

**Pennsbury Township
Chester County, Pennsylvania**

**Pennsbury Township Zoning
Ordinance of 2012**

Enacted December 10, 2012

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MAPS

Zoning Map

Historic Resources Map

Rt. 1 Corridor and Brandywine Battlefield Overlay District Map

ARTICLE I

General Provisions

SECTION 162-101. SHORT TITLE AND EFFECTIVE DATE.

This Chapter shall be known and may be cited as the “Pennsbury Township Zoning Ordinance of 2012.” This Chapter shall become effective five (5) days after its enactment.

SECTION 162-102. GRANT OF AUTHORITY AND PURPOSES.

- A. The Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended, grants local municipalities the power to enact, amend and repeal zoning ordinances to implement comprehensive plans and to accomplish the purposes set forth in this Chapter.
- B. The purposes of this Chapter are to achieve the following community objectives:
 - 1. 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 and proper density of population, emergency management preparedness and operations, the provision of adequate light and air, access to incident solar energy, police protection, vehicle parking and loading space, transportation, water, sewerage, schools, recreational facilities, public grounds, the provision of a safe, reliable and adequate water supply for domestic, commercial, agricultural or industrial use and other public requirements, as well as preservation of the natural, scenic and historic values in the environment and preservation of forests, wetlands, aquifers and floodplains.
 - 2. To prevent one or more of the following: overcrowding of land, blight, danger and congestion in travel, transportation, loss of health, life or property from fire, flood, panic or other danger.
 - 3. To preserve prime agriculture and farmland considering topography, soil type and classification, and present use.
 - 4. To provide for the use of land within the municipality for residential housing of various dwelling types encompassing all basic forms of housing.
 - 5. To accommodate reasonable overall community growth, including population and employment growth, and opportunities for development of a variety of residential dwelling types and nonresidential uses.
- C. 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 ensuring 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.

SECTION 162-103. COMMUNITY DEVELOPMENT OBJECTIVES.

- A. Pennsbury Township is rich in historic significance and natural resources and is located seven (7) miles south of the Borough of West Chester, three (3) 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 dwelling types, agricultural land, open space, commercial, and industrial uses.
- B. The development objectives of the Township as set forth in proper context and detail in the Pennsbury Township Comprehensive Plan, 2006, as revised 2011, are summarized herein as follows:
1. Direct growth toward existing centers of development and areas with adequate infrastructure while allowing a variety of land uses compatible with the existing community.
 2. Protect the character of the Township by preserving open space, farmland, and historical and natural features.
 3. Allow for a variety of residential dwelling types and densities designed to meet a range of housing needs that preserve and enhance the natural, scenic, and historic landscape and which reflect the Township's rural-suburban setting.
 4. Provide for the controlled development of commercial and industrial areas, which are consistent with the resources of the Township.
 5. Preserve and protect areas which are naturally unsuitable for development and which provide valuable wildlife habitat including stream valleys, steep slopes, floodplains, woodlands, wetlands, hydric soils and hedgerows.
 6. Protect and preserve the historic, cultural, and scenic resources of the Township that are essential to defining its heritage.
 7. Encourage the preservation of prime agricultural land and natural and historic resources through acquisition of easements, transfer of development rights and rezoning.
 8. Develop and maintain efficient and dependable community and recreational facilities and services for the health, safety, and general welfare of existing and future residents of the Township.
 9. On its own authority with regard to Township roads, and with regard to PennDOT for state-owned roads, develop and maintain a safe, efficient, convenient, and adequate Township-wide transportation and circulation system which serves existing and future needs of residents and pass-through travelers.

SECTION 162-104. ESTABLISHMENT OF CONTROLS.

Pennsbury Township has enacted this Chapter in accordance with the provisions of the Municipalities Planning Code, Act 247, as amended establishing the following controls:

- A. Uniform regulations. The regulations established by this Chapter within each district shall apply uniformly to each class or type of structure or land.

- B. Existing and new uses and structures. In all districts, following the effective date of this Chapter, except as provided in Section 162-104.C herein below, all existing and new buildings or other structures or any tract of land shall be constructed, developed and used only in accordance with the regulations of this Chapter.
- C. Non-conforming uses, structures, lots or signs. In all districts, following the effective date of this Chapter, any existing lawful use, structure, lot or sign which is not in conformity with the regulations for the district in which it is located shall be subject to the regulations of Article XXII, Nonconforming Uses, Buildings and Structures, Lots and Signs.

SECTION 162-105. 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, safety, and general welfare and for the promotion of the Purposes of Section 162-102 and the Community Development Objectives of Section 162-103.

SECTION 162-106. CONFLICT.

It is not intended by this Chapter to repeal, abrogate, annul or interfere with any existing chapter, ordinance, or any statute, rule, regulation or permit adopted or issued, provided the same is not in conflict with any of the provisions of this Chapter. Where this Chapter imposes greater restrictions on the use of land or structures, the provisions of this Chapter shall control. Where the provisions of any other chapter, ordinance, statute, rule, regulation, or permit imposes greater restrictions on the use of land or structures, the provisions of that chapter, ordinance, statute, rule, regulation, or permit shall control.

SECTION 162-107. SEVERABILITY.

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

SECTION 162-108. REPEALER.

The Pennsbury Township Zoning Ordinance of 1982 and all amendments thereto are hereby repealed and replaced by the provisions of the Pennsbury Township Zoning Ordinance of 2012, as amended from time to time. Notwithstanding the foregoing, if any section or provision of this Chapter should be declared by a court or the Township Zoning Hearing Board to be invalid, the provisions of the Pennsbury Township Zoning Ordinance of 1982 regulating the same subject matter as the invalidated provisions shall remain in effect.

ARTICLE II Terminology

SECTION 162-201. 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” “should” 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. Undefined terms used herein defined by Act 247 shall have the meanings set forth therein.

SECTION 162-202. DEFINITIONS.

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

ABANDONMENT – A cessation of a use for a continuous period of one (1) year.

ABANDONMENT OF A NONCONFORMING USE - A cessation of a nonconforming use of land, premises, building or structure, or any other part thereof, for a period of one (1) year.

ACCESSORY APARTMENT – A self-contained residential dwelling unit incidental and subordinate to the primary dwelling unit in terms of size and function. An accessory apartment may include kitchen and bath facilities. Use of the accessory apartment is limited to occupancy by family members, caregivers, and domestic or farm employees, and their dependent children

ACCESSORY EXISTING DETACHED DWELLING – A self-contained dwelling unit that results from the conversion of an existing building, which is incidental and subordinate to the principal dwelling that exists on the same lot. The term “accessory existing detached dwelling” shall not include a mobile home as defined in this Chapter.

ACCESSORY SOLAR ENERGY SYSTEM – A solar energy system which supplies energy primarily for the principal use located on the same property as the system. The system design capacity shall be not greater than 125% normal peak energy demand of the principal use.

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.

ACCESS(WAY) – See Driveway.

ACT 247 - The "Pennsylvania Municipalities Planning Code", Act 247 of 1968, as amended.

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

ADULT DAY CARE CENTER - A facility operated for profit or not-for-profit in which adult daily living services are simultaneously provided for four (4) or more non-resident clients who are not relatives of the operator for part of a twenty-four (24) hour day. Services provided to clients may include nursing, personal care, nutrition, social services, activities, and emergency care.

ADULT ORIENTED ESTABLISHMENT and USES – An enterprise operated for profit, whether direct or indirect, that is distinguished or characterized by its emphasis on matters or activities depicting, describing or relating to sexual activities or sexual anatomical areas and, in conjunction therewith, may have facilities for the presentation of sexual entertainment for observation by patrons. This enterprise may include such activities as observation by patrons; adult bookstores; adult motion-picture theaters; adult mini-motion picture theaters; premises with booths, cubicles, 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, music studio, exotic dance studio, encounter studio, sensitivity studio, modeling studio or any other term of like import.

AGRICULTURAL BUILDING – Any accessory building used for an agricultural operation, such as for storing agricultural equipment, farm produce or products, housing livestock or poultry, or processing dairy products. The term shall not include dwellings, but shall include a barn and silo.

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. Agriculture or Agricultural Operation is typically conducted on a Farm. The storage or spreading of mushroom compost is not agriculture or an agricultural operation except where used as a component of a bona fide fertilizer that is spread on the land in quantities appropriate for fertilizing the soil to grow crops on the property and where utilized in accordance with a nutrient management plan approved by the Chester County Conservation District.

AGRICULTURE, NONINTENSIVE - The cultivation of soil and the raising and harvesting of products of the soil, including horticulture and forestry, but excluding intensive agriculture.

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

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

ALLUVIAL SOILS – Soils developing from transported and relatively recently deposited material with little or no modification of the original materials by soil-forming processes, as identified by the U.S. Natural Resources Conservation Service (NRCS).

ANTENNA, PRIVATE RADIO or TELEVISION – A device, either freestanding or attached to a building, used for receiving frequency signals, including television and radio antennae, and which

is not used for commercial broadcasting or communication purposes. Such devices shall include ham and citizen band radio antennae used by amateur radio operators.

ANTIQUE 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 fifty (50) years old. A minimum of seventy-five (75) percent of all articles for sale at any one (1) time shall meet the foregoing definition.

APARTMENT - See Dwelling, Multi-family.

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

APPURTENANCES — The visible, functional, or ornamental objects accessory to and part of buildings or structures.

AREA AND BULK REGULATIONS - Regulations pertaining to lot area, lot width, lot coverage, yard setbacks and height as determined by the provisions of this Chapter.

ASSISTED LIVING FACILITY – An assisted living residence as regulated and licensed by the Commonwealth of Pennsylvania Department of Public Welfare which is defined as follows: Any premises in which food, shelter, assisted living services, assistance or supervision and supplemental health services are provided for a period exceeding twenty-four (24) hours for four (4) or more adults, who are not relatives of the operator who require assistance or supervision in matters such as dressing, bathing, diet, financial management, evacuation of a residence in the event of an emergency, or medication prescribed for self administration This use does not include a premises that provides drug or alcohol rehabilitation or medical or nursing care of current court adjudicated felons or misdemeanants. This definition shall be at all times identical to the Commonwealth definition as it may be amended from time to time, without amendment to this Chapter. See also PERSONAL CARE HOME

AUTO BODY REPAIR/SHOP – Establishments engaged in furnishing automotive repair services to the general public and which may include painting, body and fender shops, and customizing and auto detailing.

AUTOMOTIVE SALES AND SERVICE - The use of any building, land area, or other premise for the display and sale, lease or rental of new or used automobiles, panel trucks, vans, trailers, recreational vehicles, recreational equipment, or automotive accessories, and including warranty repair work or other repairs service conducted as an accessory use. This shall not include the sale of junked vehicles or equipment or parts thereof, and shall not include auto body repair/shop.

BANK OR FINANCIAL INSTITUTION - Any building wherein the primary occupation and use is concerned with such regulated businesses as banking, savings and loan, loan companies, mortgage companies, and investment companies.

BASE FLOOD – See Flood, Base.

BASE FLOOD ELEVATION (BFE) – See Flood Elevation, Base.

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

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

BED AND BREAKFAST LODGING – A lodging house occupied by its owner/lessee which contains rooms for the temporary lodging of guests for compensation. Guests are provided such lodging services and accessory eating and drinking facilities limited to breakfast and afternoon tea/snacks.

BLOCK – A tract of land bounded by streets.

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

BRANDYWINE BATTLEFIELD NATIONAL HISTORIC LANDMARK PLANNING AREA – The land area designated as the Brandywine Battlefield National Historic Landmark of 1961 as updated through the 1992 *Brandywine Battlefield: The National Historic Landmark Revisited*.

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 measured from a lot line which is landscaped and maintained in a natural state adjacent to a property boundary, not containing any structures except for those permitted in Section 162-1908, 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 162-1908 of this Chapter.

BUILDABLE AREA – The buildable area is that area of a lot that has no development restrictions. The buildable area shall not include the area of any required setbacks (except driveways which cross yards), buffer yards, natural features with one-hundred (100) percent protection standard and the portion of those natural features that may not be developed or intruded upon as specified in Section 162-1503, Natural Resources Protection Standards.

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.

BUILDING HEIGHT – The vertical distance measured from the elevation of the average finished grade of the ground surrounding 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 pitched, gabled, hipped, or gambrel roofs.

BUILDING OFFICIAL – The officer or other designated authority charged with the administration and enforcement of the Township Building Code¹. 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, PRINCIPAL - A building in which is conducted the principal use of the lot on which it is situated.

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

¹ See Chapter 78, Building Construction.

line parallel to the property line nearest the street right-of-way, defining the minimum distance in which no building may be constructed.

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

CAR WASH - A facility exclusively designed for the cleaning of vehicles by automated washers, self-wash bays, and/or service employees.

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.

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.

CATERING ESTABLISHMENT - An establishment in which the principal use is the preparation of food and meals on the premises where such food consumed on the premises or is delivered to another location for consumption.

CELLAR – The portion of a building, which is partly or completely below grade and having at least one-half ($\frac{1}{2}$) its height below grade. A cellar shall not be considered a story in determining the permissible number of stories.

CEMETERY - A place used or intended to be used for the interment of the dead including a burial park for earth interments, a mausoleum for vault or crypt interments, a columbarium for cinerary interments, or a combination thereof. A cemetery may be provided as an adjunct to a religious use, such as a church, however, cemeteries shall not include the burial of remains on privately owned land where the primary use of the land is not as a place of interment for use by the general public or as an adjunct to a religious use.

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 (1) 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.

CHAPTER 138, SUBDIVISION AND LAND DEVELOPMENT – The Subdivision and Land Development Ordinance of Pennsbury Township, Chester County, as adopted and amended.

CHILD DAY CARE CENTER - A facility which is maintained in whole or in part for the care of children (fifteen (15) years or younger)² for compensation, who are not related to the caregiver or operator, during any part of a day with or without stated educational purposes and where the child care areas are not being used as a family residence.

CLEARCUTTING - The removal of all trees greater than twelve (12) inches dbh on a lot, or any portion thereof greater than one-half ($\frac{1}{2}$) acre in contiguous area, during a single timber harvesting operation or within a three (3) year period.

² The PA Dept. of Public Welfare defines “child” as a person fifteen (15) years and younger.

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

CLUB or LODGE - Any organization established for social, fraternal, professional or religious purposes and characterized by regular meetings based on a constitution and/or by laws and with or without payment of dues. Such use may have buildings and facilities used for club or lodge purposes when it serves as a meeting place and may be used for social and/or dining purposes for the members and guests.

COMMERCIAL USE – A use of land, or improvements thereto, for the purpose or engaging in retail, wholesale, or service for profit.

COMMON OPEN SPACE – A parcel or parcels of land or an area of water, or a combination of land and water, within a development designed and intended for the use or enjoyment of residents, which may be publicly or privately maintained and 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.

COMMUNICATION ANTENNA or DISH – An antenna or dish structure that is licensed by the Federal Communications Commission (FCC) for the specified purpose of television, radio, or telephone commercial communication. Such structures or uses shall include digital, cellular, television, radio, microwave, wireless internet communication, or similar technology, but shall not include satellite dish antennae or parabolic dishes designed for “receive only” viewing of satellite programs for private residential use, or radio and television antenna defined as freestanding or building-mounted antennae located on residential property designed to enhance radio or television reception for the residents of the property.

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

COMMUNICATION TOWER – Any tower structure, whether freestanding or attached to a building, designed to support one (1) or more communication antenna(s) or dish, 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.

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.

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 locations within the district only when there is compliance with specific conditions and factors prescribed for such cases within this Chapter for such uses. Conditional uses are allowed or denied by the Board of Supervisors after a public hearing and review and comments from the Planning Commission.

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

CONGREGATE CARE UNIT – Congregate care units are units which are reduced-size independent living units connected to the Assisted Living Facility with the services and facilities of the Assisted Living Facility available to the residents of the congregate care units.

CONSULTING, NO-IMPACT - No-Impact Consulting is an in-home occupation that is done entirely over the phone or via other electronic means within the home and where there are no customer or client visits to the home.

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. (See Screen.)

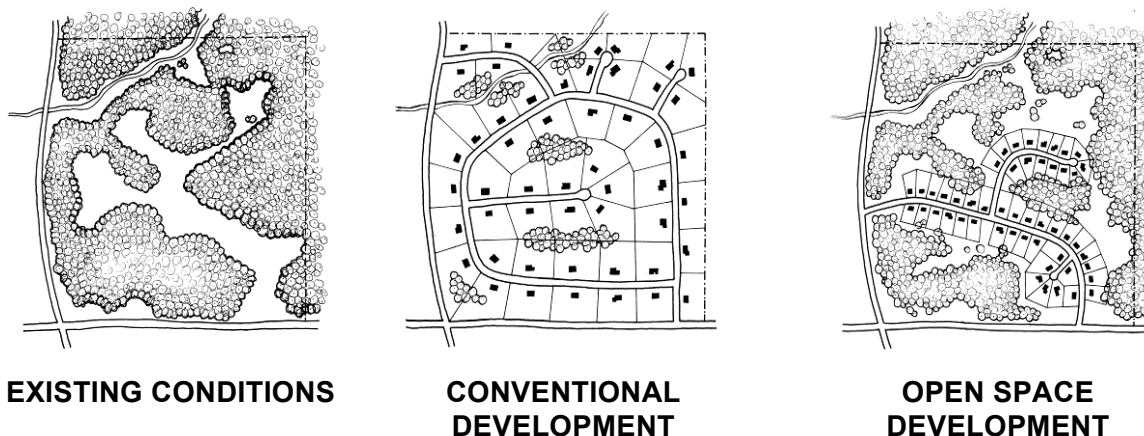
CONTRIBUTING RESOURCE(S) - A resource in a historic district or historic property or complex which supports or adds to the historic significance through location, design, setting, materials, workmanship, feeling, and association.

CONVALESCENT HOME – See Nursing Home.

CONVENIENCE STORE - A retail establishment offering for sale prepackaged food products, household items, newspapers and magazines, and sandwiches and other freshly prepared foods, such as salads, for off-site consumption. These uses may also be accompanied by the dispensing and sale of motor vehicle fuels, provided a gasoline station is permitted use in the applicable zoning district and subject to compliance with the Supplemental Use Regulations for a gasoline station in this Chapter.

CONVENTIONAL RESIDENTIAL DEVELOPMENT - An arrangement of residential lots that encompass the entire development tract without retaining common open space. See Figure 2-1.

Figure 2-1: Development Options



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

CONVERSION RESIDENTIAL – The division of a single family detached dwelling or other building into two (2) or more dwelling units. For example, the conversion of a single family home to two (2) apartments or a barn into two (2) apartments.

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

CUL-DE-SAC STREET – A local street intersecting another street at one (1) end, and terminating at the other end by a permanent vehicular turnaround.

CUT SHEETS (CUTS) – Manufacturer's catalog sheets including photographs or pictures showing product specifications.

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

DEMOLITION OF HISTORIC RESOURCE – The deterioration, razing, destruction or removal, whether deliberately or by neglect of any historical resource as identified in the Pennsbury Township Historic Resources Map, National Register forms, PA Historic Resource Survey Forms, or as determined by the Pennsbury Historical Commission in its entirety or in part, including the removal of significant exterior architectural features.

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 (10) acre tract on which twenty (20) dwelling units are proposed is two (2) dwelling units per acre. Unless otherwise stated, maximum density shall be construed 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 (10) acre tract in which twenty (20) dwelling units are proposed and that contains five (5) acres of open space, rights-of-way, and streets is calculated by subtracting the five (5) acres from the total tract size and dividing the number of proposed units by the remainder. In this example the net density is four (4) dwelling units per acre.

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

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

DEVELOPER – Any landowner or 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.

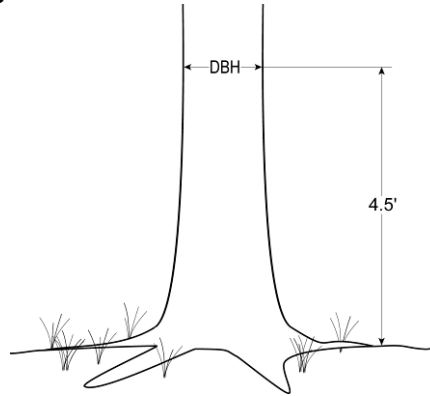
DEVELOPMENT – Any man-made change to improved or unimproved real estate, including but not limited to the construction, reconstruction, renovation, repair, expansion, or alteration of buildings or other structures; the placement of manufactured homes; streets, and other paving;

utilities; filing, grading and excavation; mining; dredging; drilling operations; storage of equipment or materials; and the subdivision of land.

(LAND) DEVELOPMENT PLAN – The provisions for development, including a plat of subdivision, all covenants relating to use, location and bulk of buildings and other structures, intensity of use or density of development, streets, ways and parking facilities, common open space, public facilities, and other utilities.

DIAMETER AT BREAST HEIGHT (DBH) - The diameter of a tree trunk, measured at four and one-half (4.5) feet from the ground surface at the point of the highest elevation in contact with the trunk of such tree.

Figure 2-2: Diameter at Breast Height



DISTRICT – See Zoning District.

DOMESTIC EMPLOYEE – An employee of the owner of an accessory apartment or an accessory detached dwelling such as a maid, gardener, farmhand, or stableperson whose services are employed on the owner's premises on a full time basis and whose occupancy of the accessory apartment or accessory 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.

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

DRIVEWAY – A private vehicular and pedestrian access or right-of-way between a public or private street and a parking area within a lot or property. A driveway may be shared by not more than three (3) lots, unless permitted under the terms of Chapter 138, Subdivision and Land Development. Any driveway serving more than three (3) lots, unless otherwise permitted under the terms of Chapter 138, Subdivision and Land Development, shall be deemed a private street. (See also Access(way).)

DWELLING or DWELLING UNIT – A building or entirely self-contained portion thereof containing complete housekeeping facilities, for occupancy by only one (1) family (including any domestic employees 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 not limited to the following:

- A. SINGLE-FAMILY DETACHED – A building having only one (1) dwelling unit from ground to roof, independent outside access and open spaces on all sides.

- B. TWO-FAMILY – A building containing two (2) dwelling units; a twin or duplex;
1. TWIN – A building containing two (2) dwelling units, separated by a party wall, each having independent outside access and open space on three (3) sides.
 2. DUPLEX – A building containing two (2) 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 (3) or more dwelling units; including but not limited to triplex, quadraplex, townhouse (single-family, attached) and apartment buildings.
1. TRIPLEX – A building containing three (3) dwelling units, each unit of which as an open space on at least one (1) side.
 2. QUADRAPLEX – A building containing four (4) dwelling units, each unit of which has open space on two (2) nonparallel sides.
 3. TOWNHOUSE – A building containing at least three (3) but not more than six (6) dwelling units, each of which is separated by party walls on opposite sides, and each of which has only one (1) dwelling unit from ground to roof, independent outside access, not more than two (2) walls in common with adjoining units and open areas to the front and rear (internal units) or front, rear and one (1) side (end units). Each unit can be referred to as a single-family attached unit, particularly when separately owned.
 4. APARTMENT – A building containing three (3) or more dwelling units separated by party walls, and which may have more than one (1) dwelling unit from ground to roof, common outside accesses and hallways.

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

EATING/DRINKING ESTABLISHMENT - A building used for the purpose of furnishing meals and beverages to the public to be consumed within the building of the place of business, in accordance with the design and intention of the facilities.

EDUCATIONAL USE – Land or buildings specifically designed, arranged and intended for the primary 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.

ENLARGEMENT - An addition to the floor area of an existing building, an increase in the size of a structure, or an increase in that portion of a lot occupied by an existing use.

ENVIRONMENTALLY SENSITIVE LANDS – 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, watercourses, floodplains, riparian buffers, steep slopes, wetlands, wetland margins, lakes, ponds, woodlands, and hedgerows.

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. One or more individuals living together in a dwelling unit as a single, nonprofit housekeeping unit and doing their cooking on the premises, when said individuals are related by blood, marriage, foster relationship, or adoption, or
- B. No more than four (4) unrelated individuals living together in a dwelling unit as a single nonprofit housekeeping unit and doing their cooking on the premises; or
- C. A group of individuals with handicaps (as defined by applicable law) living together as the functional equivalent of a family and entitled to a reasonable accommodation to allow them equal opportunity to use or occupy a dwelling under applicable law.
- D. This definition does not include or apply to the residents or employees of a club, fraternity house, lodge, lodging, boarding or rooming house or other facility in which lodging is provided for compensation.

FARM/FARMING – Land parcel where farming (agriculture – intensive or non-intensive) is the principal use and an agricultural operation(s) is (are) performed.

FEMA - Federal Emergency Management Agency.

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

FLOOD – A temporary inundation of normally dry land areas.

FLOOD, BASE - A flood that has a one (1) percent chance of being equaled or exceeded in any given year (also called the "100-year flood").

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

FLOOD ELEVATION, REGULATORY – The one-hundred (100) year flood elevation plus a freeboard safety factor of one and one half (1½) feet.³

FLOOD FRINGE AREA (FF) –

- A. The areas identified as Zones AE and A1-30 in the Flood Insurance Study which are subject to inundation by the one (1) percent annual chance flood event determined by detailed methods and have base flood elevations (BFEs) shown.

³ See 32 P. S. § 679.101 et seq.

- B. 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.

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

FLOOD HAZARD AREAS, SPECIAL (SFHAs) - An area in the floodplain subject to a one (1) percent or greater chance of flooding in any given year. It is shown on the Flood Insurance Rate Map as Zone A, AO, A1-A30, AE, A99, or, AH.

FLOOD INSURANCE RATE MAP (FIRM) – The official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

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

FLOODPLAIN – 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.

FLOODPLAIN AREA, GENERAL (FA) - The areas within Zone A in the Flood Insurance Study for which no one-hundred (100) year elevations have been provided. When available, information from other federal, state, and other acceptable sources shall be used to determine the one-hundred (100) year elevation, as well as a floodway area, if possible. When no other information is available, the one-hundred (100) year elevation shall be determined by using a point on the boundary of the identified floodplain area which is nearest the construction site in question.

FLOODPLAIN AREA, IDENTIFIED – Those areas of Pennsbury Township, Chester County subject to the one hundred (100) year flood which is identified as Zone A (Area of Special Flood Hazard) in the Flood Insurance Study (FIS) dated 09/29/2006 and the accompanying maps or the most recent revision thereof as issued by the Federal Emergency Management Agency, including all digital data developed as part of the Flood Insurance Study. This includes Floodway Areas, Flood Fringe Area, and the General Floodplain Area.

FLOODPLAIN VIOLATION - The failure of a structure or other development to be fully compliant with Article XVI of this Chapter. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in §60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

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

FLOODWAY AREAS (FW) – The areas identified as “Floodway” in the AE Zone 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. This is the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.

FLOOD ZONE – The area surrounding a wetland, currently defined as 50 feet from the outer edge of the wetland and is not necessarily the same as a Floodplain.

FLOOR AREA or AGGREGATE FLOOR AREA or GROSS FLOOR AREA – The sum of the horizontal areas of all floors enclosed by outside walls, fire walls, or party walls as measured to their outside surface, but excluding crawl spaces, attics without floors, unroofed areas, basements, cellars, or any interior space where the floor to ceiling height is less than six (6) feet. 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 – A quantitative unit for measuring the intensity of light falling on a surface equal to one (1) lumen per square foot.

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. Forestry shall include timber harvesting operations, as defined in this Article. (See also Timber Harvesting Operation.)

FREEBOARD – A margin or factor of safety, expressed in feet above the one-hundred (100) year flood elevation or flood hazard area.

FRONTAGE - The length of a front lot line.

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

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

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

GASOLINE 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.

GENERAL FLOODPLAIN AREA – See Floodplain Area, General.

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.

GOLF COURSE - A tract of ground laid out and designed in compliance with minimum U.S.G.A. (United States Golf Association) regulations as an outdoor course to accommodate either nine (9) or eighteen (18) holes of golf. Included are the customary buildings and services accessory to the primary golf course use. Neither a commercial driving range, miniature golf course, nor chip and putt golf facility shall be considered a golf course by this definition.

GOVERNMENT USE - Any building, structure, facility, complex, or area used by the general public or which provides a service to the public, whether constructed by a state, county, federal, municipal, or governmental agency or authority other than Pennsbury Township. (See also Municipal Use.)

GRADE – A reference plane representing the average of finished ground level adjoining a building at its exterior walls or other structure, such as, but not limited to, a sign or swimming pool. Where the finished ground level slopes away from the exterior walls of a building or base of a structure, the reference plane shall be established by the lowest points six (6) feet from the building, or two (2) feet from the base of a structure, whichever is more restrictive.

GREENHOUSE PRODUCTION, COMMERCIAL - A specialized form of commercial intensive agriculture focusing on the propagation and cultivation of plants indoors generally in a building with a roof and sides made largely of glass or other translucent materials in which the temperature and humidity can be regulated. Such use includes greenhouses that conduct wholesale sales, but does not include a noncommercial greenhouse maintained as part of a private residence.

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

GROUP HOME - A licensed community-based living arrangement functioning as a single household and providing habilitative services and which provides residential services to persons who, due to age, disability or handicap as defined by the Federal Fair Housing Act, as amended (42 U.S.C. §§ 3601, et seq.), are not able to live without professional care or supervision. Group homes do not include a disciplinary facility confining adjudicated delinquents or convicted criminals, parolees, or supervised probationers under the custody of the courts or county, state, or federal correctional agencies. (See also Family.)

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

HELIPAD, PRIVATE – A “Private 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.

HELIPAD, HOSPITAL - A “Hospital Helipad” is defined as a take off and landing area on the ground of prescribed dimensions, surface construction, and subject to other conditions. A Hospital Helipad is for the sole use of the hospital on which the Helipad is located and is for emergency medical purposes. Facilities and accommodations for fueling, servicing, maintaining, testing, parts storing and helicopter storing are strictly forbidden.

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.

HELISTOP - A “Helistop” is defined as one (1) 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.

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 a historic resource on the Historic Resources Map adopted by the Board of Supervisors of Pennsbury Township.

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

HISTORIC RESOURCES – Within the meaning of this Chapter, a historic building, historic structure, historic object, or a historic site and their context.

HISTORIC RESOURCES INVENTORY – The Pennsbury Township Historic Resources Inventory, which supplements and provides supporting associated information for the Historic Resources Map.

HISTORIC RESOURCES MAP – The map showing historic resources and their respective classifications more particularly described in Section 162-1703 of this Chapter.

HISTORIC RESOURCES INVENTORY – The Pennsbury Township Historic Resources Inventory of 2009.

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 Brandywine, the ruins of which would have been a historic structure or historic object if it had not been damaged or destroyed) 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 a historic building) and which is identified as a historic resource on the Historic Resources Map adopted by the Board of Supervisors of Pennsbury Township.

HISTORIC STRUCTURE or OBJECT– A structure, or the ruin thereof, which historically was not used for human or animal occupancy, or an object (such as hedgerows 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 a historic resource on the Historic Resources Map adopted by the Board of Supervisors of Pennsbury Township.

HOME DAY CARE, FAMILY - Any single-family detached residence, other than the child's own home, in which child day care is provided at any time for four (4) to six (6) children who are not relatives of the caregiver and where the child care areas are being used as a family residence.

HOME DAY CARE, GROUP - Any single-family detached residence, other than the child's own home, in which child day care is provided at any time for more than six (6) but no more than eleven (11) children, where the child care areas are being used as a family residence.

HOME OCCUPATION - An activity conducted for profit by persons residing on the premises, where such activity is clearly subordinate to the residential use of the property. Home Occupations are further classified as follows:

- A. Minor Home Occupation (No-Impact Home Based Business) - A business or commercial activity administered or conducted as an accessory use that is clearly secondary to the use as a residential dwelling and that does not involve customer, client or patient traffic, whether vehicular or pedestrian, pickup, delivery or removal functions to or from the premises, in excess of those normally associated with a residential use. A minor home occupation is equivalent to the "no-impact home based business" defined in the Municipalities Planning Code.
- B. Major Home Occupation - A major home occupation is a type of home occupation that requires additional review and regulation beyond that of a minor home occupation because of its potential impact on the area in which it is located. A major home occupation is further defined as a home occupation that does not meet one (1) or more of the criteria of a minor home occupation as specified in Section 162-2024 of this Chapter.

HOMEOWNERS ASSOCIATION OR UNIT OWNERS' ASSOCIATION- The association organized under the Uniform Planned Community Act the Uniform Condominium Act or the Real Estate Cooperative Act.

HOSPITAL – An accredited medical facility within which the diagnosis, treatment and care, both inpatient and outpatient, of human ailments are performed. (See also Medical Center.)

