street right-of-way line.
- (4) No driveway shall be situated within five feet of a side or rear property line, except where Common driveways are utilized.
- (5) No parking lot or area for off-street parking or for the storage or movements of motor vehicles shall directly abut a public street or highway unless separated from the street or highway by at least five feet by a raised curb, barrier planting strip, except for necessary accessways to any one public street or highway for each 500 feet of frontage. Where practical, access to parking areas shall be provided by a common service driveway or minor street in order to avoid direct access on a major street or highway. No such accessway shall be more than 35 feet in width.
- (6) All driveways, aisles, maneuvering spaces, vehicular service areas or spaces between or about buildings, other than those relating to a dwelling, shall be adequately illuminated.
- (7) No parking, loading or service area shall be located within front yard setback areas in the Highway Commercial (HC) or Light Industrial (LI) District, except that, where this restriction is clearly impractical, the Zoning Hearing Board may authorize parking, loading or service areas therein. In no case, however, shall the distance between the street right-of-way line and such areas be less than 20 feet.
- (8) In the case of a shopping center, light industrial, professional office park or similar groupings of buildings, constructed as part of an integrated plan, and in any other use where practicable, there shall not be more than two accessways to any public street or highway for each 500 feet of frontage. All parking, loading

or service areas used by motor vehicles shall be located entirely within the lot line of the property. All accessways to a public street or highway shall be located not less than 100 feet from the intersection of any street lines. All accessways shall be designed to conform to highway specifications and the subdivision requirements of the Township.

C. Interior circulation and emergency access.

- (1) Interior drives shall be designed so as to prevent blockage of vehicles entering or leaving the site. Drives may be one-way or two-way. Areas designed for loading and unloading, refuse collection, fuel delivery, and other service vehicles shall be so arranged as to prevent blocking or interfering with accessways, the use of automobile parking facilities or pedestrian way and to prevent backing out into a street.
- (2) No multifamily residential (including PRD), institutional or commercial building shall be located more than 150 feet from a duly dedicated, improved and accessible fire lane easement as defined herein nor more than 600 feet from a duly dedicated, accessible and improved public street. If any such building is located farther than 600 feet from a public street, then a subdivision plot must be filed and approved by the Board before the development plan shall be considered for approval.
- (3) Fire lane easements shall have minimum unobstructed right-of-way width of 40 feet, and there shall be constructed within this right-of-way an all-weather and well drained surfaced cartway with a minimum width of 20 feet. The extension of fire lane easements shall begin from one or more existing and improved public streets.
- (4) Fire easements which curve, turn or change directions shall have a minimum radius of 55 feet of pavement. Fire lane easements containing reserve curves shall have a minimum centerline tangent length of 50 feet between curves.
- (5) Dead-end fire lane easements shall be terminated with an unobstructed vehicular turnaround or cul-de-sac with a minimum right-of-way radius of 45 feet and shall have a minimum surfaced radius of 35 feet. Dead-end fire lane easements shall have a maximum length of 400 feet. The location of fire lane easement shall conform to plans for extension of street, sanitary sewers, water mains, storm sewers, and other drainage facilities and public utilities as contained in this and other ordinances of the Township and shall provide adequate access to buildings by firemen or other emergency services.

D. Loading and unloading. In connection with any building or structure which is erected or substantially altered and which requires the receipt or distribution of materials or merchandise by trucks or similar vehicles, there shall be provided a sufficient number of off-street loading and unloading berths not less than the minimum requirements specified in this section: **[Amended 9-7-1993]**

- (1) Location. All required loading areas shall be located on the same lot as the use to be served, and no portion of the vehicle shall project into any traffic lane. No loading area for vehicles of more than two-ton capacity shall be located less than

100 feet from any residential district. No permitted or required loading area shall be located within 50 feet of a property line. No loading facilities shall be constructed between the building setback line and a street right-of-way line, or within any required yard areas.

- (2) **Size.** A required off-street loading area shall be at least 14 feet in width by at least 50 feet in length, exclusive of aisle and maneuvering space, and shall have vertical clearance of at least 16 feet. For proposed uses in which no deliveries will be made by large trucks or tractor trailers, the minimum size required for a loading berth may be reduced, at the direction of the Board of Supervisors, to 12 feet by 30 feet.
- (3) **Access.** Each required off-street loading area shall be designed with appropriate means of vehicular access to an interior drive in a manner which will least interfere with traffic movements, and shall be subject to the approval of the Township. Such access shall have all-weather surfaces to provide safe and convenient access during all seasons.
- (4) **Surfacing.** All open off-street loading areas shall be improved with a compacted macadam base not less than seven inches thick, or equal, surfaced with not less than two inches of asphaltic-concrete or some comparable all-weather dustless material.
- (5) **Repair and service.** No storage of any kind, nor motor vehicle repair work of any kind, except emergency work, shall be permitted within any required loading area.
- (6) **Space allowed.** Space allowed to any off-street loading berth shall not, while so allocated, be used to satisfy the space requirements for any off-street parking facilities or portions thereof. Required off-street parking spaces shall not be used for loading and unloading purposes except during hours when business operations are suspended.
- (7) **Require spaces.**
  - (a) Retail sales, business and personal services, shopping centers, wholesale sales, and commercial services:

<b>Size (square feet)</b>	<b>Number of Loading Spaces</b>
Less than 5,000	0
5,000 to 15,000	1
15,001 to 40,000	2
40,001 to 100,000	3
100,001 to 300,000	4
Over 300,000	5

- (b) All industrial uses, warehousing, distribution centers:

<b>Size (square feet)</b>	<b>Number of Loading Spaces</b>
Less than 5,000	0
5,000 to 40,000	1
40,001 to 70,000	2
70,001 to 110,000	3
110,001 to 160,000	4
160,001 to 240,000	5
240,001 to 350,000	6
350,001 to 500,000	7
Over 500,000	8

- (c) Offices (including office parks), banks, financial and professional services, and medical clinics:

<b>Size (square feet)</b>	<b>Number of Loading Spaces</b>
Less than 5,000	0
5,000 to 40,000	1
40,001 to 100,000	2
100,000 to 300,000	3
Over 300,000	4

- (d) Hotels, motels, nursing homes and hospitals; excludes ambulance spaces and emergency room spaces for nursing homes and hospitals:

<b>Size (square feet)</b>	<b>Number of Loading Spaces</b>
Less than 10,000	0
10,000 to 100,000	1
100,001 to 200,000	2
Over 200,000	3

E. Screening and landscaping. **[Amended 1-12-1987; 12-16-1991]**

- (1) Buffer area and buffer planting strip standards.

- (a) Buffer areas and buffer planting strips shall be required under the following circumstances:

- [1] Where a proposed commercial or industrial use abuts an existing residential use, institutional use or residential district.
- [2] Where any proposed multifamily residential, mobile home park, retirement community or institutional use abuts another residential district or any existing single-family or two-family dwelling.



- [3] Any other instance where a buffer area and buffer planting strip is required by this chapter or by the Township.
- (b) The portion of the tract that abuts a use or district intended to be screened shall be provided with a buffer area and buffer planting strip, the width, generic plant types and spacing requirements are set forth in Tables 1 and 2 below. The buffer area and planting strip may be included in private yard space. This requirement for a buffer area and buffer planting strip is also applicable to those uses and districts separated by streets and roads except Baltimore Pike, in which case only the buffer area requirements shall apply.
- (c) The use of earth sculpting or berms shall be required as an integral part of the buffer area frontage landscaping for properties along Baltimore Pike whenever topography and lack of existing woodlands permit. Such earth sculpting or berms shall not block the clear site distance required at intersections and driveways. No signs or other structures are permitted on top of berms.
- (d) Buffer areas and buffer planting strips shall be landscaped and maintained in accordance with Section 138-41 of Chapter 138. Subdivision and Land Development.
- (e) All plantings in the buffer areas and/or buffer planting strip shall be installed and thereafter maintained by the property owner for the full width required in a particular district, except that certain structures may be placed within the buffer area and/or buffer planting strip including:
  - [1] Landscape treatment such as berms, fences or walls which aid in screening and do not conflict with the character of adjoining properties, or block the clear sight distance required at intersections.
  - [2] Appurtenant landscaping structures such as: tree wells, tree guards and tree grates and retaining walls used to preserve stands or specimens of existing trees or used for the functional purposes.
  - [3] Roads which provide direct ingress/egress for the tract or lot, including appurtenant structures within such road rights-of-way such as curbs, sidewalks, signs, lighting standards or benches.
  - [4] Underground utilities.
- (f) No other structure shall be placed within the buffer area and/or buffer planting strip, and no manufacturing or processing activity, or storage of materials shall be permitted.
- (g) The buffer planting strip shall be comprised of a mixture of evergreen trees and/or shrubs which are a minimum of eight feet in height for trees and three feet for shrubs at the time of planting as set forth in Table 2,

below, of this chapter. The combined shrub and tree plantings shall constitute a continuous visual buffer the full length of the lot lines at the time of occupancy of any buildings, and/or at the time of initiation of any use.

- (h) In addition to the preceding requirements, the following shall apply:
  - [1] The plantings shall be broken only at points of vehicular or pedestrian access, or as otherwise provided in this section.
  - [2] Existing vegetation: Existing deciduous trees larger than three inches in caliper and/or existing evergreen trees six feet or larger in height may be counted to satisfy the buffer area planting requirement when approved by the Township. In all cases, existing plant material of the above caliper and height shall be preserved in any buffer area except where clearance is required to insure needed vehicular access and sight distance, or if the material is unsuitable.
  - [3] The suggested plant list is set forth in Appendix F of Chapter 138, Subdivision and Land Development. The Township may permit other plant varieties 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 F.
- (2) Parking area requirements. Parking lots and parking areas for five or more vehicles shall be screened and landscaped as follows:
  - (a) The perimeter of all such off-street parking areas or parking lots shall be screened for any abutting property.
  - (b) Screening shall be in the form of a continuous visual buffer eight feet in height at the time of planting, (except within the clear sight triangle) through the use of the following: plant materials or walls, and/or mounding through the use of berms and forming a continuous visual buffer. Fencing may be used for screening only when specially approved by the Township.
  - (c) The area for planting, fencing, walls or berms shall not extend beyond the street line. No off-street parking or loading and unloading facilities shall be located within 20 feet of the street line, unless provided for otherwise in other sections of this chapter.
  - (d) When planting screens are employed, buffer planting strip shall be provided. It shall be a minimum of 10 feet in width, or shall be wider as set forth in Tables 1 and 2, below, of this chapter.
  - (e) Whenever fencing, walls or berms are employed, the effective height of such continuous visual buffer shall be no less than eight feet, except within the required clear sight triangle. If a wall is approved as a means

of screening, it would be exempt from the setback requirements of this chapter.

- (3) Landscaping.
  - (a) All landscaping and required landscape plans shall be in accordance with Section 138-41 of Chapter 138, Subdivision and Land Development.
  - (b) Existing landscaping shall be brought into conformity with Section 138-41 of Chapter 138, Subdivision and Land Development, upon any of the following conditions:
    - [1] Substantial improvement (as defined in Section 162-6 of this chapter] to a property or structure; or
    - [2] A change in the use of a property or structure.

**Table 1**  
**Buffer Area and Buffer Planting Strip Requirements**  
**Pennsbury Township**  
**Width of Required Buffer Area and Buffer Planting Strip:**

<b>District</b>	<b>Minimum Buffer Area Width (in feet)</b>	<b>Minimum Buffer Planting Strip Width (in feet)</b>
MPH	75	25
VC	20	[15]
HC	25	[15]
LI	50	25
<b>Use</b>		
Retirement Community	100	30
Multifamily dwellings	100	30
PRD	100	30
Institutional	50	25

NOTES:

1. Refer to text for complete details in the MHP, VC, HC, and LI Districts.
2. Refer to Section 162-78E(1)(a) for Buffer Area and Buffer Planting Strip Standards.
3. Where a buffer area is required adjacent to a street or road, the width of such buffer area shall be equal to the front yard setback of the applicable Zoning District, unless otherwise provided in other sections of this chapter.

**Table 2**  
**Generic Type, Size and Spacing Requirements**  
**for Plants Within the Buffer Area and the Buffer Planting Strip**  
**Pennsbury Township**

**Buffer Area:**

The following trees and shrubs shall be installed:

One canopy tree<sup>1</sup> per 30 lineal feet of lot frontage, and  
One flowering tree<sup>1</sup> per 60 lineal feet of lot frontage, and  
One flowering shrub<sup>1</sup> per 10 lineal feet of lot frontage.

**Buffer Planting Strip:**

**TREES:**

One evergreen tree<sup>1</sup> not less than eight feet in height per nine lineal feet of perimeter property boundary placed in a single row within the width required for the District; and one evergreen tree<sup>1</sup> not less than eight feet in height and one deciduous tree not less than three inches in caliper per nine lineal feet of perimeter property boundary placed in a double staggered row within the width required for other Districts in Table 1.

**SHRUBS:**

In addition to the trees above, the following shrubs be installed:  
One deciduous and evergreen shrub<sup>1</sup> per six lineal feet of perimeter property boundary, the minimum height of which shall be three feet.  
Shrubs shall not be placed closer than three feet from any property line and trees shall not be closer than five feet.

**NOTES:**

1. Refer to Appendix F of Chapter 138, Subdivision and Land Development, for details pertaining to the plant types.
2. Refer to text for complete details.
3. Buffer planting strip requirements may be refined as approved by the Township if fences, walls and/or berms are proposed.

**F. Storage. [Amended 7-17-1995]**

- (1) All storage, whether of merchandise, inventory held for sale or otherwise, shall be completely screened from view from any public right-of-way and any contiguous residential use; except that merchandise displayed for retail sale outside of a building shall be permitted during normal business hours where such retail use is authorized by this chapter, subject to such setback restrictions as they are applicable to the particular zoning district.
- (2) All material shall be stored in such a manner as to prevent emission onto neighboring properties or into the soil, whether through the air (e.g. dust), on the surface (e.g. water runoff) or subsurface (e.g. liquid seepage).

- (3) Screening shall consist of evergreen planting or an architectural screen. All organic rubbish or garbage shall be contained in tight vermin-tight containers, which shall also be screened from view from any public right-of-way and any contiguous residential use.

G. Lighting. [Amended 1-12-1987; 12-16-1991]

- (1) Lighting standards and requirements.
  - (a) Where required by this chapter, the owner shall install or cause to be installed, at the owner's expense, pole street lights serviced by underground conduit in accordance with a plan to be prepared by the owner's engineer and approved by the Board of Supervisors. The owner shall be responsible for all costs involved in lighting the street from the date of first dwelling unit occupancy until such time that the streets are dedicated to and accepted by the Township.
  - (b) In addition, in single-family subdivision, appropriate conduit and wiring shall be installed underground even though standards and lighting fixtures might not be constructed immediately.
    - [1] Standards. All lighting and accessory equipment shall meet acceptable industry standards as approved by the Board of Supervisors.
    - [2] Shielding. All above permitted lighting, and all external lighting fixtures appurtenant to a structure shall be shielded from all residential properties and from all rights-of-way so as to eliminate light glare beyond an angle of 35 degrees from a vertical plan.
- (2) Other lighting standards. The following standards shall apply to all exterior light fixtures within the Township, except street lighting and associated traffic devices provided by a public utility or governmental entity within a public right-of-way.
  - (a) The light from any luminaire shall be shaded, shielded or directed to prevent direct light from being cast beyond an angle of 35 degrees from a vertical plan and to prevent glare or other objectionable problems to surrounding areas. Unshielded lamps, bulbs and tubes are not permitted, except for temporary holiday lighting and residential house-mounted lamps and driveway lampposts utilizing 60-watt or lesser wattage light bulbs (specifically not including spotlights or floodlights).
  - (b) Lighting shall be designed so that the illumination does not exceed 0.10 footcandles beyond the property line on which the lighting originates.
  - (c) Except for public street lights and traffic signals, freestanding lighting fixtures shall not exceed 16 feet in height. Security or floodlighting may exceed this height requirement when attached to a building provided that such lighting shall be arranged and installed to deflect and focus lights

away from adjacent properties; in no case shall parking areas be illuminated by building mounted lights

- (d) No luminaire shall have any blinking, flashing or fluttering lights or other illuminating device which has a changing light intensity, brightness or color nor will any beacon lights be permitted.
- (e) Neither the direct nor reflected light from any luminair shall create a disabling glare causing traffic hazards to motor vehicle operators or public thoroughfares.
- (f) The type, spacing and degree of cutoff of lighting for new development must be approved by Board of Supervisors after review and recommendation by the Planning Commission.
- (g) Parking areas shall be lighted using support poles, lighting standards and luminaries. The fixtures shall be located within or adjacent to parking areas, in raised traffic islands, parking bay separators or adjacent landscape areas. Poles, standards or luminaries shall be located so as not to be damaged by automobiles being parked (front overhang: minimum 39 inches; rear overhang: minimum 60 inches).
- (h) Levels of lighting in pedestrian and vehicular use areas should adhere to the following standards:

<b>Type of Development</b>	<b>Minimum Average Footcandle Level</b>
Pedestrian walkways and sidewalks	0.2-0.4
Residential streets	0.4-0.6
Multifamily and Planned Residential Developments	0.6-0.8
Signs required to be illuminated	0.6-1.2
Recreational/Institutional Activity	1.0-1.2
Industrial office campus areas and parking lots	0.5-1.0
Commercial areas and parking lots	0.5-1.0

Where possible, short post lighting should be incorporated to reduce glare. Any divergence from the quantities shall still remain within the limits of the standards of the I.E.S.

- (3) Plan requirements, graphics and submissions.
  - (a) Preliminary and final lighting plan. The location and type of all proposed exterior lighting fixtures shall be indicated on the preliminary and final Lighting Plans along with the expected hours of operation. On all pedestrian and vehicular use areas indicated on the lighting plan, and isolux diagram shall be drawn to sufficiently indicate the illumination levels furnished by each luminaire and the pattern of coverage on these areas. Reproduction of the cuts shall be transferred to the lighting plan for each type of proposed exterior lighting.

- (b) Preliminary and final landscape plan. The location and type of all proposed exterior lighting fixtures shall be indicated on the preliminary and final landscape plans to insure that there is no conflict between the location of light standards and the location of trees, and that trees will not adversely affect lighting patterns. Lighting fixture locations shall be indicated on the plans by symbol.
- H. Underground wiring. All electrical, cable television, and telephone distribution lines primarily intended for the use of buildings and structures located within the Township shall be installed underground for new construction and major rehabilitation. When existing electric and telephone lines are underground, cable television lines must be underground. If either existing telephone or electric are aerial, cable television lines may be aerial. Cable switching enclosures, pad mounted transformers and service pedestals may be installed above ground and may be installed as part of the street lighting standards where recommended by the Planning Commission and approved by the Board of Supervisors. **[Added 1-12-1987]**

SECTION 162-79. Physical performance requirements.

- A. Air quality.
  - (1) 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 Chapter 123 (Standards for Contaminants) and Chapter 131 (Ambient Air Quality Standards), Article III, Title 25, Pennsylvania Department of Environmental Protection, Rules and Regulations.
  - (2) No user shall operate or maintain or permit to be operated or maintained any equipment, installation or device which by reason of its operation or maintenance will discharge contaminants to the air in excess of the limits prescribed herein unless he shall install and maintain in conjunction therewith such control as will prevent the emission into the open air of any air contaminant in a quantity that will violate any provision of this chapter.
- B. Fire and explosive hazards. All activities and all storage of flammable and explosive material at any point shall be provided with adequate safety devices against the hazard of fire and explosive, and adequate fire-fighting and fire-suppression equipment and devices as detailed and specified by the laws of the Commonwealth of Pennsylvania. All buildings and structures and activities within such buildings and structures shall conform to the Building Code,<sup>28</sup> the Fire Prevention Code, other applicable Township ordinances. Any explosive material shall conform to the requirements of Chapter 211, Title 25, Rules and Regulations, Pennsylvania Department of Environmental Protection, for Storing, Handling and Use of Explosive.
- C. Glare and heat. No direct or sky-reflected glare, whether from floodlights or from high temperature processes such as combustion or welding or otherwise, so as to be visible at the lot line shall be permitted. These regulations shall not apply to signs or floodlighting

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<sup>28</sup> Editor's Note: See Chapter 78, Building Construction.

of parking areas otherwise permitted by this chapter. There shall be no emission or transmission of heat or heated air so as to be discernible at the lot line.

- D. Liquid and solid waste. There shall be no discharge at any point into any public or private sewerage system, or watercourse or into the ground, of any materials in such a way of such a nature, as will contaminate or otherwise cause other emission of hazardous materials in violation of the laws of the Commonwealth of Pennsylvania, and specifically Chapters 73, 75, 95 and 97, Title 25 Pennsylvania Department of Environmental Protection, Rules and Regulations.
- E. Noise. All noise shall be muffled so as not to be objectionable due to intermittence, beat frequency or shrillness. In no event shall the sound pressure level of noise radiated continuously from a facility at nighttime exceed, at the lot line, the values given within the American Standards Sound Level Meters for Measurements of Noise and Other Sounds, 224.3-1944, American Standards Association, Inc. These values can be found in the Environmental Management Handbook, Brandywine Conservancy Inc., Section XI, Article 12, Subsection 3.
- F. Odor. No use shall emit odorous gases or other odorous matter in such quantities to be offensive at any point on or beyond its lot lines. The guide for determining such quantities of offensive odors shall be the 50% response level of Table 1 (Odor Thresholds in Air), Research on Chemical Odors: Part I – Odor Thresholds for 53 Commercial Chemicals, October, 1968, Manufacturing Chemists Association, Inc., Washington, D. C.
- G. Vibration. No vibration shall be produced which is transmitted through the ground and is discernible without the aid of instruments at or at any point beyond the lot line; nor shall any vibration exceed 0.002g peak measured at or beyond the lot line using either seismic or electronic vibration measured equipment.
- H. 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.

**SECTION 162-80. Conversion of dwellings. [Amended 9-7-1993]**

The conversion of an existing building into two or more dwelling units shall be subject to the following regulations:

- A. Single-family detached dwellings which are converted must maintain the appearance of a detached dwelling with a single front entrance. Additional entrances may be placed on the side or rear of the structure. The dwelling units may share the single front entrance. Exterior stairways and fire escapes shall be located on the rear wall in preference to either the side and, in no case, on a front or side wall facing a street.
- B. Except as necessary for purposes of safety in accordance with the preceding subsection, there shall be no major structural change in the exterior of the building in connection with the conversion. After conversion, the building shall retain substantially the same structural appearance it had before such conversion.



- C. All applicable Township Building Code<sup>29</sup> and Chester County Health Department regulations and permit requirements regarding the installation of kitchen and bathroom facilities and septic systems must be followed and indicated on all plans. Approval by all applicable agencies is required prior to issuance of a zoning permit.
- D. Separate cooking and sanitary facilities shall be provided for each dwelling unit.
- E. Trash receptacles shall be screened so as not to be visible from the street or abutting properties except on scheduled pickup days.
- F. The minimum bulk, lot area, lot width, impervious surface, and setback regulations for a single-family detached dwelling shall be met for the applicable zoning district.
- G. Each converted structure shall have an outdoor recreation patio area of at least 200 square feet per dwelling unit. The recreation/patio area shall not be located in the front yard or the minimum side or rear yards.
- H. The following minimum floor area requirement shall be met:

<b>Type of Unit</b>	<b>Minimum Floor Area (square feet)</b>
Efficiency	400
1 bedroom	500
2 bedrooms	650
3 bedrooms	750

A minimum 120 square feet of floor area for each additional bedroom, den, family room, or recreation room shall be required.

- I. Residential conversions shall not be permitted on an existing nonconforming lot or in a nonconforming structure. In addition, the following minimum density requirements shall be met:

<b>Zoning District</b>	<b>Minimum Lot Area Per Dwelling Unit</b>
R-4	14,500 square feet
R-5	11,000 square feet
VC	11,000 square feet
MU	11,000 square feet

- J. Parking requirements
  - (1) Off-street parking spaces shall be located to the side or rear of the converted structures.
  - (2) Off-street parking lots with five or more spaces shall be buffered from abutting residences in accordance with Section 162-78E of this chapter. Alternately, a wooden fence may be erected as a visual screen with a minimum height of four feet.

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<sup>29</sup> Editor's Note: See Chapter 78, Building Construction.

- (3) The following minimum off-street parking space requirements shall be met:

<b>Type of Unit</b>	<b>Number of Parking Spaces</b>
Efficiency	1
1 to 3 bedrooms	2
4 or more bedrooms	3

- (4) Required off-street parking shall be surfaced with an all-weather material such as macadam, gravel, pervious paving, or other similar material.

- K. If the individual dwellings are proposed as condominium units, an approved homeowner association document which meets the requirements of Article XVI of this chapter must be submitted.

SECTION 162-81. Visibility at intersections.

- A. The following shall apply to all zoning districts:
- B. On a corner or at a point of entry on a public road, nothing shall be erected, placed or allowed to grow in a manner which obscures vision:
- (1) Above the height of two and one-half (2 ½) feet measured from the centerline grades of the intersecting streets; and
  - (2) Within the area bounded by the street lines of such corner lots and a line joining points of these street lines 50 feet from their point of intersection.

SECTION 162-82. Stripping of topsoil: excavation of clay, sand, gravel, or rock.

- A. Stripping topsoil. Topsoil or sod may be removed only under the following conditions:
- (1) As part of the construction or alteration of a building or the grading incidental to such building.
  - (2) In connection with normal lawn preparation and maintenance on the lot from which topsoil or sod is removed.
  - (3) In connection with the construction or alteration of a street.
  - (4) Sod farming is permitted in accordance with principals of good practice.
  - (5) No lot of two acres or more shall be graded, contours changes or filled without the approval of the Township Engineer and adherence to the Stormwater management requirements of Chapter 138, Subdivision and Land Development.
- B. Excavation of clay, sand, gravel or rock. The excavation of clay, sand, gravel, rock, and other minerals shall be permitted, and the material thus excavated may be sold only under the following conditions:
- (1) As part of the construction of a building or the construction or alteration of a street.

- (2) The surface of the lot shall not be graded to a level below that of adjoining streets.
- (3) Excavation shall not be conducted in a way which will leave loose boulders exposed.

SECTION 162-83. Accessory home occupations. **[Amended 9-7-1993]**

An accessory home occupation is an activity, carried out for gain by a resident, that is clearly subordinate to the existing residential use of the property. Such uses shall meet the provisions for home occupations as set forth below.

A. Applicability and permits.

- (1) A home occupation shall be permitted by right in those districts where home occupations are allowed when each of the following criteria are met:
  - (a) The use is carried on only by the inhabitants of the dwelling.
  - (b) The use does not involve more than one customer or client visit per week to the dwelling and there are no direct sales of products on the site.
  - (c) There is no exterior indication, including signs, advertising or other display, that a home occupation is located on the premises.
  - (d) Commercial pickup and delivery of goods and supplies is limited to no more than once a week, exclusive of normal United States Postal Service and express package delivery.
  - (e) The floor area devoted to the use does not exceed 25% of the ground floor area of the principal residential structure or 400 square feet.
- (2) The Code Enforcement Officer shall make the determination as to whether the above criteria are met by the proposed use. The applicant shall be responsible for supplying such information as deemed necessary to make this determination. Upon determining that the proposed use meets all of the above criteria, the Code Enforcement Officer shall issue a one-time permit for the home occupation. Where the proposed home occupation does not meet all of the criteria, Sections 162-83A(3) through (5) shall apply.
- (3) Where a proposed home occupation meets four of the above criteria, an annual permit shall be required to be obtained from the Code Enforcement Officer.
- (4) Where a proposed home occupation meets two to three of the above criteria, the use shall be permitted only as a special exception and shall require review and approval by the Zoning Hearing Board. Following such approval, a permit shall be obtained from the Code Enforcement Officer. Permits for home occupations approved by special exception shall be renewed annually.

- (5) A proposed home occupation which cannot meet at least two of the above criteria shall not be permitted.

B. General standards. The following regulations shall apply to all home occupations:

- (1) A home occupation must be conducted within a dwelling which is a bona fide residence of the principal practitioner or in an accessory building thereto which is normally associated with a residential use. The home occupation shall be carried on wholly indoors.
- (2) The home occupation shall be carried on by the inhabitants of the dwelling.
- (3) A home occupation shall not be permitted within a nonconforming structure or on a nonconforming lot as defined by Section 162-6 of this chapter.
- (4) In no way shall the appearance of the residential structure be altered or the occupation within the residences be conducted in a manner which would cause the premises to differ from its residential character by the use of materials, construction, lighting, show windows, signs, or advertising visible outside the premises to attract customers or clients, other than those signs permitted by this chapter.
- (5) Off-street parking spaces required for the home occupation are not permitted in front yards. All off-street parking spaces must be located at least 10 feet from any property line. Off-street parking lots with five or more spaces shall be screened from abutting residences in accordance with Section 162-78E of this chapter. Alternately, a wooden fence may be erected as a visual screen with a minimum height of four feet.
- (6) Any commercial vehicle, not to exceed one in number, must be parked within a garage, an enclosed structure, or a parking space which is screened from view at the street line.
- (7) There shall be no exterior storage of materials or refuse resulting from the operation of the home occupation.
- (8) No equipment or process shall be used in a home occupation which creates noise, vibration, glare, fumes, odors, dust, or electrical interference detectable to normal senses beyond the property line which is in excess of levels customarily generated by a residential use. No equipment or process shall be used which creates visible or audible interferences in any radio or television receivers off the premises.
- (9) All applicants for a home occupation use shall be required to obtain a permit in accordance with the requirements of Section 162-83A prior to beginning operation of the use.
- (10) With the exception of home day-care, no home occupation activity shall be conducted between the hours of 8:00 p.m. and 8:00 a.m. which involves individuals entering or leaving the premises or mechanical operations.

- (11) Deliveries from commercial suppliers shall not be made prior to 8:00 a.m. or later than 8:00 p.m.
- (12) In addition to the off-street parking spaces required for the particular residential use concerned, a home occupation use shall provide one off-street space per 200 square feet of total floor area used for the home occupation, plus one space for each employee. A maximum of four off-street parking spaces are permitted on one lot inclusive of that required residential parking.
- (13) Home occupations shall not include the following:
  - (a) Animal hospitals.
  - (b) Commercial stables and kennels.
  - (c) Funeral parlors or undertaking establishments.
  - (d) Bed-and-breakfast.
  - (e) Restaurants.
  - (f) Medical or dental clinics.
  - (g) Gift shops.
  - (h) Rental businesses.
  - (i) Furniture stripping.
  - (j) Rooming, boarding, or lodging houses.
  - (k) Auto repair.
  - (l) Painting of vehicles, trailers, or boats.
  - (m) Private schools with organized classes.
  - (n) Welding shops.
  - (o) Other similar uses.

C. Standards for home occupations permitted by special exception. In no case, whether allowed by annual permit or special exception, shall a home occupation be permitted to exceed the following standards:

- (1) The total area used for such purposes (including storage) shall not exceed the equivalent of 50% of the floor area of the first floor of the user's dwelling unit.
- (2) No more than one person, other than resident members of the immediate family, may be employed or subcontracted at the residence.

- (3) No articles shall be sold or offered for sale on-site except such as may be produced on the premises.
- (4) No more than one sign shall be permitted per property providing that it is no larger than two square feet per side bearing only the name, occupation, and office hours of the practitioner. The maximum height of such sign shall be six feet from ground level. In addition, the sign shall not be illuminated, animated, or placed in a window.

D. Standards applicable to specific home occupations. The following provisions shall apply to specific home occupations as defined below:

- (1) Personal services. Personal services, including beauty parlors and barbershops, may be permitted as a special exception provided no more than two beauty parlor or barber chairs are located in the shop.
- (2) Instructional services. An instructional service is a home occupation in which the practitioner provides the client with special instruction in a specific area of study. Such uses shall meet the following provisions.
  - (a) The establishment of this home occupation shall not require a room or series of rooms specifically designed for this purpose.
  - (b) Instructional services involving a maximum of two students at a time are permitted.
  - (c) No persons shall be employed other than resident members of the immediate family.
- (3) Home crafts. Home crafts are business activities whereby the commodity for sale is completely manufactured and may be sold on the site by the resident craftsman. Home crafts may include, but are not limited to the following: artists, sculptors, dressmakers, seamstresses, and tailors; and include such activities as model making, rug weaving, lapidary work, and furniture making. Home crafts are permitted only in single-family detached dwellings and existing accessory buildings on the same lot.
- (4) Home day-care. The following provisions shall apply to accessory home day-care uses:
  - (a) Family day-care. A family day-care use is a facility in which care is provided for four to six children at any one time, who are not relatives of the caregiver, where the child care areas are being used as a family residence.

[1] Prior to the final approval of the use and issuing of a permit by the Code Enforcement Officer, the applicant must receive and hold all pertinent approvals and registration certificates from appropriate state or county agencies as a condition of permit approval and continuation.

- [2] The use shall be conducted in a building designed for residential occupancy and for the safety and well-being of the occupants.
  - [3] A minimum outdoor play area of 200 square feet of contiguous area shall be provided for each child as a recreational area for the children. The play area shall be set back at least 25 feet from all property lines.
  - [4] Family day-care uses shall be permitted only as an accessory use in a detached dwelling. There shall be no alternations to exterior facades of residential structures to accommodate accessory day-care 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.
  - [5] If a family day-care is located adjacent to a nonresidential use, a parking lot, or on a street classification higher than local residential as defined in Section 162-6 of this chapter, the outdoor play area must be enclosed by a fence with a minimum height of four feet and deemed appropriate by the Township. The outdoor play area shall be located to the side or rear of the property.
  - [6] No more than one person other than resident members of the immediate family may be employed.
  - [7] The screening requirements of Section 162-78E of this chapter shall be met.
  - [8] In addition to the off-street parking required for a single-family home, at least one additional parking space is required for each employee.
  - [9] Safe off-street loading passenger space and adequate stacking capacity to avoid interference with any adjacent street shall be provided.
  - [10] The outdoor play area, if within 500 feet of any road, water body, or any other such safety hazard, shall be enclosed by a fence or natural barrier suitable to prevent children from crossing.
- (b) Group day-care. A group day-care use is a facility in which care is provided for more than six but no more than 11 children, where the child care areas are being used as a family residence. The following criteria shall be met.
- [1] All standards noted above for family day-care uses shall be met.
  - [2] Such uses shall be permitted only in single-family detached dwellings.

- [3] Minimum lot area: one acre.
  - [4] Group day-care facilities shall not be located closer than 1,000 feet to any other such use within any residential district.
  - [5] Prior to final approval of the use and issuing of a permit by the Code Enforcement Officer, the applicant must receive and hold all pertinent approvals and licenses from appropriate state or county agencies as a condition of permit approval and continuation.
- (c) Elder day-care. An elder day-care use is a facility in which care is being provided for four to six senior citizens at any one time who are not relatives of the caregiver, where the family residence is being used as the facility.
- [1] Prior to final approval of the use and issuing of a permit by the Code Enforcement Officer, the applicant must receive and hold all pertinent approvals and registration certificates from appropriate state or county agencies as a condition of permit approval and continuation.
  - [2] The use shall be conducted in a building designed for residential occupancy and for the safety and well-being of the occupants.
  - [3] Elder day-care uses shall be permitted only as an accessory use in a detached dwelling. There shall be no alterations to exterior facades of residential structures to accommodate accessory day-care 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.
  - [4] No more than one person other than resident members of the immediate family may be employed.
  - [5] In addition to the off-street parking required for a single-family home, at least one additional parking space is required for each employee.
  - [6] Safe off-street loading passenger space and adequate stacking capacity to avoid interference with any adjacent street shall be provided.

SECTION 162-84. Swimming pool regulations.

The following apply to all zoning districts:

- A. Installation and fencing of pools.



- (1) All swimming pools shall be installed and shall be enclosed in accordance with Section 421.0 of the BOCA National Building Code/1993 edition, including all amendments thereto and any succeeding building code which may hereafter be adopted by the Township.
- (2) Fencing or other enclosures shall not be required when a swimming pool is four feet or more above grade, provided that the ladder or steps to the pool shall be surrounded by a barrier which meets the requirements of Section 421.10.1 of the BOCA National Building Code/1993 Edition.

B. Setbacks and site regulations.

- (1) Swimming pools located on lots having a gross area of one acre or less shall be located at least 25 feet from all property lines, and on lots having a gross area of one acre or more shall be located at least 500 feet from all property lines. All setbacks shall be measured from the edge of the walkway of the pool or, in the absence of a walkway, from the curb of the pool.
- (2) All swimming pools shall be located behind the front façade of the house and building line.
- (3) A swimming pool shall not be located within 10 feet of any existing or proposed on-site sewage absorption area.

C. Filling of pools.

- (1) A public water supply system shall be utilized for the initial filling of a pool at the commencement of each swimming pool season, provided that such a system is available at the property line.
- (2) If a public water supply system is not available for the initial filling, water shall be supplied from a source off-premises. Private on-site wells shall not be utilized.

D. Discharge of pool wastewater.

- (1) All pool wastewater shall be discharged into a public sewage system, if available.
- (2) If a public sewage system is not available, pool wastewater shall be disposed of in accordance with guidelines issued from time to time by the Pennsylvania Department of Environmental Protection. In no event shall pool wastewater be discharged directly into an existing watercourse or floodplain.

E. Additional regulations.

- (1) All buildings and structures accessory to a swimming pool, such as shower rooms, changing rooms, or pump houses, etc., shall conform to all applicable setback regulations and shall require a building permit to be issued by the Township Building Inspector.

- (2) All lighting facilities shall be screened to prevent glare and interference with the use and enjoyment of any neighboring property.
- (3) Operation of the swimming pool shall be in conformance with any regulations and guidelines issued from time to time by the Chester County Health Department.

SECTION 162-85. Microwave antennas for satellite reception regulations. **[Added 1-12-1987]**

Microwave antennas for satellite communication (hereinafter "microwave antennas") shall be subject to the following regulations:

- A. Limitation in number. Only one microwave antenna shall be permitted per lot. The microwave antenna shall be considered as a permissible accessory use in all zoning districts, subject to the rules and regulations applicable to each zoning district.
- B. Size permitted.
  - (1) The maximum diameter of the microwave antenna shall not exceed six feet for solid type or 10 feet for mesh type, if ground mounted.
  - (2) When separately supported, the total height of the microwave antenna shall not exceed 12 feet.
  - (3) When roof mounted, the maximum diameter of the microwave antenna shall not exceed four feet.
- C. Location and mountings.
  - (1) Ground Microwave antennas shall be located only in the rear yard or in the side yard not extending beyond the building setback.
  - (2) All mounted microwave antennas shall be secured by a foundation approved by the Township Code Enforcement Officer.
  - (3) When roof mounted, the microwave antenna shall be located on a portion of the roof sloping away from the front of the lot, and as part thereof shall project above the roof ridge line.
- D. General regulations.
  - (1) No microwave antenna may be erected in any district or in location within a district which is prohibited by regulations of the Federal Communication Commission or other regulatory agency having jurisdiction. The burden of to show compliance shall be on the applicant and shall be stated in the permit application.
  - (2) This section shall in no event be construed to permit as a permissible accessory use a microwave antenna for satellite communication used or intended to be used for the propagation of radio, micro or electromagnetic waves.

- (3) No microwave antenna installation shall be permitted in any parking lot or parking area.

E. Permit procedure.

- (1) Before erection of any microwave antenna, a permit application shall be made to the Township, a permit issued and a fee paid, the amount of which shall be set from time to time by resolution of the Township Supervisors.

- (2) All applications for a microwave antenna permit shall be made to the township Code Enforcement Officer in writing on a form furnished by the Township and shall be accompanied by plans, in duplicate and to seal, showing:

- (a) For ground mounted microwave antennas:

- [1] The dimensions of the lot and location of the building thereon;
- [2] Details of all microwave antenna anchors, supports and foundations, the exact size of the antenna, including dish, and the exact proposed location of the microwave antenna on the lot;
- [3] When microwave antennas are attached to an existing structure, details of how microwave antenna loads will be distributed to the existing structure.

- (b) For roof mounted microwave antennas:

- [1] Design wind load on each anchor and allowable wind load on each anchor;
- [2] Forces on foundation, including live load and dead load;
- [3] Strength and allowable stresses of cables, rods or braces and the actual force and allowable force for each cable, rod or brace.
- [4] Details of all microwave anchors and supports the exact size of the antenna and proposed location of the microwave antenna.

- (c) If the manufacture's specifications submitted with the application specify the installation criteria for b(1) through b(3), they shall be made part of the plan and separate calculations shall not be required.

SECTION 162-86. Accessory buildings. [**Added 1-12-1987; amended 9-7-1993**]

- A. An accessory building, such as a garage, carport, storage shed, or other similar structure, shall not exceed 40% of the principal building's gross floor area or be greater than 600 square feet at ground floor level, whichever is less. On lots having a lot area of one acre or less, the maximum floor area for all accessory buildings on a lot shall be 500 square feet.

- B. An accessory building shall meet the setback and height restrictions for accessory buildings for the zoning district in which it is located.
- C. No portion of a detached accessory building, regardless of size, shall be located closer than 10 feet to the principal building. If located closer than 10 feet, the accessory building shall be considered an addition to the principal building and shall meet all applicable setbacks.

**SECTION 162-87. Accessory apartments and accessory detached dwellings. [Amended 9-7-1993; 4-20-1998 by Ord. No. 1998-4]**

A. Purpose. The purpose of this section is to allow the conversion of existing buildings or the construction of a new building for the purpose of meeting housing needs of immediate family members, domestic employees, and caregivers who are employed on premises. In particular, the purpose is to balance the needs and desires of extended families to provide an independent residence while protecting the existing character of the surrounding properties and to avoid subdivision to accomplish such purpose, thereby promoting the preservation of open space and the concept of limited development. In order to qualify for an accessory apartment or an accessory detached dwelling unit, the following standards must be met:

B. General standards for accessory apartments. Accessory apartments shall be subject to the following general standards:

- (1) The principal structure shall be located on a lot which satisfies the minimum lot area and bulk regulations of the districts in which it is located.
- (2) The property and both the principal dwelling and accessory apartment shall be owned by the same person; one of the two dwelling units must be owner-occupied.
- (3) Use of the accessory apartment shall be limited to two family members or two caregivers or domestic employees.
- (4) Owners of accessory apartments shall be required to obtain a permit annually. Prior to issuance of the permit, the applicant shall demonstrate compliance with the occupancy requirements of Subsection B(1) and (2) above. An on-site inspection may be required to confirm compliance.
- (5) The accessory apartment shall be limited to no more than two bedrooms and shall meet the following size requirements:

<b>Number of Bedrooms in Units</b>	<b>Gross Floor Area in Unit (square feet)</b>
Efficiency	300
1 bedroom	400

- (6) The accessory apartment shall not exceed 35% of the habitable floor area contained in the existing dwelling prior to conversion.