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

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

HYDRIC SOILS – Any soil inventoried or described as hydric or as a soil with hydric inclusions for Chester County by the U.S. NRCS. In Pennsbury Township, hydric soils shall include, but are not limited to:

- A. Bedford Silt Loam
- B. Lawrence Silt Loam
- C. Glenville Silt Loam
- D. Guthrie Silt Loam
- E. Worsham Silt Loam

Where site conditions indicate that the location of hydric soils or the hydric inclusions differ from locations indicated by the U.S. NRCS, the burden shall be upon the applicant to verify such location(s) to the satisfaction of the Board of Supervisors, otherwise the U.S. NRCS information shall be presumed to be accurate. Where the Applicant seeks reclassification of hydric soils and their location, such reclassification shall be undertaken by a Certified Soil Scientist or other similarly qualified professional.

IDENTIFIED FLOODPLAIN AREA – See Floodplain Area, Identified.

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

ILLUMINATION – The density of luminous flux on a surface.

IMMEDIATE FAMILY – Individuals who have one (1) or more of the following relationships to one 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.

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

INDUSTRIAL or OFFICE PARK – A grouping of two (2) or more industrial or professional office uses developed according to a master site plan that includes the common use of streets and utilities.

INVASIVE (NOXIOUS) PLANT SPECIES – A species that has become a weed pest, a plant which grows aggressively, spreads, and displaces other plants. A list of invasive plant species is included in Chapter 138, Subdivision and Land Development, Appendix G.

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.

JUNKYARD OR SALVAGE YARD - Any area or structure used for the collecting, storage and/or sale of waste paper, rags, scrap metal, or discarded material, or for the collecting, dismantling, storage, or salvaging of machinery or wrecked, disabled, or unregistered vehicles. The collecting, dismantling, deposit, storage and/or salvaging of two (2) or more vehicles which are wrecked, disabled, currently unregistered or without a current inspection sticker, shall constitute a junkyard. Toxic wastes, radioactive materials, poisons, and other substances which are potentially harmful are excluded from a junkyard or salvage yard use.

KENNEL - The use of land, building and/or structure for the purpose of trading, breeding, selling, boarding, training or grooming customary household pets for compensation, or the possession or maintenance of six (6) or more dogs and/or cats that are more than six (6) months old as household pets or for other purposes on a single lot or contiguous lots under single ownership or lease.

LABORATORY AND RESEARCH FACILITY – 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.

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 (2) or more acres in extent. Ponds are bodies of water less than two (2) acres in extent.

LAKE AND POND SHORELINES – The landside edges of lakes and ponds from the established shoreline to an upland boundary. For the purposes of this Chapter, the upland boundary shall be equivalent to that required for a wetland margin.

LAND DEVELOPMENT – Any of the following activities:

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

LAND DISTURBANCE – Any activity, which exposes soils, alters topography and/or alters vegetation, except for the removal of hazardous or invasive plant species. Customary agricultural practices such as tilling, plowing, mowing, and harvesting are excluded from the definition of land disturbance.

LANDOWNER – The legal or equitable 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.

LANDSCAPE 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.

LANDSCAPING - The planting of turf or other appropriate groundcover or the planting of trees and shrubbery, including the maintenance thereof, for control of erosion, retention of precipitation, protection against the elements, buffering and screening, and promotion of human comfort and welfare.

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

LONG TERM CARE NURSING FACILITY/NURSING HOME – – A long term care nursing facility as regulated and licensed by the Commonwealth of Pennsylvania Department of Health which is defined as follows: a facility that provides either skilled or intermediate nursing care or both levels of care to two (2) or more patients, who are unrelated to the licensee, for a period exceeding 24 hours. The term “Long Term Care Nursing Facility/Nursing Home” shall not be construed to include drug or alcohol rehabilitation for current or past court adjudicated felons or misdemeanants. The term “convalescent home” is included within this definition. This definition shall be at all times identical to the Commonwealth definition as it may be amended from time to time, without amendment to this Chapter.

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 or TRACT AREA - The area of land included within the legally described property lines of a lot or tract, as shown on a deed, survey, plot, subdivision or land development plan, excluding any portion of a lot or tract included in street or railroad rights-of-way and easements for the purposes of access, public or private utility, or stormwater management.

- A. For uses requiring a minimum lot area of less than one (1) acre, the minimum lot area shall be a contiguous net area of the minimum required.
- B. For uses requiring a minimum lot area of one (1) acre or more, the minimum lot area shall consist of a net area of at least one (1) acre of contiguous land.

LOT AREA or TRACT AREA, GROSS – The area of land contained within the limits of the legally described property lines bounding the lot or tract, as shown on a deed, survey, plot, subdivision or land development plan.

LOT AREA, or TRACT AREA, NET – The gross area of land contained within the limits of the legally described property lines bounding a lot or tract, excluding the following areas where existing at the time of any applicable application: 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 (greater than twenty-five (25) percent), those areas identified as Area of Special Flood Hazard (Zone A) in the Flood Insurance Study (FIS), streams, an area equal to ninety (90) percent of any areas of alluvial soils and wetlands as defined by this Chapter. Where this definition has been applied to minimum tract area for purposes of determining available density under conventional development under Sections 162-402.A.2 and 162-403.A.4 or the Open Space Design Option (OSDO) in accordance with Article XVIII, it shall not additionally be applied to minimum lot area for individual lots created within a conventional development or development in accordance with the OSDO.

LOT OF RECORD – A lot existing on the date of enactment of this Chapter.

LOT AVERAGING – A means of developing lots, some of which are larger and some of which are smaller than is required for a conventional residential development, where the average lot size equals or exceeds the minimum lot size required within the district.

LOT, CORNER – A lot at the junction of and abutting on two (2) or more intersecting streets where the interior angle of intersection does not exceed one-hundred thirty five (135) degrees. A lot abutting a curved street shall be deemed a corner lot if the tangents to the curve at the points of

intersection on the side lot lines within the street lines intersect at an interior angle of less than one-hundred thirty five (135) degrees.

LOT COVERAGE - The percentage of the total area of all impervious surfaces to the total area of the lot on which they are located.

LOT, INTERIOR – LOT, FLAG– Any lot which only has access to a street by a strip of land at least fifty (50) feet in width held in fee ownership by the owner of the lot it serves and any lot existing as of the date of enactment of this Chapter that is accessed by a perpetual easement recorded in the chain of title for the lot.

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

LOT LINE, FRONT - The lot line abutting a street and coinciding with the street line, and in the case of a corner lot, both lot lines abutting the streets shall be front lot lines.

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

LOT LINE, SIDE - Any lot line not a front or rear lot line.

LOT, REVERSE FRONTAGE – A lot extending between and having frontage on two (2) generally parallel streets with vehicular access only from the minor street.

LOT WIDTH – The distance, in feet, between the two (2) opposite 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 Chapter.

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

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

MANUFACTURED HOME – A structure, transportable in one (1) or more sections, which is built on a permanent chassis, and is designed or used 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 one-hundred and eighty (180) consecutive days.

MANUFACTURING – Establishments engaged in the mechanical or chemical transformation of materials or substances into new products, including the assembling of component parts, creation

of products, and blending of materials, such as, but not limited to, lubricating oils, plastics, resins, or liquid.

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

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

MEDICAL or DENTAL OFFICE - A building and lot or individual office within a building used for the practice of medical and dental arts or similar examination, treatment, and rehabilitation of persons as outpatients by licensed physicians or licensed medical specialists practicing medicine individually or as a group during normal office hours. Centers providing twenty-four (24) hour emergency service or overnight lodging of patients shall not be considered a medical center but shall be defined as a hospital. (See also Hospital.)

MICROWAVE DISH ANTENNAS FOR SATELLITE RECEPTION – A parabolic ground based reflector, not exceeding three (3) feet in diameter 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. Microwave dish antennas attached to residential buildings are prohibited; provided however a maximum of one (1) dish antenna not exceeding eighteen (18) inches in diameter may be attached to the rear wall of any residential building.

MINERALS – Any aggregate or mass of mineral matter, whether or not coherent. The term includes, but is not limited to, water, 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.

MINIMUM LOT AREA – The net lot area of a lot or net tract area of a lot as defined above.

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.

MITIGATION – An action undertaken to accomplish one (1) or more of the following:

- A. Avoid and minimize impacts by limiting the degree or magnitude of the action and its implementation.
- B. Rectify the impact by repairing, rehabilitating, or restoring the impacted environment.
- C. Reduce or eliminate the impact over time by preservation and maintenance operations during the life of the action.

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

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

MOBILE or MANUFACTURED HOME LOT or SITE – A parcel of land in a mobile or manufactured home park, improved with the necessary utility connections and other appurtenances necessary for the location thereon of a single mobile home which is leased or sold by the park owner to the owner or occupants of the mobile home located on the lot.

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

MOTOR HOME – A vehicle which is:

- A. Built on a single chassis;
- B. Designed to be self-propelled or permanently towable by a light duty truck; and
- C. Not designed for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel, or seasonal use.

MUNICIPAL USE - Any building, structure, facility, complex, area or use, specifically provided, constructed, or maintained by the municipal government of Pennsbury Township or a municipal authority organized by Pennsbury Township. (See also Government Use.)

MUNICIPALITIES PLANNING CODE – See Act 247.

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

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

NATURAL DIVERSITY - In general terms, it is the variety of plants and animals in a given habitat, or the variety of features found in a given population of one (1) type of plant or animal. More technically it is the variety of species, the genetic variation within them, and the spectrum of ecological communities in which they occur. It is the sum total of compositional, structural and functional diversity of genes, species, and ecological communities. It can be described on a continuum of spatial and temporal scales; from local to global; from days to millennia.

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

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

NET AREA – That portion of any area, measured in acres, meeting the definition of Lot or Tract Area, Net.

NET LOT AREA – See Lot Area, Net.

NET TRACT AREA – See Lot Area, Net.

NEW CONSTRUCTION – Structures for which the start of construction commenced on or after March 15, 1982, and includes any subsequent improvements thereto.

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 BUILDING OR STRUCTURE – A building or structure or part thereof not conforming to the area and bulk regulations of the applicable zoning district, at the time of enactment of this Chapter or as a result of subsequent amendments thereto where such structure or building was conforming to the area and bulk regulations in existence prior to the enactment of such Chapter or amendment or as a result of a decision or order by the Zoning Hearing Board.

NONCONFORMING USE – A use, whether of land, premise, building, or structure, which does not comply with the applicable use provision at the time of enactment of this Chapter or as a result of subsequent amendments thereto where such use was lawfully in existence prior to the enactment of such Chapter or amendment or as a result of a decision or order by the Zoning Hearing Board.

NONCONFORMING SIGNS - A sign which does not conform to the zoning requirements at the time of enactment of this Chapter or as a result of subsequent amendments thereto where such sign was lawfully in existence prior to the enactment of such ordinance or amendment or as a result of a decision or order by the Zoning Hearing Board.

NURSING HOME – See Long Term Care Facility.

NO – IMPACT HOME-BASED BUSINESS – See Home Occupation – Minor Home Occupation

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

ONE-HUNDRED YEAR FLOOD – See Flood, One-Hundred Year.

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

ON-SITE WATER SERVICE – The supply of potable water by means of a well located on the lot the well serves.

OPEN SPACE – See Common Open Space.

OPEN SPACE DESIGN OPTION - An arrangement of residential lots that allows for grouping the structures by reducing lot area and yard requirements and incorporating the remaining area as open space on the development tract. See Figure 2-1.

OUTDOOR CAFÉ - An outdoor patio area of an associated eating or drinking establishment, used for the express purpose of furnishing food and beverages to the public to be consumed on the premises, and directly abutting and on the same lot as the principal building, in which the associated eating or drinking establishment is located.

OWNER – A person who owns an interest in a property, whether as a joint tenant, tenant in common, copartner, or shareholder.

OWNER OCCUPIED DWELLING – A dwelling which is the principal place of residence and legal domicile of an individual who owns the lot on which the residence is erected or who owns a minimum twenty-five (25) percent interest in the lot, whether as joint tenant, tenant in common, copartner or shareholder, on which the dwelling is erected.

PARCEL – See Lot.

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

PARKING SPACE – An outdoor or garage space used for parking motor vehicles, the usable area of which is not less than one-hundred and sixty two (162) square feet (nine (9) by eighteen (18)) to which there is access from a street, road, alley or driveway.

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

PATIO – An open paved area usually attached to, or part of, and directly accessible to or from a building.

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

PENNSYLVANIA MUNICIPALITIES PLANNING CODE (MPC) – See Act 247.

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 XVIII of this Chapter⁴) 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.

⁴ See § 162-2308.

PERMIT, BUILDING – A document issued and signed by the Building Official authorizing the erection, alteration, or enlargement of a building or structure in accordance with the Township Building Code.

PERMIT, OCCUPANCY - A document issued and signed by the Building Official or the Zoning Officer authorizing the occupancy of land and/or a structure in accordance with the Township Building Code or this Chapter.

PERMIT, ZONING – A document issued and signed by the Zoning Officer authorizing a proposed use (zoning permit) or erection, alteration 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.

PERSONAL CARE HOME – A personal care home as regulated and licensed by the Commonwealth of Pennsylvania Department of Public Welfare which is defined as follows: A premise in which food, shelter and personal assistance are provided for a period exceeding twenty-four (24) hours for four (4) or more adults who are not relatives of the operator, who do not require the services in or of licensed long-term care facility, but who do require assistance or supervision in activities of daily living or instrumental activities of daily living. This use does not include a premises that provides drug or alcohol rehabilitation or medical or nursing care of current court adjudicated felons or misdemeanants. This definition shall be at all times identical to the Commonwealth definition as it may be amended from time to time, without amendment to this Chapter. See also ASSISTED LIVING FACILITY.

PERSONAL SERVICE ESTABLISHMENT - A building or portion thereof in which the services of a person permitted to practice a specific occupation profession are offered to the general public. Examples of such uses include agents, barbers, beauticians, dry cleaners, shoe repair, photographers, tailors, travel agencies, or photocopy/duplicating shops. (See also Professional Office.)

PLACE OF WORSHIP - A building utilized for public worship. The term shall include church, temple, synagogue, mosque, rectory of parish house, and other similar places of worship.

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

PNDI - Pennsylvania Natural Diversity Inventory.

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

PRESERVATION or PROTECTION – When used in connection with natural and/or historic resources, shall include means to conserve and safeguard these resources from wasteful or destructive use but shall not be interpreted to authorize the unreasonable restriction of forestry, mining or other lawful uses of natural resources. When used in connection with historic resources is the act or process of applying measures necessary to sustain the existing form, integrity, and materials of a historic resource.

PRINCIPAL SOLAR ENERGY SYSTEM – A solar energy system other than an Accessory Solar Energy System.

PRINCIPAL USE - The single dominant use or single main use on a lot. A lot may have only one principal use.

PRIME AGRICULTURAL LAND – Land used for agricultural purposes that contains soils of the first, second or third class as defined by the U. S. NRCS.

PRIME AGRICULTURAL SOILS – Those soils possessing the greatest production capability for crops. Class I, Class II, and Class III soils, as defined by the U. S. NRCS, are prime agricultural soils.

PROFESSIONAL OFFICE - A building or portion thereof wherein services are performed involving predominantly administrative, professional, or clerical operations.

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 Code⁵ or this Chapter.

PUBLIC MEETING – A forum held pursuant to notice under 65 PA. C.S.A. Ch. 7 (relating to open meetings).

PUBLIC NOTICE – Notice published once each week for two (2) successive weeks in a newspaper of general circulation in 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 thirty (30) days and the second publication shall not be less than seven (7) days from the date of the hearing.

PUBLIC SEWAGE – A central sewage treatment system, either publicly or privately owned and operated.

PUBLIC WATER – A central water supply system, either publicly or privately owned and operated.

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

QUADRAPLEX - See Dwelling, Multi-family.

RECREATION –

- A. **ACTIVE RECREATION** - Those recreational pursuits which require physical alteration to the area in which they are performed. Such areas are intensively used and include, but are not limited to, playgrounds, ball courts, ball fields, swimming pools, and biking and equestrian trails.

⁵ See 53 P. S. § 10101 et seq.

- B. **INDOOR RECREATION** - The use of a building or part thereof for indoor sports such as bowling, tennis, racquetball, squash, indoor basketball, indoor swimming, and those sports activities usually conducted indoors.
- C. **OUTDOOR RECREATION** - A recreational use and associated facilities designed and equipped for the conduct of outdoor sports and leisure time activities, including swimming, tennis and other court games, baseball and other field sports, playground and other similar activities where such activities primarily take place outdoors, but excluding activities which generate noise objectionable to a residential environment.
- D. **PASSIVE RECREATION** - Recreational pursuits which can be carried out with little alteration or disruption of the area in which they are performed. Such uses include, but are not limited to, hiking, environmental education activity, and picnicking.

RECREATIONAL VEHICLE – A vehicle which is:

- A. Built on a single chassis;
- B. Four-hundred (400) 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.

RECYCLING COLLECTION CENTER - A facility for the drop-off and temporary holding of materials such as paper, cardboard, glass, metal, and plastics that are no longer usable for their original purpose. The materials are then transported off the premises for processing or to be manufactured into a new product. Processing of materials on-site at a collection center is limited to separation by type of material into storage containers in preparation for shipping.

RECYCLING PROCESSING CENTER - A facility where recyclable materials, such as paper, cardboard, glass, metal, and plastics, are processed, treated, or remanufactured in order to return such products to a usable condition. Processing of materials may also include baling, compacting, flattening, grinding, crushing, mechanical sorting, shredding, and cleaning in order to prepare the materials for remanufacturing on-site or for shipment to meet an end user's specifications.

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

REGULATORY FLOOD ELAVATION - See Flood Elevation, Regulatory.

REHABILITATION OF A HISTORIC RESOURCE – The process of returning a historic resource to a state of utility through repair or alteration, which makes possible an efficient contemporary use while preserving those portions and features of the resource which are significant to its historical, architectural and cultural values, and where there is limited and sensitive upgrading of mechanical, electrical, and plumbing systems and other code-related work to make properties functional.

RENOVATION - The act or process of making possible an efficient functional use for a structure through repair, alterations and additions.

REPETITIVE LOSS – Flood related damages sustained by a structure on two (2) separate occasions during a ten (10) year period for which the cost of repairs at the time of each such flood event, on average, equals or exceeds twenty-five (25) percent of the market value.

RESIDENTIAL CONVERSION – The division of a single family detached dwelling or barn into two (2) or more dwelling units. For example, the conversion of a single family home to two (2) apartments or a barn into two (2) apartments.

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

RESTORATION OF A HISTORIC RESOURCE – The active process of accurately depicting the form, features and character of a property as it appeared at a particular period of time by means of the removal of features from other periods in its history and reconstruction of missing features from the restoration period, and where there is limited and sensitive upgrading of mechanical, electrical, and plumbing systems and other code-related work to make properties functional.

RETAIL NURSERY – A commercial activity comprising the sale of plants and landscaping materials in small quantities directly to the consumers; specifically excludes wholesale sales or commercial greenhouse production.

RETAIL STORE – A commercial activity comprising principally of 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 individuals and/or couples 55 years of age or older who do not have resident dependent children. The residents thereof need not be actually retired from their occupation or employment.

RIDING STABLE – A use in which horses, ponies, or mules are kept for hire or sale; or where three (3) or more stalls in a single building are rented for compensation to people not residing on the property. A riding stable may include riding lessons provided to private clients but private or public horse shows and equestrian events shall not be permitted.

RIGHT-OF-WAY – The total area of any land reserved or dedicated as a street, alley, or crosswalk or for any other public or private purposes involving passage of vehicles, persons, or animals.

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. For the purpose of this Chapter, the riparian buffer is further divided into two (2) zones: Zone One - Inner Riparian Buffer immediately adjacent to the watercourse; and Zone Two - Outer Riparian Buffer adjacent to the outer edge of the Zone One buffer. The minimum total width of the riparian buffer shall be one-hundred (100) feet on each side of the watercourse. The provisions of Article XV shall determine the specific widths of the riparian buffer zones.

SCENIC VIEWSHED – A physiographic area composed of land, water, biotic, and cultural elements which may be viewed and mapped from one (1) or more viewpoints and which has inherent scenic qualities and/or aesthetic values.

SCREEN – A visual barrier shielding or obscuring one (1) abutting or nearby structure or use (e.g. dumpster, trash storage area, junkyard) from another by the use of fencing, walls, berms, densely planted vegetation, or a combination thereof. In any case, the material or combination of materials chosen to be used in the screen as a general guideline shall have a one-hundred (100) percent obstruction or screen, as determined by the Township Engineer or Township Landscape Architect.

SECONDARY FARM BUSINESS – An accessory use undertaken by the owner or operator of an agricultural operation to provide a secondary source of income, including but not limited to veterinary clinic, creation and sales of crafts, and household articles, blacksmith shop, processing of locally produced agricultural products, or similar uses.

SECRETARY OF THE INTERIOR'S STANDARDS FOR REHABILITATION AND GUIDELINES FOR REHABILITATING HISTORIC BUILDINGS - Standards promulgated by the Secretary of the Interior to guide and evaluate appropriate rehabilitation and preservation of historic buildings.

SELECTIVE CUTTING – The felling of certain, but not all trees, in an area for the purpose of removing dead, diseased, damaged, mature, or marketable timber or for improving the quality of a tree stand.

SELF-STORAGE/MINI-WAREHOUSE - Storage units provided for lease to the public for the purpose of indoor storage of personal property generally found in residential uses.

SETBACK – See Building Setback Line and Yard.

SHOPPING CENTER – A use containing three (3) or more retail uses located in one (1) building or on a single lot and pre-planned and designed as a complex of related structures and circulation patterns.

SIGHT DISTANCE – The required length of roadway visible to the driver of a passenger vehicle at any given point on the roadway when the view is unobstructed by traffic.

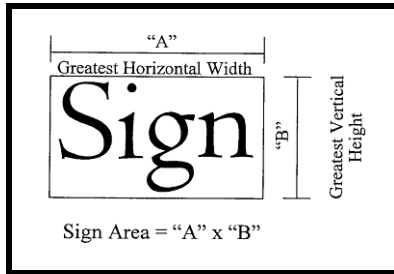
- A. **OBJECT SIGHT DISTANCE** - Shall be measured from a point four and one-half (4.5) feet above the centerline of the road surface to a point one-half (1/2) feet above the centerline of the road surface.
- B. **VEHICLE SIGHT DISTANCE** – Shall be measured from a point four and one-half (4.5) feet above the centerline of the road surface to another point four and one-half (4.5) feet above the centerline of the road surface.

SIGN – Any structure or part thereof or any device attached to a building or vehicle 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, visual communication, or advertisement for commercial purposes or otherwise. A sign includes but is not limited to a billboard, neon tube, string of lights or similar device outlining or hung upon any part of a building, vehicle or lot, but does not include the flag or insignia of any nation, group of nations, or governmental agency.

SIGN AREA or SIZE – The entire area within a single continuous perimeter enclosing the extreme limits of a sign, together with all moldings, battens, cappings, nailing strips, latticing and platforms which are attached and are part of the sign proper and/or forming an integral part of the display (see Figure 2-3). Signs which are composed of letters, words or representations only and which do not form a square or rectangular pattern shall be considered to include in the sign area a square or rectangular as drawn at the outer limits of the letters, words or representations. In computing

the area of a double-face sign, only one (1) side shall be considered provided that both faces are identical.

Figure 2-3: Sign Area or Size



SIGN HEIGHT – The distance from the existing ground elevation at the base of, or immediately below the sign, to the highest point of the sign structure.

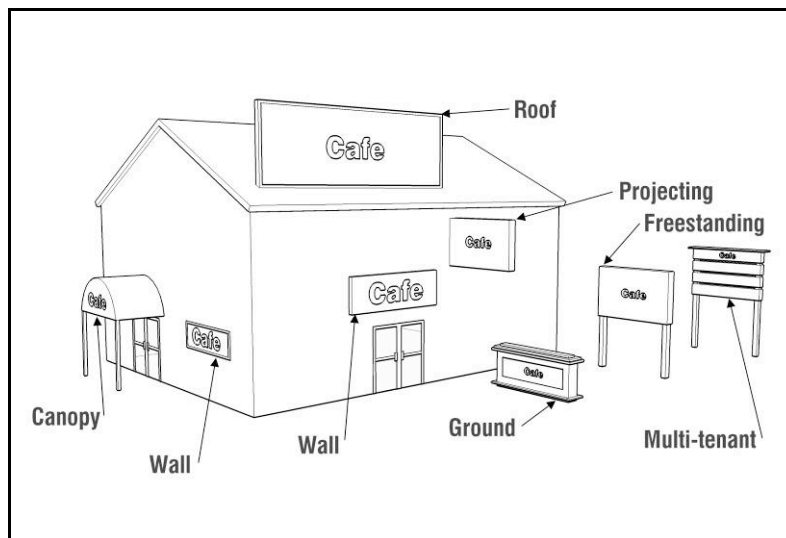
SIGN TYPES (see Figure 2-4)-

- A. **ABANDONED SIGN** – A sign erected on, or related to, the use of a property that becomes vacant and unoccupied for a period of thirty (30) days or more, or any sign that relates to a time, event, or purpose that is past.
- B. **ACCESSORY USE SIGNS** – Signs which identify or advertise accessory uses as defined by this Chapter such as, but not limited to, Home Occupations.
- C. **ARTISAN SIGN** – Temporary advertising signs of workmen performing services at or providing alterations to a building or premises.
- D. **BANNER SIGN** – A temporary sign hung across private property, possessing characters or letters applied to a flexible, durable, and water-resistant material such as plastic or fabric of any kind. National flags, flags of political subdivisions, and symbolic flags of any business or institution, shall not be considered banners for the purposes of this Chapter.
- E. **BUILDING MOUNTED SIGN** – Includes the following sign types: projecting, wall, canopy, marquee, or awning.
- F. **BULLETIN BOARD** – A sign of permanent character, but with movable letters, words or numerals not controlled electronically, indicating such items as the names of persons associated with or dates of events conducted upon or products or services offered upon the premises where such a sign is maintained.
- G. **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. This includes signs affixed to vehicles denoting a business-related activity.
- H. **CANOPY, MARQUEE, or AWNING SIGN** – Any sign that is part of or attached to an awning, canopy, marquee, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service or retail area. An awning, marquee, or canopy without lettering shall not be considered a sign.
- I. **DIGITAL SIGN** – An advertising sign that utilizes digital or video light emitting diodes (LEDs) or similar electronic methods to create a changeable image display area.

- J. DIRECTIONAL SIGN, ON-SITE – 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.
- K. DOUBLE-FACED SIGN – A sign that displays a message, information, or advertising on both faces (sides) of the sign.
- L. ELECTRONICALLY CHANGING MESSAGE SIGN – A freestanding or ground sign or portion thereof designed to accommodate frequent message changes composed of characters or letters that can be changed or rearranged electronically without altering the face or surface of such sign.
- M. FLASHING SIGN – Any illuminated sign which the artificial light is not maintained stationary and/or constant in intensity of color at all times when such sign is in use including but not limited to, moving, rotating, flashing, oscillating, twinkling, shuttered or other similar sign.
- N. FREESTANDING SIGN – A sign supported by structures or support that are placed on, or anchored in, the ground and that are independent from any building or structure.
- O. GROUND SIGN – A sign, other than a freestanding sign, placed directly on the ground or which emerges directly from the ground where the bottom edge is no more than two (2) feet from the proposed finished grade on which it is placed and which may use supports or pylons, independent from any building or structure.
- P. 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.
- Q. ILLUMINATED SIGN – A sign which has characters, letters, figures, designs or outlines illuminated by direct or indirect electric lighting or luminous tubes as part of the sign.
- R. LAND DEVELOPMENT SIGN – A sign indicating that the premises is in the process of being subdivided and/or developed for the construction of dwellings or other buildings.
- S. NAMEPLATE SIGN – A sign which designates the name and/or address of an occupant or group of occupants.
- T. 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, supply directions, or provide information.
- U. OFF-PREMISES SIGN – A sign which contains a commercial message and which directs attention to a business, real estate development, property, commodity, service or entertainment venue conducted, sold or offered at a location other than the premises on which the sign is located.
- V. OFF-SITE 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.
- W. POLITICAL SIGN – A temporary sign announcing or supporting political candidates or issues in connection with any national, state or local election.

- X. **PORTABLE SIGN** – A type of temporary sign, that is self-supporting without being firmly embedded in the ground, designed to be movable, and fixed on a movable stand, mounted on wheels or movable vehicles, or made easily movable in some other manner. Portable sign shall also include searchlights and hot air or gas filled balloons.
- Y. **PROJECTING SIGN** – A sign attached to a wall or other vertical building surface and which extends more than six (6) inches beyond the surface of such wall or building.
- Z. **REAL ESTATE SIGN** – A sign indicating the sale, rental or lease of the premises on which the sign is located.
- AA. **ROOF SIGN** – A building mounted sign erected upon the roof of the building.
- BB. **TEMPORARY SIGN** – A sign intended for short-term use and not permanently mounted, notifying of or advertising a special event, such as festivals, concerts or exhibits, being displayed for not more than forty-five (45) days in duration.
- CC. **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.

Figure 2-4: Sign Types



SINGLE AND SEPARATE OWNERSHIP – The ownership of a lot by one (1) or more persons, partnerships, or corporations, in which ownership is separate and distinct from that of any abutting or adjoining lot.

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

SOLAR ENERGY — Energy which has been converted, through the use of a solar energy system, from sun- light into usable electricity or to heat, air, water, or other fluids for use in hot water or space heating, or other applications.

SOLAR ENERGY SYSTEM — An energy conversion system, including appurtenances, which converts solar energy to a usable form of energy to meet all or part of the energy or heating requirements of the on-site user, or which is to be sold to a utility company to be used by others, or sold directly to other users. Particular types of solar energy systems include, but are not limited to:

1. **PHOTOVOLTAIC (PV) COLLECTORS**, which convert solar energy into electricity;
2. **SOLAR THERMAL COLLECTORS**, which are designed to use solar energy to heat air, water, or other fluids for use in hot water or space heating, or other applications.

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

SPECIAL FLOOD HAZARD AREAS (SFHAs) – See Flood Hazard Areas, Special.

SPECIMEN TREE – Any tree meeting the definition of specimen vegetation.

SPECIMEN VEGETATION - Any tree or other vegetation determined to be of specimen quality as determined by a registered landscape architect, registered arborist, or horticulturist or which generally falls within the parameters of Figure 2-5. The examples of specimen trees included in Figure 2-5 are intended to provide general guidelines and examples of what constitutes a specimen tree and are not considered all inclusive for the purpose of defining a specimen tree.

Figure 2-5: Examples of Potential Specimen Trees					
Species	Min. Size (DBH)	Species	Min. Size (DBH)	Species	Min. Size (DBH)
Apple	24"	Locust	30"	Spruce	30"
Ash	32"	Maple	32"	Sycamore	36"
Beech	32"	Oak	32"	Tulip	36"
Cherry	24"	Osage	20"	Poplar	30"
Elm	30"	Orange		Walnut	32"
Hemlock	30"	Pine	30"	Hickory	
		Sassafras	20"		
<i>Source: Brandywine Conservancy, Environmental Management Center</i>					

START OF CONSTRUCTION - Includes substantial improvement and other proposed new development and means the date the permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within one-hundred and eighty (180) days from the date of the permit. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufacture home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means

the first, alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building

STEEP SLOPES – Those areas of land, whether natural or man-made, which are characterized by a change in elevation of fifteen (15) feet or more within a one-hundred (100) foot horizontal distance. For the purpose of this Chapter, steep slopes are divided into two (2) categories:

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

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

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

STORAGE, OUTDOOR – Storage in an area unprotected from the elements.

STORY – That part of any building, exclusive of cellars, comprised between the level of one (1) finished floor and the level of the next higher finished floor.

STREAM - Any watercourse.

STREET or ROAD – 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 (1) lot. The word “street” includes road, roadway, thoroughfare, avenue, boulevard, court, drive, expressway, highway, lane, alley, service street, and similar terms.

- A. **ARTERIAL (MAJOR)** – A street serving a heavy volume of comparatively high-speed and long distance traffic generally ranging between 10,000 and 60,000 trips per day, and usually consisting of more than two (2) lanes and linking urban centers.
- B. **ARTERIAL (MINOR)** – A street serving a heavy volume of comparatively high-speed traffic, but their focus is more regional than the major arterials and provides for traffic ranging from 8,000 to 20,000 trips per day with more access than major arterials.
- C. **COLLECTOR (MAJOR)** – A street, which accommodates traffic averaging 4,000 to 10,000 trips per day, designed and located to provide means to collect 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.
- D. **COLLECTOR (MINOR)** – A street, which accommodates traffic averaging 1,000 to 5,000 trips per day, designed to connect neighborhoods and be primarily used for intra-municipal use.

- E. LOCAL – A street, which accommodates less than 1,500 trips per day, intended to serve and provide access to the properties abutting thereon, intended for short distance travel and not to encourage through traffic.
- F. STREET, MARGINAL-ACCESS – A local street parallel and adjacent to an arterial street, (but separated from it by a reserve strip) which provides access to abutting properties.
- G. STREET, PRIVATE – A local street serving four (4) or more lots that is not offered or required to be offered for dedication.
- H. STREET, SINGLE-ACCESS – A local street or streets, including but not limited to cul-de-sac and loop designs, which has only one (1) point of intersection with an existing Township or state road or with a proposed road having more than one (1) access point.

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

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

STRUCTURE – 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.

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

- A. MAJOR – Any subdivision of land into four (4) 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. No other improvements that require 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; and
 - 4. No more than three (3) 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.

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:

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

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 one and one-half (1½) feet depth. Farm ponds and stormwater retention basins are not included within this definition.

SYMPATHETIC ADDITIONS TO A HISTORIC RESOURCE – Additions to historic resources which follow or complement the architectural style or scale and the original structure and which follow the Secretary of the Interior’s Standards for Rehabilitation.

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

TEMPORARY USE - An activity or use, permitted under Section 162-2040, which is intended to exist or operate for a limited duration of time.

TIMBER HARVESTING OPERATION - The disturbance for commercial purposes, and in compliance with an approved timber harvesting plan, of more than one-half (1/2) acre of woodland on any lot, whether during a single timber harvesting operation or cumulatively in successive operations within a three (3) year period. The removal of dead or diseased trees or non-native invasive species, the cutting of trees for personal firewood use or as a part of a Christmas tree farming operation, or the clearing of an area in accordance with an approved subdivision or land development plan or building permit shall not be considered a timber harvesting operation. Timber harvesting operation is a practice which falls within the definition of forestry. (See also Forestry.)

TIMBER HARVESTING PLAN - A description, by means of text and maps, of proposed actions involving the removal of trees from a tract of land. Such plan shall have been prepared by a certified⁶ forester with demonstrable expertise and experience (i.e., a degree in forestry, natural resource management, environmental sciences, or a related discipline) in forest management and shall be in accordance with the requirements of Section 162-1503 of this Chapter.

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

TOWNHOUSE – See Dwelling, Multi-Family.

TOWNSHIP – Pennsbury Township, Chester County, Pennsylvania.

⁶ Pennsylvania does not have a certification requirement; however a forester can choose to be certified through the Society of American Foresters.

TRACT – One or more contiguous lots assembled for development purposes.

TRACT AREA, NET – See Lot Area, Net.

TRANSFER STATION, TRASH- A facility where municipal solid waste is delivered for the purpose of consolidating the material into larger vehicles for transport to a final disposal site or processing facility.

TRANSITIONAL HOUSING - Living arrangements for up to five (5) unrelated individuals who are not protected handicapped or disabled individuals under the Fair Housing Act or other applicable law. Transitional housing may include a licensed community-based facility which provides lodging, habilitative services, or meals to clients where supervision is provide seven (7) days a week, twenty-four (24) hours a day, or is staffed continuously by the provider whenever the structure is occupied.

UNDERTAKING ESTABLISHMENT (Funeral Home) - A building or part thereof used exclusively for human burial services. Such building may contain space and facilities for: embalming and the performance of other services used in the preparation of the dead for burial; the performances of autopsies and other surgical procedures; the storage of caskets, funeral urns, and other related funeral supplies; and the storage of funeral vehicles, but shall not include facilities for cremation.

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 within the Commonwealth. For coordination purposes, references to the above are made specifically to various sections of the IRC and the IBC.

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

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

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

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

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

WAREHOUSE – An enclosed facility used for the storage, wholesale and distribution of manufactured products, supplies, and equipment.

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.

WETLAND – 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 include all lands regulated as wetlands by the Pennsylvania Department of Environmental Protection or the U.S. Army Corps of Engineers. In the event there is a conflict between the definitions of these agencies, the more restrictive definition shall apply.

WETLAND DELINEATION REPORT - A document that describes the investigation procedures and findings of a wetland delineation.

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

WHOLESALE SALES– 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.

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

WOODLANDS – A tree mass or plant community covering an area of one-quarter (1/4) acre or more, in which tree species are dominant or co-dominant and the branches of the trees form a complete, or nearly complete aerial canopy. The extent of any woodland plant community or any part thereof shall be measured from the outermost drip line of all the trees in such plant community. Woodlands shall include any area where timber has been harvested within the previous three (3) years and/or woodland disturbance has occurred within the previous three (3) years that would have met the definition of woodland prior to timbering or disturbance. Woodlands do not include orchards or oldfields.

WOODLAND DISTURBANCE –

- A. Any activity that alters the existing structure of a woodland or hedgerow. Alterations include the cutting or removal of canopy trees, sub-canopy trees, under-story shrubs and vines and herbaceous woodland floor species.
- B. Any activity which constitutes a land disturbance within a woodland or hedgerow.
- C. Woodland disturbance does not include the selective cutting or removal of invasive plant species or the removal of vegetation which constitutes a hazardous condition.

YARD 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 (except fences and walls if and as otherwise permitted by this Chapter and other applicable law) 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 DISTRICT, BASE – The basic system of zoning, which, under the Township Zoning Ordinance, as amended, divides all land in the Township into separate, distinct zoning district classes, and sets limits and requirements for land use in each of these base zoning districts.

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

ZONING HEARING BOARD - The Zoning Hearing Board of Pennsbury Township.

ZONING MAP – The Official Zoning Map of Pennsbury Township, Chester County, Pennsylvania.

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 Official under the designation of Code Enforcement Officer.

ARTICLE III

Establishment of Zoning Districts

SECTION 162-301. CLASSES OF ZONING DISTRICTS.

- A. Base Districts: For the purposes of this Chapter, Pennsbury Township, Chester County, Pennsylvania is hereby divided into the following classes of zoning districts:

R-1 – Residential District (Article IV)
R-2 – Residential District (Article V)
R-3 – Residential District (Article VI)
R-4 – Residential District (Article VII)
R-5 – Residential District (Article VIII)
MHP - Mobile Home Park District (Article IX)
VR - Village Residential District (Article X)
VC - Village Commercial District (Article XI)
HC - Highway Commercial District (Article XII)
LI - Light Industrial District (Article XIII)
MU - Multi-Use District (Article XIV)

- B. Overlay Districts. The Chapter shall also contains four (4) overlay districts:

RT1 – Route 1 Corridor and Brandywine Battlefield Overlay District (Article XII-a)
G – Groundwater Protection Overlay District (Article XV)
FH – Flood Hazard Overlay District (Article XVI)
HR – Historic Resources Overlay District (Article XVII)

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

SECTION 162-302. ZONING MAP.

The boundaries of base zoning districts shall be as shown on the map attached hereto and made part of this Chapter which map shall be known as the “Pennsbury Township Zoning Map,” and which map, as may be amended from time to time, together with all notations, references and other data shown thereon shall be as much a part of this Chapter as if fully described herein. In addition to the base zoning districts, applicable maps attached hereto and made a part of this Chapter and text delineations in this Chapter for the Route 1 Corridor and Brandywine Battlefield Overlay District, Flood Hazard Overlay District, and Historic Resource Overlay District of this Chapter are hereby adopted as an overlay to the base zoning map, and said maps, text delineations, and all notations, references and data shown thereon and therein 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. In

addition, the Groundwater Protection Overlay District shall overlay the entire Township and shall be as prescribed in Article XV.

SECTION 162-303. ZONING DISTRICT BOUNDARIES.

In the case of the Route 1 Corridor and Brandywine Battlefield Overlay District, Groundwater Protection Overlay District, Flood Hazard Overlay District, and the Historic Resources Overlay District, rules for interpretation of district boundaries are contained in Article XII-a, , Article XV, Article XVI, and Article XVII, respectively. 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 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 a boundary divides a lot or runs through undivided property, the location of such boundary, unless otherwise specified by dimensions on the Zoning Map, shall be determined by the use of the scale appearing on said map. 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 XXIV of this Chapter.

SECTION 162-304. FEDERAL, STATE, COUNTY, OR MUNICIPALLY-OWNED PROPERTY.

Property owned by federal, state, county or local government or their instrumentalities shall be subject to the provisions of this Chapter only insofar as permitted by applicable law. Property owned or used by Pennsbury Township shall be exempt from all and shall not be subject to any of the provisions of this Chapter.

ARTICLE IV

Residential District (R-1)

SECTION 162-401. PURPOSE.

The purpose of this district is to encourage and promote continued agricultural, open space, and conservation uses, while also permitting low-density residential development which will be consistent with the existing residential development and perpetuate the rural character of the area; and also, by providing the option of utilizing the provisions in Article XVIII, Open Space Design Option and Lot Averaging, to enable landowners within the R-1 District to elect to develop in a manner other than conventional lot by lot which will provide a greater variety of design and layout of dwellings, and conservation of open space ancillary to such development, in concert with the Pennsbury Township Comprehensive Plan of 2006, as amended.

SECTION 162-402. USE REGULATIONS.

A building may be erected or used, and a lot or premises may be used, for only one (1) of the following principal uses and no other:

A. Uses by right.

1. Single-family detached dwelling on a lot of record as of the date of adoption of this Article.
2. Single-family detached dwelling under conventional development on a tract of fifteen (15) acres, net area, or greater.
3. Woodlands, wildlife sanctuary, game preserves or other conservation purposes.
4. Agricultural/farming uses, non-intensive in conformance with Section 162-2006.
5. Municipal uses including park and related accessory uses.
6. Forestry/Timber harvesting in conformance with Article XV.

B. Uses by special exception when authorized as a special exception by the Zoning Hearing Board, subject to the standards of Article XXIV of this Chapter:

1. Place of worship, including a rectory or parish house or other use accessory to the place of worship activity conducted on the lot in conformance with Section 162-2019.
2. Educational use in conformance with Section 162-2019.
3. Outdoor passive recreation use in conformance with Section 162-2034.
4. Outdoor active recreation use, including, golf course, country club, riding stable, or other similar outdoor recreational use or facility in conformance with Section 162-2013 and Section 162-2034, provided that:

- a. Each structure shall be clearly incidental to the outdoor recreation use;
 - b. Any club or lodge building and its services shall be for the use of members and their guests only;
 - c. No activity or use such as campground, amusement park, mini golf course amphitheater, shooting range and similar uses shall be permitted; and
 - d. The use and design are compatible with the natural character of the area.
5. Public utility facility.
- C. Uses by conditional use when authorized as a conditional use by the Board of Supervisors, subject to the conditions of Article XXIII of this Chapter
 1. Single-family detached dwelling under conventional development on a tract of less than fifteen (15) acres, net area.
 2. Single-family detached dwelling under lot averaging on a tract of less than fifteen (15) acres, net area, in conformance with Section 162-1809.
 3. Single-family detached dwelling under the Open Space Design Option on a tract of fifteen (15) acres, net area, or greater, in conformance with Article XVIII.
 4. Single-family attached, two-family, multifamily, and accessory residential dwellings only through adaptive re-use of historic resources, as defined in this Chapter and where part of a development under the Open Space Design Option in Article XVIII and in conformance with Section 162-1808.
 5. Agricultural/farming uses, Intensive with a conservation plan in conformance with Section 162-2006.
 6. Club or Lodge in conformance with Section 162-2013.
- D. Accessory uses. In addition to one principal use, accessory uses listed below shall be permitted by-right unless otherwise indicated as a special exception or conditional use in this Chapter and shall be in conformance with Section 162-2002 unless otherwise noted:
 1. Agricultural/farming accessory uses, however in this district accessory uses to an intensive agricultural use may also include veterinary clinic but shall not include kennels.
 2. Residential accessory uses, with the exception of Sections 162-2002.c.9 and c.15.
 3. Minor home occupations in conformance with the applicable standards of Section 162-2024.
 4. Major home occupations by special exception in conformance with the criteria of Article XXIV and in conformance with the applicable standards of Section 162-2024.
 5. Institutional accessory uses, including a cemetery in conjunction with a place of worship, by special exception in conformance with the criteria of Article XXIV and with Section 162-2011.

6. Accessory apartments by special exception in conformance with the criteria of Article XXIV and the applicable standards of Section 162-2002.
7. Accessory existing detached dwellings by conditional use in conformance with the criteria of Article XXIII and the applicable standards of Section 162-2002.

SECTION 162-403. AREA AND BULK REGULATIONS.

Unless otherwise specified in this Chapter, uses permitted in this district shall meet the following regulations:

A. Minimum lot area:

1. Agricultural Use, Non-intensive – five (5) acres.
2. Agricultural Use, Intensive – twenty (20) acres.
3. Single-family detached dwelling on an existing lot of record not capable of subdivision – three (3) acres.
4. Single-family detached dwelling under conventional development on tract of fifteen (15) acres, net area, or greater – five (5) acres.
5. Single-family detached dwelling under conventional development on tract of less than fifteen (15) acres, net area – three (3) acres.
6. Single-family detached dwelling under Open Space Design Option in conformance with Article XVIII – as required in Article XVIII.
7. Single-family detached dwelling under lot averaging in conformance with Article XVIII – as required in Article XVIII.
8. Club or lodge – ten (10) acres.

B. Minimum lot width at the building line:

1. Minimum lot area of less than three (3) acres – One-hundred fifty (150) feet;
2. Minimum lot area of three (3) acres or greater – Two-hundred fifty (250) feet.

C. Maximum lot coverage:

1. Minimum lot area of less than three (3) acres – Fifteen percent (15%);
2. Minimum lot area of three (3) acres or greater – Twelve percent (12%).

D. Minimum front yard:

1. Minimum lot area of less than three (3) acres – Sixty (60) feet;

2. Minimum lot area of three (3) acres or greater or where the lot fronts on an arterial or collector road – Seventy-five (75) feet;
 3. Flag lots and corner lots shall comply with Section 162-1902.
- E. Minimum side yard:
1. Minimum lot area of less than three (3) acres – Sixty (60) feet, aggregate of two (2) side yards; twenty-five (25) feet, minimum individual side yard;
 2. Minimum lot area of three (3) acres or greater – Fifty (50) feet each.
- F. Minimum rear yard. Fifty (50) feet, unless the lot is a reverse frontage lot, in which event the requirements of Section 162-1902 shall apply.
- G. Maximum building height. Three (3) stories or thirty-five (35) feet whichever is less, except those buildings or structures exempted in Section 1902.

SECTION 162-404. ADDITIONAL STANDARDS.

For additional standards applicable to permitted uses in this district, refer to:

- A. Article XV – Natural Resources Protection Standards including the Groundwater Protection Overlay
- B. Article XVI – Flood Hazard Overlay District.
- C. Article XIX – General Regulations including Lighting, Screening and Buffering, Access, and Parking.
- D. Article XX – Supplemental Use Regulations.
- E. Article XXI – Signs.
- F. Article XXII - Nonconforming uses, Buildings and Structures, Lots, and Signs.
- G. Article XVII – Historic Resources Overlay District.
- H. Article XII-a – Route 1 Corridor and Brandywine Battlefield Overlay District.

ARTICLE V

Residential District (R-2)

SECTION 162-501. PURPOSE.

The purpose of this district to encourage and promote continued agricultural, open space and conservation uses, 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 XVIII, Open Space Design Option and Lot Averaging, to enable landowners within the R-2 Zone to elect to develop in a manner other than conventional lot by lot which will provide a greater variety in design and layout of dwellings, and conservation of open space ancillary to such development, all in concert with the Pennsbury Township Comprehensive Plan of 2006, as amended.

SECTION 162-502. USE REGULATIONS.

A building may be erected or used, and a lot or premises may be used, for only one (1) of the following principal uses and no other:

A. Uses by right.

1. Single-family detached dwelling on a lot of record.
2. Single-family detached dwelling under conventional development on a tract of ten (10) acres, net area, or greater.
3. Woodlands, wildlife sanctuary, game preserves or other conservation purposes.
4. Agricultural/farming uses, non-intensive in conformance with Section 162-2006.
5. Municipal uses including park and related accessory uses.
6. Forestry/Timber harvesting in conformance with Article XV.

B. Uses by special exception when authorized as a special exception by the Zoning Hearing Board, subject to the standards of Article XXIV of this Chapter

1. Place of worship, including a rectory or parish house or other use accessory to the place of worship activity conducted on the lot in conformance with Section 162-2019.
2. Educational use in conformance with Section 162-2019.
3. Public utility facility.

C. Uses by conditional use when authorized as a conditional use by the Board of Supervisors, subject to the conditions of Article XXIII of this Chapter,

1. Single-family detached dwelling under conventional development on a tract of less than ten (10) acres, net area.

2. Single-family detached dwelling under lot averaging on a tract of less than ten (10) acres, net area, in conformance with Section 162-1809.
 3. Single-family detached dwelling under the Open Space Design Option on a tract of ten (10) acres, net area, or greater, in conformance with Article XVIII.
 4. Single-family attached, two-family, multifamily, and accessory residential dwellings only through adaptive re-use of historic resources, as defined in this Chapter where part of a development under the Open Space Design Option in Article XVIII and in conformance with Section 162-1808
 5. Agricultural/farming uses, Intensive with a conservation plan in conformance with Section 162-2006.
 6. Retirement community in conformance with Section 162-2033.
- D. Accessory uses. In addition to one principal use, accessory uses listed below shall be permitted by-right unless otherwise indicated as a special exception or conditional use in this Chapter and shall be in conformance with Section 162-2002 unless otherwise noted:
1. Agricultural accessory uses, however in this district accessory uses to an intensive agricultural use may also include veterinary clinic but shall not include kennels.
 2. Residential accessory uses, with the exception of Sections 162-2002.c.9 and c.15.
 3. Minor home occupations in conformance with the applicable standards of Section 162-2024.
 4. Major home occupations by special exception in conformance with the criteria of Article XXIV and in conformance with the applicable standards of Section 162-2024.
 5. Institutional accessory uses, including a cemetery in conjunction with a place of worship, by special exception in conformance with the criteria of Article XXIV and with Section 162-2011.
 6. Accessory apartments by special exception in conformance with the criteria of Article XXIV and the applicable standards of Section 162-2002.
 7. Accessory existing detached dwellings by conditional use in conformance with the criteria of Article XXIII and the applicable standards of Section 162-2002.

SECTION 162-503. AREA AND BULK REGULATIONS.

Unless otherwise specified in this Chapter, uses permitted in this district shall meet the following regulations:

- A. Minimum lot area.
1. Agricultural Use, Non-intensive – three (3) acres.
 2. Agricultural Use, Intensive – twenty (20) acres.

3. Single-family detached dwelling on an existing lot of record not subject to subdivision – two (2) acres.
 4. Single-family detached dwelling under conventional development on a tract of ten (10) acres, net area, or greater – three (3) acres.
 5. Single-family detached dwelling under conventional development on a tract of less than ten (10) acres, net area – two (2) acres.
 6. Single-family detached dwelling under Open Space Design Option in conformance with Article XVIII) – as required in Article XVIII
 7. Single-family detached dwelling under lot averaging in conformance with Article XVIII – as required in Article XVIII
- B. Minimum lot width at the building line:
1. Minimum lot area of less than two (2) acres – One-hundred fifty (150) feet;
 2. Minimum lot area of two (2) acres or greater – Two-hundred (200) feet.
- C. Maximum lot coverage:
1. Minimum lot area of less than two (2) acres – Fifteen percent (15%);
 2. Minimum lot area of two (2) acres or greater – Twelve percent (12%).
- D. Minimum front yard. Sixty (60) feet, where the lot fronts on a local street, or seventy-five (75) feet where the lot fronts on an arterial or collector road, or in the case of a flag lot or corner lots the provisions of Section 162-1902 shall apply.
- E. Minimum side yard:
1. Minimum lot area of less than two (2) acres – Sixty (60) feet, aggregate of two (2) side yards; twenty-five (25) feet, minimum individual side yard;
 2. Minimum lot area of two (2) acres or greater – Fifty (50) feet each.
- F. Minimum rear yard. Fifty (50) feet, unless the lot is a reverse frontage lot, in which event the requirements of Section 162-1902 shall apply.
- G. Maximum building height. Three (3) stories or thirty-five (35) feet whichever is less, except those buildings or structures exempted in Section 162-1902.

SECTION 162-504. ADDITIONAL STANDARDS.

For additional standards applicable to permitted uses in this district, refer to:

- A. Article XV – Natural Resources Protection Standards including the Groundwater Protection Overlay
- B. Article XVI – Flood Hazard Overlay District.

- C. Article XIX – General Regulations including Lighting, Screening and Buffering, Access, and Parking.
- D. Article XX – Supplemental Use Regulations.
- E. Article XXI – Signs.
- F. Article XXII - Nonconforming uses, Buildings and Structures, Lots, and Signs.
- G. Article XVII – Historic Resources Overlay District.
- H. Article XII-a – Route 1 Corridor and Brandywine Battlefield Overlay District.

ARTICLE VI Residential District (R-3)

SECTION 162-601. PURPOSE.

The purpose of this district is to provide for medium-density residential development 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 XVIII, Open Space Design Option and Lot Averaging, to enable landowners within the R-3 District to elect to develop in a manner other than conventional lot by lot which will provide a greater variety in design and layout of dwellings and conservation of open space ancillary to such developments, all in concert with the Pennsbury Township Comprehensive Plan of 2006, as amended.

SECTION 162-602. USE REGULATIONS.

A building may be erected or used, and a lot or premises may be used, for only one (1) of the following principal use and no other:

A. Uses by right.

1. Single-family detached dwelling under conventional development.
2. Woodlands, wildlife sanctuary, game preserves or other conservation purposes.
3. Agricultural/farming uses, non-intensive in conformance with Section 162-2006, but with no livestock.
4. Municipal uses including park and related accessory uses.
5. Forestry/Timber harvesting in conformance with Article XV.

B. Uses by special exception when authorized as a special exception by the Zoning Hearing Board, subject to the standards of Article XXIV of this Chapter.

1. Place of worship, including a rectory or parish house or other use accessory to the place of worship activity conducted on the lot in conformance with Section 162-2019.
2. Educational use in conformance with Section 162-2019.
3. Public utility facility.

C. Uses by conditional use when authorized as a conditional use by the Board of Supervisors, subject to the conditions of Article XXIII of this Chapter

1. Single-family detached dwellings under lot averaging on a tract of less than ten (10) acres, net area, in conformance with Section 162-1809

2. Single-family detached dwellings under the Open Space Design Option on a tract of ten (10) acres, net area, or greater, in conformance with Article XVIII.
 3. Single-family attached, two-family, multifamily, and accessory residential dwellings only through adaptive re-use of historic resources, as defined in this Chapter where part of a development under the Open Space Design Option in Article XVIII in conformance with Section 162-1808
 4. Retirement community in conformance with Section 162-2033.
- D. Accessory uses. In addition to one principal use accessory uses listed below shall be permitted by-right unless otherwise indicated as a special exception or conditional use in this Chapter and shall be in conformance with Section 162-2002 unless otherwise noted:
1. Agricultural/farming accessory uses.
 2. Residential accessory uses, with the exception of Sections 162-2002.c.9 and c.15.
 3. Minor home occupations in conformance with the applicable standards of Section 162-2024.
 4. Major home occupations by special exception in conformance with the criteria of Article XXIV and in conformance with the applicable standards of Section 162-2024.
 5. Institutional accessory uses, including a cemetery in conjunction with a place of worship, by special exception in conformance with the criteria of Article XXIV and with Section 162-2011.
 6. Accessory apartments by special exception in conformance with the criteria of Article XXIV and the applicable standards of Section 162-2002.
 7. Accessory existing detached dwellings by conditional use in conformance with the criteria of Article XXIII and the applicable standards of Section 162-2002.

SECTION 162-603. AREA AND BULK REGULATIONS.

Unless otherwise specified in this Chapter (e.g., Open Space Design Option or Lot Averaging Under Article XVIII), uses permitted in this district shall meet the following regulations:

- A. Minimum lot area. One (1) acre.
- B. Minimum lot width at the building line. One-hundred fifty (150) feet.
- C. Maximum lot coverage. Fifteen percent (15%).
- D. Minimum front yard. Fifty (50) feet, where the lot fronts on a local street, or seventy-five (75) feet where the lot fronts on an arterial or collector road, or in the case of a flag lot or corner lot, the provisions of Section 162-1902 shall apply.
- E. Minimum side yard. Fifty (50) feet, aggregate of two (2) side yards; twenty (20) feet, minimum individual side yard.

- F. Minimum rear yard. Forty (40) feet, unless the lot is a reverse frontage lot, in which event the requirements of Section 162-1902 shall apply.
- G. Maximum building height. Three (3) stories or thirty-five (35) feet whichever is less, except those buildings or structures exempted in Section 162-1902.

SECTION 162-604. ADDITIONAL STANDARDS.

For additional standards applicable to permitted uses in this district, refer to:

- A. Article XV – Natural Resources Protection Standards including the Groundwater Protection Overlay
- B. Article XVI – Flood Hazard Overlay District.
- C. Article XIX – General Regulations including Lighting, Screening and Buffering, Access, and Parking.
- D. Article XX – Supplemental Use Regulations.
- E. Article XXI – Signs.
- F. Article XXII - Nonconforming uses, Buildings and Structures, Lots, and Signs.
- G. Article XVII – Historic Resources Overlay District.
- H. Article XII-a – Route 1 Corridor and Brandywine Battlefield Overlay District.

ARTICLE VII Residential District (R-4)

SECTION 162-701. PURPOSE.

The purpose of this district is to provide for medium to high density residential development which is compatible with existing residential development and easily accessible to major transportation routes and commercial uses. This district allows a range of dwelling types to meet a variety of housing needs, in concert with the Pennsbury Township Comprehensive Plan of 2006, as amended.

SECTION 162-702. USE REGULATIONS.

A building may be erected or used, and a lot or premises may be used, for only one (1) of the following principal uses and no other:

A. Uses by right.

1. Single-family detached dwelling under conventional development.
2. Woodlands, wildlife sanctuary, preserves or other conservation purposes.
3. Agricultural/farming uses, non-intensive in conformance with Section 162-2006, but with no livestock.
4. Municipal uses including park and related accessory uses.
5. Forestry/Timber harvesting in conformance with Article XV.

B. Uses by special exception when authorized as a special exception by the Zoning Hearing Board, subject to the standards of Article XXIV of this Chapter

1. Place of worship, including a rectory or parish house or other use accessory to the place of worship activity conducted on the lot in conformance with Section 162-2019.
2. Educational use in conformance with Section 162-2019.
3. Public utility facility.

C. Uses by conditional use when granted as a conditional use by the Board of Supervisors, subject to the conditions of Article XXIII of this Chapter

1. Two-family dwellings, provided the development is served by public or community sewage and water systems.
2. Multi-family dwellings, provided the development is served by public or community sewage and water systems.
3. Retirement community in conformance with Section 162-2033.

D. Accessory uses. In addition to one principal use accessory uses listed below shall be permitted by-right unless otherwise indicated as a special exception or conditional use in this Chapter and shall be in accordance with Section 162-2002 unless otherwise noted:

1. Agricultural/farming accessory uses.
2. Residential accessory uses, with the exception of Sections 162-2002.c.9 and c.15.
3. Minor home occupations in conformance with the applicable standards of Section 162-2024.
4. Major home occupations by special exception in conformance with the criteria of Article XXIV and in conformance with the applicable standards of Section 162-2024.
5. Institutional accessory uses, including a cemetery in conjunction with a place of worship, by special exception in conformance with the criteria of Article XXIV and with Section 162-2011.

SECTION 162-703. AREA AND BULK REGULATIONS.

Unless otherwise specified in this Chapter, uses permitted in this district shall meet requirements as noted in Figure 7-1:

Figure 7-1: Area and Bulk Regulations				
	<i>Single- family detached dwelling and Nonresidential uses</i>	<i>Two- family dwelling - Twin or Duplex</i>	<i>Multi-family Townhouse or Triplex</i>	<i>Other multi-family- Fourplex and Apartments</i>
Maximum Gross Density (du/gross acre)/ net density (du/net acre)	--	--	3 du/gross acre/ 6 du/net acre	3 du/gross acre/ 8 du/net acre, except 6 du/net acre for fourplex
Minimum Tract size	--	--	15 acre tract	15 acre tract
Minimum Lot Area - on-lot sewer/water	1 acre	--	--	--
Minimum Lot Area - public sewer/water*	20,000 sq.ft.	15,000 sq.ft./du	--	--
Maximum number of du/bldg	1 du	2 du	6 du townhouses/ 3 du triplex	8 du apartments/ 4 du fourplex
Minimum Lot Width at Building Line – on-lot sewer/water	125 ft	--	--	100 ft
Minimum Lot Width at Building Line – public sewer/water	100 ft	60 ft/du 120 ft/bldg	300 ft tract width	300 ft tract width
Minimum Lot Width at Street Line	50 ft	50 ft/du 100 ft/bldg	100 ft tract width	100 ft tract width
Minimum (Lot) width per dwelling unit	--	--	20 ft	--
Maximum Building Coverage	15%	15%	--	--
Maximum Lot Coverage	20%	20%	25%	25%
Minimum Front Yard**** – front on local road	40 ft	40 ft	30 ft	30 ft
Minimum Front Yard**** – front on arterial or collector road	60 ft	60 ft	50 ft	50 ft
Minimum Front Yard – front on parking area/lot	--	--	50 ft	50 ft
Minimum Side Yard – minimum each/ minimum aggregate	20 ft/ 50 ft	20 ft/ 50 ft	100 ft each for end units	100 ft each for end units
Minimum Rear Yard**	40 ft	40 ft	100 ft	100 ft
Minimum Side and Rear Yard for parking areas/lots	--	--	25 ft	25 ft
Maximum Building Height, except those buildings or structures exempted in Section 1902	35 ft	35 ft	35 ft	35 ft
Minimum Open Space (% of gross tract)***	--	--	40%	40%
Minimum buffer between a multi-family bldg and any other residential structure	--	--	50 ft	100 ft
* “public” includes both public and community sewer and water systems ** see Section 162-1902 for reverse frontage lots *** Configuration, ownership, and management of common open space shall be in accordance with Article XVIII du = dwelling unit **** In the case of a flag lot or corner lot, Section 162-1902 shall apply				

SECTION 162-704. ADDITIONAL STANDARDS.

For additional standards applicable to permitted uses in this district, refer to:

- A. Article XV – Natural Resources Protection Standards including the Groundwater Protection Overlay
- B. Article XVI – Flood Hazard Overlay District.
- C. Article XIX – General Regulations including Lighting, Screening and Buffering, Access, and Parking.
- D. Article XX – Supplemental Use Regulations.
- E. Article XXI – Signs.
- F. Article XXII - Nonconforming uses, Buildings and Structures, Lots, and Signs.
- G. Article XVII – Historic Resources Overlay District.
- H. Article XII-a – Route 1 Corridor and Brandywine Battlefield Overlay District.

ARTICLE VIII

Residential District (R-5)

SECTION 162-801. PURPOSE.

The purpose of this district is to provide for high density residential development which is compatible with existing residential development and easily accessible to major transportation routes and commercial uses, in concert with the Pennsbury Township Comprehensive Plan of 2006, as amended. This district allows a range of dwelling types to meet a variety of housing needs.

SECTION 162-802. USE REGULATIONS.

A building may be erected or used, and a lot or premises may be used, for only one (1) of the following principal uses and no other:

- A. Uses by right.
 - 1. Single-family detached dwelling under conventional development.
 - 2. Woodlands, wildlife sanctuary game preserves or other conservation purposes.
 - 3. Agricultural/farming uses, non-intensive in conformance with Section 162-2006, but with no livestock.
 - 4. Municipal uses including park and related accessory uses.
 - 5. Forestry/Timber harvesting in conformance with Article XV.
- B. Uses by special exception when authorized as a special exception by the Zoning Hearing Board, subject to the standards of Article XXIV of this Chapter
 - 1. Place of worship, including a rectory or parish house or other use accessory to the place of worship activity conducted on the lot in conformance with Section 162-2019.
 - 2. Educational use in conformance with Section 162-2019.
 - 3. Public utility facility.
- C. Uses by conditional use when authorized as a conditional use by the Board of Supervisors, subject to the conditions of Article XXIII of this Chapter
 - 1. Two-family dwellings, provided the development is served by public or community sewage and water systems.
 - 2. Multi-family dwellings, provided the development is served by public or community sewage and water systems.
 - 3. Retirement community, nursing home, and/or assisted living facility, in conformance with Section 162-2033.