- (7) Additions to an existing dwelling designed to allow the creation of an accessory apartment in that dwelling shall not be permitted; except that, additions containing up to a maximum of 15% of the gross floor area of the existing dwelling may be permitted, if the addition will facilitate the creation of an otherwise allowed accessory apartment in a more logical manner, considering design, layout or safety factors.
- (8) Except s indicated in Subsection B(7) above, alternations to the exterior of the existing dwelling shall be limited to access, windows, and ventilation. After creation of the accessory apartment, the building shall maintain the usual appearance of a single-family detached dwelling and shall remain compatible with the character of the surrounding neighborhood.
- (9) There shall be no accessory apartment located in a below ground basement where the exterior grade is more than halfway up the height of the exterior wall, unless there is at least one exterior façade where the unit is at grade with the ground outside.
- (10) The converted dwelling shall have no more than the existing number of entrances along the front of the building. All other entrances to either the principal or accessory dwelling units shall be located on the side or rear of the building.
- (11) All applicable Township Building Code<sup>30</sup> and Chester County Health Department regulations and permit requirements regarding the installation of kitchen and bathroom facilities and septic systems must be followed and indicated on all plans. Approval by all applicable agencies is required prior to issuance of a zoning permit.
- (12) A minimum of one all-weather off-street parking space shall be required in addition to that required for the original dwelling unit. The parking space shall have unrestricted ingress and egress to the street.

C. General standards for accessory detached dwellings. Accessory detached dwellings shall be subject to the following general standards:

- (1) Accessory detached dwellings shall be permitted in R-1, R-2 and R-3 Zoning Districts only upon the approval of a conditional use by the Board of Supervisors in accordance with Section 162-106 of this chapter and this section.
- (2) An owner applying for approval of an accessory detached dwelling must not have previously secured a permit or other approval for multifamily or accessory apartment use of the principal residence on the lot.
- (3) An accessory detached dwelling may only be located on a lot having a minimum of 10 contiguous acres (not divided by a public or private road).
- (4) Only one accessory detached dwelling shall be permitted on a lot.

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<sup>30</sup> Editor's Note: See Chapter 78, Building Construction.

- (5) Common ownership shall be maintained of the entire property on which both the principal dwelling and the accessory detached dwelling are erected. Neither dwelling unit can be separately sold or transferred without first securing subdivision approval from the Board of Supervisors. Approval of a conditional use under this section shall not create or imply a right of the owner of the subject lot to subdivide the lot.
- (6) Either the principal dwelling or the accessory detached dwelling on a lot shall be an owner occupied dwelling. Occupancy of both the principal dwelling and the accessory detached dwelling shall be limited to members of the owners immediate family, caregivers, and domestic employees.
- (7) A restrictive covenant setting forth the requirements of this chapter and any conditions in the written decision of the Board of Supervisors granting a conditional use approval for an accessory detached dwelling shall be recorded in the Office of the Recorder of Deeds of Chester County before issuance of a certificate of occupancy for the accessory detached dwelling.
- (8) An accessory detached dwelling shall have separate systems for sewage disposal and domestic water supply unless it can be demonstrated that the existing systems are adequate for servicing all the principal residence and the accessory detached dwelling. In any event, all standards established by the Chester County Health Department and Pennsylvania Department of Environmental Protection shall be met.
- (9) A lot on which a nonconforming use is permitted by law to exist (other than a residential or agricultural use), shall not be eligible for issuance of a conditional use approval for an accessory detached dwelling.
- (10) All applications for an accessory detached dwelling shall include a plan showing the location of both the principal residence and the accessory detached dwelling prepared by a Pennsylvania licensed civil engineer and architect. The plan shall show all means of access to and from a public street, interior circulation and parking areas, the location of all sewage disposal and water supply facilities and such other details as the Board may reasonably request. In the event that the location of the accessory detached dwelling would preclude future subdivision of the lot so that each dwelling unit is located on a separate lot, the Board of Supervisors may impose as a condition of approval that further subdivision of the lot be restricted.
- (11) In granting conditional use approval the Board of Supervisors shall not create any new nonconforming conditions nor permit the expansion or enlargement of any existing nonconforming conditions.
- (12) Each dwelling unit must have a separate mailing address in accordance with Township regulations.
- (13) An existing accessory detached dwelling may not be increased in ground floor area by more than 25% of its ground floor area 10 years before the approval is given or the ground floor area of the principal dwelling on the lot.

- (14) Applications and plans for construction of new buildings to house an accessory detached dwelling shall meet the following additional requirements:
- (a) Placement of the building shall be within a defined area shown on the plan having sufficient acreage equal to the minimum lot area for a single-family residence for the applicable zoning district.
  - (b) The applicant shall perpetually restrict against further development or construction a defined area within the lot and shown on the plan having a minimum of two acres in R-3 zoning districts, a minimum of four acres in R-2 districts, and a minimum of six acres in R-1 districts.
  - (c) The minimum area restricted against further development or construction shall not include wetlands, floodplain or steep slopes.

**SECTION 162-87.1 Unsubdivided Detached Dwelling Sites [Added 9-18-06, Ord. No. 06-09-18-1]**

- A. Purpose. This section provides for unsubdivided sites to add a second single family detached dwelling. The objective of this section is to promote the preservation of larger parcels, particularly those in agricultural use, by allowing one additional single family dwelling without the need for and expense of subdivision. These are situations where the matters typically regulated by the Subdivision and Land Development Ordinance and overseen in the process of review of a Subdivision or Land Development Plan are not generally encountered. The flexibility created by this section should allow economic, operational and life style options that will promote open space and agricultural preservation.
- B. Notwithstanding the provisions of the Zoning Ordinance limiting a lot to one single family dwelling, a lot that meets each of the requirements of this Section may be used for up to two single family detached dwellings.
- C. The requirements for eligibility for a second single family dwelling area as follows:
- (1) The Landowner shall submit to the Township an application a proposed second single family dwelling to be constructed and used on the Landowner's lot, which application shall include the following:
    - (a) A plan, prepared by a registered Pennsylvania professional land surveyor or civil engineer, showing: the boundaries of the subject lot with courses and distances certified by the surveyor or engineer; the calculated area of the lot; a table setting forth the bulk and area requirements for the zoning district in which the lot is located; the location of all structures, driveways and above-ground utilities, wells, and septic systems on the lot; and the location of the proposed second single family dwelling and any driveway or other structures or improvements proposed for constructions in connection with such dwelling.
    - (b) The aforesaid plan shall demonstrate: compliance with all the area and dimensional requirements of this section; and the ability of the proposed

second single family dwelling to be subdivided from the lot onto its own lot in a manner that would comply with all of the bulk and area requirements of the Zoning Ordinance applicable to the lot at the time of the application, including but not limited to minimum lot size, yards, and coverage requirements. The ability to subdivide shall be demonstrated, in part, by depicting on the plan a lot boundary that would, if the second single family dwelling were to be subdivided, meet the aforesaid requirements. Nothing in this Section shall imply that the approval of the second single family dwelling would constitute approval of a subdivision or obligate the Township to approve any subdivision thereafter if it does not fully comply with the ordinances of the Township and applicable law. Landowner bears all risk of the inability to subdivide the second single family dwelling from the lot in the future by reason of changes or the ordinances or any other lawful reason.

- (c) The Landowner shall submit at least 15 copies of the plan and any other material submitted in conformance with this Section; or more if reasonable requested by the Code Enforcement Officer or Secretary.
  - (2) The portion of the lot in which the second single family dwelling is to be located must be in a zoning district in which a second single family dwelling use is permitted under the Zoning Ordinance.
  - (3) The lot that is to contain the second single family dwelling must be a minimum of 20 contiguous acres in gross tract area, and be described as a single tract of land, and a single tax parcel. Common ownership shall be maintained of the entire property on which both the principal dwelling and the accessory single family dwelling are erected. Neither dwelling unit can be separately sold or transferred without first securing subdivision approval from the Board of Supervisors.
  - (4) Access to the second single family dwelling may be by a separate driveway for such second single family dwelling or may be provided by, or as an extension of, a shared or common driveway or private road on the lot, so long as the second single family dwelling could meet the requirements of the Zoning Ordinance and Subdivision and Land Development Ordinance with respect access if subdivided from the lot.
  - (5) No second single family dwelling permitted pursuant to this section, shall be a mobile home.
- D. The procedure for obtaining permission to construct a second single family dwelling shall be as follows:
- (1) Landowner shall apply for a building permit and a use or zoning permit from the Township Code Enforcement Officer.
  - (2) Before issuing the permit, the Code Enforcement Officer shall provide a copy of the plans and any other materials submitted with the permit to the Township Secretary, Board of Supervisors, and Planning Commission; provided, however



that the Code Enforcement Officer may deny an application that is plainly not in conformance with the requirements of this Section or the Building Code.

- (3) The Code Enforcement Officer shall, within the time period required for responding to the permit application, afford each of the aforesaid officials or bodies an opportunity to offer comments on the conformance of the application with the requirements of this Section before rendering a decision on the application, unless the Code Enforcement Officer determines that the application plainly does not conform, as aforesaid.
- (4) The Landowner shall be responsible for obtaining any other permits or approval, and paying any fees, required by the Township or any federal, state or county agencies which may include, by way of example, any highway occupancy permit, septic system permit, well permit, erosion and sedimentation permit, or earth disturbance permit. The Code Enforcement Office shall impose as a condition on the issuance of any permit for a second single family dwelling that such other permits be obtained. If the plans or application or any proposed construction described in any permit application approved by the Code Enforcement Officer under this Section changes in any material respect (as determined by the Code Enforcement Officer) as a result of the requirements of any such permit or approval then the Landowner must apply for an amendment of the permit issued by the Code Enforcement Officer and follow the comment procedure outline above.

**SECTION 162-88. Commercial day-care facility. [Amended 9-7-1993]**

Commercial day-care facilities shall include those facilities in which care is provided for children and where the child care area is not being used for a family residence. Such a facility shall be subject to the following regulations:

- A. Dimensional requirements.
  - (1) Minimum lot area: 30,000 square feet.
  - (2) Minimum lot width: 100 feet
  - (3) Minimum front yard: 75 feet.
  - (4) Minimum side yard: 25 feet.
  - (5) Minimum rear yard: 50 feet.
- B. An outdoor play area shall be provided. This area shall be located to the side or rear of the building. The minimum required areas of such an outdoor recreational facility shall be 200 square feet for each child.
- C. The outdoor play area, as required by the Pennsylvania Department of Public Welfare, shall be enclosed by a fence or natural barrier suitable to restrict children from crossing if the play area is within 500 feet of any road, water body, or any other such potentially hazardous feature.

- D. The screening and landscaping requirements of Section 162-78E of this chapter shall be met. Outdoor play areas shall be sufficiently screened so as to protect residential areas from inappropriate noise and disturbance.
- E. Prior to the issuing of a permit by the Code Enforcement Officer, the applicant must receive and hold all pertinent approvals and/or licenses from appropriate state or county agencies as a condition of permit approval and continuation.
- F. When used in combination with another nonresidential use, a permit is required for each use.
- G. Parking. No less than one off-street parking space for each employee, plus two parking spaces for each 10 children. Parking shall be adequately screened when situated within 50 feet of land zoned for or in residential use.
- H. Safe off-street unloading passenger space and adequate stacking capacity shall be provided to prevent interference with traffic flow on any adjacent street or road. One passenger unloading space per 20 children shall be provided; a minimum of one unloading space shall be provided in all cases. The unloading spaces shall be nine feet wide by 19 feet long.
- I. An existing residential building may be used and occupied as a single-family residence for the owner or an employee of the owner of the day-care center. Such building shall not include space for child care areas and shall meet the area and bulk regulations of the R-3 Residential district.

**SECTION 162-89. Adaptive reuse of historic buildings: bed-and-breakfast and antique shops. [Amended 9-7-1993; 5-4-1998 by Ord. No. 1998-6]**

A. Purpose. It is declared that certain buildings in Pennsbury Township are of such historic nature and character that their preservation will serve to protect the character of the Township and the value of the land and will also serve to educate present and future generations of Township residents as to the history of the Township and its people. It is also declared that many historic buildings located in Pennsbury Township have become obsolete in size or layout or are expensive to renovate or reuse for uses that are otherwise allowed under existing zoning. It is the purpose of this section to encourage the preservation of historic buildings by permitting alternate uses for such historic buildings compatible with their historic character and appearance, subject to various bulk and area requirements and other restrictions as set forth in this section.

B. Definitions.

ANTIQUÉ SHOP – A retail store selling articles of household furniture, furnishings, artifacts and artwork that are distinguishable from other such articles that might be sold at retail by being at least 50 years old. A minimum of 75% of all articles for sale at any one time shall meet the foregoing definition. **[Added 5-4-1998 by Ord. No. 1998-6]**

BED-AND-BREAKFAST LODGING – A lodging house meeting the requirements and conditions of Section 162-89D and E.

HISTORIC SITES SURVEY – Map 3, Significant Historic Sites, and Table 1, Significant Historic Sites within Pennsbury Township, of the Pennsbury Township Comprehensive Plan, last updated 1981, and any amendments thereto.

OWNER – An individual who owns a minimum 25% interest in a property, whether as joint tenant, tenant in common, copartner or shareholder. [**Added 1-3-1995**]

QUALIFIED HISTORIC BUILDING – A building which is identified on the Historic Sites Survey as defined in above.

- C. Bed-and-breakfast lodging as a special exception. A qualified historic building may, subject to compliance with the requirements and conditions of this section, be used for bed-and-breakfast lodging by special exception, regardless of uses which would otherwise be permitted for such building in the Zoning District in which the building is located.
- D. Special exception requirements. The use of a qualified historic building for bed-and-breakfast lodging shall be permitted only upon the granting of a special exception under the provisions of Section 162-115 of this chapter and satisfaction of the following requirements:
  - (1) The parcel of land on which the qualified historic building is situated shall not be less than two acres.
  - (2) The external appearance of the qualified historic building shall be (or have been) maintained, renovated or restored, and shall thereafter be maintained, in accordance with Section 162-89E of this chapter.
  - (3) One off-street parking space shall be provided for each guest room, plus one space for each employee and two spaces for the owner of the qualified historic building.
  - (4) Off-street parking spaces must be screened from visibility from any public street and adjacent properties by fencing or natural vegetation. Parking shall be located so as not to detract from the historic appearance of the qualified historic building.
  - (5) A single, nonilluminated sign of not more than two square feet in area shall be allowed on the premises. There shall be no use of windows for display or advertising visible from off of the premises.
  - (6) The owner or owners must reside in the qualified historic building as a principal residence unless the building is located in a Highway Commercial District, Village Commercial District, or Multi-Use District. The qualified historic building, regardless of zoning district, must be occupied by a manager at all times when the building is being used by guests.
  - (7) There shall be no cooking facilities in any guest room.
  - (8) Food service to guests on the premises shall be limited to breakfast and afternoon tea only.

- (9) There shall be no food service on the premises open to persons other than overnight guests unless otherwise permitted in the zoning district in which the premises is located.
- (10) The maximum uninterrupted length of stay shall be 14 days.
- (11) The use of any amenities provided by the bed-and-breakfast lodging, such as a swimming pool or tennis court, shall be restricted to use by the lodging guests and limited to the hours between 9:00 a.m. and 9:00 p.m.
- (12) Compliance with Chester County Health Department regulations shall be demonstrated or shall be a condition to issuance of a use and occupancy permit, at the discretion of the Board of Supervisors.
- (13) The qualified historic building shall have vehicular access by driveway directly onto a principal arterial, minor arterial, major collector, or minor collector street.
- (14) The bed-and-breakfast lodging shall have no more than eight guest rooms. However, up to eight additional guest rooms, for a maximum of 16 guest rooms in a bed-and-breakfast lodging, shall be permitted under this chapter upon satisfaction of the following conditions: **[Amended 1-3-1995]**
  - (a) The property on which the qualified historic building is situated and which is to be used for bed-and-breakfast lodging shall have frontage on, and direct vehicular access to, a principal arterial street, a minor arterial street or a major collector street. **[Amended 1-5-1998 by Ord. No. 1998-2]**
  - (b) In order to be allowed more than eight guest rooms the applicant shall be required to perpetually restrict the development of the property on which the qualified historic building is located, according to the formula set forth herein. Four additional guest rooms shall be allowed in exchange for each building lot which applicant agrees to restrict against further development or construction as aforesaid (other than facilities accessory to the bed-and-breakfast lodging). Each restricted building lot shall:
    - [1] Be incorporated within separately subdivided lot or contiguous lots allocated to the bed-and-breakfast lodging use;
    - [2] Be contiguous with the land on which the qualified historic building is situated;
    - [3] Contain an area equal to the greater of:
      - [a] The minimum building lot size in the zoning district in which the qualified historic building is located; or
      - [b] Two acres; and
    - [4] Be calculated by excluding the land required to be incorporated with the qualified historic building under Subsection

D(14)(b)[1], above, as well as wetlands, floodplain and steep slopes (greater than 25% or greater steep slopes) all of which would be deed restricted against further development.

- (c) The applicant is cautioned to take into account future potential uses of the applicants tract of land and to situate buildings on the tract or lots in such a manner as to allow compliance with the bulk and area requirements of this chapter, since the Township will not guarantee that variances will be forthcoming upon conversion to any future use.
  - (d) The applicant shall agree to perpetual conservation easements satisfactory in form and substance to the Township Solicitor, which shall restrict the development of the building lot or lots as aforesaid.
  - (e) The additional guest rooms may be contained in a building or buildings other than the Qualified Historic Structure if: the additional building(s) are on the lot or lots to be allowed to the bed-and-breakfast lodging use; the construction of the building(s) is demonstrated by competent evidence to be consistent with the historical architecture and setting of the qualified historic building; and the area of the additional building(s) plus the qualified historic building and other impervious cover does not exceed 20% of the area of the land to be allocated to the bed-and-breakfast lodging use.
  - (f) The applicant must demonstrate to the Township that the interior of the qualified historic building shall be maintained, renovated, expanded, and restored in such a manner as to retain the historic character of the building. Distinctive features, construction techniques or examples of craftsmanship shall be preserved. Such demonstration shall include plans or renderings from a qualified architect or interior design specialist.
  - (g) Architectural plans, elevations and renderings of the qualified historic building as well as site plans shall be submitted to the Zoning Hearing Board as part of the application.
  - (h) There shall be no more than one principal residence maintained on the lot on which the bed-and-breakfast lodging is located.
- (15) With respect to a bed-and-breakfast lodging meeting all of the requirements of Section 162-89D(14) above and having more than eight guest rooms, then, notwithstanding the provisions of Subsection D(5) or (6): **[Added 1-3-1995]**
- (a) The residence of the manager, or when applicable, the owner, may be located in a building other than the qualified historic building so long as the residence is on the same lot as the bed-and-breakfast lodging, meets the requirements of Subsection D(14)(e) and is a part of the bed-and-breakfast lodging facility; and
  - (b) The size of the single sign located on the visible arterial street advertising the expanded bed-and-breakfast lodging may be increased to 32 square

feet in size and may be illuminated until midnight (12:00) by lights external to the sign.

- E. Antique shop as a special exception. A qualified historic building may, subject to compliance with the requirements of this section, be used for an antique shop by special exception, regardless of uses which would otherwise be permitted for such qualified historic building in the Zoning District in which the qualified historic building is located. **[Added 5-4-1998 by Ord. No. 1998-6]**
- F. Special exception requirements: antique shop. The use of a qualified historic building for an antique shop shall be permitted only upon the granting of a special exception under the provisions of Section 162-115 of this chapter and satisfaction of the following requirements: **[Added 5-4-1998 by Ord. No. 1998-6]**
- (1) The parcel of land on which the qualified historic building is located shall meet the minimum lot size and other bulk and area requirements applicable to all buildings and uses in the Zoning District in which the qualified historic building is located, unless the lot size or other condition is nonconforming at the time of application for a special exception, in which case such nonconformance may continue.
  - (2) The qualified historic building shall meet the requirements of Subsection D(2) and (4) of this section.
  - (3) The lot on which the antique shop is located must have frontage on a principal arterial street. The qualified historic building must be located within 100 feet of a principal arterial street.
  - (4) Signage for the antique shop shall meet the requirements of this chapter pertaining to signs in the Highway Commercial Zoning District; provided, however, that no signage on a side of the qualified historic building or its lot that adjoins a residence or a Residential Zoning District shall be larger than two square feet in area. The word “antique shop” or “antiques” shall be included prominently in the signage and the lettering of either such word shall be as large as any other lettering on each such sign.
  - (5) Off-street parking shall meet the requirements that would be applicable to an antique shop if located in the Highway Commercial Zoning District.
  - (6) The applicant shall demonstrate by qualified professional testimony that safe vehicular ingress to and egress from the subject property is available or can be made available with improvements proposed as part of the application.
  - (7) Approval of a special exception hereunder shall not have the effect, nor shall be construed to have the effect, of a rezoning, curative amendment or variance nor shall such approval constitute a presumption or determination that any of the standards which must be met for rezoning, curative amendment or variance exist upon the property which is the subject of the application hereunder.
  - (8) The applicant must demonstrate that the exterior and interior of the qualified historic building and any accessory buildings shall be maintained, renovated,

expanded, and restored in such a manner as to retain the historic character of the qualified historic building. Distinctive features, construction techniques or examples of craftsmanship shall be preserved. Such demonstration shall include plans or renderings from an architect or interior design specialist having special expertise in historic preservation.