- D. Accessory uses. In addition to one principal use accessory uses listed below shall be permitted by-right unless otherwise indicated as a special exception or conditional use in this Chapter and shall be in conformance with Section 162-2002 unless otherwise noted:
1. Agricultural/farming accessory uses.
 2. Residential accessory uses, with the exception of Sections 162-2002.c.9 and c.15.
 3. Minor home occupations in conformance with the applicable standards of Section 162-2024.
 4. Major home occupations by special exception in conformance with the criteria of Article XXIV and in conformance with the applicable standards of Section 162-2024.
 5. Institutional accessory uses, including a cemetery in conjunction with a place of worship, by special exception in conformance with the criteria of Article XXIV and with Section 162-2011.

SECTION 162-803. AREA AND BULK REGULATIONS.

Unless otherwise specified in this Chapter, uses permitted in this district shall meet the requirements as noted in Figure 8-1:

Figure 8-1: Area and Bulk Regulations				
	<i>Single- family detached dwelling and Nonresidential uses</i>	<i>Two-family dwelling- Twin or Duplex</i>	<i>Multi-family Townhouse or Triplex</i>	<i>Other multi-family- Fourplex and Apartments</i>
Maximum Gross Density (du/gross acre)/ net density (du/net acre)	--	--	4 du/gross acre/ 6 du/et acre	4 du/gross acre/ 8 du/net acre, except 6 du/net acre for fourplex
Minimum Tract size	--	--	15 acre tract	15 acre tract
Minimum Lot Area - on-lot sewer/water	1 acre	--	--	--
Minimum Lot Area - public sewer/water*	17,500 sq.ft.	12,000 sq.ft./du	--	--
Maximum number of dwelling units/ building	1 du	2 du	6 du townhouses/ 3 du triplex	8 du apartments/ 4 du fourplex
Minimum Lot Width at Building Line – on-lot sewer/water	125 ft	--	--	100 ft
Minimum Lot Width at Building Line – public sewer/water	75 ft	50 ft/du 100 ft/bldg	300 ft tract width	300 ft tract width
Minimum Lot Width at Street Line	50 ft	50 ft/du 100 ft/bldg	100 ft tract width	100 ft tract width
Minimum (Lot) width per dwelling unit	--	--	20 ft	--
Maximum Building Coverage	20%	20%	--	--
Maximum Lot Coverage	25%	25%	25%	25%
Minimum Front Yard**** – front on local road	30 ft	30 ft	30 ft	30 ft
Minimum Front Yard**** – front on arterial or collector road	50 ft	50 ft	50 ft	50 ft
Minimum Front Yard – front on parking area/lot	--	--	30 ft	30 ft
Minimum Side Yard – minimum each/ minimum aggregate	15 ft/ 35 ft	15 ft/ 35 ft	100 ft each for end units	100 ft each for end units
Minimum Rear Yard**	30 ft	30 ft	100 ft	100 ft
Minimum Side and Rear Yard for parking areas/lots	--	--	25 ft	25 ft
Maximum Building Height, except those buildings or structures exempted in Section 1902.	35 ft	35 ft	35 ft	35 ft
Minimum Open Space (% of gross tract)***	--	--	40%	40%
Minimum buffer between a multi-family bldg and any other residential structure	--	--	50 ft	100 ft
* “public” includes both public and community sewer and water systems ** see Section 162-1902 for reverse frontage lots *** Configuration, ownership, and management of common open space shall be in conformance with Article XVIII du = dwelling unit **** In the case of a flag lot or corner lot, Section 162-1902 shall apply				

SECTION 162-804. ADDITIONAL STANDARDS.

For additional standards applicable to permitted uses in this district, refer to:

- A. Article XV – Natural Resources Protection Standards including the Groundwater Protection Overlay
- B. Article XVI – Flood Hazard Overlay District.
- C. Article XIX – General Regulations including Lighting, Screening and Buffering, Access, and Parking.
- D. Article XX – Supplemental Use Regulations.
- E. Article XXI – Signs.
- F. Article XXII - Nonconforming uses, Buildings and Structures, Lots, and Signs.
- G. Article XVII – Historic Resources Overlay District.

ARTICLE IX

Mobile Home Park District (MHP)

SECTION 162-901. PURPOSE.

The purpose of the Mobile Home Park District is 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 in concert with the Pennsbury Township Comprehensive Plan of 2006, as amended.

SECTION 162-902. USE REGULATIONS.

A building may be erected or used, and a lot or premises may be used, for one of the following principal uses and for no other:

A. Uses by right.

1. Mobile home park in conformance with this Article and Section 162-2031, provided it is served by public or community sewage and water systems.
2. Individual Mobile Home.
3. Single-family detached dwelling under conventional development, in conformance with Article VIII.
4. Agricultural/farming uses, non-intensive, in conformance with Article VIII. .
5. Forestry/Timber harvesting in conformance with Article XV.
6. Municipal uses including park and related accessory uses.

B. Uses by special exception when authorized as a special exception by the Zoning Hearing Board, subject to the standards of Article XXIV of this Chapter

1. Public utility facility.
2. Outdoor active recreation use, such as a campground; but not including an amusement park, mini golf course, amphitheater, shooting range or similar uses, in conformance with Section 162-2034.

C. Accessory uses. In addition to one principal use, accessory uses shall be permitted by right unless otherwise indicated as a special exception or conditional use in this Chapter and shall be in accordance with Section 162-2002 unless otherwise noted:

1. Accessory uses associated with mobile home park office or service buildings.
2. Agricultural/farming accessory uses.
3. Residential accessory uses, with the exception of Section 162-2002.c.9 and c.15.

4. Minor home occupations in conformance with the applicable standards of Section 162-2024.

SECTION 162-903. AREA AND BULK REGULATIONS.

- A. Tract size. A mobile home park shall have a tract area of not less than eight (8) contiguous gross acres. Additions to any existing mobile home park shall contain an area of not less than five (5) gross contiguous acres.
- B. Gross density. The gross density shall be no more than five (5) mobile homes per acre.
- C. Minimum 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 twenty-five (25) feet of the exterior walls of an adjacent mobile home. No mobile home, office or service building shall be closer than twenty-five (25) feet to the cartway of any street, and no closer than fifty (50) feet to 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 fifteen (15) feet from any principal structure on an adjacent mobile home lot.
- E. Maximum height. No mobile home or accessory structure shall exceed fifteen (15) feet in height, while no mobile home park office or service building shall exceed twenty-five (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 seven-hundred (700) square feet.

SECTION 162-904. DESIGN STANDARDS.

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

SECTION 162-905. ADDITIONAL STANDARDS.

For additional standards applicable to permitted uses in this district, refer to:

- A. Article XV – Natural Resources Protection Standards including the Groundwater Protection Overlay
- B. Article XVI – Flood Hazard Overlay District.
- C. Article XIX – General Regulations including Lighting, Screening and Buffering, Access, and Parking.
- D. Article XX – Supplemental Use Regulations.
- E. Article XXI – Signs.
- F. Article XXII - Nonconforming uses, Buildings and Structures, Lots, and Signs.
- G. Article XVII – Historic Resources Overlay District.

H. Article XII-a-Route 1 Corridor and Brandywine Battlefield Overlay District

ARTICLE X

Village Residential District (VR)

SECTION 162-1001. PURPOSE.

The purpose of the Village Residential District is to allow for residential uses compatible with the historic character of Fairville village, in concert with the Pennsbury Township Comprehensive Plan of 2006, as amended. Permitted uses are intended to be consistent with a traditional village development pattern in terms of type, scale, density, and setbacks.

SECTION 162-1002. USE REGULATIONS.

A building may be erected or used, and a lot or premises may be used, for only one (1) of the following principal uses and no other:

- A. Uses by right.
 - 1. Single-family detached dwelling under conventional development.
 - 2. Forestry/Timber harvesting in conformance with Article XV.
 - 3. Municipal uses including park and related accessory uses.
- B. Uses by special exception when authorized as a special exception by the Zoning Hearing Board, subject to the standards of Article XXIV of this Chapter
 - 1. Place of worship, including a rectory or parish house or other use accessory to the place of worship activity conducted on the lot in conformance with Section 162-2019.
 - 2. Public utility facility.
- C. Uses by conditional use when authorized as a conditional use by the Board of Supervisors, subject to the conditions of Article XXIII of this Chapter:
 - 1. Two-family dwelling in accordance with the requirements of this District, provided it is served by public or community sewage and water systems.
- D. Accessory uses. In addition to one principal use accessory uses listed below shall be permitted by-right unless otherwise indicated as a special exception or conditional use in this Chapter and shall be in conformance with Section 162-2002 unless otherwise noted:
 - 1. Residential accessory uses, with the exception of Sections 162-2002.c.9 and c.15.
 - 2. Minor home occupations in conformance with the applicable standards of Section 162-2024.
 - 3. Major home occupations by special exception in conformance with the criteria of Article XXIV and in conformance with the applicable standards of Section 162-2024.

4. Accessory apartments by special exception in conformance with the criteria of Article XXIV and the applicable standards of Section 162-2002.
5. Accessory existing detached dwellings by conditional use in conformance with the criteria of Article XXIII and the applicable standards of Section 162-2002.
6. Institutional accessory uses, including a cemetery in conjunction with a place of worship, shall be permitted by special exception in conformance with the criteria of Article XXIV and with Section 162-2011.

SECTION 162-1003. AREA AND BULK REGULATIONS.

Unless otherwise specified in this Chapter, uses permitted in this district shall meet the requirements as noted in Figure 10-1:

Figure 10-1: Area and Bulk Regulations		
	<i>Single- family detached or nonresidential</i>	<i>Two- family dwelling</i>
Maximum Gross Density (du/gross acre)/ net density (du/net acre)	--	--
Minimum Tract size	--	--
Minimum Lot Area - on-lot sewer/water	1 acre	--
Minimum Lot Area - public sewer/water*	17,500 sq.ft.	12,000 sq.ft./du
Maximum number of dwelling units/ building	1 du	2 du
Minimum Lot Width at Building Line – on-lot sewer/water	125 feet	--
Minimum Lot Width at Building Line – public sewer/water	75 feet	50 feet/du 100 feet/bldg
Minimum Lot Width at Street Line	50 feet	50 feet/du 100 feet/bldg
Minimum (Lot) width per dwelling unit	--	--
Maximum Building Coverage	20%	20%
Maximum Lot Coverage	25%	25%
Minimum Front Yard**** – front on local road	30 feet	30 feet
Minimum Front Yard**** – front on arterial or collector road	50 feet	50 feet
Minimum Side Yard – minimum each/ minimum aggregate	15 feet/ 35 feet	15 feet/ 35 feet
Minimum Side Yard –principal building other than a dwelling	25 feet	
Minimum Rear Yard**	30 feet	30 feet
Maximum Building Height, except those buildings or structures exempted in Section 1902	35 feet	35 feet
Minimum buffer between a multi-family bldg and any other residential structure	--	--
* “public” includes both public and community sewer and water systems ** see Section 162-1902 for reverse frontage lots *** Configuration, ownership, and management of common open space shall be in conformance with Article XVIII du = dwelling unit **** In the case of a flag lot or corner lot, Section 162-1902 shall apply. Also see Section 162-1004.		

SECTION 162-1004. ADDITIONAL STANDARDS.

New development proposed within the VR District, as well as the rehabilitation, alteration, or modification of existing structures or uses, shall comply with the following design standards:

- A. New development proposed within the VR District shall be designed to complement the historic character of the village in regard to building placement, style, bulk, construction materials, and site design. A formal architectural plan shall be submitted to the Township and subject to its approval.
- B. The use of a traditional grid street pattern or one that is similar in nature to the existing village development pattern is the preferred design of new roads in the VR District. The use of curvilinear streets and cul-de-sacs is strongly discouraged.
- C. A pedestrian orientation shall be maintained in the village and sidewalks or walking paths provided.
- D. Parking:
 - 1. Off-street parking for non-residential uses shall be located to the side or rear of buildings.
 - 2. Garages and off-street parking for residential uses shall be located to the rear of the main dwelling with access taken from a private driveway or alley. Where site constraints prohibit parking to the rear of the main dwelling, front facing garages shall be set back a minimum of eight (8) feet from the front façade of the dwelling unit. If the front façade is not uniform, the eight (8) foot setback shall be measured from the point of the façade nearest the street.
 - 3. Other parking regulations in Article XIX shall be applicable to uses in this district.
- E. The removal of mature trees and site vegetation shall be minimized in conformance with Article XV. . A tree plan shall be submitted as part of an overall landscape plan, subject to Township approval.
- F. Outdoor storage of materials, equipment or similar items shall be permitted only in the rear yard and must be adequately screened when adjacent to residential uses or districts in compliance with Section 162-1909.
- G. Mechanical systems, trash receptacles, and dumpsters shall be located in rear or side yards and shall be screened from view in conformance with Section 1908.
- H. Front Yard Requirement Exceptions:
 - 1. Where an unimproved lot of record is situated between two (2) improved lots, the front yard requirements for the district may be modified so that the front yard may be an average of the adjacent existing front yards.

2. Where an unimproved lot of record is adjacent to one (1) improved lot which was developed prior to the enactment of this Chapter, the front yard requirements of the unimproved lot may be reduced to the average of the existing improved lot setback and the required front yard setback as set forth in this Chapter.
- I. For additional standards applicable to permitted uses in this district, refer to:
1. Article XV – Natural Resources Protection Standards including the Groundwater Protection Overlay
 2. Article XVI – Flood Hazard Overlay District.
 3. Article XIX – General Regulations including Lighting, Screening and Buffering, Access, and Parking.
 4. Article XX – Supplemental Use Regulations.
 5. Article XXI – Signs.
 6. Article XXII - Nonconforming uses, Buildings and Structures, Lots, and Signs.
 7. Article XVII – Historic Resources Overlay District.

ARTICLE XI

Village Commercial District (VC)

SECTION 162-1101. PURPOSE.

The purpose of this district is to provide sufficient opportunity in village centers for commercial and service establishments compatible with a village setting; to prevent intrusive or incompatible 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, all in concert with the Pennsbury Township Comprehensive Plan Of 2006, as amended..

SECTION 162-1102. USE REGULATIONS.

A building may be erected or used, and a lot or premises may be used, for only one (1) of the following principal uses and no other:

A. Uses by right.

1. Single-family detached dwelling under conventional development.
2. Professional offices.
3. Retail stores, art, craft, and antique shops with a floor area of one-thousand five hundred (1,500) square feet or less for any one (1) store.
4. Barbershop, hairdresser and other such personal service shops with a floor area of one-thousand five hundred (1,500) square feet or less for any one (1) store.
5. Museum, library or other educational or cultural use of a similar nature.
6. Municipal use or community center, including park and related accessory uses.
7. Cottage and craftsman industries such as tinsmith, cabinetmaker, potter and similar trades or crafts with a floor area of two-thousand (2,000) square feet or less for any one (1) industry.
8. Catering establishment.
9. Forestry/Timber harvesting in conformance with Article XV.

B. Uses by special exception when authorized as a special exception by the Zoning Hearing Board, subject to the standards of Article XXIV of this Chapter

1. Public utility facility.

- C. Uses by conditional use when authorized as a conditional use by the Board of Supervisors, subject to the conditions of Article XXIII of this Chapter
1. Two-family dwelling per the terms of this district, provided it is served by public or community sewage and water systems.
 2. Retail store with a floor area greater than one-thousand five hundred (1,500) square feet up to a maximum of two-thousand (2,000) square feet for any one (1) store or a group of two (2) or more retail stores on the same lot of no more than two-thousand (2,000) square feet floor area combined.
 3. Child/Adult day care center in conformance with Section 162-2012.
 4. Eating or drinking establishment without drive through service in conformance with Section 162-2018.
 5. A mix of commercial and residential uses of exceptional merit if it furthers the goals of the Comprehensive Plan and subject to specific actions by the applicant as prescribed by the Board. The Board of Supervisors may authorize a waiver or modification to the requirements contained in this Chapter. The decision of the Board of Supervisors is final.
 - 6.
- D. Accessory uses. In addition to one principal use accessory uses listed below shall be permitted by-right unless otherwise indicated as a special exception or conditional use in this Chapter and shall be in conformance with Section 162-2002 unless otherwise noted:
1. Residential accessory uses, with the exception of Sections 162-2002.c.9 and c.15.
 2. Minor home occupations in conformance with the applicable standards of Section 162-2024.
 3. Major home occupations by special exception in conformance with the criteria of Article XXIV and in conformance with the applicable standards of Section 162-2024.
 4. Commercial and Institutional accessory uses.
 5. Outdoor café by conditional use in conformance with Section 162-2018, as an accessory use to an eating or drinking establishment only.

SECTION 162-1103. AREA AND BULK REGULATIONS.

- A. Single-family detached dwellings shall conform to the area and bulk regulations set forth in Section 162-1003.
- B. Two-family dwellings shall conform to the area and bulk regulations set forth in Section 162-1003.

C. Commercial and Institutional uses shall comply with the following area and bulk regulations:

1. Minimum lot area. Ten-thousand (10,000) square feet with public sewer and water; One (1) acre with on-lot sewer and/or on-lot water.
2. Minimum lot width at the building line and at the street line: Sixty (60) feet.
3. Maximum floor area ratio. Forty percent (40%), or three-thousand (3,000) square feet, whichever is less, other than for retail uses, the maximum square footage of which is regulated by Section 162-1102.A.3 and Section 162-1102.C.2.
4. Minimum front yard. Fifty (50) feet from front building line to the street line, within which no structure or parking shall be situated. In the case of a flag lot or corner lot, Section 162-1902 shall apply. Outdoor display of goods shall be permitted within the front yard during normal business hours where retail use is authorized by this Chapter. Also see Subsection D, below.
5. Minimum side yard. Ten (10) feet each within which no structure or outdoor displays shall be situated.
6. Minimum rear yard. Twenty (20) feet within which no structures or outdoor displays shall be situated, unless the lot is a reverse frontage lot, in which event the requirements of Section 162-1902 shall apply.
7. Maximum building height. Three (3) stories or thirty-five (35) feet whichever is less, except those buildings or structures exempted in Section 162-1902.
8. Maximum lot coverage. Sixty-five percent (65%) of the lot area.

D. Front Yard Requirement Exceptions.

1. Where an unimproved lot of record is situated between two (2) improved lots, the front yard requirements for the district may be modified so that the front yard may be an average of the adjacent existing front yards.
2. Where an unimproved lot of record is adjacent to one (1) improved lot which was developed prior to the enactment of this Chapter, the front yard requirements of the unimproved lot may be reduced to the average of the existing improved lot setback and the required front yard setback as set forth in this Chapter.

SECTION 162-1104. ADDITIONAL STANDARDS.

New development proposed within the VC District, as well as the rehabilitation, alteration, or modification of existing structures or uses, shall comply with the following design standards:

- A. New development proposed within the VC District shall be designed to complement the historic character of the village in regard to building placement, style, bulk, construction materials, and site design. A formal architectural plan shall be submitted to the Township and subject to its approval.

- B. The use of a traditional grid street pattern or one that is similar in nature to the existing village development pattern is the preferred design of new roads in the VC District. The use of curvilinear streets and cul-de-sacs is strongly discouraged. Access shall be via an arterial road only.
- C. A pedestrian orientation shall be maintained in the village and sidewalks or walking paths provided.
- D. Parking:
 - 1. Off-street parking for non-residential uses shall be located to the side or rear of buildings.
 - 2. Garages and off-street parking for residential uses shall be located to the rear of the main dwelling with access taken from a private driveway or alley. Where site constraints prohibit parking to the rear of the main dwelling, front facing garages shall be set back a minimum of eight (8) feet from the front façade of the dwelling unit. If the front façade is not uniform, the eight (8) foot setback shall be measured from the point of the façade nearest the street.
 - 3. Other parking regulations in Article XIX shall be applicable to uses in this district.
- E. The removal of mature trees and site vegetation shall be minimized in conformance with Article XV. A tree plan shall be submitted as part of an overall landscape plan, subject to Township approval.
- F. Every effort should be made to locate new structures with regard for site features, the traditional development patterns of the Village Commercial District, and in such a manner as to minimize changes to the existing contours and original topography of the site.
- G. Outdoor storage of materials, equipment or similar items shall be permitted only in the rear yard and must be adequately screened when adjacent to residential uses or districts in conformance with Section 162-1909.
- H. Outdoor display of merchandise for sale shall be permitted in conformance with Section 162-1909.
- I. Mechanical systems, trash receptacles, and dumpsters shall be located in rear or side yards and shall be screened from view in conformance with Section 162-1908.
- J. For additional standards applicable to permitted uses in this district, refer to:
 - 1. Article XV – Natural Resources Protection Standards including the Groundwater Protection Overlay
 - 2. Article XVI – Flood Hazard Overlay District.
 - 3. Article XIX – General Regulations including Lighting, Screening and Buffering, Access, and Parking.
 - 4. Article XX – Supplemental Use Regulations.
 - 5. Article XXI – Signs.

6. Article XXII - Nonconforming uses, Buildings and Structures, Lots, and Signs.
7. Article XVII – Historic Resources Overlay District.

ARTICLE XII

Highway Commercial District (HC)

SECTION 162-1201. PURPOSE.

The purpose of this district is to provide sufficient space in appropriate locations for the types of commercial and service establishments needed to serve the local population. The standards of this article and the regulations that apply to the permitted uses are intended to ensure adequate off-street parking, to create 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 relationship of buildings to one another in keeping with the theme of existing structures within the district all the foregoing in concert with the Pennsbury Township Comprehensive Plan of 2006, as amended.

SECTION 162-1202. USE REGULATIONS.

A building may be erected or used, and a lot or premises may be used, for only one (1) of the following principal uses and no other:

A. Uses by right.

1. Professional offices, in conformance with Section 162-2027 when grouped together into an office park.
2. Bank or financial institution without drive-through service, in conformance with Section 162-2009, as well as Section 162-2027 when grouped into an office park.
3. Laboratory and research facilities.
4. Wholesale sales.
5. Gift, art, craft, and antique shops with a floor area of less than three-thousand (3,000) square feet for any one (1) store.
6. Retail stores with a floor area of less than three-thousand (3,000) square feet for any one (1) store, excluding convenience stores.
7. Eating/ drinking establishments for the sale and consumption of food and beverages without drive-in or drive-through service (service at table or sit-down facilities only), in conformance with Section 162-2018.
8. Undertaking establishments.
9. Personal service establishments.
10. Fire or emergency service facility.
11. Retail nursery.
12. Catering establishment.

13. Municipal Uses, including park and related accessory uses.
 14. Forestry/Timber harvesting in conformance with Article XV.
- B. Uses by special exception when authorized as a special exception by the Zoning Hearing Board, subject to the standards of Article XXIV of this Chapter
1. Indoor recreation use and/or club or lodge on a minimum lot size of one (1) acre and in conformance with Section 162-2013 and Section 162-2034, as applicable.
 2. Outdoor recreation use in conformance with Section 162-2034, but not including an amusement park.
 3. Retail stores, with floor area of three-thousand (3,000) square feet or greater, excluding convenience store, in conformance with Section 162-2038.
 4. Newspaper publishing and job printing.
 5. Factory outlet or showroom-type outlets, such as furniture, appliance, or furniture sales and service.
 6. Hospital, medical or dental center in conformance with Section 162-2025.
 7. Hotels, motels, or inns in conformance with Section 162-2026.
 8. Veterinary clinic with or without a kennel, in conformance with Section 162-2044.
 9. Kennel, in conformance with Section 162-2044.
 10. Car wash.
 11. Public utility facility.
- C. Conditional uses when granted as a conditional use by the Board of Supervisors, subject to the conditions of Article XXIII of this Chapter
1. Child/Adult day care center, in conformance with Section 162-2012.
 2. Automotive Sales and service with enclosed sales floor area of five-thousand (5,000) square feet or less in conformance with Section 162-2008.
 3. Convenience Store with a floor area of three-thousand (3,000) square feet or less in conformance with Section 162-2015.
 4. Gasoline or service station, in conformance with Section 162-2020.
 5. Drive-through service and/or take out service as an accessory use to and in the same building as an eating and drinking establishment, bank, or pharmacy, in conformance with Section 162-2017.
 6. Shopping Center in conformance with Section 162-2038.

7. Retirement community, nursing home, and/or assisted living facility in conformance with Section 162-2033.
 8. Club or Lodge, in conformance with Section 162-2013.
 9. A mix of commercial and residential uses of exceptional merit if it furthers the goals of the Comprehensive Plan and subject to specific actions by the applicant as prescribed by the Board. The Board of Supervisors may authorize a waiver or modification to the requirements contained in this Chapter. The decision of the Board of Supervisors is final.
- D. Accessory uses. In addition to one principal use, accessory uses listed below shall be permitted by-right unless otherwise indicated as a special exception or conditional use in this Chapter and shall be in conformance with Section 162-2002 unless otherwise noted:
1. Commercial and Institutional accessory uses.
 2. Outdoor café, in conformance with Section 162-2018, as an accessory use to an eating or drinking establishment only.
 3. Gasoline or service station by conditional use, in conformance with Section 162-2020 and 162-2015, as an accessory use to a convenience store.
 4. Private Helipad in conjunction with a hospital in conformance with Section 162-2023.

SECTION 162-1203. AREA AND BULK REGULATIONS.

- A. Unless otherwise specified in this Chapter, uses permitted in this district shall meet the following:
1. Minimum lot area. Thirty-thousand (30,000) square feet with public sewer and water; One (1) acre with on-site sewer and/or on-site water. Club or Lodge uses shall have a minimum lot area of one (1) acre regardless of sewer and water supply type.
 2. Minimum lot width at the building line and at the street line: One-hundred (100) feet.
 3. Maximum floor area ratio. Forty percent (40%).
 4. Minimum front yard. For lots of less than one (1) acre, sixty (60) feet; for lots of one (1) acre or greater, seventy-five (75) feet. In the case of a flag lot or corner lot, Section 162-1902 shall apply.
 5. Minimum side yard. Twenty-five (25) feet, unless the use abuts a residential use in which case the minimum side yard shall be forty (40) feet.
 6. Minimum rear yard. Twenty-five (25) feet, unless the use abuts a residential use in which case the minimum rear yard shall be forty (40) feet or unless the lot is a reverse frontage lot, in which event the requirements of Section 162-1902 shall apply.

7. Maximum building height. No building or structure shall exceed three (3) stories or thirty-five (35) feet whichever is less, except those buildings or structures exempted in Section 162-1902.
8. Maximum lot coverage. Sixty percent (60%).
9. Minimum open green area. Forty percent (40%) of the lot area shall be open green area.

SECTION 162-1204. ADDITIONAL STANDARDS.

For additional standards applicable to permitted uses in this district, refer to:

- A. Article XV – Natural Resources Protection Standards including the Groundwater Protection Overlay
- B. Article XVI – Flood Hazard Overlay District.
- C. Article XIX – General Regulations including Lighting, Screening and Buffering, Access, and Parking.
- D. Article XX – Supplemental Use Regulations.
- E. Article XXI – Signs.
- F. Article XXII - Nonconforming uses, Buildings and Structures, Lots, and Signs.
- G. Article XVII – Historic Resources Overlay District.
- H. Article XII-a – Route 1 Corridor and Brandywine Battlefield Overlay District.

ARTICLE XII-a

Route 1 Corridor and Brandywine Battlefield Overlay District

SECTION 162-1201-a. PURPOSE.

The Route 1 Corridor is a key transportation route for both through and local traffic in the Township and the region, while also serving as an important area of historic and natural significance in the Township. The Route 1 Corridor is located within an area designated as the Brandywine Battlefield National Historic Landmark Planning Area. Together, the Route 1 Corridor and the Brandywine Battlefield National Historic Landmark Planning Area include numerous buildings that existed at the time of the Battle of the Brandywine, as well as other more recent historic resources. In addition, the Township has previously identified significant scenic resources within this area as important to preserve, including viewsheds and natural areas that serve as gateways to the Township.

The Route 1 Corridor & Brandywine Battlefield Overlay District is established to encourage the most appropriate use of lands within this important historic and scenic area by preserving historic resources, enhancing the quality and compatibility of new development; establishing consistent architectural and design guidelines; promoting the safe and efficient movement of traffic; providing for preservation of scenic vistas and viewsheds, natural areas and open character; protection of the natural and scenic gateways to the Township; and preserving property values.

SECTION 162-1202-a. DISTRICT BOUNDARIES.

The Route 1 Corridor & Brandywine Battlefield Overlay District, the boundaries of which shall be that which is designated on the Rt. 1 Corridor and Brandywine Battlefield Overlay District Map, has been created to further the preservation of this scenic and historic area. Goals include protecting and enhancing the historical and traditional architectural and hardscape features and preserving natural areas and scenic viewsheds.

SECTION 162-1203-a. EXISTING SIGNIFICANT FEATURES

The Brandywine Battlefield National Historic Landmark Planning Area not only includes historic resources extant at the time of the Battle, but also retains considerable landscape character reminiscent of the time of the Battle. In addition, the Pennsbury Township Route 1 Corridor Improvement Plan (2000) identifies several distinctive features and characteristics that are important to retain and upon which to base future development. Such features and characteristics include:

- A. Historic architecture that generally follows the English Colonial or Victorian style as defined under Section 162-1207-a below.
- B. The natural state and open space quality of the two gateways at the eastern and western borders with the Brandywine Creek and Kennett Township respectively, which provides visual relief between commercial areas along Route 1 (taking into consideration the Route 1 areas adjacent to the Township boundaries).
- C. The primary commercial area being limited to the central area of the Route 1 Corridor and maintain the visual relief between commercial areas along Route 1.

New development and redevelopment is encouraged to follow and be compatible with the existing significant features noted above, in order to maintain the historic and scenic qualities that characterize the Overlay District.

SECTION 162-1204-a. PERMITTED USES

All uses permitted by right, special exception or conditional use within the underlying zoning districts shall be permitted where approved by the Board of Supervisors as a conditional use within the Route 1 Corridor and Brandywine Battlefield Overlay District. No use shall be permitted in the overlay district that is not permitted in the underlying zoning districts. All dimensional regulations, except for building setbacks as regulated below, shall be governed by the underlying zoning district.

SECTION 162-1205-a. APPLICABILITY

The standards set forth in this Article are applicable under the following situations:

- A. The development or erection of any new principal structure or the establishment of any new principal use within the Route 1 Corridor and Brandywine Battlefield Overlay District;
- B. The expansion, alteration, modification, or reconstruction of any existing use or structure for which a building permit, zoning permit, or land development approval is required.

SECTION 162-1206-a. SETBACKS

- A. Setbacks shall conform to requirements of the applicable underlying zoning district.
- B. Within the Overlay District, where located within an underlying HC or MU District, the setback area nearest Route 1 and within the ultimate right-of-way, shall provide area for street trees and boulevard lighting. The building setback area shall allow for pedestrian amenities such as signage, bollards, sidewalks, street trees, pedestrian lighting, ornamental fencing, and urban landscaping including vegetative screens or hedges.
- C. Within the Overlay District and outside of an underlying HC or MU District, the setback area nearest to Route 1 and within the ultimate right-of-way (see Map 3 of the Route 1 Corridor Plan) shall provide area for a park-like landscape, to include mixed lawn, trees, and shrubs that are maintained. The building setback area shall allow for maintenance of a natural area, with supplemental planting of trees and shrubs if necessary, or landscaping to create a screen between the roadway and structures.
- D. If deemed necessary and appropriate between the roadway and adjacent residential structures, sound barriers may be required. Such barriers shall be concealed with vegetation.
- E. Map 3 of the Route 1 Corridor Plan should be consulted for illustration of the regulations in this Section.

SECTION 162-1207-a. BUILDINGS

- A. Buildings shall to be designed to be consistent with the historic architecture in the Overlay District, which includes the English Colonial/Georgian or Victorian styles.

The English Colonial /Georgian style includes: Rectangular floorplan/footprint; Structures two (2) and two-and-one-half (2 ½) stories in height; Gable roofs with medium to steep slopes and wood shingles; Gable end chimneys; Main building materials consisting primarily of brick, stone, and stucco finishes; Barns and outbuildings in wood siding or materials to resemble wood siding; Wood, double hung sash windows with divided lights; Sensitivity to building proportions (height to width to depth); Consistent pattern of window size to wall area.

The Victorian period covers several architectural styles. Most prevalent in Chester County are the Second Empire, Queen Anne, Richardson Romanesque, and Shingle styles. The Victorian period modified and mixed medieval and classical stylistic elements, and is marked by asymmetrical and eclectic nature. The Victorian styles include: Irregular, asymmetrical shape; Structures two (2) to three (3) stories in height; Mansard or pitched gable roofs with dormers; Main building materials consisting primarily of brick, stone, wood shingling, stucco, or clapboard to form textured surfaces

- B. Clustering. Buildings shall be clustered together to preserve natural and landscape open areas within the Overlay District. Buildings shall be arranged in a manner that creates well-defined open areas and retains natural areas within the view from the public roads.
- C. Building Height. Maximum building height shall be governed by the underlying zoning districts.
- D. General Form. New buildings or existing building renovations or expansions should have exterior forms generally compatible with Subsection A, above, including design components such as windows, doors, and changes in roof and façade orientation. Large flat expanses of featureless exterior wall shall not be permitted.
 - 1. 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.
 - 2. The massing of commercial buildings larger than four thousand (4,000) square feet 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.
 - 3. 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 should 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.
- E. Exterior Building Materials. Building materials on exterior surfaces should be as named in Subsection A, above. Exterior finishes consisting of standard concrete block and metal and concrete panels shall not be permitted. Split-face concrete masonry designed to resemble stone may be considered.

- F. Mechanical and Service Equipment. HVAC (heating, ventilation, and air conditioning) and similar types of incidental machinery or equipment shall be screened from view, or located in such a manner as to not be visible from any public street. Trash receptacles, dumpsters, utility meters, above-ground tanks, satellite dishes, and antennas shall be similarly screened.
- G. Roof Design. Roof design for new buildings should have a pitched roof with overhanging eaves proportional to the building's size as described in Subsection A. Flat roofs are not permitted. Exceptions may be made for green roofs that provide environmental benefits, but are encouraged to be sloped. 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.

SECTION 162-1208-a. PARKING AREAS

- A. Design. Parking areas should be designed and located so as to appear broken in mass, in proportion to the scale of structural development, and have minimal visual impact within the Overlay District. Parking area location, scale, landscaping, and buffering shall be employed to provide a visual shield between public roads and all parking areas.
- B. Location. All parking areas shall be constructed in the rear or side yards, unless specifically permitted in the front yard by the Township Planning Commission. When permitted in the front yard, additional landscaping and buffering may be required by the Planning Commission to minimize visual impact.
- C. Vehicular Connections. Where a land development application covers land located adjacent to an existing parking lot, a vehicular connection between the parking lots shall be provided wherever possible. For development applications adjacent to vacant properties, the site shall be designed and constructed to provide for a future connection.

SECTION 162-1209-a. ACCESS MANAGEMENT

- A. Vehicular access within the Route 1 Corridor & Brandywine Battlefield Overlay District shall generally 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.
- B. Number of Access Points. Parcels existing at the time of adoption of this Overlay District and new subdivided parcels shall each be permitted one driveway access to Route 1 where applicable. Such access shall consist of either a single two-way driveway, or a paired driveway system wherein one driveway is designed and marked to accommodate only ingress traffic and the other is designed and marked to accommodate only egress traffic.
- C. Shared-Access. Wherever possible, the permitted driveway access shall be provided by a shared-driveway or service-drive.
- D. Additional Driveways. Additional driveway access may be allowed when the need for such additional access is demonstrated by way of a supporting Traffic Impact Study, and such study finds that the additional driveway(s) will not create negative impacts on through-traffic

flow. The Traffic Impact Study shall review and identify the minimum number of access points necessary to service the proposed development and shall include consideration of traffic generated by shared-access from adjacent development. Additional driveways permitted shall comply with the access-spacing standards set forth herein.

SECTION 162-1210-a. UTILITIES

Unless otherwise permitted on a finding that the installation of underground utility service lines would be unreasonable (but not based on cost) or have deleterious environmental impacts, all new utility service lines within this Route 1 Corridor & Brandywine Battlefield Overlay District shall be located underground.

SECTION 162-1211-a. STREET LIGHTING

Boulevard type street lighting shall be used along Route 1, where applicable. Lighting type and setbacks are included on Map 3 of the Pennsbury Township Route 1 Corridor Improvement Plan (2000).

SECTION 162-1212-a. LANDSCAPING AND STREETScape DESIGN

- A. A continuous, green, landscaped buffer shall be maintained along public roads within the Route 1 Corridor & Brandywine Battlefield Overlay District consisting of trees, shrubs, meadows, natural areas, and lawns within which no building or structures shall be permitted. Streetscape landscaping and pedestrian amenities shall be provided as necessary to meet overall planning objectives and as reasonably related to the intensity of the proposed development. Along Route 1, landscaping at a minimum shall comply with Map 3 of the Route 1 Corridor Plan (2000) and Section 162-1908.
- B. General Standards:
1. All plant material shall be hardy to the region, free of disease and insects, and conform to the standards of the American Association of Nurserymen.
 2. All plant materials shall be installed in such a manner so as not to alter drainage patterns on site or adjacent properties, or to obstruct vision for reasons of safety, ingress, or egress.
 3. All plant material shall be planted in a manner so as not to cause damage to utility lines (both above and below ground) and public roadways.
 4. Existing plant material which complies with the standards and intent of the Chapter, as determined by the Township's qualified professional, shall be counted towards meeting the landscape requirements.
 5. The overall landscape plan shall not contain more than thirty-three (33) percent of any one plant species.
 6. Landscaping should comply with the suggested plant list as set forth in Chapter 138, Subdivision and Land Development.
 7. The use of native species planting is encouraged, and the removal of invasive species is required.

8. Improvements to public lands can help to stimulate overall improvements within the Overlay District. Improvements to public lands could include replacing the existing poured concrete median on Route 1 with concrete unit pavers and/or seasonal flowers and shrubbery, installing sidewalks and street trees, or upgrading existing public signage. Where appropriate, the Township may require any of the following amenities, including provision for their regular upkeep and maintenance:
 - a. Public greens to serve a variety of outdoor needs and to enhance form and appearance;
 - b. Public trash receptacles;
 - c. Public benches of approved design along sidewalks and at appropriate intervals and locations within green spaces;
 - d. Bike racks located in areas where the sidewalk width has been designed to accommodate such features; and
 - e. Landscape plants and trees.
 9. 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.
- C. Fences and walls are considered to be hardscape landscaping elements with an emphasis strongly encouraged on the use of wood and stone walls or fences. These features can be an important part of landscaping, screening, or buffering when utilized in the appropriate locations and in a size proportional to the landscape.

SECTION 162-1213-a. NON-MOTORIZED/PEDESTRIAN PASSAGE

Where possible, provision shall be made to provide for safe, convenient, interconnected, and direct pedestrian and non-motorized movement. This might include sidewalks, pedestrian crossings, adequate width for road shoulders, and complementary interface with existing or planned trails. In particular, amenities for pedestrian traffic are highly encouraged within commercial and residential developments located adjacent to Route 1. Although pedestrian traffic along the length of the Route 1 Corridor is not encouraged nor anticipated to be high due to the volume and speed of vehicular traffic, pedestrian movement within developments and to adjacent developments is encouraged throughout the Overlay District.

SECTION 162-1214-a. OPEN SPACE, NATURAL AREAS, AND VIEWSHED PRESERVATION

- A. Existing vegetation that is not invasive and is providing screening along public roads and between adjacent parcels shall be maintained to the greatest extent possible.
- B. Existing scenic viewsheds, as identified in the *Pennsbury Township Comprehensive Plan* shall be preserved to the greatest extent possible. On parcels proposed for development, such preservation shall be accomplished by retaining existing vegetation to the greatest extent possible, replacing disturbed vegetation with native plantings, siting structures to minimize impact to the viewshed, and following encroachment requirements in Chapter

138, Subdivision and Land Development, and recommendations as outlined on Map 3 and 4 of the Pennsbury Township Route 1 Corridor Improvement Plan (2000).

- C. Given the proximity and topographic location of the Overlay District in relation to the Brandywine Creek, it is crucial to protect surface waters, critical habitats, wetlands, woodlands, and groundwater recharge zones within the Overlay District. New roadways, parking areas, and other development should be located as to avoid, minimize or mitigate any impacts to the above listed resources. Existing roadways, parking areas, and development should be managed to reduce runoff and sedimentation through appropriate use of vegetative buffering, minimization of impervious surfaces, and preservation or restoration of wetlands and native vegetation.

ARTICLE XIII

Light Industrial District (LI)

SECTION 162-1301. PURPOSE.

The Light Industrial District is designed primarily to provide for modern, low impact research and industrial establishments with a view to encouraging attractive, low lot coverage development in areas which are particularly well suited for such uses, in concert with the Pennsbury Township Comprehensive Plan of 2006, as amended. 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. Use of toxic materials, such as those used in metal plating, is strictly prohibited.

SECTION 162-1302. USE REGULATIONS.

A building may be erected or used, and a lot or premises may be used, for only one (1) of the following principal uses and no other:

A. Uses by right.

1. Laboratory and or research facilities.
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. Fire or emergency service facility.
9. Industrial or Office Park in conformance with Section 162-2027.
10. Veterinary clinic with or without a kennel in conformance with Section 162-2044.
11. Kennel, in conformance with Section 162-2044.

12. Self-storage/Mini Warehouse in conformance with Section 162-2037.
 13. Lumberyard or woodworking mill
 14. Mechanical repair or fabrication shop, in conformance with Section 162-2029.
 15. Trucking establishment
 16. Warehouse.
 17. Recycling processing center or recycling collection center, in conformance with Section 162-2035.
 18. Municipal uses, including park and related accessory uses.
 19. Agricultural/farming uses, non-intensive in conformance with Section 162-2006.
 20. Agricultural/farming uses, Intensive with a conservation plan in conformance with Section 162-2006.
 21. Forestry/Timber harvesting in conformance with Article XV.
 22. Other similar industrial uses or commercial uses.
- B. Uses by special exception when authorized as a special exception by the Zoning Hearing Board, subject to the standards of Article XXIV of this Chapter
1. Public utility facility.
 2. Outdoor active recreation uses, including an amusement park, in conformance with Section 162-2034.
- C. Conditional uses when authorized as a conditional use by the Board of Supervisors, subject to the conditions of Article XXIII of this chapter
1. Adult oriented establishments and uses in conformance with Section 162-2005.
 2. Junkyard in conformance with Section 162-2028.
 3. Trash transfer station, in conformance with Section 162-2042.
 4. Any legitimate use not specifically provided for in any zoning district which is not inherently objectionable (e.g., heliport).
 5. Principal Solar Energy System in conformance with Section 162-2045.
- D. Accessory uses. In addition to one principal use, accessory uses listed below shall be permitted by-right unless otherwise indicated as a special exception or conditional use in this Chapter and shall be in conformance with Section 162-2002 unless otherwise noted:
1. Commercial and Industrial accessory uses.

2. Such accessory uses may include storage within a completely enclosed building in conjunction with a permitted use, and living accommodations for a watch man or similar employee.
3. Recycling collection center as an accessory use to recycling processing center, in conformance with Section 162-2035.
4. Agricultural/farming accessory uses

SECTION 162-1303. SPECIAL DEVELOPMENT REGULATIONS.

All uses permitted in the L1 District 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. Structures erected within said district shall comply with the requirements and specifications set forth in the Township 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 Official.
- C. Utilities shall be underground.
- D. Physical performance standards required by Section 162-1911 shall be specifically addressed and compliance therewith demonstrated. Recipients of building permits must certify that they fully understand those performance standards and the intended uses will not violate them.
- E. 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 shall not apply where the applicant can provide proof that compliance is impractical.
- F. 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.
- G. 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.

SECTION 162-1304. AREA AND BULK REGULATIONS.

Unless otherwise specified in this Chapter, uses permitted in this district shall meet the following:

- A. Minimum lot area. Five (5) acres.
- B. Minimum lot width at the building line: One-hundred (100) feet.
- C. Maximum floor area ratio. Fifty percent (50%).

- D. Minimum front yard. One-hundred fifty (150) feet. In the case of a flag lot or corner lot, Section 162-1902 shall apply.
- E. Minimum side yard. Fifty (50) feet.
- F. Minimum rear yard. Fifty (50) feet, unless the lot is a reverse frontage lot, in which event the requirements of Section 162-1902 shall apply.
- G. Maximum height. Three (3) stories or thirty-five (35) feet whichever is less, except those buildings or structures exempted in Section 162-1902.
- H. Maximum building coverage. Forty percent (40%).
- I. Maximum lot coverage. Sixty percent (60%).

SECTION 162-1305. ADDITIONAL STANDARDS.

For additional standards applicable to permitted uses in this district, refer to:

- A. Article XV – Natural Resources Protection Standards including the Groundwater Protection Overlay
- B. Article XVI – Flood Hazard Overlay District.
- C. Article XIX – General Regulations including Lighting, Screening and Buffering, Access, and Parking.
- D. Article XX – Supplemental Use Regulations.
- E. Article XXI – Signs.
- F. Article XXII - Nonconforming uses, Buildings and Structures, Lots, and Signs.
- G. Article XVII – Historic Resources Overlay District.
- H. Article XII-a – Route 1 Corridor and Brandywine Battlefield Overlay District.

ARTICLE XIV Multi-Use District (MU)

SECTION 162-1401. 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 higher-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 162-1402. USE REGULATIONS.

A building or group of buildings may be erected, altered or used, and a lot or premises may be used and a lot or premises may be used for only one of the following principal uses and no other:

- A. Uses by Right
 - 1. Professional offices
 - 2. Bank or financial institution without drive-through service, in conformance with Section 162-2009
 - 3. Gift, art, craft, and antique shops with a floor area of less than three-thousand (3,000) square feet for any one (1) store.
 - 4. Retail stores with a floor area of less than three-thousand (3,000) square feet for any one (1) store, excluding convenience stores.
 - 5. Eating/ drinking establishments for the sale and consumption of food and beverages without drive-in or drive-through service (service at table or sit-down facilities only), in conformance with Section 162-2018.
 - 6. Personal service establishments.
 - 7. Municipal Uses, including park and related accessory uses.
 - 8. Forestry/Timber harvesting in conformance with Article XV.
 - 9. One single-family detached dwelling per tract or parcel

- B. Uses by special exception. When authorized as a special exception by the Zoning Hearing Board, subject to the standards of Section 162-2408 of this Chapter:
1. Child/Adult day care center, in conformance with Section 162-2012.
- C. Conditional uses. Any of the following uses shall be permitted as a mixed use development as a conditional use when authorized by the Board of Supervisors, subject to the standards and procedures set forth herein and in Section 162-2308.
1. Professional offices
 2. Bank or financial institution without drive-through service, in conformance with Section 162-2009
 3. Gift, art, craft, and antique shops with a floor area of less than three-thousand (3,000) square feet for any one (1) store.
 4. Retail stores with a floor area of less than three-thousand (3,000) square feet for any one (1) store, excluding convenience stores.
 5. Eating/ drinking establishments for the sale and consumption of food and beverages without drive-in or drive-through service (service at table or sit-down facilities only), in conformance with Section 162-2018.
 6. Personal service establishments.
 7. Municipal Uses, including park and related accessory uses.
 8. Single-family detached, two-family, townhouse, triplex and quadraplex dwellings in accordance with 162-1403 through 162-1407 herein, as applicable.
 9. Conversion of dwellings into two or more dwelling units. The dwelling to be converted must be a qualified historic structure, i.e., identified as a significant historic site in the most recent Pennsbury Township Historic Sites Survey, and shall adhere to the provisions of 162-2036 and Article XVII.
 10. Adaptive Reuse of historic buildings. The provisions of Article XVII shall apply.
- D. In addition to one principal use, the following accessory uses.
1. Drive-through service and/or take out service as an accessory use to and in the same building as an eating and drinking establishment, bank, or pharmacy, in conformance with Section 162-2017.
 2. Accessory uses customarily associated with and incidental to uses designated in Section 162-1402.A, 162-1402.B, or 162-1402.C shall be permitted.

SECTION 162-1403. AREA AND BULK REGULATIONS.

- A. A mixed-use development permitted by conditional use by Section 162-1402.C shall have a minimum available contiguous gross tract area of eight (8) acres. For purposes of a mixed use development, the term “tract” shall mean the total assembled land area proposed for

- development and the term “lot” shall mean the individual land parcel for each residential or commercial unit.
- B. Commercial (i.e., non-residential) uses. Commercial uses shall conform to the the lot area and bulk regulations set forth in Article XII, Highway Commercial District, Section 162-1203.A.
- C. Residential Uses. Unless otherwise specified in this Chapter, residential uses permitted in this district shall meet the requirements as noted in Table 1403-1 below:

Table 1403-1 AREA AND BULK REGULATIONS

	<i>Single-family detached dwelling and Nonresidential uses</i>	<i>Two-family dwelling- Twin or Duplex</i>	<i>Townhouse, Triplex or Quadraplex</i>
Maximum Gross Density (du/gross acre)/ Maximum net density (du/net acre)	--	--	4 du/gross acre/ 5 du/net acre
Minimum Tract size	8 acre tract	8 acre tract	8 acre tract
Minimum Lot Area - on-lot sewer/water	1 acre	--	--
Minimum Lot Area - public sewer/water*	17,500 sq.ft.	12,000 sq.ft./du	--
Maximum number of dwelling units/ building	1 du	2 du	4 du townhouses/ 3 du triplex, 4 du quadraplex
Minimum Lot Width at Building Line – on-lot sewer/water	125 ft	--	--
Minimum Lot Width at Building Line – public sewer/water	75 ft	50 ft/du 100 ft/bldg	300 ft tract width
Minimum Lot Width at Street Line	50 ft	50 ft/du 100 ft/bldg	100 ft tract width
Minimum (Lot) width per dwelling unit	--	--	20 ft
Maximum Building Coverage	20%	20%	--
Maximum Lot Coverage	25%	25%	25%
Minimum Front Yard**** – front on local road	30 ft	30 ft	30 ft
Minimum Front Yard**** – front on arterial or collector road	50 ft	50 ft	50 ft
Minimum Front Yard – front on parking area/lot	--	--	30 ft
Minimum Side Yard – minimum each/ minimum aggregate	15 ft/ 35 ft	15 ft/ 35 ft	100 ft each for end units
Minimum Rear Yard**	30 ft	30 ft	100 ft
Minimum Side and Rear Yard for parking areas/lots	--	--	25 ft
Maximum Building Height, except those buildings or structures exempted in Section 1902.	35 ft	35 ft	35 ft
Minimum Open Space (% of gross tract)***	--	--	40%
Minimum buffer between a multi-family bldg and any other residential structure	--	--	50 ft

* “public sewage and public water as defined in 162-202”

** see Section 162-1902 for reverse frontage lots

*** Configuration, ownership, and management of common open space shall be in conformance with Article XVIII

du = dwelling unit

**** In the case of a flag lot or corner lot, Section 162-1902 shall apply

D. Density Calculation. When calculating maximum allowable density for residential uses, the lot area devoted to non-residential uses or subject to other constraints in the definition of net lot area, shall be deducted first.

SECTION 162-1404. DESIGN STANDARDS.

- A. All uses permitted by right, special exception or conditional use in this District shall comply with the General Regulations set forth in Article XIX, Sections 162-1903 through 162-1916 inclusive.
- B. Conditional uses. In granting or denying a conditional use or establishing conditions on such grants, the standards set forth in Section 162-2308, where relevant, shall be applied. The burden of establishing compliance with such standards shall be upon the applicant.

SECTION 162-1405. AREA AND BULK REGULATIONS FOR A MIXED USE DEVELOPMENT.

- A. Total Lot Coverage. Not more than sixty percent (60%) of the total tract area comprising a Mixed Use Development permitted by conditional use 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. Mixed Use Development Floor Area. Not more than twenty percent (20%) of the total floor area of a Mixed Use Development shall be devoted to non-residential uses.
- C. Maximum Building Height. Except as herein below provided, no structure or principal building shall exceed three stories or thirty-five (35) feet in height, whichever is less, 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, or other decorative structure at the sole discretion of the Board of Supervisors, may extend to a height of not more than 45 feet.
- D. 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 private property or protected natural resources regulated by Article XV or otherwise requiring a circuitous route to reach the park.
- E. Setback from Arterial Road and Collector Road. Notwithstanding any other applicable setbacks, the setbacks from an arterial road for buildings within a Mixed 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.

SECTION 162-1406 UTILITIES

- A. All uses in the MU District shall be served by public water system and a public sewage system designed, permitted and constructed or extended at the expense of the applicant, provided however, notwithstanding the definition of public sewage system in Section 162-202 of this Chapter, that treated sewer effluent shall be stored in underground tanks and disposed of underground by conventional seepage beds or drip irrigation on the same lot or parcel or tract where the use(s) is/are located. All uses in this District shall be self-sustaining relative to the storage and disposal of treated sewage effluent. The development shall provide sufficient storage and land area on the site of the development to store and dispose of all treated sewage effluent which is generated by the uses on the site by means of conventional underground seepage beds or drip irrigation. The precise location of the storage and land disposal area shall be subject to the approval of the Township considering the operational parameters of the sewage system and the location of the proposed storage and disposal area relative to the location of the treatment plant.
- B. If on-site storage and disposal of treated sewage effluent is determined by the Township to be unfeasible due to location, operational reasons, soil conditions or other limiting factors, off-site storage and disposal shall be utilized; provided, however, the desire to maximize density or development in the development as may be permitted by applicable zoning regulations shall not be sufficient reason to not provide storage and disposal on-site. The off-site area shall comply with the requirements of Section 162-1406.A above.
- C. The storage and land disposal area may be part of and counted toward the minimum green or open space requirement of a development.
- D. All utilities serving residential and non-residential uses shall be placed underground in the Mixed Use Development. To the greatest extent practicable, utility boxes and meters shall be placed to the rear of structures or otherwise screened from view.

SECTION 162-1407. ADDITIONAL DESIGN STANDARDS FOR MIXED USE DEVELOPMENT

- A. Preservation of Historic Resources (Subject to provisions of Article XVII).
1. Within the Mixed 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 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 conditional use 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.

B. Preservation of Natural Resources shall be subject to provisions of Article XV as well as the following.

1. Within the Mixed 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. 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.

C. Parking

1. On-and off-street parking shall be provided in accordance with §162-1903.
2. Parking areas within the Mixed Use Development shall be designed and landscaped so as to appear broken in mass, in proportion to the scale of structural development.
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 Mixed 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 Mixed Use Development (such as delivery van for a flower shop). In Mixed 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 Mixed Use Development.

6. The design and use of streets and alleys shall adhere to the standards in the Design Standards set forth in Article VI of the Subdivision and Land Development Ordinance (Pennsbury Code, Chapter 138):

D. 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 Article XIX. 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 Board 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 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. Landscape plants and shade trees;
5. Sidewalks;
6. Street, alley and trail (as appropriate) lighting designed consistent with the goals of this Article, and in compliance with Chapter 138 of the Code of Pennsbury Township, and §162-1910 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 conditional use approval.

E. Signs

In addition to the standards set forth in § 162-2107; the design of signs within the Mixed 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 on any lot or tract shall be so shielded that the source of light shall not be visible from a point off the lot or tract 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 earlier. 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.

F. Lighting Standards

The standards set forth in § 162-1910. shall apply within a Mixed Use Development.

G. Community Maintenance

A Mixed 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 Mixed Use Development which are designed to be dedicated to the Township, if the Township chooses to accept dedication.

ARTICLE XV

Natural Resource Protection Standards

SECTION 162-1501. PURPOSE.

The purpose of this Article is to promote the public health, safety, and general 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, hedgerows, lakes, ponds, watercourses, riparian buffer areas, wetlands, and wetland margins.
- 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.
- E. Implement the recommendations for natural resource protection as described in the *Pennsbury Township Comprehensive Plan of 2006, as amended*.

SECTION 162-1502. GENERAL PROVISIONS.

- A. It shall be a violation of this Chapter to regrade, fill, pipe, divert, channel, build upon, or otherwise alter or disturb a natural resource protected by this Article prior to the submission, review, and approval of:
 - 1. Applications for zoning or building permits;
 - 2. Subdivision or land development plans;
 - 3. Conditional use or special exception approvals;
 - 4. Zoning variances;
 - 5. Timber harvesting plans; or
 - 6. Any other applicable permit or approval required by the Township that would involve disturbance of natural resources protected in this Article.
- B. 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.

- C. Where disturbance of a natural resource is permitted, it shall not take place until it has been determined by the Township Engineer, or other professional as designated by the Township, that such disturbance is consistent with the provisions of this Article and other applicable ordinance provisions.
- D. Restrictions to the disturbance of resources shall apply before, during, and after construction on a site.
- E. Plan information required by this Article shall be verified as correct by the Township Engineer or other qualified professional as determined by the Township Engineer.

SECTION 162-1503. NATURAL RESOURCE PROTECTION STANDARDS.

A. Floodplain protection standards.

Floodplain. Areas identified as within the Flood Hazard District of the one-hundred (100) year recurrence interval flood shall not be altered, regraded, filled, or built upon except in conformance with Article XVI and in accordance with Section 162-1504.

B. Steep slope protection standards.

- 1. Steep slope areas, whether natural or man-made, shall be preserved in their original state whenever possible. Where construction of roads, buildings, driveways, or infrastructure cannot be avoided, disturbance shall be kept to the minimum necessary and, in no case, shall it exceed the following permitted disturbance limits for any lot, or tract:
 - a. Moderately Steep Slopes (15% to 25% slope) - No more than thirty (30) percent of moderately steep slopes shall be regraded, removed, built upon, or otherwise altered or disturbed.
 - b. Prohibitively Steep Slopes (Greater than 25% slope) - No more than fifteen (15) percent of prohibitively steep slopes shall be regraded, removed, built upon, or otherwise altered or disturbed. In addition, the disturbance permitted on prohibitively steep slopes shall be limited to the following activities:
 - 1) Grading for the minimum portion of a road or driveway necessary for access to the principal use and sewer, water, and other utility lines when it can be demonstrated that no other routing is feasible.
 - 2) Timber harvesting, when conducted in compliance with the required timber harvesting plan (see Section 162-1503.D). Clearcutting or grubbing of trees is prohibited on very steep slopes.
- 2. Slopes shall be measured as the change in elevation over the horizontal distance between consecutive contour lines and expressed as a percent. For the purpose of application of these regulations, regulated slope shall be moderately and prohibitively steep slopes measured over three (3) or more two (2) foot contour intervals (six [6] cumulative vertical feet of slope). All slope measurements shall be determined by a topographic survey signed and sealed by a registered surveyor or engineer licensed to practice in the Commonwealth of Pennsylvania.

3. In steep slope areas, each building or structure shall be constructed in such a manner as to provide the least alteration necessary of the existing grade, vegetation, and natural soils condition. Excessive cut and fill shall be avoided. New roads and improvements to existing roads should be designed within the existing contours of the land to the extent possible and strive for compatibility with the character of rural roads.
 4. Finished slopes of permitted cut and fill shall not exceed thirty-three (33) percent slope unless the applicant can demonstrate the method by which steeper slopes can be stabilized and maintained adequately.
 5. All stockpiles of earth intended to be stored for more than twenty-one (21) days shall be seeded or otherwise stabilized to the satisfaction of the Township Engineer. Any disturbed area of very steep slopes or any cut and fill resulting in slopes of greater than twenty-five (25) percent shall be protected with an erosion control blanket.
 6. Any disturbance of land shall be in compliance with the erosion and sedimentation control standards of Chapter 138, Subdivision and Land Development, Township stormwater management regulations, and Pennsylvania Department of Environmental Protection, Title 25, Chapter 102.
 - a. An erosion and sedimentation control plan and soil stabilization plan shall be submitted consistent with the requirements of Chapter 138, Subdivision and Land Development, Township stormwater management regulations, and other applicable stormwater management regulations.
 - b. The plan shall demonstrate how soil will be protected from erosion during construction and how soil will be stabilized upon the completion of construction.
 7. Where the following information has not been previously submitted as part of the subdivision or land development plan application, such information shall be submitted to the Township with building permit, conditional use, special exception, zoning, or other permit applications, when applicable:
 - a. The erosion and sedimentation control plans described in Subsection B.6 above.
 - b. A grading plan shall be provided identifying the existing contours of the site, proposed finished grades, and the proposed location of all buildings and structures.
- C. Woodland, hedgerow, and specimen vegetation protection standards.
1. Specimen vegetation.

Specimen vegetation shall not be removed from any lot or tract except where the applicant demonstrates to the satisfaction of the Board of Supervisors that such removal is essential to eliminate a hazardous condition(s) or otherwise permit lawful use of the lot or tract and where no alternative exists; where permitted, removal of specimen vegetation shall be minimized. The desire to maximize development of a lot or tract shall not be adequate justification to remove specimen vegetation.

Specimen trees to be retained may be credited toward tree replacement required by Section 138-41.F of Chapter 138, Subdivision and Land Development.

2. Woodlands and hedgerows.

- a. Unless undertaken as an approved timber harvesting operation conducted in compliance with the requirements of Section 162-1503, the following disturbance limitations shall apply:
 - 1) For residential uses, no more than thirty-five (35) percent of woodlands shall be regraded, removed, built upon, or otherwise altered or disturbed; and
 - 2) For non-residential uses, no more than fifty (50) percent of woodlands shall be regraded, removed, built upon or otherwise altered or disturbed.
- b. In determining where permitted woodland disturbance will occur, the following factors shall be considered by the applicant and Township:
 - 1) The location(s) and benefit of conservation of healthy mature woodland stands shall be considered.
 - 2) Each building or structure shall be constructed in such a manner as to provide the least alteration or disturbance necessary of the existing woodland or hedgerow. Where possible, clearcutting shall be minimized and trees shall be selectively removed.
 - 3) Where possible, the remaining undisturbed woodlands and other vegetation shall interconnect with woodlands or wooded areas of adjacent properties to preserve continuous woodland corridors and allow for the normal movement, dispersion, and migration of wildlife. The applicant shall consider the impacts, in terms of functions and values to wildlife, of separating, dividing, or encroaching on wildlife travel corridors or extensive habitat areas, especially woodlands exceeding ten (10) acres in area.
 - 4) In each situation where the standards of this Section are applied, consideration shall be given to balancing the benefits of woodland preservation with other valuable resources on the site, including scenic views. The Township shall not unreasonably restrict woodland disturbance where limited disturbance may permit siting of buildings in less visually obtrusive areas of the tract.

3. Protection of woodlands and specimen vegetation to remain on site.

Woodlands, hedgerows, individual trees, and other vegetation that are to remain on the site shall be identified on the plan and protected from land disturbance and construction activities in accordance with the tree protection provisions of Section 138-41.G, Protection of vegetation from mechanical injury and grading change, of Chapter 138, Subdivision and Land Development.

4. Tree replacement.

Tree replacement shall be required in accordance with the standards of Section 138-41.F, Conservation of woodlands and other vegetation, of Chapter 138, Subdivision and Land Development.

D. Timber harvesting regulations.

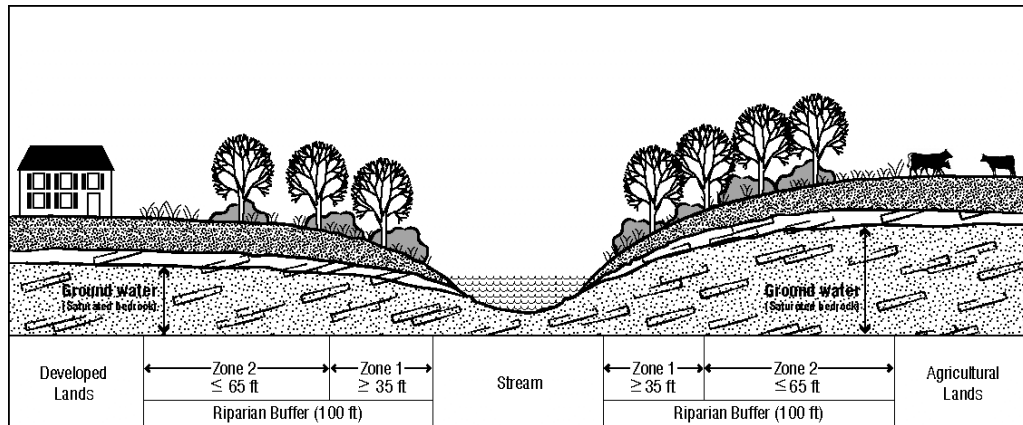
1. Timber harvesting operation shall only be undertaken in accordance with a timber harvesting plan approved by the Township.