- (9) Architectural plans, elevation drawings and renderings of the qualified historic building as well as site plans shall be submitted to the Zoning Hearing Board as part of the application and copies shall be forwarded to the Pennsbury Township Historic Committee for its review and recommendation. Photographs may be substituted for elevation drawings or renderings if no material change is proposed.
- (10) Outside display or storage of articles for sale is prohibited.
- (11) Use of any accessory buildings located on the same lot as the qualified historic building shall be limited to the same uses as are permitted in the qualified historic building.
- (12) The antique business shall be operated as a single entity regardless of whether owned by an individual, joint owners, a corporation or partnership. No subletting of space for separate dealers shall be permitted.
- (13) The construction or erection of new structures on the same lot as the qualified historic building is prohibited. This prohibition shall not apply to fencing or signage.
- (14) In granting a special exception, the Zoning Hearing Board shall be authorized to require the granting of façade easements.
- (15) In granting a special exception, the Zoning Hearing Board may regulate or limit hours of operation of the antique business.

G. External appearance.

- (1) A qualified historic building, in order to qualify for a special exception hereunder and to continue such use, shall be (or have been) maintained, renovated, expanded, and restored with substantial historical accuracy in accordance with the standards recommended in the Secretary of the Interior's Standards for the Rehabilitation of Historic Buildings, as the same may be amended and in effect at the time the special exception is granted. Testimony as to the compliance with the foregoing must be presented on behalf of the applicant by an architect or architectural historian competent to testify in the matters presented.
- (2) Exception to the foregoing may be made, if approved by the Board of Supervisors at their discretion, for the safety of occupants of the qualified historic building. Plans for such renovation or restoration, if to be made after granting of the special exception, shall be submitted and approved with the special exception application.

- H. Annual inspection. The bed-and-breakfast lodging use permitted herein as a special exception shall be subject to the payment of an annual fee as established in the Pennsbury Township Fee Schedule, payable on each anniversary of the special exception approval, to defray the cost of inspection of the premises by the Code Enforcement Officer to determine continued compliance with the conditions imposed in this section.
- I. Historic sites survey.
- (1) The Historic Sites Survey, as defined in Section 162-98B, is hereby adopted for the purposes set forth in this section.
  - (2) Any owner of a building 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 building on the Historic Sites Survey. The Zoning Hearing Board shall, after hearing and presentation of testimony by interested parties, amend the Historic Sites Survey to include such building, if the following conditions are satisfied in the judgment of the Zoning Hearing Board, taking into account all testimony presented:
    - (a) The building becomes listed in the National Register of Historic Places and proof thereof is presented to the Board; or
    - (b) The following conditions are met:
      - [1] The building is at least 100 years old;
      - [2] The building retains substantially all of its original exterior architectural features; and
      - [3] The building meets substantially all of the criteria of historic affiliation, architecture, integrity, use, and other features which characterize a majority of the buildings identified on the Historic Sites Survey; and
      - [4] 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.

SECTION 162-90. Keeping of horses. [**Amended 9-7-1993**]

The following provisions shall apply to the keeping of horses in Pennsbury Township.

- A. Minimum acreage. A minimum lot size of three acres shall be required for the keeping of one horse. One additional acre of fenced pasture shall be required for each additional horse on the property.
- B. Setback. Stables or shelters shall be located at least 100 feet from any property line. Uncovered manure storage shall be located at least 100 feet from any lot line or stream. No manure may be stored within a swale or drainage way, nor located so as to drain onto adjacent land.



SECTION 162-91. Kennels.

The keeping of more than five dogs that are more than six months old for breeding, training, selling, or boarding for a fee is permitted, provided the following conditions are met:

- A. Minimum lot size shall be 10 acres.
- B. No animal shelter shall be located closer than 300 feet to any residential building other than the owner's
- C. The total number of dogs on the property shall not exceed five dogs per acre, excluding dogs under six months old.

SECTION 162-92. Communication towers. **[Added 4-1-1996]**

All communication towers erected or otherwise in use in the Township will comply with the following specifications:

- A. All commercial communication towers shall be of a monopole type construction.
- B. All towers over 35 feet in height must meet the standards set forth in Sections 3108 and 3109 of the BOCA National Building Code, 1993 edition, and all amendment thereto. An independent structural engineer licensed in Pennsylvania shall certify to the proposed tower's ability to meet said standards and certify proper construction of the foundation and erection of the tower.
- C. The maximum height of a communication tower shall be 145 feet provided, however that the height of a communication tower may be increased to a maximum height of 250 feet by conditional use. Every such tower shall meet the following restrictions: there are no inhabited structures or electrical transmission lines within a radius equal to the height of the tower; the tower is located a distance equal to 25 feet from the nearest property line; the tower is lighted as may be required by federal, state or local aviation regulations; the Board of Supervisors is assured that all health, safety and welfare issues have been properly addressed. **[Amended 10-6-1997 by Ord. No. 1997-5]**
- D. Owners of communication towers higher than 35 feet will secure the property boundary, or at a minimum the tower base including any support structures, with a chain link fence which shall be 10 feet in height. In addition to boundary security, all communication tower in excess of 35 feet in height shall have anti climbing devises, or other means with locked access, to prevent unauthorized climbing of the tower. Landscaping will be provided around all fences and to screen them from public views and adjoining properties.
- E. All communication tower owners will provide the Township with a certification that the operators of the towers will be licensed by the Federal Communications Commission and that the towers will be operated in accordance with all Federal Communication Commission regulations.
- F. If measurable radio interference results from the installation and use of a communication tower, the tower owner will, upon receipt of notice of such interference, immediately

initiate an investigation as to the source of such interference and assist in eliminating its existence.

- G. The owner of any communication tower higher than 35 feet shall annually submit to the Township proof of an annual inspection by a qualified inspector and tower maintenance program. Any structural faults thus noted will be immediately corrected by the owner. Failure to provide proof and the results of such inspections may result in notification to the owner to cease operation and dismantle the tower. The Township reserves the right to cause its Code Enforcement Officer and/or Township Engineer to inspect the tower for purposes of ascertaining the existence or absence of structural faults.
- H. The communication tower owner will notify the Township immediately upon cessation or abandonment of the tower or any change in use. In the case of cessation of use, the tower owner shall have 90 days within which to dismantle and remove all structures from the property.
- I. All communication towers must comply with all area and bulk regulations (other than height restrictions) for the district.
- J. Sufficient space shall be made available on the communication tower for use by the Township, or for any emergency service provider designated by the Township such as a fire company, ambulance service, rescue squad, police or town watch, at no rental cost to the Township; space shall also be made available, where practical, for lease to other transmitters and receivers so as to minimize the number of communication towers in the district.
- K. In addition to the above standards, all other applicable performance standards applicable to the zoning district in which the tower is to be located shall apply to the tower and any associated support facilities or structures. This requires that land development plans be submitted for review and approval with any application for a communication tower.

**SECTION 162-93.1 Private Helipads [Added 9-18-06, Ord. No. 06-09-18-5]**

- A. A Private Helipad (“Helipad”) may be permitted as a Conditional Use in Pennsbury Township that satisfies the Conditions for a Private Helipad as contained in this Article. Heliports and/or Helistops are specifically prohibited.

The granting of the Application for a Private Helipad without any conditions would result in a high probability of (a) an adverse impact on the public health, safety and welfare of the township residents, (b) detraction from the use and enjoyment of adjoining and nearby properties, and (c) a change in the character of the neighborhood within which the Property is located. Such adverse impacts may be sufficiently mitigated to allow the approval of an Application if the following conditions, as a minimum, were imposed in connection with the grant of the Conditional Use and such Conditions were at all times complied with by the Applicant.

No person shall land, discharge, load or take off in a helicopter in any place within the Township other than at a Private Helipad that satisfies the conditions contained herein and for which a permit has been issued by the Township. Exceptions are as follows and a special permit must be obtained one month in advance of the event after notice has been given to the Zoning Officer of the Township.

- (1) In conjunction with a special event such as an athletic context, a holiday celebration, festival, parade or similar activity after permission has been obtained to make such landings or takeoffs;
- (2) In connection with a construction project where a helicopter is to be used to lift equipment or materials in connection with such project.

Landings and takeoffs for law enforcement purposes and emergencies, such as Medivac, are permitted at locations other than private helipads without prior approval.

**B. Private Helipad Conditions**

A private Helipad (“Helipad”) may be permitted under the following Conditions, as a minimum. Additional Conditions may be imposed depending on the specifics of the Application.

- (1) Subject to obtaining all approvals required by applicable Laws, any Helipad shall in no event be located at any time less than 1000 feet from the closest boundary line of any property not then owned directly by the Applicant, or upon a sale in compliance with Condition 6 hereof of any part of the Property upon which the Helipad is located, the Applicant’s successor in title.
- (2) The Applicant shall cause the Helipad to be installed and used solely in compliance with all of the terms of (a) these Conditions, and (b) all applicable Federal, State and local laws, statutes, ordinances and codes, including all rules and regulations adopted there under or applicable thereto (collectively, all “Laws”).
- (3) The Applicant shall not permit a helicopter landing on or taking off from the Helipad to fly below an altitude of 1000 feet over the ground, except in the case that (a) such helicopter is within the geographical boundaries of the Property; (b) such helicopter is outside the geographical boundaries of the Township; or (c) it is necessary for the flight of such helicopter to deviate from such altitude restriction to comply with mandatory provisions of applicable Laws.
- (4) The Applicant must submit an Approach and Departure Plan for all landings on and takeoffs from the Helipad, and all related approaches and departures, which shall be substantially as follows, except to the extent otherwise required by mandatory provisions of applicable Laws. At least two approach zones to the landing pad shall be provided according to the provisions of the Federal Aviation Administration (FAA) or the State Bureau of Aviation according to the following regulations, which ever correspond most closely to the specific conditions of the Helipad site. Landing approach zones shall be maintained free of obstructions and shall not be placed less than 90 degrees apart. Each landing approach shall be located within 45 degrees left or right downwind of the prevailing winds and shall fan out at a horizontal and vertical angle of not less than 10 degrees from the width of the landing pad to a width of 1000 feet and shall have a glide angle slope of eight to one (8:1), measured from the outer edge of the pad. Exhibit A-1 is provided for illustrative purposes. Approach lanes shall be located entirely within the Property on which the Helipad is to be situated. Deviations from these

conditions shall be considered upon demonstration by the Applicant that all applicable FAA regulations are met, and the proposed landing and departure zones do not represent a safety risk to adjoining areas. The Board of Supervisors may modify this requirement in the interest of safety depending on the specifics of the application.

- (5) Permitted helicopters are limited to no more than 25000 lb maximum gross weight including fuel and up to four passengers seating capacity. A waiver to a maximum gross weight of 3200 lbs may be made at the sole discretion of the Board of Supervisors. A certification of compliance with this condition shall be filed with the township on a yearly basis.
- (6) The Applicant shall not sell or transfer any part of the Property on which the Helipad is located unless (a) a Declaration of Restrictive Covenant containing or referencing all of these Conditions is executed by him/her and recorded at the Chester County Recorder of Deeds Office with respect to the Property prior thereto; or (b) if no such document is recorded prior to such sale or transfer, the conditional use granted herein shall automatically expire and terminate on the date of such sale or transfer.
- (7) No helicopter shall take off from or land at a Helipad except between the hours of 9:00 a.m. and 9:00 p.m., except in the case of a documented medical emergency requiring medical care by a physician, which documentation shall be executed by the attending physician and delivered to Pennsbury Township at its office at 702 Baltimore Pike, Chadds Ford, PA 19317 (its "Office") within seven (7) days after any such take off or landing. Take offs and landings on Sundays are not permitted.
- (8) Applicant shall use best efforts to cause all helicopter flights to and from the Helipad to be performed in conformance with all then current generally accepted noise abatement profiles and/or noise reduction procedures, such as those recommended in the Helicopter Association International "Fly Neighborly Guide." However, in no case shall the noise level be greater than 55 db as measured anywhere along the Property boundaries.
- (9) All helicopters landing on or taking off from a Helipad shall be operated by pilots who are qualified under all applicable Laws to operate the specific helicopter make and model involved at all times when landing on or taking off from a Helipad. Since only the property owner(s) and immediate family may use the Helipad for personal but not commercial use, a copy of their helicopter operator license and certification to fly the helicopters to be used must be filed with the township before use of the Helipad and updated yearly.
- (10) Only one (1) Helipad shall be permitted on a Property, and no helicopter may land on or takeoff from any part of a Property other than on or from such Helipad.
- (11) Applicant shall maintain at the Property a Log (the "Log") of all helicopter landings on and takeoffs from the Helipad indicating the date and time of each such landing and takeoff, and Applicant shall deliver a copy of the Log to the

Township Office within 10 days following the last day of each month that the Helipad is in existence.

- (12) Applicant shall deliver a copy in writing of these Conditions to each pilot of a helicopter proposing to use the Helipad prior to the time such pilot lands on or takes off from the Helipad, and Applicant: shall require each such pilot to execute a certificate (the "Certificate") substantially in the form attached hereto as Exhibit A-2 and incorporated herein by reference within 24 hour following each landing and takeoff certifying that such pilot has read and complied with the Conditions with respect to such landing or takeoff, as applicable. The original executed copies of each of such Certificates shall be maintained as a permanent part of the Log.
- (13) No pilot shall land a helicopter on or takeoff a helicopter from a Helipad unless such helicopter and/or pilot is insured against general liability risks by a reputable insurance provider (the "Insurance Provided") in an amount of not less than \$2,000,000 per occurrence, and the Applicant shall cause a certificate of insurance (the "insurance Certificate") issued by the Insurance Provider or its agent certifying that such coverage is in place with respect to a particular pilot and/or helicopter to be delivered to the Township at its Office prior to the use by such pilot or helicopter of the Helipad, and no pilot or helicopter shall use the Helipad at any time at which a currently effective Insurance Certificate with respect to such pilot and/or helicopter has not been provided to the Township. The Township shall not be responsible for insuring that the required insurance is in place; that is the sole responsibility of the landowner on which the helipad is located.
- (14) Fire and safety equipment shall be maintained in close proximity to the Helipad site and said equipment shall be subject to the approval of the State Fire Marshall. The Applicant shall demonstrate that the Helipad site is readily accessibly by emergency vehicles and that compliance with their requirements has been certified by the Fire Department that services the Property. Yearly inspections and certifications shall be performed by the servicing Fire Department. Permitted helicopters shall be only those that have internal bladder fuel tanks that are less susceptible to rupture upon emergency or crash landings. External auxiliary fuel tanks are not permitted.
- (15) No lights of the type required by the Federal Aviation administration or the Pennsylvania Department of Transportation for nighttime use of the Helipad shall be illuminated at the Helipad except for such amount of time as is reasonable required in connection with a particular takeoff or landing. Landing area lights shall be pilot operated.
- (16) No helicopter may be parked, stored or otherwise kept at the Helipad for any period longer than 72 consecutive hours, except to the extent that a helicopter which has landed at the Helipad is delayed from taking off from the Helipad within such time period due to mandatory provisions of applicable Laws or weather or other conditions which prevent the safe operation of such helicopter. During that period, the helicopter may not be operated except for preflight checkout immediately prior to flight and for the flight itself. Only one helicopter at a time may occupy the helipad or be stored, parked or otherwise kept on-site.

- (17) No helicopter fuel may be stored or otherwise kept on the Property; no maintenance or repair of a helicopter shall take place on the Property; no helicopter spare parts or maintenance supplies shall be kept on the property; and no helicopter maintenance or repair facilities shall be maintained or constructed on the Property. In an emergency only, minor repairs may be made to ensure safe take off and flight. If major repairs are required, the helicopter is to be removed (and partially disassembled if required for ground transport) from the Property by ground transportation to a suitable destination. Minor emergency repairs are such that they can be performed within the permitted 72-hour parking period. Requests for additional time must be made in writing to the Board of Supervisors with justification for an extension in time.
- (18) No helicopter may land on or takeoff from the Helipad unless it is equipped with sufficient instrumentation and/or other equipment to enable the pilot thereof to comply with, and ascertain that he/she is in compliance with, the Conditions, including without limitation, the conditions set forth in paragraphs 3 and 4 hereof. For each helicopter serial number (or other unique identification number) that is expected to use the Helipad, a certification of the helicopter manufacturer, model and serial number and the instrumentation/equipment carried on board, and the certification must be in writing signed by the Applicant and filed with the township at least one month in advance of this helicopter using the Helipad.
- (19) The Helipad may be used only by the Applicant and his immediate family (personal friends may accompany) and only for personal and private purposes. No business or commercial uses/purposes are permitted. A certification of compliance shall be filed with the township on a yearly basis.
- (20) The Applicant shall be required to obtain a Building Permit and a Use and Occupancy Permit and, to the extent otherwise required by applicable law, Land Development Plan approval from the Township prior to the construction or use of the Helipad.
- (21) The use of the Helipad shall be limited to two round-trip flights per calendar week. For purposes of this Condition, a “round-trip flight” is an event comprising of one landing on and one takeoff from the Helipad.
- (22) The approval of the Helipad as a conditional use on the Property may be revoked by the Supervisors to the extent and in the manner provided in the Municipal Planning Code (“MPC”), Zoning Ordinances, and this Condition 22. If it appears to the Township that a material violation of these Conditions has occurred, the Township shall initiate enforcement proceedings by sending an enforcement notice (the “Enforcement Notice”) to Applicant in the form required by ARTICLE XX, Section 162-104 of the Township Zoning Ordinance, which Enforcement Notice shall contain, in addition to the other information required by such ARTICLE XX, Section 162-104 a statement indicating that the approval of the Helipad as a conditional use on the Property may be revoked by the Supervisors upon a finding by the Supervisors that there has been a material breach of these conditions. If any alleged violation referenced in an Enforcement Notice (a) is continuing, is of a type which may be cured and is not cured by the date specified in such Enforcement Notice, or (b) is with respect to a past event,

is not continuing or is of some other type which may not be cured, the Supervisors may revoke the approval of the Helipad as a conditional use on the Property upon a finding by the Supervisors that there has been a material breach of these Conditions. For purposes of the Condition 22, a “material breach” of these Conditions shall include (i) a single breach or any of these Conditions, which breach is attributable to the willful misconduct or gross negligence of Applicant, any agent of Applicant, or any person within the direct or indirect control of Applicant, (ii) any breach of a Condition of the type identified in the clause (a) of the immediately preceding sentence which is referenced in an Enforcement Notice and which is not cured by the date in such Enforcement Notice, and (iii) a breach of any of these Conditions which in the determination of the Supervisors, substantially lessened the mitigating effect of such Condition with respect to the adverse impact(s) at the Helipad which such Condition was intended to address. The remedies provided in this Condition 22 are in addition to, and not in lieu of any other remedies provided in the MPC, Township Zoning Ordinance or by other applicable Laws.

EXHIBIT A-1: Flight Path Requirements

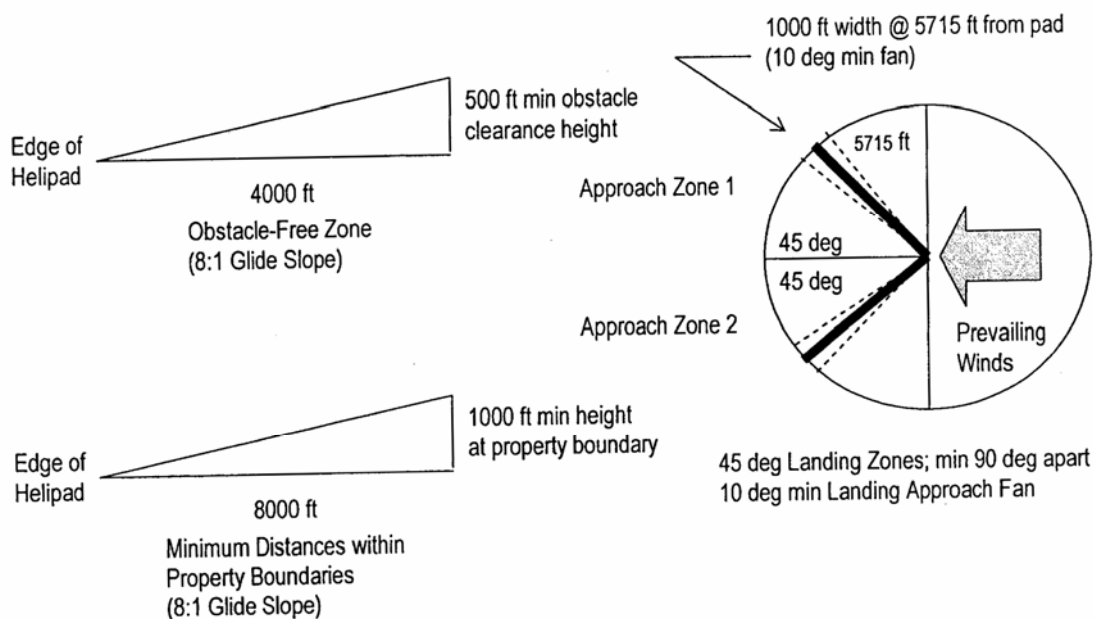


EXHIBIT A-2

Certificate of Pilot

This undersigned hereby certifies as follows:

1. He/she [circle as appropriate] (a) landed a helicopter on, and/or (b) took a helicopter off from the helipad (the "Helipad") located on the property owned by (enter name of Applicant) on (enter Helipad address) on [insert date]
2. He/she is duly licensed helicopter pilot qualified under all Federal, State and local laws, statutes, ordinances and codes, including all rules and regulations adopted there under or applicable thereto, applicable to the operation of the helicopter at the Helipad.
3. He/she was provided a copy of the conditions (the "Conditions") imposed by the Supervisors of Pennsbury Township on \_\_\_\_\_ upon the approval of the Helipad as a conditional use, and he/she understood such Conditions, in each case prior to landing on or taking off from the Helipad.
4. He/she complied with each of the terms of the Conditions at all times while approaching, landing on, taking off from or departing, the Helipad on the date set froth in paragraph 1 above.

IN WITNESS WHEREOF, the undersigned has executed this Certificate of Pilot this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_



**ARTICLE XIX**  
**Nonconforming Use, Structures, Lots and Signs**

SECTION 162-93. Applicability.

The following regulations shall apply to existing lawful uses, structures, lots and signs, which do not conform to the provisions of this chapter or to the provisions of any subsequent amendment thereto.

SECTION 162-94. Nonconforming use.

Except as hereinafter provided in this article, the lawful use of a building or structure or of any land or premises existing at the time of the effective date of this chapter or any subsequent amendment, or at the time of a change in the Zoning Map, may be continued although such use does not conform to the provisions hereof or to any subsequent amendment.

- A. Change of use. A nonconforming use may be changed to another nonconforming use by grant of special exception only upon determination by the Zoning Hearing Board, after public hearing, that the proposed new use will be less detrimental to its neighborhood and surroundings than is the use it is to replace. In determining relative detriment, the Zoning Hearing Board shall take into consideration, among other things: traffic generated; nuisance characteristics (such as emission of noise, dust and smoke); fire hazards; and hours and manner of operation.
- B. Extension or enlargement. The nonconforming use of a building shall not be extended or enlarged, and a nonconforming building housing any such use shall not be extended or structurally altered, except insofar as is required by law to assure the structural safety of the building, unless the Zoning Hearing Board shall, as a special exception, authorize the extension of a nonconforming use of a portion of a building throughout the entire structure, or the limited extension of a building which houses a nonconforming use on a lot. The Zoning Hearing Board may grant such special exception provided that:
  - (1) It is clear that such extension is not materially detrimental to the character of the surrounding area of the interest of the municipality.
  - (2) The area devoted to the nonconforming use shall in no case be increased by more than 50%.
  - (3) Any extension of a building shall conform to the area, height and set back regulations of the district in which it is situated.
- C. Damage or destruction. No building devoted to a nonconforming use shall, in the event of destruction or serious damage by fire, flood or similar cause, be reconstructed for the purpose of carrying on the nonconforming use. "Serious damage" shall be defined as damage which reduces the value of any structure by more than half of its prior value.
- D. Unenclosed premises. Where a nonconforming use is conducted entirely on an unenclosed premises, no structure to house or enclose such use, whether or not such structure would otherwise conform to zoning regulations, shall be permitted to be erected on the premises.

- E. Abandonment. Whenever a nonconforming use of land, premises, building or structure, or any part or portion thereof, has been discontinued for a period of one year, such discontinuance shall be presumed to constitute an intention to abandon such use and any subsequent use of the property shall be in conformity with the provision of this chapter.

SECTION 162-95. Nonconforming structures.

- A. A nonconforming structure being used, or proposed to be used, for a conforming purpose may continue and may be altered or enlarged unless the alteration or enlargement would increase the nonconformity of the structure with respect to the setback requirements, the land coverage requirements, or the amendment in effect at the time such alteration or enlargement is proposed to be made.
- B. A nonconforming structure being used, or proposed to be used, for a conforming purpose which has been seriously damaged by fire or other casualty may be reconstructed in its former location and to its former dimensions and used for the same purpose for which it was used before its damage or destruction, provided that such reconstruction shall be commenced within one year from the date of damage or destruction and shall be completed within one year thereafter.

SECTION 162-96. Nonconforming lots.

- A. Use for single-family dwellings. In any district in which single-family houses are permitted, a lot held in single and separate ownership at the effective date of this chapter or of any subsequent amendment hereto which is not of the required minimum area or width may be used for the construction, alteration, or reconstruction of a single-family dwelling, if the construction, alteration or reconstruction is in compliance with the yard, setback and other pertinent provisions of this chapter.
- B. Reduction of lot. No lot area shall be so reduced that the area or width of the lot or the dimensions of the open spaces shall be smaller than herein prescribed.

SECTION 162-97. Nonconforming signs.

Any existing nonconforming signs, signboards, billboards or advertising devices may be continued, subject to the following:

- A. Moving. No nonconforming sign shall be moved to another position on the building or lot on which it is located after the effective date of this chapter or amendment thereto, unless permitted by special exception.
- B. Area. The total area of all such signs relating to a single use at the effective date of this chapter, or at the effective date of any amendment of this chapter by which any sign shall be made nonconforming, shall not be increased.
- C. Replacement. No such sign shall be changed or replaced when authorized as a special exception by the Zoning Hearing Board.

- D. Discontinuance. Whenever any nonconforming use of building or structure, or land, or of a combination of buildings, structure and land ceases, all signs accessory to such use shall be deemed to become nonconforming and shall be removed within three calendar months from the date such use terminates.<sup>31</sup>

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<sup>31</sup> Editor's Note: Former Section 2004, Registration of nonconformities, which immediately followed this section was repealed 6-4-1990.



**ARTICLE XIXA**  
**Historic Resources**  
**[Added 9-17-2001 by Ord. No. 2001-4]**

SECTION 162-97.1 Purposes.

- A. To promote the general welfare by protecting the integrity of the historic resources in Pennsbury Township.
- B. To establish a process by which proposed changes affecting historic resources are reviewed by the Pennsbury Historical Commission and the Board of Supervisors.
- C. To mitigate the negative effects of proposed changes to historic resources.
- D. To encourage the continued use of historic resources consistent with preserving the historic character of those resources and to facilitate their appropriate reuse.
- E. To tailor protective measures to those clearly delineated historic resources in Pennsbury Township worthy of preservation.
- F. To encourage the preservation of historic settings and landscapes.
- G. To discourage the unnecessary alteration, demolition or destruction of historic resources.
- H. To implement the Township Comprehensive Plan.
- I. To implement the goals of the Pennsylvania Constitution, Article I, Section 27, which establishes the state policy of encouraging the preservation of historic and aesthetic resources and the purposes of Section 604(1) and Section 605(2)(vi) of the Pennsylvania Municipalities Planning Code.

SECTION 162-97.2. Compliance required; other restrictions.

- A. Compliance. Any demolition of or involving an historic resource shown on the Historic Resources Map shall occur only in full compliance with the terms of this article and other applicable regulations. For any historic resource shown on the Historic Resources Map, the requirements of this chapter shall apply, in addition to those applicable to the property on which the historic resource is located by reason of the zoning district in which such property is located.<sup>32</sup>
- B. Preservation of other restrictions. It is not intended by this article to repeal, abrogate, or impair any existing easements, covenants or deed restrictions.
- C. Definitions. As used in this article, the following terms shall have the meanings indicated:

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<sup>32</sup> Editor's Note: See Ch. 162, Zoning.

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

**CONVERSION** – An alteration of an historic resource by change of use, theretofore existing, to a new use, which imposes other special provisions of law governing adaptive reuse rehabilitation and zoning regulations.

**CONVERSION RESIDENTIAL** – A change in density and dwelling type of an existing historic resource, by creating party walls and independent cooking, eating, bathing, housekeeping, and sleeping areas, thus creating a building containing two dwelling units with independent or common outside access.

**HISTORIC BUILDING** – Any building which historically was used for human or animal occupancy that is representative and contributing to an understanding of the broad patterns of local, state or national history and identified as an historic building on the Historic Resources Map adopted by ordinance of the Board of Supervisors of Pennsbury Township.

**HISTORIC RESOURCES** – An historic building, historic structure or an historic site.

**HISTORIC RESOURCES MAP** – The map and supporting materials more particularly described in Section 162-97.3 of this article.

**HISTORIC SITE** – A land area which is the site or location of a human event or activity that has made a significant contribution to the broad patterns of local, state or national history ( such as, by way of example, a location of a gun emplacement or skirmish during the Battle of the Brandywine, the ruins of which would have been an historic structure if it had not been damaged or destroyed, or an abandoned quarry) or which serves as a monument or shrine of such an event or activity (such as, by way of example, a cemetery or the ruins of an historic building) and which is delineated by a metes-and-bounds description of the land area that is to be designated as an historic site and identified as such on the Historic Resources Map adopted by ordinance of the Board of Supervisors of Pennsbury Township.

**HISTORIC STRUCTURE** – A ruin of an historic building, or a structure or the ruin thereof, which historically was not used for human or animal occupancy, or an object (sometimes referred to in the historic preservation field of study as a “site object” or a “complex of site objects” such as hedgerow or walls), which is representative and contributing to an understanding of the broad patterns of local, state or national history and has been identified as an historic structure on the Historic Resources Map adopted by ordinance of the Board of Supervisors of Pennsbury Township.

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

SECTION 162-97.3. Historic Resources Map.

- A. Effective upon adoption of this article and for a period of two years following the date of adoption of this article, properties listed in Table 1 and Map 3 in the Comprehensive Plan are designated as National Register sites or districts, Pennsylvania Inventory of Historic Places or state sites, and local Township or potential sites and shall automatically fall under the relevant class under Subsection B, whereby national Register sites or districts shall be considered Class I and the remainder shall fall under Class II for the purposes of this article.
- B. The Board of Supervisors shall, on or before the expiration of two years from the date of adoption of this article, adopt by ordinance a revised and updated Historic Resources Map. The revised and updated Historic Resources Map shall designate each historic building, historic structure or historic site as being either a Class I historic resource or a Class II historic resource, defined as follows:
- (1) Class I historic resource shall include each of the following:
    - (a) All buildings, structures or sites individually listed on the National Register of Historic Places or designated as a national historic landmark or are included as “contributing” on the National Register of Historic Places registration form or national historic landmark nomination. The source for this determination shall be a copy of the complete National Register of Historic Place registration form or national historic landmark designation that has been certified by the National Park Service.
    - (b) Buildings, structures, or sites listed as contributing resources in an historic district listed on the National Register of historic places. The source of this determination shall be a copy of the complete National Register of Historical Places registration form that has been certified by the National Park Service.
    - (c) Buildings, structures, or sites which have received a determination of eligibility (DOE) for listing on the National Register of Historic Places by the Bureau for Historic Preservation of the Pennsylvania Historical and Museum Commission (PHMC).
  - (2) Class II historic resources shall include each of the following:
    - (a) Buildings, structures, or sites included in the historic resources inventory of the Pennsbury Township, documented on a Pennsylvania historic resource survey form and meeting one or more of the criteria listed below:
      - [1] Buildings, structures, or sites that are associated with events that have made a significant contribution to the broad patterns of local, state or national history.
      - [2] Buildings, structures, or sites that are associated with the lives of persons significant in local, state or national history.

- [3] Buildings, structures, or sites that possess the distinctive characteristics of a type, period, or method of construction or that represent a significant and distinguishable entity whose components may lack individual distinction.
  - [4] Buildings or structures that exhibit a high degree of original architectural integrity. This integrity should be judged in light of the architectural period best represented by the buildings and not conjecture on how the resource once appeared.
- (b) Documentation of the factors justifying designation of a building, structure or site as a Class II historic building shall include:
- [1] A copy of the completed Pennsylvania historic resources survey form;
  - [2] The specific criteria under which it is recommended.
- C. Adoption and revision. The Historic Resources Map may be revised from time to time by ordinance of the Board of Supervisors. In considering adoption of or any revision to, the Historic Resources Map, including additions, deletions or changes of classification to the Historic Resources Map, the Board shall first receive a written recommendation from the Pennsbury Historical Commission. The owner(s) of any building, structure or land area which is the subject of any proposed legislative or administrative action, including adoption of the Historic Resources Map or an amendment thereof, shall be given written notice at least 20 days prior to the public hearing. Failure to give such notice, or failure of the owner to receive such notice shall not, however, render void the action of the Board taken at such public hearing unless otherwise provided by law.
- D. Official list. The Commission shall maintain an updated list of historic buildings and historic sites shown on the Historic Resources Map and their respective classifications.

SECTION 162-97.4. Pennsbury Township Historical Commission.

- A. Membership.
- (1) There shall be an Historical Commission, which shall consist of seven members who shall be appointed by the Board of Supervisors.
  - (2) The membership of the Commission shall meet the requirements for an Historical Architectural Review Board under Act 167 of 1961,<sup>33</sup> whether or not the Township has adopted an ordinance for the establishment of an Historical Architectural Review Board under such Act.

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<sup>33</sup> Editor's Note: See 53 P.S. §§ 8001 through 8006.



- (3) Each Commission member shall serve for a term of five years, which shall be so fixed that no more than two terms shall expire each year. The Commission shall notify the Board of Supervisors of any vacancies in the Commission, and the Board shall act within 90 days to fill those vacancies. Appointments to fill vacancies for unexpired terms shall be only for the unexpired portion of the term. Members shall serve without pay, but shall be reimbursed for any personal expenditures in the conduct of Commission business when authorized by the Board of Supervisors.
- B. **Organization.** The Commission shall annually elect from its own membership a Chairman who will direct the activities of the Commission and such other officers as may be required for the conduct of its business. A quorum shall be not less than a majority of the current membership. The Commission may make, alter and rescind rules for its procedures consistent with the ordinances of the and laws and regulations of the Commonwealth. The Commission shall conduct business at regular public meetings. An agenda of each public meeting shall be available for inspection prior to the meeting. The Commission shall keep minutes of its meeting, public records of its business and shall submit a report of its activities to the Board of Supervisors by March 1 of each year.
  - C. **Expenditures.** Within the limits of funds appropriated by the Board of Supervisors, the Commission may employ staff or contract for clerical, consulting, or other technical services.
  - D. **Functions and duties,** in accordance with the purposes of this article, the Commission shall have the following functions and duties:
    - (1) Maintain a system for the survey and inventory of historic buildings, sites, structures, objects and districts in Pennsbury Township.
    - (2) Provide advice and recommendations to the Board of Supervisors, Planning Commission, Code Enforcement Officer and/or Zoning Hearing Board regarding the following subdivision, land development and building matters:
      - (a) The issuance of demolition permits for historic resources.
      - (b) Subdivision or land development applicants which affect historic resources, in accordance with the requirements and procedures of the Pennsbury Township Subdivision and Land Development Ordinance.<sup>34</sup>
      - (c) Requests for special exceptions, conditional uses or variances affecting historic resources.
      - (d) Applications for the rehabilitation, adaptive reuse, conversion, enlargement or alteration of historic resources for compliance with the Secretary of the Interior's Standards for Rehabilitation.

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<sup>34</sup> Editor's Note: See Ch. 138, Subdivision and Land Development.

- (3) Make recommendations to the Board of Supervisors concerning revisions, updates or corrections to the Historic Resources Map.
- (4) Maintain a list that clearly identifies historic buildings, structures and sites and their respective classifications (Class I or Class II) on the Historic Resources Map.
- (5) Contribute to and maintain files on Township historic resources, which at a minimum shall include the following items:
  - (a) For Class I historic buildings, structures and sites: a copy of all National Register and National Historic Landmark nominations that have been approved by the National Park Service for properties in Pennsbury Township and a copy of determination of eligibility (DOE) for listing on the National Register of Historic Places by the Pennsylvania Historical and Museum Commission (PHMC) for all properties not included in the National Register.
  - (b) For Class II historic buildings, structures and sites: documentation of these resources on the official Pennsylvania historic resource survey form.

SECTION 162-97.5. Demolition of historic resources.

- A. Demolition of historic resources by neglect. No historic building or structures shall be demolished by neglect. Demolition by neglect includes, but is not limited to, leaving a building open or vulnerable to vandalism or decay by the elements. Unoccupied historic buildings or structures should be tightly sealed.
- B. Demolition of historic resources by permit. The following procedure is established for the issuance of a permit for demolition of an historic resource in order to allow for the consideration by and presentation to its owner of alternatives to the demolition or disturbance of the historic resource:
  - (1) Demolition permit. No historic building, structure or site designated as an historic resource and identified as such on the Historic Resources Map adopted by ordinance of the Board of Supervisors of Pennsbury Township shall be intentionally demolished, razed or otherwise disturbed, eradicated or destroyed, in whole or in part, unless a permit is obtained from the Code Enforcement Officer of Pennsbury Township in accordance with the procedures and requirements of this section and other applicable standards and procedures of Township ordinances and codes.
  - (2) Removal of significant architectural features. Demolition, for purposes of the foregoing permit requirement, shall include the removal of any significant exterior architectural feature of an historic building if such feature is identified as such on a National Register nomination or Pennsylvania historic resources survey form.

- (3) Application requirements for the demolition of an historic resource. In addition to applicable requirements under the Township building codes, any applicant seeking a permit to demolish an historic resource shall provide the following with regard to that historic resource:
- (a) Name of legal and equitable owner of record.
  - (b) Classification on Historic Resources Map.
  - (c) Site plan showing all buildings and structures on the lot on which the historic resource is located.
  - (d) Photographs of the historic resource proposed for demolition depicting its appearance at the time of application. Photographs of historic buildings or structures must include each exterior elevation.
  - (e) Reasons for the proposed demolition.
  - (f) Method of proposed demolition.
  - (g) Future uses of the site and of the materials from the historic resource proposed for demolition.
  - (h) Consideration of the potential for the presence of significant archaeological resources.
  - (i) Explanation of the uses for the historic resource which applicant has considered prior to, and instead of, demolition.
- (4) Application. The applicant shall submit 10 copies of an application for a demolition permit involving an historic resource, with all of the aforesaid information, to the Code Enforcement Officer. The Code Enforcement Officer shall forward the application to the Historical Commission for review.
- (5) Review by Historical Commission. Within 30 days of receipt of a complete application from the Code Enforcement Officer, the Historical Commission, at a regular or special meeting, shall review the application for demolition. The applicant will be notified of such meeting at least 20 days prior to its date and shall have the opportunity to present reasons for filing the application and such other relevant information as applicant desires. The Historical Commission shall consider the following:
- (a) The effect of demolition on the architectural or archaeological significance and integrity of the historic resource in question and neighboring historic resources;
  - (b) Whether the applicant has demonstrated that he has considered all alternatives to demolition of the historic resource;
  - (c) Economic feasibility of adaptive reuse of the historic resource proposed for demolition;

- (d) Alternatives to demolition of this historic resource;
  - (e) Whether the resource in its current condition presents a threat to public safety;
  - (f) Whether the maintenance of the historic resource has been neglected;
  - (g) Whether the required retention of the historic resource would represent an unreasonable economic hardship;
  - (h) Whether the applicant has submitted sufficient information to assess the potential for preservation or adaptive reuse of the historic resource;
  - (i) Whether there is a potential for significant archeological resources to be adversely affected as a result of the demolition of the historic resource, and whether archaeological mitigation of the adverse effect would be economically feasible or represent an unreasonable economic hardship.
- (6) Recommendation by the Historical Commission. The Historical Commission shall, after conducting the hearing as aforesaid, make a recommendation to the applicant and the Board of Supervisors as to whether the historic resource should be demolished as requested by the applicant or, in the alternative, as to uses for the historic resource that should be considered or other actions that could be taken by the applicant or the Board of Supervisors to promote the preservation of the historic, cultural, educational, and other values represented by the historic resource.
- (7) Board of Supervisor's decision.
- (a) Within 30 days after receiving the recommendation from the Historical Commission, the Board of Supervisors shall consider the application, together with the comments of the applicant and the recommendations of the Historical Commission, and render a decision to either approve the application or defer their decision for up to 90 days as set forth for the purpose of allowing applicant or the Township to gather further information regarding the historic resource, any possible alternative uses for the historic resource, or any other possible action or actions that could promote preservation of the historic resource.
  - (b) At the time of such decision the Board of Supervisors may, in its discretion, direct the applicant to prepare a financial analysis containing the information described below or to perform or cause to be performed evaluations or studies, as are reasonably necessary in the opinion of the Board of Supervisors, to determine whether the historic resource has or may have alternate uses consistent with preservation of the historic resource, such as historical data, surveys, and other data provided by local, state, and federal historic preservation organizations and agencies; photographs; floor plans; measured drawings; archaeological surveys (if appropriate); and any other comparable form of documentation recommended by the Historical Commission. The extent of

documentation required shall reasonably relate to the architectural quality and/or historical significance of the historic resource.

- (c) If the applicant is directed to prepare the financial analysis or to perform or cause to be performed the other evaluations or studies, as aforesaid, the ninety-day deferral period shall be extended until a period of 60 days after a complete submission of such information is delivered to the Township.
- (d) The applicant shall be notified of the meeting of the Board of Supervisors at which the application for demolition is to be considered at least 20 days prior to the date of the meeting, and shall have the opportunity to present the applicant's reasons for demolishing the historic resource and filing the application. Within five days of making its decision, the Board shall provide written communication of its decision to the applicant, Historical Commission, and Code Enforcement Officer.
- (e) Nothing herein shall be deemed to limit the authority of the Code Enforcement Officer to deny a permit for:
  - [1] Failure to provide the information required by this article or any other ordinance of the Township, including but not limited to the financial analysis if required by the Board of Supervisors;
  - [2] Failure to comply with any other ordinance or code of the Township.
- (8) Historical Commission recommendation. During the period of the delay but prior to the expiration of the delay period, and before the Board of Supervisors has acted on the permit application, the Historical Commission shall, if requested by the Board of Supervisors, review the application again and any further documentation requested by the Board of Supervisors. The Commission may recommend to the Board of Supervisors approval of the demolition permit or any other recommendations the Historical Commission deems appropriate to the preservation of the historic resource. The Commission shall communicate its recommendation in writing to the Board of Supervisors before the Board of Supervisors acts upon the application for the demolition permit during the deferral period.
- (9) Financial analysis for the demolition of historic resource.
  - (a) The Board of Supervisors may require, as aforesaid, an applicant to prepare and submit as part of the application a financial analysis which shall include at least the following:
    - [1] Amount paid for property, date of purchase and party from whom purchased.
    - [2] Assessed value of the land and improvements thereon according to the most recent county real estate tax assessment.