- a. All timber harvesting plans shall be submitted to the Township for review for compliance with the standards set forth herein not less than twenty-one (21) days prior to commencement of the timber harvesting operation. Within fourteen (14) days of submission of a timber harvesting plan to the Township, and based on review for compliance with the standards set forth herein, the Zoning Officer shall indicate to the applicant approval or denial of the submitted plan or approval subject to reasonable conditions.
- b. The Township may retain a forester certified by the American Society of Foresters to review the timber harvesting plan and comment on its adequacy in meeting the intent of these regulations.

2. Timber harvesting plans submitted to the Township for review and approval shall include the following information:

- a. Site location and boundaries of both the entirety of the property upon which the timber harvesting operation shall occur and the specific area proposed for timber harvesting;
- b. Significant natural features on the property including steep slopes, wetlands, and riparian buffer zones;
- c. Identification of specimen vegetation as defined by this Chapter;
- d. Description of how long-term sustainability of the timber harvesting operation and regeneration of the woodlands will be achieved;
- e. The general location of the proposed operation in relation to municipal and state highways and any proposed accesses to those highways;
- f. Design, construction, maintenance, and retirement of the access system, including haul roads, skid roads, skid trails, and landings;
- g. Design, construction, maintenance, and retirement of water control measures and structures such as culverts, broad-based dips, filter strips, and water bars; and
- h. Design, construction, maintenance, and retirement of proposed stream and wetland crossings.

3. Any permits required by any other agency under any applicable regulation shall be the responsibility of the landowner or timber harvesting operator as applicable. Copies of all required permits shall be submitted to the Township prior to commencement of the timber harvesting operation.
 4. The Township Engineer, Zoning Officer, and/or Township Forester shall be permitted access to the site of any timber harvesting operation before, during, or after active timber harvesting to review, inspect and ascertain compliance with the provisions set forth herein.
 5. The following management practices shall apply to all timber harvesting operations:
 - a. Felling or skidding across any public thoroughfare is prohibited without the express written consent of the Township or Penn DOT; whichever is responsible for the maintenance of said thoroughfare.
 - b. No tops or slash shall be left within twenty-five (25) feet of any public thoroughfare or private roadway.
 - c. Litter resulting from a timber harvesting operation shall be removed from the site before it is vacated by the operator.
 - d. The operation shall not cause harm to the environment or any other property.
 6. Timber harvesting operations shall not be permitted within any Zone One riparian buffer. Clearcutting or grubbing shall not be permitted within any Zone One or Two riparian buffer, the Flood Hazard District, or on very steep slopes.
 7. Upon determination that a timber harvesting operation is in violation of these regulations, each day where any violation occurs shall constitute a separate violation subject to the provisions of this Chapter.
- E. Watercourses/riparian buffers protection standards
1. The riparian buffer shall consist of two Zones: Zone One, Inner Riparian Buffer and Zone Two, Outer Riparian Buffer. The provisions of Subsections E.2 and E.3 below shall determine the specific widths of the individual riparian buffer zones. The total riparian buffer, consisting of Zone One and Zone Two, shall be a minimum of one-hundred (100) feet in width on each side of the watercourse; however, under specific circumstances, additional buffer width may be required in accordance with Subsection E.5 below.

Figure 15-1: Typical Riparian Buffer Scenario

2. **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 bankfull flow, as reviewed and approved by the Township Engineer.

Where prohibitively steep slopes (+25%) are located within or extend beyond the thirty-five (35) foot margin, Zone One shall be extended to include the entirety of the prohibitively steep slopes up to the total buffer width of one-hundred (100) feet on either side of the subject watercourse. Under such circumstances, the Zone One buffer may constitute the total riparian buffer and the restrictions of the Zone One buffer shall apply. With the exception of those uses or activities listed below, no woodland disturbance, land disturbance, or timber harvesting shall be permitted within the Zone One Riparian Buffer shall not be re-graded, filled, built upon or otherwise altered or disturbed:

- 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;
- e. A soil conservation project approved by the Chester County Conservation District; or
- f. Removal of hazardous material or septic system, junk material, overhanging tree or diseased tree.

3. Zone Two – Outer Riparian Buffer - This zone begins at the outer edge of the Zone One riparian buffer and extends to a distance of sixty-five (65) feet from Zone One. However, where Zone One is greater than thirty-five (35) feet due to the presence of prohibitively steep slopes per Subsection 2 above, Zone Two shall cover the remaining distance necessary to achieve a total one-hundred (100) foot riparian buffer. Except for the following activities, no more than twenty (20) percent of a Zone Two Riparian Buffer on the lot that is affected 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.
4. The following practices and activities are prohibited within the riparian buffer (both Zones One and Two) except with approval by the Township and, if required, the Pennsylvania Department of Environmental Protection (e.g., disturbance for stream bank restoration to repair damage from flooding or erosion):
 - a. Clearing of existing vegetation except as specifically permitted in Subsections 2 and 3 above.
 - 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 of emergency use approved by the Township.
 - g. Clearcutting or grubbing of timber.
5. The Township may require the buffer to be extended beyond the minimum one-hundred (100) foot width under the following circumstance:

A riparian buffer may be modified if there are steep slopes within close proximity to the watercourse and drain into the watercourse system. In those cases, the riparian buffer width may be adjusted by adding twenty-five (25) feet to the outer limit of the one-hundred (100) foot buffer [one-hundred twenty-five (125) foot total] where it is adjacent to moderately steep slopes and by adding fifty (50) feet to the outer limit of the one-hundred (100) foot buffer [one-hundred fifty (150) foot total] where it is adjacent to prohibitively slopes.
6. The riparian buffer shall be maintained as woodlands, or where it is not wooded and until such woodlands can be established, the buffer shall be maintained as a filter strip of dense grass and forbs no less than one (1) foot high or other features to provide sediment filtering, nutrient uptake and convert concentrated flow to uniform, shallow sheet flow.

7. 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 or other suitable vegetation shall be established through natural succession. Selective planting shall be incorporated on site devoid of vegetation to stimulate native species and discourage invasive species.
 - b. Plant selection and planting shall be planned by a Landscape Architect under the guidance of the Chester County Conservation District, Pennsylvania Department of Environmental Protection, Pennsylvania Department of Conservation and Natural Resources, USDA, a Land Conservancy or Land Trust or licensed ecologist.
 - c. The following land uses and or activities are designated as potential water pollution hazards and shall be set back from any watercourse or waterbody by the distance indicated below. Where more restrictive, the requirements of the Flood Hazard Overlay District shall apply:

Storage of hazardous substances	150 feet
Above or below ground petroleum storage facilities	150 feet
Drainfields from on-site sewage disposal and treatment system	100 feet
Raised septic systems	250 feet
Solid waste landfills or junkyards	300 feet
Confined animal feedlot operations	250 feet
Subsurface discharges from a wastewater treatment plant	100 feet
8. 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.
9. 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.

F. Wetland protection standards

1. Any applicant proposing a use, activity, or improvement which would entail the regrading or placement of fill or structures (if otherwise permitted) in wetlands shall provide the Township with proof that the Pennsylvania Department of Environmental Protection (Bureau of Dams and Waterway Safety and Bureau of Water Quality Management) and the U.S. Army Corps of Engineers have been contacted to determine the applicability of state and federal wetland regulations. Any applicant contacted by the Pennsylvania Department of Environmental Protection or the U.S. Army Corps of Engineers shall provide to the Township a copy of such correspondence within five (5) working days of receipt.
2. Wetlands shall not be regraded, filled, piped, diverted, channeled, built upon, or otherwise altered or disturbed except where state or federal permits have been obtained.

3. Wetland protection standards shall apply to lakes and ponds.
4. Delineation of wetlands. The applicant shall provide a wetlands delineation report consistent with the following requirements:
 - a. A full wetland delineation report conducted by a qualified wetland biologist, soil scientist, or environmental professional of demonstrated qualifications shall be submitted to the Township.
 - b. The wetland report shall include a determination of whether wetlands are present on the site and a full delineation, area measurement (in square feet), and description of any wetlands determined to be present. If there is a question as to the accuracy of the wetland delineation report, the Township may hire a qualified consultant to review the delineation and recommend revisions at the applicant's expense.
 - c. Such a professional shall certify that the methods used correctly reflect the currently accepted technical concepts, including identification and analysis of wetland vegetation, hydric soils, and hydrologic indicators. Methods used in the delineation report shall be acceptable to the Township Engineer or other qualified consultant hired by the Township.
 - d. If no wetlands are found on the site, a note shall be added to the preliminary and final plans stating that "This site has been examined by (name and address with a statement of submitted qualifications), and no wetlands as defined by the *U.S. Army Corps of Engineers Wetlands Delineation Manual, Technical Report Y-87-1, January 1987 (or most currently used manual)*, were found to exist."
- G. Wetland margin protection standards.
 1. The wetland margin shall extend a minimum of fifty (50) feet from the outer limits of the wetland boundary. With the exception of those uses or activities listed below, no more than twenty (20) percent of a wetland margin shall be altered, regraded, filled, built upon, or otherwise altered or disturbed.
 - 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;
 - e. A soil conservation project approved by the Chester County Conservation District; or
 - f. Removal of hazardous material or septic system, junk material, or a diseased tree.

2. Wetland margin protection standards shall apply to lake and pond shorelines.
 3. In addition, any Department of Environmental Protection's regulations under Chapter 105 concerning activities in wetlands margins shall be met.
- H. Carbonate geologic formations. For areas within the Groundwater Protection Overlay District, as defined in Section 162-1505 of this Chapter, the requirements of Section 162-1505 shall apply.

SECTION 162-1504. APPLICATION OF NATURAL RESOURCE PROTECTION STANDARDS.

- A. Plan information. In order to ensure compliance with the natural resource protection standards of Section 162-1503 of this Chapter, the following information shall be provided with the submittal of applications or plans listed under Section 162-1502.A when land disturbance is contemplated. In those cases where a limited amount of the site will be subject to disturbance, the Zoning Officer may determine the area of land to be shown on the plan information that will adequately demonstrate compliance with the natural resource protection standards of this Article.
1. A site analysis plan as required by Section 138-21.C of Chapter 138, Subdivision and Land Development, including all encroachments and disturbances necessary to establish the proposed use of the site.
 2. Any additional documentation as may be required by Section 162-1503 to ensure compliance with the stated resource protection standards.
 3. The following table (Figure 15-2) indicating the area of the site with natural resources that would be disturbed or encroached upon shall be required. The figures of Column D (Proposed Disturbance) shall be less than or equal to the corresponding figures of Column C (Maximum Disturbance Allowance)

Figure 15-2: Example Disturbance Table				
Protected Resource*	A Maximum Disturbance Allowance	B Area of Land in Protected Resources	C Maximum Area of Permitted Disturbance (Area x Disturbance Allowance)	D Proposed Area of Disturbance
Floodplains/Flood Hazard District	0%			
Steep slopes: 15 to 25%	30%			
Very steep slopes: > 25%	15%			
Riparian Buffer Zone One	0%			
Riparian Buffer Zone Two	20%			
Woodlands: Residential	35%			
Woodlands: Non-residential	50%			
Watercourses or streams	0%			
Wetlands	0%			
Wetlands Margin	20%			
TOTAL				

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

B. Minimum buildable area.

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 resource protection standards and minimum setback requirements of this Chapter.
2. Within any proposed subdivision, for uses other than, subdivisions utilizing the open space design options of Article XVIII and mobile home parks, all single-family

detached residential lots shall have a contiguous minimum buildable area as indicated below (Figure 15-3):

Figure 15-3: Minimum Building Areas			
Zoning District	Minimum Lot Size	Minimum Buildable Area (sq. ft.)	Maximum Lot Coverage
R-1	3-5 acres	9,000	12-15%
R-2	2-3 acres	8,000	12-15%
R-3	1 acres	5,000	15%
R-4	1 ac. (on-lot sewer/water); 20,000 sq. ft. (public sewer/water)	3,500	20%
R-5	1 ac. (on-lot sewer/water); 17,500 sq. ft. (public sewer/water)	3,000	25%
VR	1 ac. (on-lot sewer/water); 17,500 sq. ft. (public sewer/water)	2,500	25%

3. Where the option of lot averaging is chosen, all lots which are less than or equal to one (1) acre in size shall have a contiguous minimum buildable area of at least twenty (20) percent of the lot area. All lots which are greater than one (1) acre in size shall have a contiguous buildable area of at least ten (10) percent of the lot area.
- C. On-lot sewage systems. For uses with individual on-lot sewage systems, a 2,000 square foot or larger area, in addition to the minimum buildable area specified in Subsection B above, shall be identified for the location of the sewage system. Where applicable, a reserve or replacement area of two-thousand (2,000) square feet shall also be identified. Such area(s) shall not include natural features with a zero percent (0%) maximum disturbance limit and the portion of those natural features that may not be developed or intruded upon as specified in Section 162-1504.A, Figure15-2.
- D. Continued Protection of Identified Natural Resources. To ensure the continued protection of identified natural resources, the following requirements shall apply:
1. Protected resources on Individual Lots
 - a. For natural resource protection areas on individual lots, restrictions meeting 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 and that the Township shall have the right to enter the property for the purpose of correcting violations and may charge the homeowner for costs associated with bringing such violations into compliance. The restrictions shall provide for the continuance of the resource protection areas in accordance with the provisions of this Chapter.
 - 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 XVIII shall apply. In addition to the provisions of Article XVIII, 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 Chapter. In addition, restrictions on protected areas shall be included in the development's declaration of covenants, easements or restrictions or similar documents regulating the use of property and setting forth methods for maintaining open space. A copy of such documents shall be provided to the Township.
3. **Changes to Approved Plans.** All applicable plans and deeds shall include the following wording: "Any structures, infrastructure, utilities, sewage disposal systems or other proposed land disturbance indicated on the approved final plan shall only occur at the locations shown on the plan. Changes to such locations shall be subjected to additional review and re-approval and shall be consistent with the natural resource protection standards of Article XV of the Pennsbury Township Zoning Ordinance."

SECTION 162-1505. GROUNDWATER PROTECTION OVERLAY DISTRICT.

The Groundwater Protection Overlay District shall be deemed an overlay on the applicable zoning districts.

A. Definition and interpretation.

1. The Groundwater Protection Overlay District coincides with the carbonate or limestone geologic formations and includes all of the following areas:
 - a. The area designated and identified on Map 7-1, Watersheds and Geology, of the *Pennsbury Township Comprehensive Plan of 2006, as amended*, as consisting of carbonate geology, specifically, Cockeysville and Franklin marble; and
 - b. 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. NRCS. Class 3 soils consist of all Hagerstown Silt Loam, Bedford Silt Loam, Guthrie Silt Loam, which soils are associated with underlying carbonate or limestone geologic formations.
2. In reviewing all applications for compliance with the provisions of this Section, the Township shall make its review on the basis of Groundwater Protection Overlay District boundaries as described in Subsection A.1 above.
3. Where interpretation is needed as to the exact location of the boundaries of the District as described in Subsection A.1 above, 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 Overlay District shall be made by the Township Engineer.

4. 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.
 5. 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 Overlay District in this Section shall constitute an overlay on the otherwise applicable zoning districts as delineated on the Township Zoning Map.
 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 162-1505.C.
 3. In the Groundwater Protection Overlay 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 162-1505.C. 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 162-1505 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 Overlay 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 C.1.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 demonstrate compliance with the provisions of the Storage Tank and Spill Prevention Act, Act 32 of 1989, P.L. 169, No. 32, as amended, and with all applicable regulations of the Pennsylvania State Police, Fire Marshal 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 Article VII, Hazardous Waste Management, as amended and with the Resource Conservation and Recovery Act of 1976 as amended, 42 U.S.C. §6901 et seq. (1976).
 - 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 reasonable actions to minimize such risks, the Township may deny the application in accordance with Section 162-1505.D, herein. In either case of denial, the applicant may submit an environmental assessment report in accordance with Section 162-1505.E for further consideration by the Board of Supervisors.
- D. Procedures for all applicants in the Groundwater Protection Overlay District.
- 1. Except for applicants initially electing to submit an environmental assessment report as set forth in Section 162-1505.E, all other applicants for a permit or approval under Section 162 – 1502.A whose properties are located entirely or partially within the Groundwater Protection Overlay District, as defined in Section 162-1505.A, shall submit the following information to the Township:
 - a. A map, at a scale no smaller than one (1) inch equals one-hundred (100) feet indicating the location of the property and all proposed improvements thereon and their geographic relationship to the Township's Groundwater Protection Overlay District. The applicant shall utilize the carbonate area boundaries as described in Section 162-1505.A.
 - 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 162-1505.C.
 2. The Township Engineer shall review the information provided by the applicant as required in Section 162-1505.D.1 and may make a site inspection of the property, having notified the applicant at least five days in advance of the inspection. 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 162-1505.C, for which one (1) 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 report to the Township in accordance with procedures set forth in Section 162-1505.E. Should the applicant fail to notify the Township, in writing, within the applicable time period of Section 1505.E.3 (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 by 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 162-1505.C, one (1) 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 162-1505.C 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 162-1505.E.
 - 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 (1) or more appendices to the report.
3. The environmental assessment report must be received by the Township no later than thirty (30) days prior to the final date by which the Township must formally act upon the application. The report shall be submitted in six (6) 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 XVI

Flood Hazard Overlay District

SECTION 162-1601. 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 U.S. Army Corps of Engineers, the Federal Emergency Management Agency (FEMA), 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.
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 166 of 1978 (32 P.S. § 679.101 et seq.), the provisions of the National Flood Insurance program and the Pennsylvania Municipalities Planning Code, the Township of Pennsbury, Chester County, Pennsylvania adopts this Article.

B. Findings of fact.

1. Losses resulting from periodic flooding. The Flood Hazard Overlay District (also known as 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.
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 areas of Pennsbury Township as identified in the Chester County Flood Insurance Study prepared by the U.S. Army Corps of Engineers for FEMA dated September 29, 2006, or the most recent revision thereof.

SECTION 162-1602. 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. If there is any conflict between any of the provisions of this Chapter, the more restrictive shall apply.
- 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 obstructed 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 there under.
- E. For the purposes of this Article, structure shall mean a walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.
- F. When references in this Article XVI are to the International Building Code (IBC), International Residential Code (IRC), International Fuel Gas Code (IFGC) or any other code or regulation, the latest edition of the referenced code or regulation shall apply.

SECTION 162-1603. IDENTIFICATION AND ESTABLISHMENT.

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

1. The identified floodplain area shall be any areas of the Township of Pennsbury, classified as special flood hazard areas (SFHAs) in the Flood Insurance Study (FIS) and the accompanying Flood Insurance Rate Maps (FIRMs) dated September 29, 2006 and issued by FEMA or the most recent revision thereof, including all digital data developed as part of the FIS.

The above referenced FIS and FIRMs, and any subsequent revisions and amendments are hereby adopted by the Township of Pennsbury and declared to be a part of this Chapter.

This includes the following:

- a. Floodway Areas (FW). The areas identified as “Floodway” in the AE Zone in the FIS prepared by FEMA. The term shall also include floodway areas which have been identified in other available studies or sources of information for those floodplain areas where no floodway has been identified in the FIS. This is the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.
 - b. Flood Fringe Area (FF).
 1. The areas identified as Zones AE and A1-30 in the FIS which are subject to inundation by the one (1) percent annual chance flood event determined by detailed methods and have base flood elevations (BFEs) shown.
 2. The basis for the outermost boundary shall be the one-hundred-year flood elevations as shown in the flood profiles contained in the FIS.
 - c. General Floodplain Area (FA). The areas within Zone A in the FIS 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 thorough

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 of Supervisors where studies or information provided by a qualified agency or person documents the need for such revision. However, prior to any such change, approval must be obtained from the FEMA. Additionally, as soon as practicable, but not later than six (6) months after the date such information becomes available, a community shall notify the FEMA of the changes by submitting technical or scientific data.
 3. Land within fifty (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 Subsection 2, above indicates such area is not within the Flood Hazard District.
 4. Land denoted as being alluvial soils for Chester County by the U.S. NRCS unless an engineering study consistent with Subsection 2, above indicates such area is not within the Flood Hazard District.
 5. All areas which have been flooded within the last one-hundred (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 Subsection A. 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 Subsection A. above.

SECTION 162-1604. GENERAL REGULATIONS.

- A. No encroachment, alteration, or improvement of any kind shall be made to any watercourse until all adjacent municipalities which may be affected by such action have been notified by the Township, and until all required permits or approvals have been first obtained from the Department of Environmental Protection Regional Office. In addition, FEMA and the Pennsylvania Department of Community and Economic Development shall be notified prior to any alteration or relocation of any watercourse.
- B. Any new construction, uses, activities, or development occurring within any identified floodplain district shall be undertaken only in strict compliance with the provisions of this Chapter and with all other applicable codes, ordinances, and regulations including the Township Building Code and Chapter 138, Subdivision and Land Development.
- C. New construction and/or development that would cause any increase in one-hundred (100) year flood heights shall be prohibited in the Flood Hazard District.
- D. Under no circumstances shall any new construction, use, activity and/or development adversely affect the capacity of the channels or floodways of any watercourse, drainage ditch or any other drainage facility or system.

E. Requirements for Identified Floodplain Areas.

1. Within any FW (Floodway Areas), the following provisions apply:
 - a. Any new construction, development, use, activity, or encroachment that would cause any increase in flood heights shall be prohibited.
 - b. No new construction or development shall be allowed, unless a permit is obtained from the Department of Environmental Protection Regional Office.
2. Within any FF (Flood Fringe Area), no new construction or development shall be allowed unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the elevation of the one hundred (100) year flood more than one (1) foot at any point.
3. No new construction or development shall be located within the area measured fifty (50) feet landward from the top of bank of any watercourse, unless a permit is obtained from the PA Department of Environmental Protection Regional Office.

F. Special Requirements for Subdivisions. All subdivision proposals and development proposals containing at least fifty (50) lots or at least five (5) acres, whichever is the lesser, in flood hazard areas where base flood elevation data are not available, shall be supported by hydrologic and hydraulic engineering analyses that determine base flood elevations and floodway information. The analyses shall be prepared by a licensed professional engineer in a format required by FEMA for a Conditional Letter of Map Revision or Letter of Map Revision. Submittal requirements and processing fees shall be the responsibility of the applicant.

G. Special Requirements for Recreational Vehicles. Recreational vehicles in Zones A1 – 30, AH, or AE must either:

1. be on the site for fewer than 180 consecutive days;
2. be fully licensed and ready for highway use; or
3. meet the permit requirements for manufactured homes.

SECTION 162-1605. 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 Subsection E. 3, below 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 structures with the exception of anchored picnic tables.
 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 5, above. 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 in the Flood Hazard District as a special exception when authorized by the Zoning Hearing Board subject to the standards of Section 162-1608.E, Section 162-2408, and the following specific standards. 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 construction and/or 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 effluent 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.
 7. Dams, culverts, and bridges when approved by the Department of Environmental Protection, Regional Office.
- C. Elevation and Floodproofing Requirements. If a residential or non-residential structure is permitted in the Flood Hazard Overlay District by this Article XVI or by decision of the Zoning Hearing Board, the following requirements shall apply:
1. Residential Structures. Within any identified floodplain area, any new construction or substantial improvement of a residential structure shall have the lowest floor (including basement) elevated up to, or above, the regulatory flood elevation. The design and construction standards and specifications contained in the 2003 IBC (Sec. 1612.4, 1603.1.6 and 3403.1) and in the 2003 IRC (Sec. R323.1.4, R323.2.1, and R323.2.2) and ASCE 24 (Sec. 2.4 and 2.5, Chapter 5) and 34 PA Code (Chapters 401-405 as amended) shall be utilized.
 2. Non-residential Structures.
 - a. Within any identified floodplain area, any new construction or substantial improvement of a non-residential structure shall have the lowest floor (including basement) elevated up to, or above, the regulatory flood elevation, or be designed and constructed so that the space enclosed by such structure shall remain either completely or essentially dry during any flood up to that height.
 - b. Any non-residential structure, or part thereof, having a lowest floor which is not elevated to at least one and one half (1 ½) feet above the one hundred (100) year flood elevation, shall be floodproofed in a completely or essentially dry manner in accordance with the WI or W2 space classification standards contained in the publication entitled "Flood-Proofing Regulations" published by the U.S. Army Corps of Engineers (June 1972, as amended March 1992) or with some other equivalent standard. All plans and specifications for such floodproofing shall be accompanied by a statement certified by a registered professional engineer or architect which states that the proposed design and methods of construction are in conformance with the above referenced standards.
 - c. The design and construction standards and specifications contained in the IBC (Sections 1603.1.2, 1603.1.6, 1605.2.2, 1606.5, 1612.5.1 and 3403.1.) and ASCE 24 (Section 2.4 and Chapter. 7) and 34 PA Code (Chapters 401-405 as amended) shall be utilized.
 3. Space below the lowest floor.

- a. Fully enclosed space below the lowest floor (including basement) is prohibited.
 - b. Partially enclosed space below the lowest floor (including basement) which will be used solely for the parking of a vehicle, building access, or incidental storage in an area other than a basement, shall be designed and constructed to allow for the automatic entry and exit of flood waters for the purpose of equalizing hydrostatic forces on exterior walls. The term "partially enclosed space" also includes crawl spaces. Designs for meeting this requirement must either be certified by a registered professional engineer or architect, or meet or exceed the following minimum criteria:
 - 1) A minimum of two openings having a net total area of not less than one (1) square inch for every square foot of enclosed space.
 - 2) The bottom of all openings shall be no higher than one (1) foot above grade.
 - 3) Openings may be equipped with screens, louvers, etc. or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
 - c. Consideration may be given to the requirements of 34 PA Code (Chapters 401-405 as amended) and the 2003 IRC (Sections R323.2.2 and R323.1.4) and the 2003 IBC (Sections 1612.4, 1612.5, 1202.3.2 and 1203.3.3).
- D. Design and Construction Standards. The following minimum standards shall apply for all construction and development permitted within any identified floodplain area:
 1. Fill. If fill is used, it shall:
 - a. extend laterally at least fifteen (15) feet beyond the building line from all points;
 - b. consist of soil or small rock materials only - Sanitary Landfills shall not be permitted;
 - c. be compacted to provide the necessary permeability and resistance to erosion, scouring, or settling;
 - d. be no steeper than one (1) vertical to two (2) horizontal, feet unless substantiated data, justifying steeper slopes are submitted to, and approved by the Floodplain Administrator (as hereinafter defined); and,
 - e. be used to the extent to which it does not adversely affect adjacent properties. The provisions contained in the 2003 IBC (Sections 1801.1 and 1803.4) shall be utilized.
 2. Water and Sanitary Sewer Facilities and Systems.
 - a. All new or replacement water and sanitary sewer facilities and systems shall be located, designed and constructed to minimize or eliminate flood damages and the infiltration of flood waters.

- b. Sanitary sewer facilities and systems shall be designed to prevent the discharge of untreated sewage into flood waters.
 - c. No part of any on-site sewage system shall be located within any identified floodplain area except in strict compliance with all State and local regulations for such systems. If any such system is permitted, it shall be located so as to avoid impairment to it, or contamination from it, during a flood.
- 3. Other Utilities. All other utilities such as gas lines, electrical and telephone systems shall be located, elevated (where possible) and constructed to minimize the chance of impairment during a flood.
- 4. Placement of Buildings and Structures. All buildings and structures shall be designed, located, and constructed so as to offer the minimum obstruction to the flow of water and shall be designed to have a minimum effect upon the flow and height of flood water.
- 5. Anchoring.
 - a. All buildings and structures shall be firmly anchored in accordance with accepted engineering practices to prevent flotation, collapse, or lateral movement.
 - b. All air ducts, large pipes, storage tanks, and other similar objects or components located below the regulatory flood elevation shall be securely anchored or affixed to prevent flotation.
 - c. The design and construction requirements of the UCC pertaining to this Subsection as referred to in 34 PA Code (Chapters 401-405 as amended) and contained in the 2003 IBC (Sections 1605.2.2, 1605.3.1.2, 1612.4 and Appendix G501.3), the IRC (Sections R301.1 & R323.1.1) and ASCE 24-98 (Sec. 5.6) shall be utilized.
- 6. Floors, Walls, and Ceilings.
 - a. Wood flooring used at or below the regulatory flood elevation shall be installed to accommodate a lateral expansion of the flooring, perpendicular to the flooring grain without causing structural damage to the building.
 - b. Plywood used at or below the regulatory flood elevation shall be of a "marine" or "water-resistant" variety.
 - c. Walls and ceilings at or below the regulatory flood elevation shall be designed and constructed of materials that are "water-resistant" and will withstand inundation.
 - d. Windows, doors, and other components at or below the regulatory flood elevation shall be made of metal or other "water-resistant" material.
 - e. The provisions of the UCC pertaining to this Subsection and referenced in the 34 PA Code (Chapters 401-405 as amended) and contained in the 2003

IBC (Sections 801.1.3, 1403.2, 1403.4, 1403.6 and 1404.2), the 2003 IRC (Sections R323.1.7 & R501.3) and ASCE 24-98 (Chapter 6).

7. Paints and Adhesives.
 - a. Paints and other finishes used at or below the regulatory flood elevation shall be of "marine" or "water-resistant" quality.
 - b. Adhesives used at or below the regulatory flood elevation shall be of a "marine" or "water-resistant" variety.
 - c. All wooden components (doors, trim, cabinets, etc.) shall be finished with a "marine" or "water-resistant" paint or other finishing material.
 - d. The standards and specifications contained in 34 PA Code (Chapters 401-405, as amended) the 2003 IBC (Sections 801.1.3, 1403.7 and Appendix G) and the 2003 IRC (Sections R323.1.7).
8. Electrical Components.
 - a. Electrical distribution panels shall be at least three (3) feet above the one hundred (100) year flood elevation.
 - b. Separate electrical circuits shall serve lower levels and shall be dropped from above.
 - c. The provisions pertaining to the above provisions and referenced in the UCC and 34 PA Code (Chapters 401-405) as amended and contained in the 2003 IBC (Section 1612.4), the IRC (Section R323.1.5), the 2000 IFGC (Sections R301.5 and R1601.3.8) and ASCE 24 (Chapter 8) shall be utilized.
9. Equipment.
 - a. Water heaters, furnaces, air conditioning and ventilating units, and other electrical, mechanical or utility equipment or apparatus shall not be located below the regulatory flood elevation.
 - b. The provisions pertaining to the above provision and referenced in the UCC and 34 PA Code (Chapters 401-405), as amended and contained in the 2003 IBC (Section 1612.4), the 2003 IRC (Section R323.1.5) the 2000 IFGC (Sections R301.5 and R1601.3.8) and ASCE 24 (Chapter 8) shall be utilized
- E. Prohibited uses and activities. The following uses and activities are specifically prohibited if located either partially or entirely within any Flood Hazard District.
 1. Sod farming.
 2. Removal of topsoil.
 3. Cutting or removal of live trees or other flora except invasive species and 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 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. Schools.
8. Fire Stations.
9. Emergency management facilities.
10. Hospitals - public or private.
11. Nursing Homes - public or private.
12. Jails/Penal Institutions.
13. New individual mobile/manufactured homes or new mobile/manufactured home parks or new mobile/manufactured home subdivisions and substantial improvements to existing mobile/manufactured home parks or mobile/manufactured home subdivisions.
14. Hazardous Materials. In accordance with the Pennsylvania Floodplain Management Act (Act 166) the Clean Streams Law, the regulations promulgated there under and the regulations adopted by the Department of Community and Economic Development no structure may be used for:
 - a. The production or storage of any of the following dangerous materials or substances:
 - 1) Acetone.
 - 2) Ammonia.
 - 3) Benzene.
 - 4) Calcium carbide.
 - 5) Carbon disulfide.
 - 6) Celluloid.
 - 7) Chlorine.
 - 8) Hydrochloric acid.

- 9) Hydrocyanic acid.
 - 10) Magnesium.
 - 11) Nitric acid and oxides of nitrogen.
 - 12) Petroleum products (gasoline, fuel, oil, etc.).
 - 13) Phosphorous.
 - 14) Potassium.
 - 15) Sodium.
 - 16) Sulfur and sulfur products.
 - 17) Pesticides (including insecticides, fungicides, and rodenticides).
 - 18) Radioactive substances.
 - 19) Other substances as may be defined as hazardous by the Pennsylvania Department of Community and Economic Development or Environmental Protection.
15. 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 FEMA, 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.

SECTION 162-1606. EXISTING STRUCTURES AND USES.