- [3] Cost of restoration for permitted uses pursuant to existing zoning, prepared by a certified engineer or architect experienced in the restoration of historic resources of the type proposed for demolition.
  - [4] Cost of identification, and/or mitigation of significant archaeological resources.
  - [5] Any consideration by the owner as to economical adaptive uses for the property.
- (b) Any costs incurred by the Commission, as agreed to by the applicant, to review plans or studies submitted by the Commission's consultant specifically retained for this purpose, shall be reimbursed to the Township by the applicant.
- (10) Issuance of building permit. Where the Board acts to approve the application for the demolition permit or the applicant has complied with the requirements of this article and the period for a decision by the Board of Supervisors and any period of extension by the Board of Supervisors has passed, the Code Enforcement Officer shall issue the demolition permit to the applicant (provided all other ordinance and code requirements of the Township have been satisfied), regardless of whether the Historical Commission or the Board of Supervisors has recommended measures for the preservation or adaptive use of the historic resource. Such action shall be taken by the Code Enforcement Officer within 10 days after the decision of the Board of Supervisors or the passage of the aforesaid time period, whichever applies.
- (11) Appeal. Appeal of any action of the Code Enforcement Officer in issuing the permit or declining to issue the permit shall be to the Zoning Hearing Board in accordance with applicable provisions of the Municipalities Planning Code<sup>35</sup> and this article.

SECTION 162-97.6. Special use provisions for adaptive reuse and conversion residential of historic resources.

- A. Nothing herein is intended to modify or amend the provisions of Section 162-89, Adaptive reuse of historic building; bed-and-breakfast and antique shops.
- B. Where approved by the Board of Supervisors as a conditional use in accordance with Article XX, Section 162-106 of the Pennsbury Code, and upon review and recommendation of the Historical Commission, the following additional uses may be permitted for historic buildings, in addition to those otherwise permitted in the zoning district in which the historic building is located and under Section 162-89. Where permitted by conditional use, such uses shall be available in addition to or in place of any use currently being made of the historic building.

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<sup>35</sup> Editor's Note: 53 P.S. § 10101 et seq.

- (1) Conversion residential, two-family dwelling; provided that the following criteria are met:
  - (a) The requirements of Article XVIII, General Requirements, are satisfied to the extent applicable.
  - (b) Applicant presents a site plan, which need not meet the requirements for a subdivision and land development plan, demonstrating compliance with the requirements herein set forth.
  - (c) Adequate sewer and water capacity to serve the two-family dwelling shall be provided, in accordance with applicable county and state regulations.
  - (d) The historic building is located on a lot that meets the minimum lot size requirements for the district in which the historic building is located, but in no event shall the lot on which the historic building is located be less than one acre in area.
  - (e) The historic building living area may not be or have been increased by greater than 25% of the footprint area of the building at the time of adoption of this article.
  - (f) The requirements of Section 162-89G shall be met.
  - (g) The owner of the conversion residential two-family dwelling must reside in one of the dwellings as a principal residence.
- (2) A single professional office that is characterized by low frequency of customer, client and vendor visitation and low occupant density; provided the following criteria are met:
  - (a) The requirements of Article XVIII, General Requirements, are satisfied to the extent applicable; provided, however, that the Board of Supervisors may, by conditional use approval, reduce the required parking for such use if the Board of Supervisors finds that the parking required by this article is unnecessary and inconsistent with the preservation of the historic architecture, appearance or setting of the historic building.
  - (b) Applicant presents a site plan, which need not meet the requirements for a subdivision and land development plan, demonstrating compliance with the requirements herein set forth.
  - (c) Adequate sewer and water capacity to serve the proposed use shall be provided, in accordance with applicable county and state regulations.
  - (d) The historic building is located on a lot that meets the minimum lot size requirements for the district in which the historic building is located, but in no event shall the lot on which the historic building is located be less than one acre in area.

- (e) The historic building office area may not be or have been increased by greater than 25% of the footprint area of the building since the time of adoption of this article.
- (f) The requirements of Section 162-89G shall be met.
- (g) The maximum number of persons occupying the historic building during any portion of the day for the purpose of performing the business for which the office is used (which shall exclude customers, vendors and other short-term visitors) shall not be greater than one per 500 square feet of floor area.
- (h) The lot on which the historic building is located shall have frontage on Route 1, Route 52 or Route 926.
- (i) The proposed office use shall be one which, by conventional, nationally accepted traffic measurement and engineering standards, such as the Institute for Transportation Engineers Trip Generation Guide, generates no more than 12 vehicle trips per day, including employees.

SECTION 162-97.7 Modification of area and bulk regulations.

- A. The Board of Supervisors, through the grant of a conditional use, may approve modifications to the otherwise applicable lot size, lot dimension, yard requirements or other bulk and area limits on the extension or enlargements of permitted and nonconforming uses for plans affecting historic buildings, in accordance with the criteria set forth under Section 162-106 of the Pennsbury Code, and provided the following additional criteria are met:
- (1) The modification or rehabilitation shall have the effect of encouraging the continued preservation or adaptive reuse of the historic building.
  - (2) The applicant shall present and agree to comply with plans for the rehabilitation, alteration or enlargement of an historic building shown on the application for conditional use and must be in substantial compliance with the following standards for rehabilitation (derived from the Standard for Rehabilitation promulgated by the Secretary of the U.S. Department of the Interior):
    - (a) Every reasonable effort shall be made to provide a compatible use for a property, which requires minimal alteration of the building, structure, or site and its environment, or to use a property for its originally intended purpose.
    - (b) The distinguishing original qualities or character of a building, structure or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.



- (c) All buildings, structures and sites shall be recognized as products of their own time. Alterations that have no historical basis and which seek to create an earlier appearance shall be discouraged.
- (d) Changes, which may have taken place in the course of time, are evidence of the history and development of a building, structure or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.
- (e) Distinctive stylistic features or examples of skilled craftsmanship, which characterize a building, structure or site, shall be treated with sensitivity.
- (f) Deteriorated architectural features shall be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, color, texture and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications of features, substantiated by historic, physical, or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.
- (g) The surface cleaning of structures shall be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the historic building materials shall not be undertaken.
- (h) Every reasonable effort shall be made to protect and preserve archeological resources affected by, or adjacent to, any project.
- (i) Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural or cultural material, and such design is compatible with the size, scale, color, material and character of the property, neighborhood or environment.
- (j) Wherever possible, new additions or alterations to structures shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the structure would be unimpaired.

B. Compliance. Determinations of compliance with these standards shall be made by written report of the Pennsbury Township Historical Commission, using the Secretary of the Interior's Guidelines for Rehabilitating Historic Buildings to apply the Standards to each project.



**ARTICLE XX**  
**Administration**

SECTION 162-98. Application of regulations.

Hereafter, no land shall be used or occupied, and no building or structure shall be erected, altered, demolished, used or occupied, except in conformity with this chapter, and as it may be from time to time amended.

SECTION 162-99. Administration.

The provisions of this chapter shall be administered by the person designated by the Township Supervisors as the Zoning Officer and the Building Inspector.

SECTION 161-100. Zoning Officer

The duties of the Zoning Officer shall be:

- A. To examine all applications for permits to build, alter, or use land.
- B. To issue permits for uses, authorized variance or special exception after approval by the Zoning Hearing Board or directed by a competent court in accordance with this chapter.
- C. To record and file all applications for permits and accompanying plans and documents and keep them for public record.
- D. To report all violations of this chapter to the Board of Supervisors and to issue orders to cease and desist to all the violators.
- E. Upon the request of the Board of Supervisors, Planning Commission, or the Zoning Hearing Board, to present such bodies facts, records and any similar information on specific requests to assist such bodies in reaching decisions.
- F. Any other related duties which may be required from time to time by the Board of Supervisors.

SECTION 162-101. Procedures involving the zoning officer.

- A. Zoning permits. A zoning permit shall be required prior to the initial use of land or structure, change in the use thereof, or the change in use or extension of nonconforming use. It shall be unlawful for any person to use land or a structure or change the use thereof without a zoning permit duly issued therefore.
- B. Application for zoning permits. All applications for zoning permits shall be made to the Zoning Officer in writing on such forms furnished by the Township and shall include any additional plans, documents and information as may be required to enable the Zoning Officer to ascertain compliance of this chapter.

- C. Sign permits. A sign permit shall be required prior to the erection of, alteration of, or enlargement of any sign, sign structure or any portion thereof. It shall be unlawful for any person to commence work for the erection of, or alteration of, or enlargement of any sign, sign structure or portion thereof, until a permit has been duly issued therefore; except, however, that artisans' signs and real estate signs may be erected without a sign permit, provided that all requirements of Article XVII are met.
- D. Application for sign permits. An application for a sign permit shall be made to the Zoning Officer and shall be accompanied by a plot plan drawn to scale showing size and location of all buildings and structures on the premises in question and the dimensions and location of the proposed sign.
- E. Issuance of Zoning and sign permits. It shall be the duty of the Zoning Officer to either issue or deny issuance of a zoning or sign permit within 15 days of the filing of a completed application and payment of prescribed fees. The Zoning Officer shall issue a permit only upon his determination that the application is in compliance with the terms of this chapter. Zoning and sign permits need not be displayed, but should be maintained on the premises.

SECTION 162-102. Building Inspector.

The duties of the Building Inspector shall be:

- A. To examine all applications for permits to build, alter or demolish.
- B. To issue permits only for construction and uses which are in accordance with this chapter and the Township Building Code<sup>36</sup> (BOCA Code) as adopted by the Township.
- C. To issue occupancy permits after satisfactory inspection of the building or premises is completed subject to changes or approval by the Board of Supervisors.
- D. To record and file all applications for permits and accompanying plans and documents and keep them for public record.
- E. To enforce the Township Building Code<sup>37</sup> (BOCA) as adopted by the Township.

SECTION 162-103. Procedures involving the Building Inspector.

- A. Building permits. A building permit shall be required prior to the erection, alteration, enlargement, or demolition of any building or other structure or portion thereof. It shall be unlawful for any person to commence work for the erection, alteration, enlargement, or demolition of any building or structure or portion thereof until a permit has been duly issued therefore.
- B. Application for building permits. All applications for building permits shall be made to the Building Inspector in writing on such forms furnished by the Township. An application for building permit shall be accompanied by an approved zoning permit and

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<sup>36</sup> Editor's Note: See Chapter 78, Building Construction.

<sup>37</sup> Editor's Note: See Chapter 78, Building Construction.

any additional information as may be required to enable Building Inspector to ascertain compliance with the applicable Township Codes.

- C. Issuance of building permits. It shall be the duty of the Building Inspector to either issue or deny issuance of building permits within 90 days of filing of a completed application and payment of prescribed fees. He shall issue a permit only upon his determination that the application is in compliance with the Township Building Code<sup>38</sup>. A building permit, when issued, shall be accompanied by a placard to be displayed conspicuously upon the premises during the period of construction. Following completion of the foundation, a plan certified by a Pennsylvania-licensed engineer, architect or surveyor that the building or structure conforms to all setbacks applicable to the particular zoning district shall be filed with the Building Inspector before resumption of any further work on the building or structure. **[Amended 2-5-1996; 5-15-2000 by Ord. No. 2000-3; 12-17-2003 by Ord. No. 2003-6]**
- D. Occupancy permits. It shall be unlawful for any person to initially occupy any building or structure until an occupancy permit has been duly issued therefore. Such permits shall be required for the change in use of any building or structure as well as the occupancy of any building for which a building permit is required.
- E. Application for occupancy permits. Application for the occupancy permits shall be made to the Building Inspector after the inspection of the building premises.
- F. Issuance of occupancy permits.
  - (1) An occupancy permit for which application has been made shall not be issued until completion of the construction work authorized by the building permit. Upon notification by the applicant that the construction work has been completed, the Building Inspector shall conduct a final inspection and shall either issue or deny the occupancy permit within 15 days, as aforesaid.
  - (2) It shall be the duty of the applicant for a building permit to secure the issuance of the required occupancy permit, by giving notice of completion as aforesaid, notwithstanding the fact that he may be constructing the building, structure, addition, or alteration for the use of another, and further to notify such proposed occupancy of the requirements of this section prior to transfer of ownership or commencement of leasehold of the property.

SECTION 162-104. Enforcement. [Amended 6-4-1990]

This chapter shall be enforced by the Zoning Officer of the Township. If it appears to the Zoning Officer that a violation of this chapter has occurred, the Zoning Officer shall initiate enforcement proceedings by sending an enforcement notice as provided in this section. The enforcement notice shall be sent 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 enforcement notices regarding that parcel, and to any other person requested in writing by the owner of record. An enforcement notice shall state at least the following:

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<sup>38</sup> Editor's Note: See Chapter 78, Building Construction.

- A. The name of the owner of record and any other person against whom the Township intends to take action.
- B. The location of the property in violation.
- C. The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provision of this chapter.
- D. The date before which the steps for compliance must be commenced and the date before which the steps must be completed.
- E. That the recipient of the notice has the right to appeal to the Zoning Hearing Board within 30 days in accordance with procedures set forth in this chapter.
- F. That failure to comply with the notice within 30 days, unless extended by appeal to the Zoning Hearing Board, constitutes a violation, with possible sanctions clearly described.

SECTION 162-105. Schedule of fees.

- A. The Board of Supervisors shall establish by resolution a schedule of fees, charges and expenses for zoning permits, appeals to the Zoning Hearing Board, curative amendment hearing and other matters pertaining to the administration of this chapter.
- B. Said schedule of fees shall be available from the Township Secretary/Treasurer and Zoning Officer and application for permits or hearing shall be considered incomplete until payment in accordance therewith has been made.

SECTION 162-106. Conditional uses.

- A. Application. An application for conditional use approval shall be accompanied by a proposed plan showing the size and location of the proposed use, all proposed buildings and all proposed accessory facilities, including roads, access drives, and parking areas. In addition, the application shall be accompanied by such information in graphic and/or narrative form, to demonstrate compliance with all applicable standards to be met. Feasibility of water supply, sanitary sewage disposal, and storm drainage control should be demonstrated but need not be fully engineered.
- B. Procedure.
  - (1) A Conditional Use Application shall be filed with the Township Secretary/Treasurer on such forms as may be prescribed by the Board of Supervisors, accompanied by the required fee.
  - (2) The Board of Supervisors shall schedule and hold a public hearing pursuant to public notice on the application within sixty (60) days of filing unless the applicant waives or extends the time limitation.
  - (3) The hearing shall be conducted by the Board or the Board may appoint any member or independent attorney as a hearing officer.

- (4) At least thirty (30) days prior to the date of hearing, a copy of the application and supporting material shall be furnished to the Township Planning Commission and any other agencies or consultants deemed appropriate by the Board of Supervisors, together with a request that such agencies submit recommendations regarding the proposed conditional use.
- (5) 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 officer, waive decision or findings by the Board and accept the decision or findings of the hearing officer as final.
- (6) In granting a conditional use, the Board of Supervisors may attach such reasonable conditions and safeguards, in addition to those expressed in the ordinance, as it may deem necessary to implement the purposes of the Pennsylvania Municipalities Planning Code<sup>39</sup> and this chapter.
- (7) The Board of Supervisors shall render a written decision or, when no decision is called for, make written findings on the conditional use application within 45 days after the last hearing before the Board of Supervisors. Where the application is contested or denied, each decision shall be accompanied by findings of fact or conclusions of law based thereon. Together with any reasons therefore. Conclusions based on any provisions of the Pennsylvania Municipalities Planning Code or of any ordinance, rule or regulation shall contain a reference to that provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found.
- (8) Where the Board of Supervisors fails to render the decision within the period required by this subsection or fails to commence, conduct or complete the required hearing as provided in Section 908 (1.2) of this Pennsylvania Municipalities Planning Code, the decisions 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. When 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 hereinabove provided, the Board of Supervisors shall give public notice of the decision within ten (10) days from the last day it could have met to render a decision in the same manner as required by the public notice requirements of the Pennsylvania Municipalities Planning Code. If the Board of Supervisors shall fail to provide such notice, the applicant may do so.
- (9) 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 or, where no decision is called for, of the findings shall be delivered to the applicant personally or mailed no later than the day following its date. **[Amended 7-6-2004, Ord. No. 2004-4]**

C. Standards for review of proposed conditional use. The following standards shall be used as a guide in evaluating a proposed conditional use:

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<sup>39</sup> Editor's Note: 53 P.S. § 10101 et seq.

- (1) The proposed use shall meet all of the specific standards and regulations for eligibility which appear in the section of this chapter authorizing the proposed conditional use.
- (2) The standards set forth in Section 162-115, for review of special exception applications, shall be met.



**ARTICLE XXI**  
**Zoning Hearing Board**

SECTION 162-107. Appointment.

There shall be a Zoning Hearing Board consisting of three residents of the Township, appointed by the Board of Supervisors in accordance with Article IX of the Pennsylvania Municipalities Planning Code (53 P.S. Section 10901 et seq.) as amended, hereinafter called "Code."

SECTION 162-108. Jurisdiction of Zoning Hearing Board. **[Amended 6-4-1990]**

The Zoning Hearing Board shall have exclusive jurisdiction to hear and render final adjudications in the following matters:

- A. Substantive challenges to the validity of any land use ordinance except those brought before the Board of Supervisors pursuant to Section 609.1 and 916.1(a)(2) of the Pennsylvania Municipalities Planning Code.<sup>40</sup>
- B. Challenges to the validity of a land use ordinance raising procedural questions or alleged defects in the process of enactment or adoption which challenges shall be raised by an appeal taken within 30 days after the effective date of said ordinance.
- C. Appeals from the determination of the Zoning Officer including but not limited to the granting or denial of any permit or failure to act on the application therefore, the issuance of any cease-and-desist order or the registration or refusal to register any nonconforming use, structure or lot.
- D. Appeal from a determination by the Township Engineer or the Zoning Officer with reference to the administration of any flood plan provisions within this chapter.
- E. Applications for variances from the terms of this chapter or provisions within any land use ordinance pursuant to Section 910.2 of the Pennsylvania Municipalities Planning Code.<sup>41</sup>
- F. Applications for special exceptions under this chapter or such provisions within a land use ordinance, pursuant to Section 912.1 of the Pennsylvania Municipalities Planning Code.<sup>42</sup>
- G. Appeals from the determination of any officer or agency charged with the administration of any transfers if development rights or performance density provisions of this chapter.
- H. Appeals from the Zoning Officer's determination under Section 916.2 of the Pennsylvania Municipalities Planning Code.<sup>43</sup>

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<sup>40</sup> Editor's Note: See 53 P.S. §§ 10609.1 and 10916.1(a)(2)

<sup>41</sup> Editor's Note: See 53 P.S. § 10910.2

<sup>42</sup> Editor's Note: See 53 P.S. § 10912.1

<sup>43</sup> Editor's Note: See 53 P.S. § 10916.2

- I. Appeals from the determination of the Zoning Officer or Township Engineer in the administration of any land use ordinance or provision thereof with reference to sedimentation and erosion control and Stormwater management insofar as the same related to development not involving applications under Articles V or VII of the Pennsylvania Municipalities Planning Code.<sup>44</sup>

SECTION 162-109. Rules.

The Zoning Hearing Board may make, alter, and rescind rules and forms for its procedure including, but not limited to, the manner of filing appeals and applications of special exceptions and variances.

SECTION 162-110. Hearings. **[Amended 6-4-1990]**

Hearing of the Zoning Hearing Board shall be held at the call of the chairman, and at such other times as the Zoning Hearing Board may determine. All hearings on appeals or applications shall commence not later than 60 days from the date of filing thereof with the Township. The hearings shall be conducted in the following manner:

- A. The hearings shall be conducted by the Board or the Board may appoint any member as a hearing officer. The decision, or, when no decisions 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.
- B. 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 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.
- C. The chairman or acting chairman 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.
- D. The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on all relevant issues.
- E. Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded.
- F. 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 transcripts 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

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<sup>44</sup> Editor's Note: See 53 P.S. §§ 10501 et seq. and 10701 et seq.

cost of additional copies shall be paid by the person requesting such copy or copies. In other cases the party requesting the original transcript shall bear the cost thereof.