Structures and uses existing in the Flood Hazard District which legally existed prior to the enactment of this Chapter, but which are not in compliance with these provisions, may continue. However, when an improvement is proposed and permitted to be made to an existing structure in the Flood Hazard District, it shall be subject to the following conditions:

- A. No expansion or enlargement of an existing structure and/or use shall be allowed within any Flood Hazard District that would cause any increase in the elevation of the one hundred (100) year flood.
- B. No expansion or enlargement of an existing structure shall be allowed within any FE area that would, together with all other existing and anticipated development, increase the one hundred (100) year flood elevation more than one (1) foot at any point.
- C. Any modification, alteration, reconstruction, or improvement, of any kind to an existing structure, to an extent or amount of fifty (50) percent or more of its market value, shall constitute a substantial improvement and shall be undertaken only in full compliance with the provisions of this Chapter and 44 CFR60.3d and the International Residential Code and International Building Code, 2003 as amended.

- D. 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 a minimum of one and one-half (1½) feet above the one-hundred (100) year flood elevation of the site and/or floodproofed to the greatest extent possible and to the satisfaction of the Township Engineer, except as provided for in Subsection E, below.
- E. Any modification, alteration, reconstruction, or improvement of any kind that meets the definition of “repetitive loss” shall be undertaken only in full compliance with this Chapter and 44 CFR60.3d and the International Residential Code and International Building Code, 2003 as amended.
- F. Uniform Construction Code Coordination. The Standards and Specifications contained in 34 PA Code (Chapter 401-405), as amended and including but not limited to the following provisions shall apply to the above and other Sections and Subsections of this Chapter, to the extent that they are more restrictive and/or supplement the requirements of this Chapter:
 - 1. International Building Code (IBC) 2003 or the latest edition thereof: Sections 801, 1202, 1403, 1603, 1605, 1612, 3402, and Appendix G.
 - 2. International Residential Building Code (IRC) 2003 or the latest edition thereof: Sections R104, R105, R109, R323, Appendix AE101, Appendix E and Appendix J.

SECTION 162-1607. USES BY VARIANCE.

- A. General. If compliance with any of the requirements of this Chapter would result in an unnecessary hardship for a prospective builder, developer or landowner, the Zoning Hearing Board may, upon request, grant relief from the strict application of the requirements except as to those uses listed in Subsection B, below. No variance shall be granted for any construction, development, use, or activity within any FE areas that would, together with all other existing and anticipated development, increase the one-hundred (100) year flood elevation more than one (1) foot at any point.
- B. In accordance with the Pennsylvania Floodplain Management Act, 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.
 - 5. Schools.
 - 6. Fire Stations.
 - 7. Emergency management facilities.

- C. Variance Procedures and Requirements. Requests for variances shall be considered by the Zoning Hearing Board in accordance with Section 162-2408 of this Chapter, Section 910.2 of the Municipalities Planning Code and with the following:
1. No variance shall be granted for any construction, development, use or activity within any floodplain or floodway area that would cause any increase in the one hundred (100) year flood elevation.
 2. No variance shall be granted for any of the uses listed in Subsection B, above.
 3. If granted, a variance shall involve only the least modification necessary to provide relief.
 4. In granting any variance, the Zoning Hearing Board shall attach whatever reasonable conditions and safeguards it considers necessary in order to protect the public health, safety and welfare and to achieve the objectives of this Chapter.
 5. Whenever a variance is granted, the Zoning Hearing Board shall notify the applicant in writing that:
 - a. The granting of the variance may result in increased premium rates for flood insurance.
 - b. Such variances may increase the risks to life and property.
 6. In reviewing any request for a variance, the Zoning Hearing Board shall consider, but not be limited to the following:
 - a. There is good and sufficient cause for the variance.
 - b. Failure to grant the variance would result in exceptional hardship to the applicant.
 - c. The granting of the variance will not result in an unacceptable or prohibited increase in flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with any other applicable state or local ordinance regulations.
 - d. The review factors listed in Section 1608.F, below.
 7. 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 FEMA.
 8. Notwithstanding any of the above, however, all structures, whether residential or non-residential, shall be designed, located, constructed and maintained so as to have the capability of resisting the one hundred (100) year flood or the five hundred (500) year flood where mapped. In addition, such structures shall be in compliance with this Chapter.

SECTION 162-1608. ADMINISTRATION.

- A. Zoning Permits Required. Zoning permits shall be required before any construction or development is undertaken within the Flood Hazard Overlay District of Pennsbury Township. Applications shall be filed in triplicate and on forms furnished by the Township and shall be accompanied by detailed plans, drawings, specifications, and other such information deemed necessary by the Zoning Officer to ascertain compliance of this Chapter.
- B. Issuance of Zoning Permit. No requirement or standard of this Article XVI applicable to structures or uses in the floodplain shall imply that such structure or use is permitted in the floodplain.
1. The Zoning Officer is hereby appointed to administer and enforce this Chapter and is referred to herein as the Floodplain Administrator. Zoning permits shall be issued as per Article XXIII, and floodplain violations shall be addressed as per this Article, as well as Articles XXIII and XXVI.
 2. In the case of existing structures, prior to issuance of any zoning permit, the Floodplain Administrator shall review the history of repairs to the subject building, so that any repetitive loss issues can be addressed before the permit is issued.
 3. No encroachment, alteration or improvement of any kind shall be made to any watercourse until all adjacent municipalities which may be affected by such action have been notified by the Township and until all required permits or approvals have been first obtained from the Pennsylvania Department of Environmental Protection Regional Office. In addition, FEMA and Pennsylvania Department of Community and Economic Development shall be notified by the Township prior to any alteration or relocation of any watercourse.
 4. Prior to the issuance of any permit, the Floodplain Administrator shall review the application for the permit to determine if all other necessary government permits required by state and federal laws have been obtained, such as those required by the Pennsylvania Sewage Facilities Act (Act 1966-537, as amended); the Pennsylvania Dam Safety and Encroachments Act (Act 1978-325, as amended); the Pennsylvania Clean Streams Act (Act 1937-394, as amended); and the U.S. Clean Water Act, Section 404, 33, U.S.C. 1344. No permit shall be issued until this determination has been made.
- C. Application Procedures and Requirements.
1. Application for a zoning permit shall be made, in writing, to the Floodplain Administrator on forms supplied by Pennsbury Township. Such application shall include the following:
 - a. Brief description of proposed work and estimated cost, including a breakout of the flood-related cost and the market value of the building before the flood damage occurred.
 - b. Plans of all proposed buildings, structures and other improvements, drawn at suitable scale showing the following:

- 1) The proposed lowest floor elevation of any proposed building based upon North American Vertical Datum of 1988.
 - 2) The elevation of the one hundred (100) year flood.
 - 3) If available, information concerning flood depths, pressures, velocities, impact and uplift forces and other factors associated with a one hundred (100) year flood.
 - 4) Detailed information concerning any proposed flood proofing measures.
 - 5) Supplemental information as may be necessary under 34 PA Code, Chapter 401-405 as amended, and Sec. 1612.5.1 and 109.3 of the 2003 IBC and Section R106.1.3 and R104.7 of the 2003 IRC as referenced in the Uniform Construction Code.
 - c. A document certified by a registered professional engineer or architect which states that the proposed construction or development has been adequately designed to withstand the one hundred (100) year flood elevations, pressures, velocities, impact and uplift forces associated with the one hundred (100) year flood. Such statement shall include a description of the type and extent of flood-proofing measures which have been incorporated into the design of the structure and/or the development.
 - d. The appropriate component of the Pennsylvania Department of Environmental Protection "Planning Module for Land Development."
 - e. Documentation, certified by a registered professional engineer or architect, to show that the cumulative effect of any proposed development within a FF (Flood Fringe) Area when combined with all other existing and anticipated development, will not increase the base flood elevation more than one (1) foot at any point.
2. If any proposed construction or development is located entirely or partially within any identified floodplain area, applicants for zoning permits shall provide all the necessary information in sufficient detail and clarity to enable the Floodplain Administrator to determine that:
 - a. All such proposals are consistent with the need to minimize flood damage and conform with the requirements of this Chapter and all other applicable codes and ordinances;
 - b. All utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damage; and
 - c. Adequate drainage is provided so as to reduce exposure to flood hazards.
 3. Review of Application by County Conservation District. A copy of all applications and plans for any proposed construction or development in the Flood Hazard District to be considered for approval shall be submitted by the Floodplain Administrator to the Chester County Conservation District for review and comment prior to the issuance of a zoning permit. The recommendations of the Conservation District

shall be considered by the Floodplain Administrator for possible incorporation into the proposed plan.

4. Review of Application by Others. A copy of all plans and applications for any proposed construction or development in the Flood Hazard District to be considered for approval may be submitted by the Floodplain Administrator to any other appropriate agencies or individuals (e.g., Planning Commission, Township Engineer, etc.) for review and comment. Where the plan is classified as a subdivision or land development, the appropriate Township procedures for the review of such plans shall be followed.
- D. 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.
 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 ensure 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 North American Vertical Datum of 1988;
 - b. The elevation of the one-hundred (100) 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 (100) year flood. Such statement shall include a description of the type and extent of floodproofing measures which have been incorporated into the design of the structure and/or development.
- E. Supplemental Technical Review. 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.
- F. Additional Factors to be considered by the Zoning Hearing Board.
 1. In considering each application for a special exception or variance, the Board shall consider, in addition to the criteria in Sections 162-2408 and 162-2409 respectively:
 - 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. Such other factors which are relevant to the purposes of this Chapter.
- G. 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 one and one-half (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 FIS. For those areas in which the one-hundred-year flood elevations are not given in the FIS, 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 one and one-half (1 ½) feet above such elevation.
 - 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:
 - 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 Chapter, to the extent that they are more restrictive and/or supplement the requirements of this Chapter.

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.

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. No expansion or enlargement of an existing structure shall be allowed within any Flood Fringe Area (FF) that would, together with all other existing and anticipated development, increase the base flood elevation (BFE) more than one (1) foot at any point.
 - c. 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.
 - d. 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 Chapter.
 - e. The requirements of 34 PA Code Chapter 401-405, as amended and the 2003 IRC (Sections R102.7.1, R105.3.1, R105.3.1.1 and Appendices E and J) or the latest revision thereof and the 2003 IBC (Sections 101.3, 3403.1 and Appendix G) or the latest revision thereof shall also be utilized in conjunction with the provisions of this Section.
- H. 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 variance 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 162-1603 of the Pennsbury Township Zoning Ordinance.”

I. Additional Floodplain Administrator Responsibilities

1. During the construction period, the Floodplain Administrator or other authorized official shall inspect the premises to determine that the work is progressing in compliance with the information provided on the permit application and with all applicable municipal laws and ordinances. He/she shall make as many inspections during and upon completion of the work as are necessary.
2. In the discharge of his/her duties, the Floodplain Administrator shall have the authority to enter any building, structure, premises or development in the identified floodplain area, upon presentation of proper credentials, at any reasonable hour to enforce the provisions of this Article.
3. In the event the Floodplain Administrator discovers that the work does not comply with the permit application or any applicable laws and ordinances, or that there has been a false statement or misrepresentation by any applicant, the Floodplain Administrator shall revoke the Permit and report such fact to the Board of Supervisors for whatever action it considers necessary.
4. The Floodplain Administrator shall maintain all records associated with the requirements of this ordinance including, but not limited to, permitting, inspection and enforcement.
5. The Floodplain Administrator shall consider the requirements of the 34 PA Code and the 2006 IBC and the 2006 IRC or latest revisions thereof.

J. Appeals

1. Any person aggrieved by any action or decision of the Floodplain Administrator concerning the administration of the provisions of Articles XVI, XXIII, or XXVI may appeal to the Zoning Hearing Board. Such appeal must be filed, in writing, within thirty (30) days after the decision, determination or action of the Floodplain Administrator.
2. Upon receipt of such appeal the Zoning Hearing Board shall schedule, hear and decide the appeal in accordance with Article XXIV.
3. Any person aggrieved by any decision of the Zoning Hearing Board may seek relief there from by appeal to court, as provided by Act 247 and including the Pennsylvania Flood Plain Management Act.

ARTICLE XVII

Historic Resources Overlay District

SECTION 162-1701. PURPOSE.

- 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, Planning 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 educate the residents of Pennsbury about the history and built-environment of the Township, including its cultural and agricultural heritage and viewsheds.
- I. To serve as a source of information for owners of historic properties about the Township's architecture, its historic resources, and their on-going preservation and reuse.
- J. To implement the *Pennsbury Township Comprehensive Plan of 2006, as amended*.
- K. 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 603(b)(2), Section 604(1), and Section 605(2)(vi) of the Pennsylvania Municipalities Planning Code.

SECTION 162-1702. COMPLIANCE REQUIRED AND OTHER RESTRICTIONS.

- A. Compliance. Any demolition of or involving a 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.
- B. Preservation of other restrictions. It is not intended by this Article to repeal, abrogate, or impair any existing easements, covenants or deed restrictions.

SECTION 162-1703. HISTORIC RESOURCES MAP.

- A. Historic Resources Map. There shall be a Historic Resources Map adopted as part of this Chapter which shall delineate and classify each historic resource as being either a Class I historic resource or a Class II historic resource, defined as follows:
1. Class I historic resources shall include 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 designated as a “contributing” resource in a National Register of Historic Places nomination or in a National Historic Landmark nomination. The source for this determination shall be a copy of the National Register of Historic Place nomination or National Historic Landmark nomination that has been certified by the National Park Service.
 - b. Buildings, structures, or sites listed as contributing resources to a historic district listed on or eligible for the National Register of Historic Places. The source of this information shall be a copy of the National Register of Historic Places nomination that has been certified by the National Park Service or 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).
 - c. Buildings, structures, or sites determined eligible (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 the following:
 - a. Buildings, structures, or sites included in the Historic Resources Map of Pennsbury Township and documented on a Pennsylvania historic resource survey form, which retain local, state, or national significance per National Register criteria or for their local significance and meeting one (1) or more of the criteria listed below:
 - 1) That are associated with events that have made a significant contribution to the broad patterns of local, state or national history.
 - 2) That are associated with the lives of persons significant in local, state or national history.
 - 3) That possess the distinctive characteristics of a type, period, or method of construction or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction.
 - 4) 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.

- 5) That have yielded or may be likely to yield, information important in history or prehistory.
 - 6) That are architecturally significant.
- B. Adoption and revision. After receiving the recommendations from the Historical Commission in consultation with the Planning Commission, the Historic Resources Map may be revised from time to time by resolution of the Board of Supervisors. In considering adoption of or any revision to the Historic Resources Map, including additions, deletions, or changes of classification, the procedure shall be as follows:
1. Any property may be proposed for addition to or removal from the Historic Resources Map, or for a change in classification (Class I or Class II) by: 1) the owner of such property, 2) by the Historical Commission, 3) by the Board of Supervisors, or 4) by notice from the designating organization (Pennsylvania Historical and Museum Commission or National Park Service) that the historic resource no longer meets the criteria upon which its classification has been based.
 2. All proposals for addition to or removal from the Historic Resources Map, or for a change in classification (Class I or Class II), shall be referred to the Historical Commission, who shall hold a public meeting thereon, after written notice is sent to the owner(s) of the property affected. The Historical Commission shall consider oral testimony or documentary evidence regarding the proposal at the public meeting, describing how or why, the building, structure, or site meets or does not meet the criteria for designation of historic resources set forth in Subsection A, above. The Historical Commission in consultation with the Planning Commission shall present a written report to the Board of Supervisors within thirty (30) days following the public meeting stating its recommendation regarding the subject proposal. A resource shall be recommended for removal from Class I if it does not currently meet the definitional criteria set forth in Subsection A, above. Buildings, structures, or sites removed from Class I may be designated as Class II unless they do not currently meet any of the criteria set forth in Subsection A, above in which case they may be removed altogether from the Historic Resources Map.
 3. Written notice of the proposed action of the Board of Supervisors shall be given to the property owner at least thirty (30) days prior to the date of the meeting where the resolution will be considered. Failure to give such notice, or failure of the owner to receive such notice, shall not, however, render void the action of the Board of Supervisors taken at such public meeting unless otherwise provided by law.
- C. For the purposes of this Chapter, the Pennsbury Township Historical Commission shall maintain an inventory of historic resources in the Township including historic resources classifications, as defined under Subsection A above, which shall supplement the Historic Resources Map.

SECTION 162-1704**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. Historic resources, whether occupied or vacant, shall comply with Township property maintenance codes.

B. Demolition of historic resources by permit. The following procedure is established for the issuance of a permit for demolition of a historic resource in order to facilitate the purposes of this Article and to allow for the consideration by and presentation to its owner/applicant of alternatives to the demolition or disturbance of the historic resource:

1. Demolition permit. No historic building, structure, or site designated as a historic resource and identified as such on the Historic Resources Map 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 in accordance with the procedures and requirements of this Section and other applicable standards and procedures of township ordinances and codes. The Code Enforcement Officer shall not make a decision on an application for a demolition permit for an historic resource until issuance of the recommendation of the Board of Supervisors as required by this Section.
2. Removal of existing significant exterior architectural features. Demolition, for purposes of the foregoing permit requirements, shall include the removal of any existing significant exterior architectural features on a historic resource if such feature(s) is identified as such on a National Register nomination or Pennsylvania historic resources survey form, or so deemed by the Historical Commission.
3. Pre-application meeting required. A meeting between the applicant and the Historical Commission shall be required prior to the official submittal of a demolition permit application. The purpose of this meeting is to foster communication about the demolition proposal and possible alternatives for the resource in question. This meeting will also include a discussion of the extent and scope of the proposal including but not limited to whether the proposal entails routine maintenance and replacement-in-kind, and/or demolition of existing significant exterior architectural features or the resource itself.

Within seven (7) days of the pre-application meeting, the Historical Commission shall submit a summary of the meeting to the Planning Commission for its information.

If the Historical Commission determines that the proposal involves routine maintenance or replacement-in-kind of existing significant exterior architectural features, the applicant shall be required to submit a modified application in accordance with Subsection 4, below.

4. Application requirements for the demolition of a historic resource. In addition to applicable requirements under the Township building codes, any applicant seeking a permit to demolish a 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. Measured site plan showing the locations, dimensions, use, height of all buildings and structures on the lot on which the historic resource is located in relation to lots lines, roadways, and natural features.

- 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. In depth 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 the applicant has considered prior to, or instead of, demolition.
 - j. A modified demolition application specifically for routine maintenance and/or replacement-in-kind of existing significant exterior architectural elements or features on a historic resource may be submitted and shall include information in Subsections a., b., d., e., and f., above.
5. Application. The applicant shall submit ten (10) copies of an application for a demolition permit involving a historic resource, with all of the aforesaid information, to the Code Enforcement Officer. The Code Enforcement Officer shall forward the complete application to the Historical Commission for review, and to the Planning Commission for its information, but shall reject and return an incomplete application. The time periods for review and decision of this Section shall not commence until the Code Enforcement Officer notifies the applicant in writing that a complete application has been accepted for filing.
6. Review by Historical Commission. Within sixty (60) 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 shall be notified of such meeting at least twenty (20) days prior to its date and shall have the opportunity to present reasons for filing the application and such other relevant information as the 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/she 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 historic 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.
 - j. The Historical Commission may request that the Board of Supervisors require that the applicant submit the financial analysis referred to in Subsection B.10, below, to the Historical Commission as part of this Historic Commission review for the purpose of further assessing the application under review.
 - k. For applications for routine maintenance or replacement-in-kind of existing significant exterior architectural features and elements on historic resources, the Historical Commission shall consider the scope, method, and materials used in the maintenance or in-kind replacement and whether any changes are proposed that would alter the historical or architectural significance of the historic resource in question.
7. Recommendation by the Historical Commission. The Historical Commission shall, after conducting the meeting as aforesaid, make a recommendation to the applicant and the Board of Supervisors, with a copy to the Planning Commission, within thirty (30) days of the meeting date 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.
- In the case of routine maintenance and/or replacement-in-kind applications, the Historical Commission will make a recommendation of approval or denial of the application to the Code Enforcement Officer within forty-five (45) days who will notify the applicant if the routine maintenance/replacement-in-kind application has been approved or denied.
8. Board of Supervisors recommendation.
- a. Within thirty (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 recommend approval or denial of the application or defer their decision for up to ninety (90) days as set forth below for the purpose of allowing the 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. If the recommendation is deferred (and a financial analysis has not been previously submitted), the Board of Supervisors may, at 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 information may include: historical data, surveys, and other data provided by local, state, and federal historic preservation organizations and agencies; photographs; floor plans; measured drawings; archaeological surveys (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 a financial analysis or to perform, or cause to be performed, other evaluations or studies, as aforesaid, the ninety (90) day deferral period above shall be extended a period of sixty (60) additional days after the complete submission of such information is delivered to the Township.
- d. The applicant shall be notified of the Board of Supervisors meeting at which the application for demolition is to be considered at least twenty (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 (5) days of making its decision, the Board of Supervisors shall provide written communication of its decision to the applicant, Historical Commission, Planning 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.
- 9. 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 Historical Commission may recommend to the Board of Supervisors approval or denial of the demolition application or any other recommendations the Historical Commission deems appropriate for the preservation of the historic resource. The Historical 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.

10. Financial analysis for the demolition of a 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 be verified as true and correct by the applicant, which shall include at least the following:
 1. Amount paid for property, date of purchase and party from whom purchased, including a description of the relationship, whether business or familial, if any, between the owner and the person from whom the property was purchased.
 2. Assessed value of the land and improvements thereon according to the most recent county real estate tax assessment.
 3. If the resource is a Class I or Class II historic resource, financial information for the previous two (2) years which shall include, as a minimum, annual gross income from the property, itemized operating and maintenance expenses, real estate taxes, annual debt service, annual cash flow, the amount of depreciation taken for federal income tax purposes, and other federal income tax deductions produced.
 4. 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.
 5. Cost of identification, and/or mitigation of significant archaeological resources.
 6. An appraisal of the fair market value of the property in its existing condition and the estimated fair market value after restoration for permitted uses pursuant to existing zoning, prepared by a Pennsylvania licensed real estate appraiser.
 7. An analysis of the economic viability of the property for sale or rental as it exists and after restoration.
 8. Bona fide offers to purchase or rent the property, including asking price and offers received.
 9. Any consideration by the applicant as to economical adaptive uses for the property.
 - b. Any costs incurred by the Historical Commission, as agreed to by the applicant, to review plans or studies submitted to the Historical Commission's consultant specifically retained for this purpose, shall be reimbursed to the Township by the applicant.

11. Issuance or denial of demolition permit. Where the Board of Supervisors acts to approve the application for the demolition permit, 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). Where the Board of Supervisors acts to deny the demolition permit, the Board of Supervisors shall state the recommended measures for the preservation or adaptive use of the historic resource. The Board of Supervisors shall state the reasons why a demolition permit was approved or denied. The applicant's failure to comply with any requirement of this Section shall be sufficient reason for a Board recommendation of denial of a demolition permit and denial of the permit by the Code Enforcement officer. Such permit approval or denial action shall be taken by the Code Enforcement Officer within ten (10) days after the decision of the Board of Supervisors.
12. No permit shall be issued for the demolition of Class I or Class II historic resource unless the Board of Supervisors finds that the Class I or Class II historic resource cannot be used for any purpose for which it is or may be reasonably adapted. In order to show that the Class I or Class II historic resource cannot be used for any purpose for which it is or may be reasonably adapted, the applicant must demonstrate that the sale, rental, or use of the property is impracticable, because a sale or rental cannot provide a reasonable rate of return and that other potential uses of the property authorized by the Zoning Ordinance, and specifically this Article, which would provide a reasonable rate of return, are not possible.
13. Documentation required. Prior to issuance of the demolition permit, the Historical Commission may require that the applicant/owner document the historic resource proposed for demolition. Such documentation may include photographs, floor plans, measured drawings, archeological survey or other form of documentation necessary to adequately record the history and architectural features of the historic resource. The Historical Commission may also require that the applicant/owner remove, preserve, and donate to the Township exterior and interior architectural features or elements of the historic resource.
14. 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 and this Article and Chapter.

SECTION 162-1705. SPECIAL USE PROVISIONS FOR ADAPTIVE REUSE OF HISTORIC RESOURCES.

- A. Purpose. It is declared that certain buildings, structures, and sites 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 resources located in Pennsbury Township have become obsolete in size or layout or are expensive to renovate or reuse for uses that are otherwise allowed in underlying zoning districts. It is the purpose of this Section to encourage the preservation of historic resources by permitting alternate uses for such historic resources compatible with their historic character and appearance, subject to various bulk and area requirements and other restrictions as set forth in this Section, Article, and Chapter.

- B. Where approved by the Board of Supervisors as a conditional use in accordance with Section 162-2308, and upon review and recommendation by the Historical Commission in consultation with the Planning Commission, the following special uses may be permitted for historic resources. Specifically, such special uses shall be available for a historic resource located in the VR or VC Zoning District as a second principal use in addition to those uses otherwise permitted in the underlying VR or VC zoning districts, and shall be available for a historic resource in place of any use permitted in any other underlying zoning district in which the historic resources is located as follows. It is intended that these special uses, not otherwise permitted in the underlying zoning district, shall be principally contained within Class I or Class II historic resources.
1. Residential Conversion, in accordance with Section 162-2036.
 2. Single professional office that is characterized by low frequency of customer, client, and vendor visitation as well as low occupant density, in accordance with Section 162-2039. This special use shall only be permitted on properties with frontage on Route 1, Route 52, and Route 926.
 3. Bed and Breakfast Lodging, in accordance with Section 162-2010. This special use shall only be permitted on properties with frontage on Route 1, Route 52, S. Creek Road, and Route 926.
 4. Antique Shop, in accordance with Section 162-2007. This special use shall be limited to properties with frontage on Route 1 and Route 52 and Route 926.
- C. Special Uses shall also be subject to the criteria in Section 162-1707.

SECTION 162-1706. MODIFICATION OF AREA AND BULK REGULATIONS FOR HISTORIC RESOURCES.

- 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 requirements in the underlying zoning district on the extension or enlargement of permitted and nonconforming uses for plans affecting historic resources, in accordance with the criteria set forth under Section 162-2308, and provided the following additional criteria are met:
1. Where a historic resource exists on a site that is to be subdivided or developed, there shall be a lot area of sufficient size to preserve those portions and features of the historic resource which are significant to its historical, architectural and cultural values and to allow for landscaping, and buffering or screening that protects the historic resource from the impact of surrounding development.
 2. The modification or rehabilitation shall have the effect of encouraging the continued preservation or adaptive reuse of the historic resource.
 3. The applicant shall present and agree to comply with plans for the rehabilitation, alteration or enlargement of a historic resource shown on the application for conditional use and must be in substantial compliance with the following standards for rehabilitation (derived from the U.S. Secretary of the Interior's Standards for Rehabilitation):

- 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 shall 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 or later 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 and preserved whenever possible.
 - f. Deteriorated architectural features shall be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material shall match the material being replaced in composition, design, texture and other visual qualities. Repair or replacement of missing architectural features shall be based on accurate duplications of features, substantiated by historic, physical, or pictorial evidence rather than on conjectural designs 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 feasible, new additions or alterations to structures shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the structure will be unimpaired.
- B. Compliance. Determinations of compliance with these standards shall be made by written report of the Historical Commission, using the Secretary of the Interior's Guidelines for Rehabilitating Historic Buildings to apply the Standards to each project.

SECTION 162-1707. DESIGN STANDARDS ASSOCIATED WITH THE ADAPTIVE REUSE OF HISTORIC RESOURCES.

A. Landscaping and Buffering.

1. Landscaping. When a Class I or Class II historic resource is located within a tract proposed for subdivision or land development, a landscape plan for the grounds surrounding the Class I or Class II historic resource may be required, as follows.
 - a. The plan shall be prepared by a registered landscape architect, or by a nurseryman or other individual deemed qualified by the Historical Commission or Board of Supervisors.
 - b. The plan shall show all pertinent information, including the location, size and species of all individual trees and shrubs to be removed, relocated, planted or preserved.
 - c. Through screening, buffering and selection of plant material, the plan should strive to minimize the impact of the proposed development on the historic resource and protect its integrity of setting and any significant vegetation.
 - d. The plan shall be reviewed by the Historical Commission and submitted by them with written recommendations to the Board of Supervisors prior to any decision by the Board of Supervisors on the subdivision or land development plan.
2. Buffering. When any major subdivision, any land development, or any non-residential use is proposed on a property, any boundary of which is within five hundred (500) feet of an exterior wall of a Class I or Class II historic resource, the applicant may be required to submit a buffering plan, as follows.
 - a. The plan must depict how the historic resource will be buffered against the deleterious impacts of the proposed development. Buffering may include, but need not be limited to vegetative screening and fencing.
 - b. The appropriateness and effectiveness of the proposed buffering shall be reviewed by the Historical Commission to the Board of Supervisors prior to any decision by the Board of Supervisors on the subdivision, land development or non-residential use proposal.

B. Lighting. For Class I and Class II historic resources the following lighting standards shall apply in addition to those in Article XIX:

1. The use of non-cut-off fixtures shall not be permitted.
2. Lighting should be consistent with the historic architectural style of the building.
3. If lit, light and highlight signs with indirect lighting, such as small goose neck lights or small remote spotlights.
4. Where possible, down-lighting should be used.

- C. Signs. For Class I and Class II historic resources the following sign standards shall apply in addition to those in Article XXI:
1. Permits. Signs within the Brandywine Battlefield National Historic Landmark Planning Area, Fairville Village Historic District, the Route 1 Corridor Overlay District, or on or within one hundred (100) feet of a historic resource shall be reviewed by the Historical Commission and Planning Commission. No permit for a sign shall be issued by the Zoning Officer prior to the review of and comment on the application in accordance with the terms of this Section.
 2. Zoning Officer. The Zoning Officer shall provide the Historical Commission with a copy of the application, together with any plans or diagrams required by Article XXI, within five (5) days of receipt of a complete application.
 3. Historical Commission. The Historical Commission shall, within twenty (20) days of receipt of a complete application or at the next regular monthly meeting, review the plans or diagrams and prepare a written statement to the Zoning Officer, with a copy to be sent to the applicant, indicating whether the plans will have any detrimental effect on the architectural integrity or the public view of a historic resource. The statement shall indicate what specific changes can be made to mitigate detrimental effect.
 4. Issuance of Permit:
 - a. Upon receiving a statement of no detrimental effect from the Historical Commission, and providing the plans or diagrams satisfy all other requirements of the Township, the Zoning Officer shall issue the permit.
 - b. If the Historical Commission's statement indicates that the plans or diagrams will have a detrimental effect, the Zoning Officer shall not issue the permit until the plans or diagrams have been revised by the applicant in accordance with the Historical Commission's recommendations.
- D. Parking. For Class I and Class II historic resources the following parking standards shall apply in addition to those in Article XIX:
1. Front yard parking shall be discouraged.
 2. Rear parking shall be encouraged. Access may be from a common alleyway which runs along the rear of all properties in the block.
 3. Shared parking shall be encouraged between two (2) or more commercial uses operating in close proximity to one another.
 4. All parking areas shall be lighted where permitted or required, and landscaped in such a way as to maintain the rural Township character.

SECTION 162-1708. HISTORIC RESOURCE IMPACT STATEMENT.

- A. Purpose. The objective of the impact statement is to provide the Township with enough information and data to evaluate the impact of the proposed land development on historic resources in the Township and encourage the preservation of those resources to the maximum extent possible. The impact statement shall be prepared by an individual qualified by education and/or experience in historic preservation.
- B. Applicability. A historic resource impact statement shall be required when any of the following are proposed:
1. Preliminary subdivision or land development plans proposing improvements or disturbance on land within five-hundred (500) feet of the exterior walls of any Class I or Class II historic resource, or on land on which historic resources are located.
 2. General bridge or highway construction or substantial repair passing within five-hundred (500) feet of the exterior walls of any Class I or Class II historic resource.
 3. Subdivision or land development plans proposing adaptive reuse or demolition of a Class I or Class II historic resource.
 4. Subdivision or land development plans which may impact primary archaeological sensitive areas, especially prehistoric sites, in which case an archaeological impact study shall be submitted and, if archaeological resources potential exists, a Phase I Archaeological Study shall be conducted.
 5. Change in traffic patterns due to a subdivision or land development, in order to ensure the road/traffic plans are context sensitive protecting the safety and character of the historic resource, its environment, and other neighboring historic resources.
- C. Contents. The historic resources impact statement shall include the following information:
1. Background Information.
 - a. If not otherwise provided by the applicant, a general site description and plan, including topography, watercourses, vegetation, landscaping, existing drives, etc.
 - b. General description and classification of all Class I or II historic resources located on the land to be developed and within five hundred (500) feet of any proposed land development, improvement, or disturbance.
 - c. Physical description of all Class I or II historic resources.
 - d. Narrative description of the historical development of the tract in question as well as a description of the historical and architectural significance of each Class I or II historic resource.
 - e. Photographs (a minimum of 4" x 6" in size) illustrating each Class I or II historic resource in its setting.