- G. The Board or the hearing office shall not communicate, directly or indirectly, with any party or his 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 advise from the Board's Solicitor, unless the parties are afforded an opportunity to contest the material so noticed and shall not inspect the site or its surroundings after the commencement of hearings with any party or his representative unless all parties are given an opportunity to be present.
- H. 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 applicant's case-in-chief. An applicant may, upon request, be granted additional hearings to complete his 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 Township, be granted additional hearings to complete their opposition to the application provided the applicant is granted an equal number of additional hearings for rebuttal. **[Added 7-6-2004 by Ord. No. 2004-4]**

#### SECTION 162.111. Appeals and requests to the Zoning Hearing Board.

Appeals to the Zoning Hearing Board may be filed by the landowner affected, any officer or agency of the Township or any person aggrieved. Such appeal shall be taken with the time required by the Code or as provided by the rules of the Zoning Hearing Board, by filing with the Township Secretary or with the Zoning Hearing Board a notice of appeal specifying the grounds thereof. The Township Secretary shall forthwith transmit to the Zoning Hearing Board all the papers constituting the record upon which the action appealed from was taken. Requests for a variance or special exception may be filed by any landowners, or any tenant with permission of the landowner. The appropriate fee, established by the Township, shall be paid in advance for each appeal or application of or a special exception or variances to cover advertising costs, mailing notices, and charges of the stenographer for taking the notes of testimony.

#### SECTION 162.112. Notice of hearing.

The notice of public hearing shall state the location of the building or lot and the general nature of the question involved and shall be given as follows:

- A. By giving public notice thereof as defined in this chapter. **[Amended 6-4-1990]**
- B. By mailing a notice thereof to the applicant, the Zoning Officer, Township Secretary and any person who has made timely request for same.

- C. By mailing a notice thereof to every resident or association of residents of the Township who shall have registered their names and addresses for this purpose with the Zoning Hearing Board.
- D. By mailing notice thereof to the owner, if his address is known, or to the occupant of every lot on the same street with 500 feet of the lot in question and of every lot not on the same street within 150 feet of said lot; provided that failure to mail the notice required by this section shall not invalidate any action taken by the Zoning Hearing Board. All hearings shall be conducted in accordance with Section 908 of the Code (53 P.S. Section 10908) as amended.
- E. By posting written notice thereof conspicuously on the affected tract of land at least one week prior to the hearing. **[Amended 6-4-1990]**

**SECTION 162-113. Decisions. [Amended 6-4-1990]**

- A. The Board or the hearing officer, as the case may be, shall render a written decision or, when no decisions called for, make written findings on the application within 45 days after the last hearing before the Board or hearing officer. Where the application is contested or denied, each decision shall be accompanied by findings of fact and conclusions based thereon together with the reasons therefore. Conclusions based on any provisions of the Pennsylvania Municipalities Planning Code 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 the light of the facts found. If the hearing is conducted by a hearing officer, and there has been no stipulation that his decision or findings are final, the Board shall make his report and recommendations available to the parties within 45 days and the parties shall be entitled to make written representations thereon to the Board prior to final decision or entry of findings, and the Board's decision shall be entered no later than 30 days after the report of the hearing officer. Where the Board fails to render the decision within the period required by this section, or fails to hold the required hearing within 60 days from the date of the applicant's request for a hearing, 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. When a decision has been rendered in favor of the applicant because of the failure of the Board to meet or render a decision as herein above provided, the Board shall give public notice of said decision within 10 days from the last day it could have met to render a decision. If the Board shall fail to provide such notice, the applicant may do so. Nothing in this section shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction.
- B. 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 not later than the day following its date. 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 the findings may be examined.

SECTION 162-114. Expiration of special exceptions and variances.

Unless otherwise specified by the Zoning Hearing Board, a special exception or variance which has been authorized by the Zoning Hearing Board shall expire if the applicant fails to obtain a zoning permit within six months from the date of authorization thereof or fails to commence a substantial amount of work within six months from the date to issuance of the permit for such work.

SECTION 162-115. Standards for review of proposed variance or special exception.

- A. In any instance, where the Zoning Hearing Board is required to consider a request for variance or special exception, the Zoning Hearing Board must determine that the following standards and criteria are met before granting the request:
- (1) The size, scope, extent and character of the special exception or variance requested is consistent with the Comprehensive Plan of the Township and promotes the harmonious and orderly development of the zoning district involved.
  - (2) The proposed change or modification constitutes an appropriate use 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 of the character of the neighborhood in light of the zoning classification of the area affected; the effect on other properties in the area; the number, extent and scope of nonconforming uses in the area; and the presence of the absence in the neighborhood of conditions or uses which are the same or similar in character to the condition or use for which applicant seeks approval.
  - (3) The proposed use is suitable with respect to traffic and highways in the area and provides for adequate access and off-street parking arrangements in order to project major streets and highways from under congestion and hazard.
  - (4) Major street and highway frontage will be developed so as to limit the total number of access points and encourage the frontage of building on parallel marginal roads or on roads perpendicular to the major street or highway.
  - (5) The proposed change is reasonable in terms of the logical, efficient and economical extension of public services and facilities, such as public water, sewers, police, fire protection, and public schools, and assures adequate arrangements for sanitation in specific instances.
  - (6) All commercial or industrial parking, loading, access or service areas will be adequately illuminated at night while in use and arranged so as to comply with the requirements of Section 162-78B dealing with special regulations relating to access and highway frontage.
  - (7) Conditions are being imposed on the grant of the request necessary to insure that the general purpose and intent of the property adjacent to the area included in the proposed change or modification is adequately safeguarded with respect to harmonious design of buildings, aesthetics, planting and its maintenance as a

sight or sound screen, landscaping, hours of operation, lighting, numbers of persons involved, allied activities, ventilation, noise, sanitation, safety, smoke and fume control and the minimizing of noxious, offensive or hazardous elements.

- (8) The proposed change protects and promotes the safety, health, morals and general welfare of the Township.

B. In addition, to approve a proposed variance, the Zoning Hearing Board must also find 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 of conditions generally created by the provisions of this chapter in the neighborhood or district in which the property is located.
- (2) That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of this chapter and that the authorization of a variance is therefore necessary to enable the reasonable use of the property;
- (3) That such unnecessary hardship has not been created by the applicant;
- (4) That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue; and
- (5) That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use of development of adjacent property, nor be detrimental to the public welfare.

SECTION 162-116. Appeals to court.

Appeals from decisions of the Zoning Hearing Board may be taken by any party aggrieved thereby as provided in the Code.

**ARTICLE XXII**  
**Amendments**

SECTION 162-117. Power of amendment.

The Board of Supervisors may from time to time amend, supplement, change, modify or repeal this chapter including the Zoning Map, by proceeding in the following manner.

SECTION 162-118. Amendment by Board of Supervisors. **[Amended 6-4-1990]**

- A. Before voting on the enactment of an amendment to this chapter, the Board of Supervisors shall hold a public hearing thereon, pursuant to public notice. In addition, if 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 along the tract to notify potentially interested citizens. The affected tract or area shall be posted at least one week prior to the date of the hearing.
- B. In addition to the requirement that notice be posed under subsection A above, 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 addressees to which real estate tax bills are sent for all real property located within the area being rezoned, as evidenced by tax records in the possession of the Township. The notice shall include the location, date and time of the public hearing. A good faith effort in substantial compliance shall satisfy the requirements of this paragraph.
- C. If, after any public hearing held upon an amendment, the proposed amendment is changed substantially, or is revised, to include land previously not affected by it, the Board of Supervisors shall hold another public hearing, pursuant to public notice, before proceeding to vote on the amendment.
- D. Within thirty (30) days after enactment, a copy of the amendment to this chapter shall be forwarded to the Chester County Planning Commission. **[Amended 7-6-2004, Ord. No. 2004-4]**

SECTION 162-119. Planning Commission referral.

The Board of Township Supervisors shall refer each proposed change or amendment to the Township Planning Commission and the Chester County Planning Commission at least 30 days prior to the hearing on such proposed amendment to provide the Planning Commission an opportunity to submit recommendation on the proposed amendments. The Planning Commission shall consider whether or not the proposed change or amendment would be, in the view of the Commission, consistent with the purpose and objectives set forth in the purpose section and desirable in furtherance of the plan therein referred to for future land development.<sup>45</sup>

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<sup>45</sup> Editor's Note: Former Section 2303, Amendment by Citizen Petition, which immediately followed this section, was repealed 6-4-1990.

SECTION 162-120. Procedures upon curative amendment. [**Amended 6-4-1990**]

- A. Landowner curative amendments. A landowner who desires to challenge on substantive grounds the validity of this chapter or the zoning map or any provision thereof, which prohibits or restricts the use or development to land in which he has an interest, may submit a curative amendment to the Board of Supervisors with a written request that his challenge and proposed amendment be heard and decided as provided in Section 609.1 of the Pennsylvania Municipalities Planning Code, as amended.<sup>46</sup>
- B. Township curative amendments. If the Board of Supervisors determines that this chapter or any portion thereof or amendment thereto is substantially invalid, it shall have the right to prepare a curative amendment in accordance with the procedure set forth in Section 609.2 of the Pennsylvania Municipalities Planning Code, as amended.<sup>47</sup>

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<sup>46</sup> Editor's Note: See 53 P.S. § 10609.1.

<sup>47</sup> Editor's Note: See 53 P.S. § 10609.2.



**ARTICLE XXIII**  
**Remedies, Cause of Action, Validity**  
**[Amended 6-4-1990]**

SECTION 162-121. Enforcement remedies.

- A. Any person, partnership or corporation who or which has violated a provision of this chapter shall, upon being found liable therefore in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than \$500 plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the district justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating this chapter to have believed there was no such violation, in which event that shall be deemed to have been only one such violation until the fifth 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.
- B. The court of common pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem judgment pending a final adjudication of the violation and judgment.
- C. Nothing contained in this section shall be construed or interpreted to grant to any person or entity other than the Township the right to commence any action for enforcement pursuant to this section.

SECTION 162-122. Causes of action.

In case any building, structure, landscaping or land is, or is proposed to be, erected, constructed, reconstructed, altered, converted, maintained or used in violation of this chapter, the Township or, with the approval of the Township, the Zoning Officer, or an aggrieved owner or tenant of real property who shows that his property or person will be substantially affected by the alleged violation, in addition to the other remedies, may institute any appropriate action or proceeding to prevent, restrain, correct or abate such building, structure, landscaping or land, or to prevent, in or about such premises, any act, conduct, business or use constituting a violation. When any such action is instituted by a landowner or tenant, notice of that action shall be served upon the Township at least 30 days prior to the time the action is begun by serving a copy of the complaint on the Board of Supervisors of the Township. No such action may be maintained until such notice has been given.



**ARTICLE XXIV**  
**Traditional Neighborhood Development Overlay District (TND)**  
**[Added 3-15-2004, Ord. No. 2004-2]**

SECTION 162-123. Purpose.

The specific purposes of the Traditional Neighborhood Development Overlay District (TND) are to:

- A. Preserve the historic development patterns within Pennsbury Township while providing for more intense development in a compact, pedestrian-oriented village setting in an appropriate location within the Township;
- B. Provide for a mix of residential, retail, and office establishments in proximity to each other, while providing connection to places of community assembly (e.g., Township Building) and recreation (e.g., Township Park), the scale of which facilities and promotes pedestrian travel, while balancing automobile circulation, within a village setting;
- C. Establish standards for a unified, coordinated, and organized arrangement of buildings, streets, sidewalks, trails, alleys, service and parking areas (including garages) to facilitate safe and convenient access for pedestrians, bicyclist, and automobiles – especially, the promotion of traditional village building and site development patterns with an interconnected and broadly rectilinear pattern of streets, alleys, and blocks;
- D. Establish standards for a unified and historically compatible arrangement of streetscape and landscape improvements, including lighting, signage, street trees, and pedestrian amenities;
- E. Provide opportunities for compact, mixed use, village development at net higher densities consistent with the objectives for such designated growth as established in guiding planning documents such as the “Pennsbury Township Village Center and Community Park” (1998) and Pennsbury Township Comprehensive Plan (1981), etc;
- F. Create incentives for pedestrian-oriented, village uses focused on green spaces usable by the community and Township residents alike - village greens, trails/paths, and the immediately adjacent Township Park, and to create disincentives for auto-oriented strip development; and,
- G. Offer a positive economic impact on Pennsbury Township residents.

SECTION 162-124. Applicability.

- A. A Traditional Neighborhood Development in accordance with the provisions of this overlay district shall be permitted where approved by the Board of Supervisors as a conditional use on any tract, or contiguous tracts, developed under common authority and in accordance with a common plan, comprising not less than twenty five (25) acres in gross area and located within the Multi-Use District (MU). Where such approval is granted, the provisions of this overlay district shall supercede the provisions of the underlying MU District.

- B. Any applicant for conditional use approval for a Traditional Neighborhood Development is strongly encouraged to review any proposed plans with the Pennsbury Township Planning Commission, prior to formal submittal, as an opportunity to discuss the proposed development relative to the applicable goals and objectives of this Article and the Township's comprehensive planning program.
- C. Application for conditional use approval for a Traditional Neighborhood Development shall comply with the requirements of Section 162-106, and shall include submission of appropriate Sketch Plans in compliance with the requirements set forth in Section 138-20 of the Township Code, as well as the requirements of Section 162-124D. Such Sketch Plans shall indicate the specific residential uses, as well as types of residential dwelling units and structures and locations thereof, intended to be part of the Traditional Neighborhood Development. Locations and structures intended for non-residential use also shall be indicated on the Sketch Plan, and may be designated with a general category or range of use(s), subject to approval of the Board (e.g., "retail use"). Note, submittal of these Sketch Plans does not initiate the time limits of Section 508 of the Municipalities Planning Code (MPC) (regarding the 90-day review period for required plans).
- D. In addition to the general standards for review of proposed conditional use set forth in Section 162-106, approval of a Traditional Neighborhood Development shall be conditioned upon evidence of compliance, as indicated on submitted Sketch Plans and any applicable accompanying documentation, with all applicable standards and criteria set forth in this Article (i.e., use regulations, area and bulk regulations, design standards, parking standards, sign parameters, maintenance requirements, performance criteria, and lighting standards).
- E. Any order of conditional use approval for a Traditional Neighborhood Development shall specify the plan or plans upon which such approval is based, including, but not limited to, specific designation and location of permitted use(s) within the development, and shall incorporate such plan(s) as part of the order of approval. The Board of Supervisors, at their sole discretion, may require that certain supporting data be supplied by the Applicant relative to the purpose and goals (162-123) of the TND overlay zone to be used to support the overall decision on conditional use approval.

SECTION 162-125. Use Regulations.

Within a Traditional Neighborhood Development, subject to conformance with applicable plans incorporated within the order of conditional use approval, a building or group of buildings may be erected, altered or used, and a lot or premises may be used for any of the following purposes and for no other:

- A. Individual retail store, provided that no Adult Establishment and no facility for vehicular repairs, servicing or dispensing of fuels shall be permitted and no drive-thru service shall be permitted by right.
- B. A primarily inside, table service, eating establishment, which may include an accessory outside table service and with or without limited take-out service but excluding drive-thru service.
- C. Business or professional office.

- D. Bank, credit union or similar depository financial institution, with or without drive-thru service, with or without walk-up service.
- E. Personal service establishment (barber shop, hair and nail salon, or similar use)
- F. Post Office or other government office.
- G. Indoor recreation activities.
- H. Inn or bed and breakfast not to exceed twenty (20) guest room.
- I. Studios or galleries for the instruction of dance, art, music, or similar cultural pursuits.
- J. One-Family Detached, Two-Family (twin), and Three-Family (triplex) dwellings, Township Dwellings; and Apartment Dwellings (including apartments over retail or office facilities).
- K. Gift, art, craft, and antique shops.
- L. Home Occupation as set forth in Section 162-83 of this Ordinance.
- M. Residential conversion as set forth in Section 162-80 of this Ordinance.
- N. Commercial daycare facilities.
- O. Medical and/or dental clinics.
- P. Educational uses.
- Q. Accessory uses customarily associated with and incidental to the uses set forth herein.

SECTION 162-126. Area and Bulk Regulations.

- A. Total Tract Area. A Traditional Neighborhood Development shall comprise not less than twenty-five (25) contiguous acres.
- B. Total Tract Coverage. Not more than sixty (60%) of the total tract area subject to a Traditional Neighborhood Development shall be covered by buildings/structures and impervious surfaces. Of the remaining forty (40%) minimum green area, some of the total area coverage shall be devoted to neighborhood or “pocket” parks, interspersed within the residential and non-residential areas of the total area of the TND.
- C. Maximum Building Lot Coverage, Minimum Landscape Area Coverage

	<u>Building %</u>	<u>Landscape %</u>
One (1) Family House	45	40
Two (2) Family House (duplex)	45	40
Three (3) Family House (triplex)	45	35
Townhouse Building	60	20

- D. TND Floor Area. Not more than forty (40%) of the total floor area of a TND shall be devoted to non-residential uses.
- E. TND Number of Dwelling Units. The total number of dwelling units of all types shall not exceed five and six tenths (5.6) multiplied by the total acreage of the tract as a whole (i.e., the gross density shall not exceed five and six tenths (5.6) dwelling units per acre). With respect to residential uses within a TND, not less than eighteen (18%) of the total number of dwelling units shall be a mix of one-family, two-family or three-family dwellings, not less than twenty (20%) nor more than forty-five (45%) shall be townhouse dwellings, and not more than forty-five (45%) shall be apartment dwellings.
- F. Building Size Restrictions. No individual building shall contain more than a 9000 sq. ft. print of building area. Additional square footage above 9000 shall be permitted within an additional story or stories above the first or ground floor, subject to Section 162-126.H. below, and/or where permitted in accordance with Section 162-126.M. below. For purposes of this section, an individual building shall be considered as a space or contiguous spaces fully separated from any other building. Two (2) or more abutting buildings shall be considered as an individual building.
- G. Apartment Unit Size. The maximum total building foot print for each apartment building (apartments only) shall be 4400 sq. ft. All individual apartment units shall adhere to the following size requirements:

	<u>Minimum (sq. ft.)</u>
One (1) Bedroom	600
Two (2) Bedrooms	800
Three (3) Bedrooms	1000

- H. Maximum Building Height. No structure or principal buildings shall exceed thirty-five (35) feet in height. As a condition of conditional use approval, the Board of Supervisors may permit roof structures above the cornice line which exceed the applicable height limit, where the Board agrees that such structures enhance the appearance of the overall design, provided the total building height does not exceed a maximum height of forty-five (45) feet.
- I. Proximity to Green Spaces. No residential dwelling unit shall be located any further than three-hundred-fifty (350) feet from a planned or existing green space. The green space must be physically accessible from these dwellings without crossing prohibited areas or otherwise requiring a circuitous route to reach the green space area.
- J. Residential Setback, Lot Width, and Lot Area Regulations.
  - (1) Front Yard. Sixteen (16) feet minimum, twenty (20) feet maximum. The front yard shall be measured from the edge of the curb or cartway (public or private street). Sidewalks may be located within the front yard area.
  - (2) Side Yard. Each building or structure shall have two (2) side yards, neither of which shall be less than five (5) feet but with an aggregate of not less than twelve (12) feet. Each individual side yard abutting a street will have a minimum of ten (10) feet. The distance between townhouse buildings must be a minimum of

twenty (20) feet. Attached structures shall not require side yards on the side attached to an adjacent structure.

- (3) Rear Yard. Thirty (30) feet. Garages and parking spaces may be constructed within the rear yard setback of all residences.
- (4) Lot Width at Street Line.

	<u>Minimum (feet)</u>	<u>Maximum (feet)</u>
One Family House	45	90
Two Family House (duplex) each unit*	30	80
Three Family House (triplex) each unit*	30	80
Three Family House (triplex) center unit*	25	50
Townhouse, each unit*	24	---

(\* Party wall coincides with property line)

- (5) Lot Area.

	<u>Minimum (sq. ft.)</u>	<u>Maximum (sq. ft.)</u>
One Family House	4500	9000
Two Family House (duplex) each unit*	3000	8000
Three Family House (triplex) each side unit*	3000	8000
Three Family House (triplex) center unit*	2500	5000
Townhouse, each unit*	2400	-----

(\* Party wall coincides with property line)

- K. Non-Residential Uses. Non-residential uses shall not exceed twenty (20%) of the total maximum permitted lot coverage, based on plan(s) incorporated within the applicable order of conditional use approval (i.e., 20% of 60%). Within the limits of all non-residential components of a TND, there shall remain a minimum green area of forty (40%).
- L. Setback from Arterial Road and Collector Street. Notwithstanding any other applicable setbacks, the setbacks from an arterial road and a collector street for buildings within a TND shall conform to the set backs in existing zoning ordinances (162-37A(4) and 162-78B(2)). The Board of Supervisors may authorize a waiver or modification of the provisions and requirements of 162-37A and 162-78B if desirable.
- M. Modifications to Area and Bulk Requirements for TND. Where approved by the Board of Supervisors as provided in Section 162-129, modification to applicable area or bulk regulations set forth herein shall be limited as follows:
  - (1) In no case shall building height exceed forty-five (45) feet.

- (2) In no case shall maximum individual building size exceed twelve-thousand (12,000) square feet in building area.

SECTION 162-127. Design Standards.

A. Utilities

- (1) All uses in the TND shall be served by public water and community sewer services in adequate location and capacity for the intended use. No wells or individual septic systems shall be permitted.
- (2) All utilities serving residential and non-residential uses shall be placed underground in the TND. To the greatest extent practicable, utility boxes and meters shall be placed to the rear of structures or otherwise screened from view.

B. Preservation of Historic Resources (Subject to provisions of Article XIXA).

- (1) Within the TND, historic structures and other historical resources, including historic ruins or sites, historic road or other transport traces, paths and trails, historic battlefields, and any other historic landscape features, shall be studied by a registered archaeologist, documented, and preserved to the greatest degree practicable.
- (2) Within the TND, no historic structure or feature shall be removed or demolished except where approved by the Township.
- (3) The following standards shall apply to the rehabilitation, alteration, or enlargement of any historic resource requiring a building permit, unless such alteration is required solely for purposes of compliance with applicable building code, ADA or other regulation, or where modified by the Board of Supervisors as a condition of conditional use approval:
  - (a) Construction plans for the rehabilitation, alteration or enlargement of any historic structure shall be in substantial compliance with the Secretary of the Interior's currently adopted Standards for Rehabilitation, as revised and as available at the Township offices.
  - (b) Landscape plans shall be submitted with any relevant application committing the Applicant to preservation of existing landscape material and/or introduction of new landscape material so as to retain and/or enhance the integrity of the historical landscape setting.

C. Preservation of Natural Resources. (subject to provisions of Article XIV)

- (1) Within the TND, natural resources including, but not limited to, ponds, streams and springs, native vegetation, and wildlife habitat, shall be preserved to the greatest extent practicable and in compliance with all applicable Township, County, State, and Federal regulations.



- (2) All development and future operation of facilities in the TND will not interfere with or in any way degrade the natural resources of adjoining private or township properties.

D. Architectural Design.

- (1) To the extent practicable, all new construction and/or additions to existing structures within the TND shall be designed with either a traditional village architectural character or may be a contemporary expression of traditional styles and forms, respecting the scale, proportion, roof pitch, character, and exterior materials of historic examples in Pennsbury Township and the surrounding area, in accordance with the following standards:
  - (a) Where any individual building façade (or adjoining facades which abut flush to the same building line) is visible from any public right-of-way or public space (including internal public spaces within a development) and exceeds sixty (60) feet in length, there shall be a clean architectural differentiation of roofline (i.e., an obvious difference in height) and/or façade (i.e., an obvious difference in siding materials or building offset), effectively breaking the single façade into two or more facades each no more than sixty (60) feet in length. Where approved by the Board of Supervisors as a conditional use, single facades greater than sixty (60) feet in length may be permitted, where Applicant demonstrates to the satisfaction of the Board that the design of the building and its relationship(s) to surrounding buildings and landscaped areas mitigates any negative impacts of long continuous building façade(s) on the character of the TND. Mitigating factors may include design which emulates characteristic historical building forms which typically include relatively long individual façade lengths such as barns, stables, churches, meeting houses, or other public buildings. Building arrangements which rely on repeated use of the same long façade element shall not be approved.
  - (b) New construction shall have pitched roofs with overhanging eaves for residential and all one and two story commercial buildings. Flat roofs shall not be used except for three story commercial buildings (including apartments over commercial) where parapets must be included to hide the roof and any HVAC or other type equipment. Desired materials on pitched roofs include slate (either natural or manmade), shingle (either wood or asphalt composition), and metal formed to resemble “standing seams.” Roof color should reflect local traditional use of color, and shall specifically exclude white, tan, blue, green, or yellow shingles, red clay tiles, and corrugated metal. The use of fascias, dormers, and gables is encouraged to provide visual interest.
  - (c) Exterior wall materials may include stucco, wood clapboard, native stone, brick, or other material of a shape, color, and texture similar to that found on historic structures in the vicinity. White, tan, or spray-painted brick are specifically prohibited, in particular for commercial buildings, as are: “T-111” plywood siding, all forms of exposed concrete block, and metal buildings. Substitutions of man-made materials for

natural sidings listed above may be made by the Board of Supervisors if total quality is assured.

- (d) Since all commercial and apartment buildings (including apartments over retail or offices) will be viewed from all directions in the TND, all four (4) sides of the building do not have to be of the same materials but have to be architecturally compatible with each other, except for functional needs such as doorways. Traditionally-designed buildings with a “fancy” front façade in conjunction with plain, lower quality materials and design on the sides and rear are not allowed.
  - (e) All facilities and equipment for heating/air conditioning, trash collection and compaction, loading docks and other structural elements not in keeping with historical architectural themes shall be concealed architecturally or otherwise screened from view from any public right-of-way or public space (including internal public spaces within a development).
  - (f) Commercial buildings shall be designed so as to visually articulate the line between the ground and upper level(s) with a cornice, canopy, balcony, arcade, or other visual device. Traditional canvas awnings without interior illumination are encouraged.
  - (g) The massing of commercial buildings larger than four thousand (4,000) sq. ft. in first floor building footprint shall be de-emphasized in a variety of ways, including the use of projecting and recessed sections, to reduce their apparent overall bulk and volume. Such breaks in facades and roof lines shall occur not more frequently than the width of an historic storefront (generally about twenty-five (25) feet), nor less frequently than sixty (60) feet.
  - (h) Principal entrances to commercial buildings shall be from the front sidewalk wherever practicable. Commercial buildings fronting on the same street and located on the same block shall generally be attached, except as necessary to accommodate pedestrian ways.
- (2) At the time of application for conditional use approval, Applicant shall provide drawings of sufficient detail to illustrate the general character of the intended exterior design of structures, including scale, height, roof pitch, relationship between varying façade elements, and principal exterior materials. The Township may require that material sample also be provided. It shall be the burden of the Applicant to demonstrate that submitted architectural designs are consistent with, and promote, the purposes and standards set forth for the TNC.
- (3) Where the Board of Supervisors determines that architectural design, as presented by Applicant, is an essential means by which the proposed use will comply with the purposes and standards set forth for the TND, the Board may require, as a condition of conditional use approval, establishment of appropriate means to guarantee adherence to the intended architectural character as proposed by the Applicant.

- E. Pedestrian and Vehicular Access: Sidewalks, pathways, and non-motorized multi-use trails shall be provided throughout the village, creating a completely linked network connecting all uses and open space areas. Specifically:
- (1) Pedestrian access within the TND shall be designed to provide interconnected, convenient, safe, and direct access among the various uses within the TND and other significant neighboring properties especially and including, but not limited to, the Township Park.
  - (2) Sidewalks shall generally be provided across the frontage of each residence/building as determined by the Township and, where practicable, shall be separated from street curbs in residential areas at a minimum by a planting strip no less than four (4) feet wide, planted with shade trees. Design and location of sidewalks may be adjusted as necessary to permit conservation of significant existing vegetable, historic structures, or other significant landscape features, and connection with neighboring properties. In particular, an eight (8)-to-ten (10)-foot wide with no planting strip shall be required under the following conditions: along the frontage of commercial or mixed-use properties; where the sidewalk abuts building walls; or, where streetscape amenities such as benches, trash receptacles, bicycle racks, or similar items are or are intended to be provided. Curbs shall be provided where sidewalks abut streets, alleys or any other roadways.
  - (3) Where provided, sidewalks shall be constructed of brick, concrete, concrete pavers, or concrete with brick borders; selection of paving material(s) shall be compatible with that existing or planned on neighboring properties. Asphalt paving shall not be used for any sidewalks.
  - (4) Trails. The TND may be required by the Board of Supervisors to construct trails on the property which are deemed necessary to implement the Township Community Trails System or provide access to township parks. Trails may only be constructed of pervious materials.
  - (5) Vehicular access within the TND shall be designed to limit the number of new access points to public roads and to limit potential for turning movement conflict. Where practicable, access to adjoining parcels shall be combined so as to limit potential turning movement and pedestrian movement conflicts.
  - (6) On-and off-street parking shall generally be provided in accordance with Section 138-46. and Section 162-78A., except as provided herein:
    - (a) Individual Dwelling Units (One family, Two family and Three family dwellings; Townhouses): One (1) on-lot space, in a garage, in the rear and one (1) on-street in proximity shall be provided for each dwelling unit. A space between the garage unit and the alley may be used for parking but may not be counted as a parking space.
    - (b) Apartments: Two (2) spaces within a nearby parking area and/or on-street in proximity will be provided for each dwelling unit.

- (c) Offices: Three (3) spaces per one-thousand (1000) sq. ft. will be provided in a nearby parking area and/or on-street in close proximity for each office, except that where permitted, medical or dental offices shall have five (5) spaces per one-thousand (1000) square feet.
  - (d) Retail: Three and one-half (3.5) spaces per one-thousand (1000) square feet will be provided in a nearby parking area and/or on-street in proximity, will be provided for each retail establishment.
  - (e) Restaurant: One (1) space per two (2) seats within the dining area (but not including “bar” seating) will be provided in a nearby parking area.
- (7) Parking areas within the TND shall be designed and landscaped so as to appear broken in mass, in proportion to the scale of structural development. Coordination of access to parking areas and shared parking among adjacent uses shall be required wherever practicable. Parking shall not be permitted in front yard, within alleys, or on green acres. To the greatest extent practicable, all off-street parking shall be located at the rear of the residence/building, accessed by private alleys or driveways, and shall be screened from view from any public street, non-motorized access way, or neighboring residence. On-street parking shall be permitted wherever practicable and shall be included in the calculation of available parking.
- (8) In order to minimize the total amount of impervious cover, the Board of Supervisors may authorize a delay in paving of some parking areas until actual need has been demonstrated. All grading and drain construction shall be completed for all parking spaces required by this Article and other applicable Ordinances to minimize future construction and paving costs and site disruptions if maximum parking density is later required. Areas so prepared will be seeded in grass for best appearance and restricted from other building or landscape use. Off-street parking areas shall utilize pervious paving materials to the greatest extent practicable in order to maximize potential for groundwater infiltration. Once actual need has been demonstrated for un-constructed parking areas, they shall be installed upon a finding by the Board of Supervisors that the parking is necessary.
- (9) To the extent that parking areas are visible from public streets, visual impacts shall be mitigated through introduction of landscape screening, landscape walls, use of pedestrian paving materials, or other design means.
- (10) No commercial vehicles shall be parked within the TND except for purposes of deliveries or service calls, or when parked inside a garage, or when used in conjunction with a retail business in the TND (such as a delivery van for a flower shop). In TND commercial areas, delivery or service vehicles shall be parked behind commercial buildings to minimize their visual impact on the community. No boats, RVs, trailers, or similar vehicles may be parked or stored within the TND.

- (11) The design and use of streets and alleys shall adhere to the following standards:
- (a) Streets shall be designed to calm traffic speeds and promote pedestrian movement. Applicants shall refer to the Traffic Calming Handbook published by the Pennsylvania Department of Transportation (PennDOT). Streets with no on-street parking shall be twenty-two (22) feet wide; twenty-six (26) feet wide with parking on one side unit; and thirty-two (32) feet wide with parking on both sides. Bumpouts where parallel parking strips meet intersections are desirable.
  - (b) To the maximum extent practicable, alleys shall be provided to move vehicular access to the rear of the residences and principal structures, and thereby improve the appearance of the streetscape.
  - (c) Where provided, alleys shall be at least sixteen (16) feet in width if designed for two-way travel and at least twelve (12) feet in width if designed for one-way travel. Adjustment to these widths may be made by the Board of Supervisors but in no case may the width be less than ten (10) feet.
  - (d) On-street parking in alleys shall be prohibited unless additional width is provided for parallel parking.

F. Landscape and streetscape design. All lands not utilized to provide for permitted impervious cover shall be left in their natural state or landscaped with appropriate vegetation or other suitable landscape material as provided in Section 162-78. Streetscape landscaping and pedestrian amenities shall be provided as necessary to meet overall neighborhood planning objectives and as reasonable related to the intensity of proposed development. Landscape and streetscape design shall be coordinated with adjacent properties. Where appropriate, the Township may require any of the following amenities, including provision for their regular upkeep and maintenance.

- (1) Public trash receptacles;
- (2) Public benches of approved design along side walks and at appropriate intervals and locations within green spaces;
- (3) Bike racks located in areas where the sidewalk width has been designed to accommodate such features;
- (4) Landscapes plants and shade trees;
- (5) Sidewalks as set forth in Section 162-127.E;
- (6) Neighborhood greens designed to serve a variety of outdoor leisure (e.g., including playscapes, game tables, etc.) and assembly needs of residents and visitors, to enhance the form and appearance of the TND; and,
- (7) Street, alley and trail (as appropriate) lighting designed consistent with the goals of this Article, the TND Sketch Plan incorporated within the order of conditional use approval, and Section 162-78.G. of this Ordinance except that street lights

shall not exceed twelve (12) feet in height along all public sidewalks and trails. All appropriate lighting shall take into account the need to ensure public safety without disrupting individual privacy and neighboring communities from excessive brightness. Hours of operation shall also be considered.

G. Signs. In addition to the standards set forth in Section 162.73; the design of signs within the TND also shall adhere to the following standards:

- (1) Signs affixed to the exterior of a building shall be architecturally compatible with the style, composition, materials, colors, and details of the building, as well as with other signs used on the building or its vicinity. In particular, artisan-crafted signs and high quality materials are strongly encouraged.
- (2) Signs shall fit within façade features, shall be confined to signable areas, and shall not interfere with door or window openings, conceal architectural details, or obscure the composition of the façade where they are located. Signs shall be placed on façade only in a manner appropriate to the style of the building.
- (3) Whenever possible, signs located on buildings within the same blockface shall be placed at the same height, in order to create a unified sign band.
- (4) Wood and painted metal are the preferred materials for signs. Flat signs should be framed with raised edges. Signs using wood shall use only high-quality exterior grade wood with suitable grade finishes.
- (5) Sign colors should be compatible with the colors of the building façade. A dull or matte finish is recommended, as it reduces glare and enhances legibility.
- (6) Signs shall be either spot-lighted or back-lighted with a diffuse light source. Spot-lighting shall require shielding of light sources in accordance with this Ordinance; light shall be contained within the sign frame and shall not significantly spill over to other portions of the building or site. Back-lighting shall illuminate the letters, characters, or graphics on the sign but not its background. Warm fluorescent bulbs may be used to illuminate the interior of display cases.
- (7) Signs shall be mounted so that the method of installation is concealed to the maximum extent practicable. Signs applied to masonry surfaces should be mechanically fastened to mortar joints only, and not directly into brick or stone. Drilling to provide electrical service (i.e., lighting), only as allowed by this Ordinance, shall also meet these installation and drilling requirements.

H. Lighting Standards. The standards set forth in Section 162-127.F.7. and Section 162-78.G. shall apply within a TND.

I. Performance Standards. The standards set forth in Section 138-18 shall apply within a TND.

SECTION 162-128. Community Maintenance.

- A. Traditional Neighborhood Development shall be governed by a master Declaration of Covenants, Easements and Restrictions, the terms of which shall be reviewed and approved by the Township Solicitor. The Declaration shall, at a minimum, provide for community maintenance of all landscape areas (i.e. within individual lots, adjacent to non-residential uses, and within common open space/parkland areas of the community), sidewalks, trails, and interior streets/roadways except where the main entrance to the TND from a major arterial road is dedicated to the Township and accepted by the Board of Supervisors as part of the TND sketch plan (162-124E). The Applicant shall consider the benefits of also requiring the exteriors of all buildings within the community to be maintained by the community association.

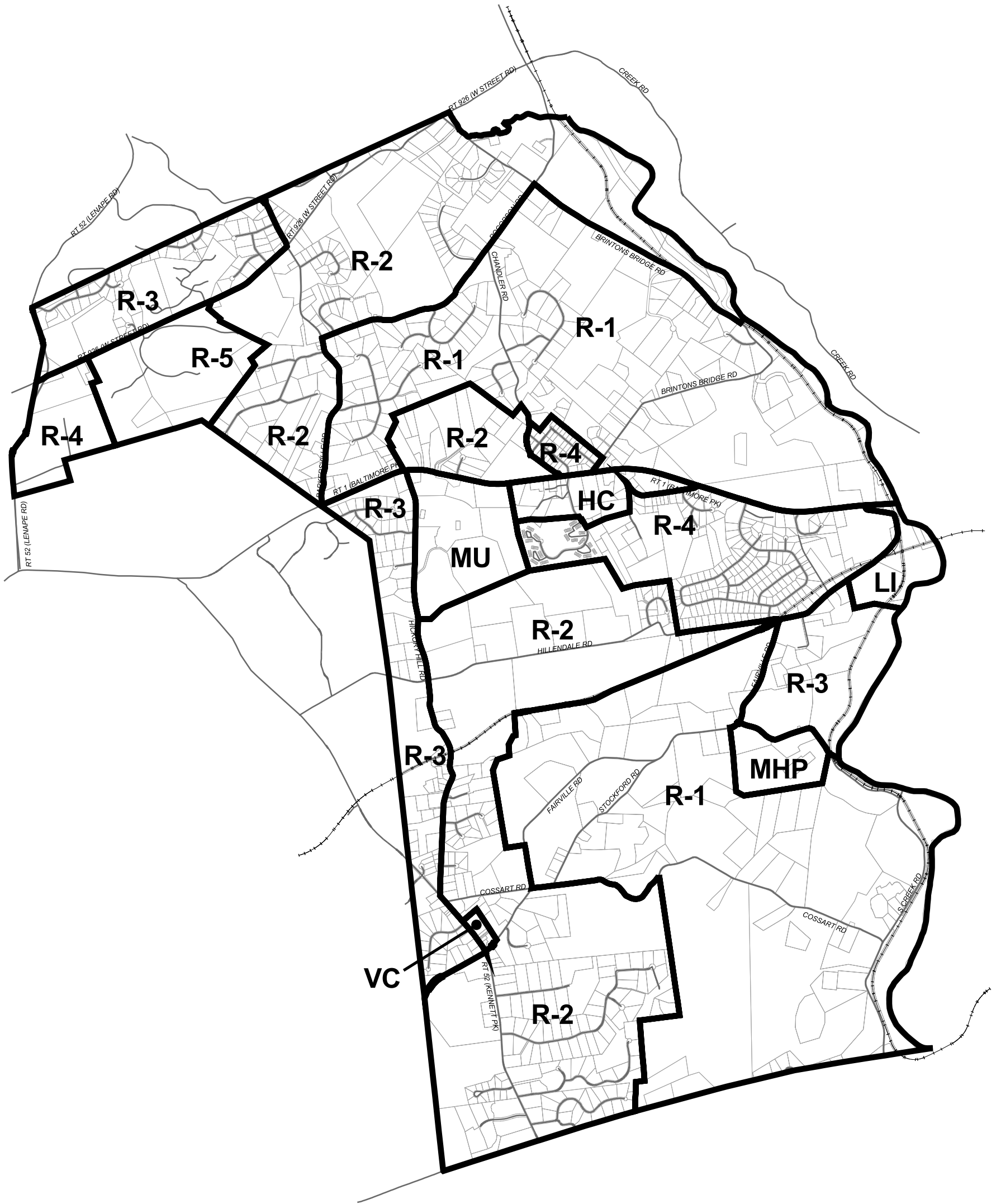
SECTION 162-129. Modifications.

In granting conditional use approval for a TND, subject to specific identification on applicable plan(s) and accompanying documentation, the Board of Supervisors, at their sole discretion, may approve modification to otherwise applicable area, bulk, landscape, parking, or other design standards (as supported by Section 706(g)(1) and (2) of the Municipalities Planning Code (MPCP) subject to the following:

- A. The overall layout of the TND and/or structural design and the modifications necessary to accommodate such design shall be consistent with the purposes of this Article;
- B. The proposed design shall enhance the appearance and function of the overall TND, its streetscapes and open spaces;
- C. The proposed design shall not produce lots or pedestrian or vehicular access system(s) that would be impractical or which would adversely affected emergency access.
- D. The Application shall demonstrate to the Board that the proposed modification(s) will produce equal or better results that could be achieved without the requested modification(s) and that they represent the minimum modification necessary to achieve such results.
- E. In the exercise of its reasonable discretion, the Board may condition approval of any modification(s), or the extent thereof, upon a proportionally related commitment on the part of the applicant to complete or contribute funding toward on-or-off-site improvements or amenities consistent with proposed plans for the TND. Where funds are contributed, such funds shall be placed in an account dedicated solely to improvements consistent with the order of conditional use approval for the TND.
- F. The Board may impose such other conditions as, in its judgment, will secure the objectives and purposes of this Article.







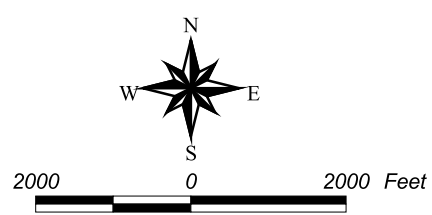
Map Prepared by CCPC  
January 2007

# Pennsbury Township

## Zoning Ordinance

This map was digitally compiled for internal maintenance and developmental use by the County of Chester, Pennsylvania to provide an index to parcels and for other reference purposes. Parcel lines do not represent actual field surveys of premises. County of Chester, Pennsylvania makes no claims as to the completeness, accuracy or content of any data contained hereon, and makes no representation of any kind, including, but not limited to, the warranties of merchantability or fitness for a particular use, nor are any such warranties to be implied or inferred, with respect to the information or data furnished herein.

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Data Source: Municipal Border, Parcels - Chester County Bureau of Land Records, 2003; Roadways - Chester County Bureau of Land Records, 2003; Railroads - Chester County Bureau of Land Records, 1992; Zoning Map - Pennsbury Twp Zoning Ordinance 1989; Pennsbury Township Comp Plan Taskforce, 2005; Chester County Planning Commission, 2007.

### Zoning Districts Map

Zoning District	Minimum lot size
R-1 Residential	3 ac
R-2 Residential	2 ac
R-3 Residential	1 ac
R-4 Residential	20,000 sq ft
R-5 Residential	17,500 sq ft
MHP Mobile Home Park	10 ac - 5 du per ac
HC Highway Commercial	30,000 sq ft
VC Village Commercial	10,000 sq ft
LI Light Industrial	5 ac
MU Multi-Use	variable