2. **Assessment of Potential Impacts of Development on Historic Resources.** A description of impact of the proposed development on each Class I or II historic resource, with emphasis on the impact to architectural integrity, historic setting, and future viable use.
 3. **Mitigation Measures.** A description of suggested approaches to be undertaken by the developer to minimize potentially negative impacts to Class I or II historic resources, including design alternatives, buffering, landscaping, conservation of existing vegetation, and any other appropriate measures permitted under the terms of this and other Township ordinances.
- D. The Historical Commission will review the impact statement and submit it along with a written recommendation to the Board of Supervisors before the Board of Supervisors makes a decision regarding the land development plan. The potentially negative impacts shall be mitigated by measures satisfactory to and approved by the Board of Supervisors. The mitigation shall be completed and implemented contemporaneously with the development or construction requiring the impact statement.

SECTION 162-1709. RENOVATION, RESTORATION OR REHABILITATION OF HISTORIC RESOURCES

- A. Historic Resources for the purpose of this sub-section are Historic Resources located on properties classified as Class 1 or Class 2, on the Pennsbury Township Historic Resource Map, as amended.
- B. In order to facilitate the purposes of this Article and the exchange of ideas between a Historic Resource owner and the Historical Commission, the following procedure is established for the issuance of a Building Permit for the Renovation, Restoration, or Rehabilitation of a Historic Resource.
- C. **Procedures for Renovation, Restoration or Rehabilitation of a Historic Resource.**
1. A meeting between the Historic Resource owner and the Historical Commission shall be required prior to the commencement of any work on the Renovation, Restoration, and Rehabilitation of a Historic Resource. If the project requires a building permit, the requirements of this subsection shall be met in addition to all applicable Township procedures and codes. The Building Official shall not make a decision on an application for a Building Permit for a Historic Resource until the issuance of the report of the Historical Commission as set forth herein. The application for a building permit for the Renovation, Restoration, and Rehabilitation of a Historic Resource shall not be accepted for filing by the Township until the requirements of this Section 162-1709 are met.
 2. **Pre-Application Meeting:** At the Pre-Application Meeting, the Commission and the owner shall discuss the project and the following items, which the owner shall produce at the meeting:
 - a. Name of legal and equitable owner of record of the Historic Resource.
 - b. Classification of the Historic Resource listed on the Pennsbury Township Historic Resources Map.

- c. A brief description of current condition of the Historic Resource, including, but not limited to, the condition of its roof, exterior walls, windows, doors, and the integrity of its structure and foundation.
 - d. A brief statement of the goals and intentions of the Renovation, Restoration, or Rehabilitation, including whether the project will involve any demolition. If any such demolition falls within the demolition of historic resource definition of Article II, it shall be governed by that Section 16201704, but may be administratively processed in coordination with this Section.
 - e. Photographs of the Historic Resource depicting the appearance at the time of meeting, including, but not limited to all exterior elevations.
 - f. A sketch plan or drawing showing the proposed work.
3. Within ten (10) days following the Pre-Application Meeting, the Historical Commission shall submit a summary report of the meeting with recommendations, to the owner, the Building Official, the Board of Supervisors and the Planning Commission for their information.
- a. In the case of proposals determined to be routine maintenance, replacement-in-kind or of a size and magnitude that the Commission determines that further meetings regarding the project are unnecessary, the Commission shall so notify the Building Official in its summary report, and the Building Official shall process the proposal as a regular Building Permit application (Expedited Procedure).
 - b. In the case of proposals determined by the Commission to be of such size, magnitude and complexity that the Commission needs additional design development and implementation information regarding the project, the Commission may continue the meeting, as it deems appropriate. At any such continued meeting or meetings, the Commission may request that the owner provide additional information. This may include a site visit to see the Historic Resource in relation to other buildings on the site, lot lines, setbacks, roadways and natural features. The Historical Commission shall submit a summary report of each continued meeting to the owner, the Building Official, the Board of Supervisors and the Planning Commission for their information.
4. Building Permit Application Process: After the conclusion of the Pre-Application meeting or continued meetings, the owner shall submit an application for a Building Permit for the project to the Building Official, if required. The Building Official shall forward the completed application to the Historical Commission for review, and to the Planning Commission and Board of Supervisors for their information, but shall reject and return an incomplete application.

In addition to application requirements under the Township building codes, any applicant seeking a permit for Renovation, Restoration, or Rehabilitation of a Historic Resource, that

has not been determined to be governed by the Expedited Procedure, shall provide the following information with the application:

a. All information provided at the Pre-Application meeting or continued meetings with the Historical Commission.

b. Measured site plans, floor plans, and exterior elevations for those areas of the Historic Resource that are involved in or impact by the project, showing existing conditions, and proposed changes resulting from the project, if not provided under a. above.

c. List of items to be salvaged, if applicable.

d. Information regarding the potential for significant impact on archeological resources or neighboring Historic Resources.

5. Review by Historical Commission: Within thirty (30) days of receipt of a complete application from the Building Official, the Historical Commission, at a regular or special meeting, shall review the application. The applicant will be notified of the meeting and shall have the opportunity to be present and contribute information to the Commission regarding the application.

6. Report by the Historical Commission: Within thirty (30) days of the application review meeting, the Historical Commission shall issue its report to the Building Official with copies to the applicant, the Board of Supervisors and the Planning Commission. The report shall set forth the Commission's recommendations as to how the Restoration, Renovation or Rehabilitation may be accomplished to best promote the preservation of the historic, architectural, cultural, educational, and other values represented by the Historic Resource.

ARTICLE XVIII

Open Space Design Option and Lot Averaging

SECTION 162-1801. PURPOSE.

The alternative design options established under this Article have been created to support the protection of the unique and rich ecology, flora and fauna, natural and scenic landscapes, and historical features which characterize Pennsbury Township, including scenic views and viewsheds, agricultural resources, historic and archeological resources, water bodies, floodplains, riparian buffers, wetlands and hydric soils, steep slope areas, ridgelines, rock outcroppings, wildlife habitats, unique vegetation, hedgerows, and woodlands of the Township, and to pursue the goals in the *Pennsbury Township Comprehensive Plan of 2006*, as amended. The purposes of this Article are:

- A. To provide an opportunity for flexibility in lot and site 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 units in areas removed from such features.
- D. To protect scenic vistas and viewsheds from encroachment by development.
- E. To retain and protect open space areas, including areas noted for their value as a wildlife habitat or corridor, a site of unique vegetation, such as specimen trees, or other sites or features contributing to the natural diversity of the Township.
- F. To minimize potential adverse impacts resulting from the location of new residential development adjacent to nonresidential uses.
- G. To protect agricultural uses and limit disturbance of agricultural soils.
- H. To support the objectives of the state designated Lower Brandywine Scenic River Corridor.
- I. To protect historic resources, including the Brandywine Battlefield National Historic Landmark Planning Area.
- J. To provide a means to attain the goals and objectives of the Comprehensive Plan relative to orderly growth and the protection and/or enhancement of environmental resources.

SECTION 162-1802. GENERAL PROVISIONS.

- A. The alternative design options using the provisions of this Article shall be available subject to approval as a conditional use.
- B. Any tract of land which shall be the subject of an application for subdivision, land development, or both using the provisions established herein for the Open Space Design Option shall meet the following minimum tract size provisions, whether a single tract or two (2) or more tracts developed according to a single plan; tracts eligible for lot averaging shall be as set forth in Section 162-1809:

1. In the R-1 District – fifteen (15) acres, net area;
 2. In the R-2 or R-3 Districts – ten (10) acres, net area.
- C. 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.
- D. Sewage requirements shall be in accordance with the Township's Act 537 Sewage Facilities Plan and subject to the following:
1. All lots shall be served by individual on-lot sewage disposal systems with separate primary and secondary sewage disposal sites both tested and approved prior to issuance of final subdivision and land development approval.
 2. All primary and secondary tested and approved sewage disposal sites shall be located on the lot which they serve, except where the Board of Supervisors modifies this requirement as a condition of conditional use approval to permit one (1) or more secondary sewage disposal sites to be located within designated open space or to provide for alternative sewage disposal arrangements for dwellings resulting from adaptive reuse of existing historic resources as provided in Sections 162-1803.B and 162-1808, where the Board of Supervisors determines that such modification improves conformance to the results of the Four Step Design process as set forth in Chapter 138, Subdivision and Land Development, and further affords consistency with the objectives of this Article and the *Pennsbury Township Comprehensive Plan of 2006, as amended*. In such case(s), sewage disposal sites located within designated open space areas shall be located in areas contiguous to each affected lot or dwelling, shall be pinned so easily found, shall be indicated with metes and bounds on recorded plans and described in any applicable deed with reference to pertinent recorded plan sheet(s), and shall be subject to clear delineation and documentation of maintenance responsibilities formalized through establishment of easements satisfactorily guaranteeing mandatory maintenance by the affected homeowners. Secondary sewage disposal sites within designated open space shall be subject to a recorded covenant prohibiting any disturbance of the site except for the installation of sewage disposal facilities.
 3. No building permit shall be issued for any structure (including swimming pools) within ten (10) feet of any tested and approved primary or secondary sewage disposal site unless the lot owner satisfies the Township that an alternative (third) tested and approved sewage disposal site is available.
- E. The Historic Resources Map, Flood Hazard Overlay District maps, and other relevant mapping from this Chapter or the *Pennsbury Township Comprehensive Plan of 2006, as amended* and mapping prepared for the state-designated Lower Brandywine Scenic River Corridor shall be incorporated herein by reference as a part of this Chapter.

SECTION 162-1803. PERMITTED USES.

An applicant may utilize land within the R-1, R-2, or R-3 zoning districts under the provisions of this Article for development of one (1) or more of the following residential uses:

- A. Single-family detached dwellings.
- B. Single-family attached, two-family, and multifamily dwellings, and accessory residential uses only through rehabilitation or adaptive re-use of historic resources, as defined in this Chapter where part of a development under the Open Space Design Option, subject to the requirements of Section 162-1808.
- C. Uses allowed for permanently protected open space, within such permanently protected open space, as set forth in Section 162-1806 of this Article.

SECTION 162-1804. CALCULATION OF PERMITTED NUMBER OF LOTS AND OPEN SPACE REQUIRED.

- A. Applicability. The following requirements shall apply to land development using the Open Space Design Option where permitted in the applicable underlying zoning districts in this Chapter.
- B. Calculation of Permitted Number of Lots per Tract. Except as provided in Subsection E, below, the maximum permissible number of lots and dwelling units on any tract shall be the quotient obtained by dividing the net tract area, measured in acres, by three (3) in the R-1 District, by two (2) in the R-2 District and R-3 District. For purposes of this Article, a single dwelling unit and the lot on which it is constructed shall be calculated as one (1); and each lot on which no dwelling unit is proposed at the time of application shall be counted as one (1) (except for lots which are to be devoted to permanently protected open space, which shall not be counted). Where a fraction results from the calculation, the figure shall be rounded to the next lower whole number. For example, a calculation resulting in 17.8 shall provide for 17 lots and dwelling units.
- C. 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 and is approved as a conditional use. Applicants are advised that it may not be possible, in all cases, to achieve the maximum number of lots or units while complying with open space criteria and other requirements of this Article.
- D. Minimum Preserved Open Space.
 - 1. Wherever the Open Space Design Option afforded by this Article is utilized for the development of a tract of land, an area of permanently protected open space in such development shall be required as having an area not less than the result of the following calculation:
 - a. Where located in the R-1 District: The result of gross tract area minus net tract area, plus 50% of net tract area;
 - b. Where located in the R-2 or R-3 Districts: The result of gross tract area minus net tract area, plus 40% of net tract area.

2. Without limitation of the foregoing, in no case shall permanently protected open space encompass less than sixty percent (60%) of the gross area within the boundaries of the subject tract where located in the R-1 District nor less than fifty percent (50%) of the gross area of the tract where located in the R-2 or R-3 Districts.
3. Lands utilized to calculate compliance with this minimum preserved open space requirement shall not include any of the following although the following may be included in areas designated and managed as open space:
 - a. Easements for drainage, access, sewer or water lines, or other public purposes;
 - b. Any open space area with a width of less than sixty (60) feet measured perpendicular from any point on the boundary of the open space;
 - c. Any parcel of open space having an area less than one-half (1/2) acre.
- E. In addition to the maximum permissible number of lots and dwelling units on any tract calculated as provided in Section 162-1805.B, an applicant for development under the Open Space Design Option shall be permitted additional dwelling units and accompanying lots only through the adaptive reuse of historic resources, as defined in this Chapter on the tract of land; provided that such adaptive reuse complies with the standards for historic resources in Section 162-1808 and Article XVII. Except where physically unfeasible due to existing locational and/or structural attributes, all such dwelling units shall also follow the requirements in Subsection F, below. Maintaining historic resource(s) for dwelling use as permitted in this Chapter shall not be counted towards otherwise permitted density of development set forth in Section 162-1804.B, above.
- F. Area and Bulk Regulations. The following area and bulk regulations shall apply to any tract developed pursuant to the Open Space Design Option except where modifications are approved by the Board of Supervisors as condition(s) of conditional use approval, where the Board of Supervisors determines that such modifications improve conformance to the results of the Four (4) Step Design process as set forth in Chapter 138, Subdivision and Land Development, and further afford consistency with the objectives of this Article and the *Pennsbury Township Comprehensive Plan of 2006, as amended*:
 1. Lot area. No less than One (1) gross acre.
 2. Minimum lot width at the building line. One-hundred fifty (150) feet.
 3. Maximum lot coverage. Fifteen percent (15%).
 4. Minimum front yard. Forty (40) feet, where it fronts on a local residential street, or sixty (60) feet where it fronts on an arterial or collector road, or in the case of a flag lot or a corner lot, the provisions of Section 162-1902 shall apply.
 5. Minimum side yard. Fifty (50) feet in width, aggregate of two (2) side yards; twenty (20) feet in width, minimum individual side yard.
 6. Minimum rear yard. Forty (40) feet in depth, unless the lot is a reverse frontage lot, in which event the requirements of Section 162-1902 shall apply.

7. Maximum height. Three (3) stories or thirty-five (35) feet in height whichever is less, except those buildings or structures exempted in Section 162-1902.

SECTION 162-1805.**OPEN SPACE DESIGN DEVELOPMENT STANDARDS.**

- A. The applicant shall demonstrate to the satisfaction of the Township, by the use of sound, professional land planning, landscaping, architectural, and engineering techniques and practices that the development and combination of land uses protect against disturbance of (by construction of buildings or site improvements, destruction of vegetation or otherwise) the following open space resources to the maximum extent feasible:
 1. Scenic landscapes within the state designated Lower Brandywine Scenic River Corridor.
 2. Any views of natural or agricultural landscapes, other natural features (such as woodlands, ponds, or stream valleys) or historic resources 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:
 - a. The submission of individual lot landscaping plans demonstrating effective screening of views from public roads and adjacent tracts.
 - b. 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.
 3. 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 162-1808.
 4. Lands within the Flood Hazard Overlay District as defined in Article XVI or lands protected by the National Resources Protection Standards found in Article XV. In addition, the use of lands as set forth in Articles XVI and XV shall apply.
 5. Wildlife habitats, particularly where species or habitat types included in the Pennsylvania Natural Diversity Inventory (PNDI) 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.

6. 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 as permitted in Article XV.
 7. Mature trees and woodlands, including any existing trees greater than eight (8) inches dbh, hedgerows, fence lines, rock outcroppings and other noted landscape features. Woodland removal or disturbance shall be in accordance with the provisions set forth in Section 1503.C.
 8. Prime Agricultural Soils. The disturbance of prime agricultural soils shall be limited to the greatest extent possible and such soils shall be located within the permanently protected open space whenever possible.
- B. The location and layout of permanently protected open space shall be configured so as to promote adherence to resource protection standards in Articles XV and XVI.
- C. Without limitation of any other requirements of this Article or the definition of permanently protected open space under Article II, permanently protected open space in any plan and application submitted under this Article shall be restricted from further development or construction except for permitted open space uses, by conservation easement or other agreement running in favor of the Township, a qualified conservation organization or both (as the Board of Supervisors elect) in a form acceptable to the Board of 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 shall be satisfied if, in the alternative, the permanently protected open space is dedicated to and accepted by the Township.

SECTION 162-1806.**USE OF PERMANENTLY PROTECTED OPEN SPACE.**

- A. Areas designated as permanently protected open space may be used for any of the following:
1. Agricultural and horticultural uses, including raising crops or livestock and associated agricultural structures specifically needed to support a viable agricultural or horticultural operation. Specifically excluded are mushroom operations and commercial livestock operations.
 2. Cultivation of nursery stock or orchard trees.
 3. Woodland, meadow, wetland, wildlife habitat, game preserve, or similar conservation-oriented area.
 4. Brandywine Battlefield National Historic Landmark Planning Area and other public, common, or private park, or outdoor recreation area.
 5. Subsurface sewage disposal areas and/or land application of treated waste water in accordance with the Municipal Sewage Facilities Plan (Act 537 Plan) of the Township, subject to specific conditional use approval as set forth in Section 162.1802.D.2.
 6. Open space network greenways, non linear areas, or trails as defined in Chapter Six of the *Pennsbury Township Comprehensive Plan*.

7. Wildlife corridors and or connectors as defined in Chapter Six of the *Pennsbury Township Comprehensive Plan*.
 8. Adaptive reuse of historic resources for uses consistent with permitted open space use of the land, including community recreational purposes, in accordance with Article XVII. Any use not consistent with permitted open space uses, including residential or commercial use, bed and breakfast lodging use, etc., shall be located on a separate lot and shall not be considered part of the open space.
 9. Easements for drainage, access, sewer or water lines, or other public purposes, provided such areas are not included in the calculation for minimum required open space.
- B. Further subdivision of permanently protected open space may be permitted by approval of the Township in accordance with all applicable provisions of this Chapter and Chapter 138, Subdivision and Land Development.

SECTION 162-1807. MANAGEMENT AND MAINTENANCE OF PERMANENTLY PROTECTED OPEN SPACE.

A. Open Space Management Plan.

1. Any application under this Article shall contain a 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. A discussion of the manner in which the permanently protected open space will be owned and by whom it will be managed and maintained;
 - b. The conservation, land management, and agricultural techniques and practices which will be used to conserve and perpetually protect the permanently protected open space;
 - c. The professional and personnel resources that will be necessary in order to maintain and manage the property;
 - d. The nature of public or private access that is planned for the permanently protected open space; and
 - e. The source of money that will be available for such management, preservation and maintenance on a perpetual basis.
2. Final Open Space Management Plan. A preliminary management plan shall be transformed into a more detailed final open space management plan in compliance with Section 162-1807.C. herein below and presented to the Township for review and approval with the final subdivision and land development plan. The Township may require that the final open space 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 Township, 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 Township.

- B. 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 Board of Supervisors, be owned, managed, and maintained by one (1) or a combination of the following:
1. Retained Ownership of Permanently Protected Open Space.
 - a. Permanently protected open space may be retained in ownership by the applicant or may be transferred to other private parties subject to compliance with all standards and criteria for permanently protected open space herein.
 - b. All or portions of the designated permanently protected open space may be included within or divided among one (1) or more of the individual lots. Where deemed appropriate, the Township may require that responsibility for maintenance of permanently protected open space be conferred upon and/or divided among the owners of one (1) or more individual lots. Any open space area allocated to individual lots may not be built upon or put to any use other than as set forth in Section 162-1806.
 2. Lease Option. The Township, County, homeowners association, condominium agreement, or qualified private conservation organization, as the case may be, may permit all or portions of the open space lands to be leased for an agricultural use or other permitted conservation use in Section 162-1806 above, conditioned on the following:
 - a. Appropriate lease agreements between the title holder and the farmer concerning permitted farming practices; and,
 - b. Use of the land shall comply with all standards and criteria for permanently protected open space as provided herein in the event farming practices cease.
 3. Homeowners Association. Common facilities may be held in common ownership by a homeowners' association, subject to all of the provisions for homeowners associations set forth in applicable Pennsylvania statutes and regulations. In addition, the following standards shall be met:
 - a. The applicant shall provide the Township with a description of the organization of the proposed association, including its by-laws, and all documents governing ownership, maintenance, and use restrictions for common facilities;
 - b. The proposed association shall be established by the owner or applicant and shall be operating with financial subsidization by the owner or applicant, if necessary before the sale of any dwelling units in the development;
 - c. Membership in the association shall be automatic and mandatory for all purchasers of dwelling units therein and their successors in title, who shall have joint and undivided interests in any common areas;

- d. The association shall be responsible for maintenance of common facilities and providing a policy of appropriate liability insurance in connection therewith;
 - e. The by-laws shall confer legal authority on the association to place a lien on the real property of any member who falls delinquent in his dues and/or assessments. Such dues and/or assessments shall be paid with all accrued interest before the lien may be lifted;
 - f. Written notice of any proposed transfer of common facilities by the association or the assumption of maintenance of common facilities by another party must be given to all members of the association and to the Township not less than thirty (30) days prior to such event;
 - g. The association shall have adequate staff to administer, maintain, and operate such common facilities;
 - h. The terms, conditions and content of the homeowners' association document agreement shall be reviewed and approved by the Township Solicitor;
 - i. Members of the association shall share equitably the cost of maintaining open space owned by the association. Shares and procedures shall be outlined in the association by-laws; and
 - j.
4. Condominium Association. Common facilities may be controlled through the use of condominium agreements. Such agreements shall be in accordance with the Pennsylvania Uniform Condominium Act of 1980, as amended. All open land and common facilities shall be held as "common elements."
5. Dedication to Private Qualified Conservation Organization or to the County. With permission of the Township, an owner may transfer either fee simple title of the open space or easements on the open space to a private non-profit conservation organization or to the County provided that:
- a. The conservation organization is acceptable to the Township and is a bona fide conservation organization intended to exist indefinitely;
 - b. The conveyance contains appropriate provisions for proper reverter or re-transfers in the event that the organization becomes unwilling or unable to continue carrying out its functions;
 - c. The open space land is permanently protected from future development through a conservation easement and the Township is given the ability to enforce these restrictions;
 - d. A maintenance agreement acceptable to the Township is established between the owner and the organization; and
 - e. A satisfactory maintenance agreement, including but not limited to, adequate provision to be made for enforcement of the maintenance agreement by the Township, shall be reached between the owner and the Township.

6. Dedication of Easements to the Township. The Township may, but shall not be required to, accept easements for public use of any portion of the common land or facilities. In such cases, the facility remains in the ownership of the condominium association, homeowners association, or private conservation organization while the easements are held by the Township. In addition, the following regulations shall apply:
 - a. There shall be no cost of acquisition to the Township; and
 - b. Any such easements for public use shall be accessible to the residents of the Township.
 - c. Management and maintenance of said open space shall not automatically fall to the Township upon the Township's acceptance of said easements. Rather, management and maintenance shall be prescribed as in Section 1807 of this Article.
7. Fee Simple Dedication to the Township. The Township may, but shall not be required to, accept any portion of the common facilities, provided that:
 - a. There is no cost of acquisition to the Township;
 - b. The Township agrees to and has access to maintain such facilities; and,
 - c. Where improvements exist on the property, the Township may require the posting of financial security to ensure structural integrity of said improvements as well as the functioning of said improvements for a term and for an amount satisfactory to the Township.
- C. Open Space Management Plan. Unless otherwise agreed to by the Township, the cost and responsibility of managing and maintaining common facilities and open space land shall be borne by the property owner, condominium association, homeowners association, or private qualified conservation organization.
 1. Management Plan. The applicant shall, at the time of preliminary plan submission, provide a plan for perpetual management and maintenance of open space lands and operation of common facilities in accordance with the following requirements:
 - a. The plan shall describe the manner in which the permanently protected open space and any facilities included therein will be owned and by whom it will be managed and maintained;
 - b. The plan shall establish necessary regular and periodic operation and maintenance responsibilities for the various kinds of open space (i.e. lawns, meadow, pasture, cropland, woodlands) and land management practices used to conserve and perpetually protect this open space;
 - c. The plan shall estimate staffing needs, insurance requirements, and associated costs, and define the means for funding the maintenance of the open space land and operation of any common facilities on an on-going basis. Such funding plan shall include the means for funding long-term capital improvements as well as regular yearly operating and maintenance costs;

- d. At the Township' discretion, the applicant may be required to escrow sufficient funds for the maintenance and operation costs of common public facilities for up to one (1) year; and
 - e. Any changes to the maintenance plan shall be approved by the Township.
- 2. Delinquency of Maintenance. Regardless of the ownership option used for the designated open space, the following requirements shall apply:
 - a. Township Notice. In the event an organization undertakes the responsibility of maintaining the designated open space and improvements and fails to maintain the same in reasonable order and conditions in accordance with the management plan, the Township may serve written notice upon the person, organization, or party responsible or residents in the land development setting forth the manner in which the organization has failed to properly maintain the common areas, and directing the responsible person, organization, or party to remedy the situation within a specified period of time.
 - b. Township Action. The Township may, but shall not be obligated, upon thirty (30) day advance written notice to the responsible person, organization, or party to enter upon the open space and perform the necessary maintenance and take any other action to remedy the condition set forth in the Township's notice.
 - c. Township Reimbursement. Any and all costs incurred by the Township in connection with such notice and maintenance shall be paid by the responsible person, organization, or party within thirty (30) days after written demand by the Township.
 - d. Such efforts shall not constitute a taking of the property nor vest the public any right to use the same. The cost of maintenance by the Township shall be assessed ratably against the person, organization, or party responsible for maintenance and shall be a municipal claim against the individual lots in the open space subdivision. Such assessments shall be perfected by filing a municipal lien in the Office of the Prothonotary of Chester County, Pennsylvania.
- 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 Township 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 own 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 Township may deem appropriate.

SECTION 162-1808. STANDARDS FOR HISTORIC RESOURCES UNDER THE OPEN SPACE DESIGN OPTION.

The applicant shall comply with the following standards as well as applicable standards of Article XVII where rehabilitation or adaptive reuse of a historic resource, as defined in this Chapter, is proposed in order to develop dwelling units in addition to the maximum otherwise permissible under Section 162-1804 above.

- A. The historic resource shall not be increased in square footage by more than twenty-five percent (25%) of its existing floor area at the time of application, for the purpose of accommodating additional dwelling units.
- B. No new free-standing structures nor additions to non-historic structures shall be erected to accommodate additional dwelling units beyond those permitted pursuant to 162-1804.B.
- C. Construction plans for the rehabilitation, alteration, or enlargement of a historic resource shall be in substantial compliance with the Secretary of the Interior's Standards for Rehabilitation (see Section 162-1706.A.3).
- D. Authentic period materials and colors shall be used on all facades and any portion of a historic resource 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 Township after written recommendation of the Historical Commission.
- E. An applicant shall demonstrate preservation of sufficient landscaped or buffer area surrounding historic resources to retain the integrity of the historical landscape setting. An applicant may demonstrate mitigation of impacts to the 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 resources to their landscape setting.
- F. 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.
- G. An 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 Township after consultation with the Township Solicitor.

SECTION 162-1809. LOT AVERAGING.

Where the net area of a tract to be subdivided within the R-1 District is less than fifteen (15) acres or is less than ten (10) acres in the R-2 or R-3 districts, the tract shall be eligible for development utilizing lot averaging provisions, subject to approval as a conditional use, as follows:

- A. The maximum gross density of any development utilizing lot averaging shall not be more than allowed through the underlying zoning district regulations in which the tract is located. The average size of all lots within the development utilizing lot averaging shall be three (3) acres, net area, in the R-1 District, and two (2) acres, net area, in the R-2 or R-3 Districts.

The sizes of individual lots may vary; minimum standards for any one (1) lot are set forth in Subsection 162-1809.E, below.

- B. No lot of such size as to be capable of further subdivision under the underlying zoning 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.
- C. The tract of land proposed for lot averaging 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, and other natural resources in Article XV shall be compatible with the proposed design. All plans utilizing lot averaging provisions shall adhere to Section 162-1805.A and shall demonstrate compliance with the Four Step Design process as set forth in Chapter 138, Subdivision and Land Development.
- D. A site plan, including layout of streets and lots, and location of any extant historic resources and natural features shall accompany the plan application and shall be, in the judgment of the Township, in compliance with the purpose of this Article.
- E. For development utilizing lot averaging, the following minimum area and bulk regulations shall apply to any individual lot except where modifications are approved by the Board of Supervisors as condition(s) of conditional use approval, where the Board of Supervisors determines that such modifications improve conformance to the results of the Four Step Design process as set forth in Chapter 138, Subdivision and Land Development, and further afford consistency with the objectives of this Article and the *Pennsbury Township Comprehensive Plan of 2006, as amended*:
 - 1. Minimum lot area. One (1) acre, net area.
 - 2. Minimum lot width at the building line. One-hundred fifty (150) feet.
 - 3. Maximum lot coverage. Fifteen percent (15%).
 - 4. Minimum front yard. Forty (40) feet, where it fronts on a local residential street, or sixty (60) feet where it fronts on an arterial or collector road, or in the case of a flag lot or corner lot, the provisions of Section 162-1902 shall apply.
 - 5. Minimum side yard. Fifty (50) feet in width, aggregate of two (2) side yards; twenty (20) feet in width, minimum individual side yard.
 - 6. Minimum rear yard. Forty (40) feet in depth, unless the lot is a reverse frontage lot, in which event the requirements of Section 162-1902 shall apply.
 - 7. Maximum building height. Three (3) stories or thirty-five (35) feet in height whichever is less, except those buildings or structures exempted in Section 162-1902.

ARTICLE XIX General Regulations

SECTION 162-1901. APPLICABILITY.

The provisions of this Article represent regulations and standards which are common to all of the zoning districts contained in this Chapter. Unless exempted by applicable provisions or specified limitations, the following standards shall apply to all uses and development whether or not specific reference is made hereto in another Article of this Chapter. In the event that the provisions of this Article conflict with other provisions of this Chapter, the more restrictive provisions shall apply.

SECTION 162-1902. LOT, YARD, AND HEIGHT REQUIREMENTS.

- A. Reduction of Lot Area. No lot shall be reduced through subdivision so that the area of the lot or the dimensions of the required yards and open space shall be less than required in this Chapter.
- B. Yard Calculations. No yard or other space surrounding any building or structure for the purpose of complying with this Chapter shall be considered as a yard or other space for another principal building or structure.
- C. Projections into Required Yards. All required yard areas shall be unobstructed except as follows:
 - 1. An arbor, open trellis, flagpole, unroofed steps, terraces, fences, and a driveway in the front, side and rear yards; energy system components satellite dishes or other antennas in the rear yard only; and accessory buildings or structures, including but not limited to patios and decks in the side and rear yard only, providing such a projection shall be no closer than the setback required for accessory buildings or structures in the district in which the lot is located.
 - 2. Roofed terraces, patios, canopies or awnings not included in the area calculation of a building may project into any side or rear yard a maximum of fifteen (15) feet, provided such a projection shall be no closer than the setback required for accessory buildings or structures in the district in which the lot is located.
- D. Corner and Reverse Frontage Lots.
 - 1. Corner Lots - A front yard as provided for in the lot area, bulk, and coverage requirements for the various districts shall be required on each street on which a corner lot abuts. Other yards shall be as defined for corner lot in Article II. Accessory buildings shall be located behind the setback lines of both streets.
 - 2. Reverse Frontage Lots - For reverse (double) frontage lots, the minimum front yard setback shall be met along both streets. Accessory buildings shall be located behind the setback lines of both streets.
- E. Flag Lots. If a lot does not abut a street, the lot must be connected to a street by a fee simple right-of-way at least fifty (50) feet in width, with twenty-five (25) feet in width that is clear of obstructions for access by emergency vehicles, and with a cartway of not less than sixteen

(16) feet in width, or the lot must be serviced by a common private driveway as defined by Chapter 138, Subdivision and Land Development. There shall be no more than three (3) lots served by any such right-of-way or common private driveway.

- F. Height Limitations. No radio, television, or dish residential antenna can extend more than ten (10) feet above the peak of the roof of the principal structure. No other building, structure, or mechanical penthouse shall exceed the height limitations of this Chapter, except for church steeples, spires, belfries, cupolas, monuments, silos, observation towers, transmission towers, water towers, chimneys, smoke stacks, flagpoles, masts, windmills, solar panels, and other similar structures not devoted to human occupancy, provided the minimum setback for each structure from any lot line is a distance equal to or greater than the proposed height unless otherwise provided for in this Chapter. Exceptions to the height limitations that are not freestanding should be designed as part of the principal structure as fully as practical.

G.

SECTION 162-1903. OFF-STREET PARKING.

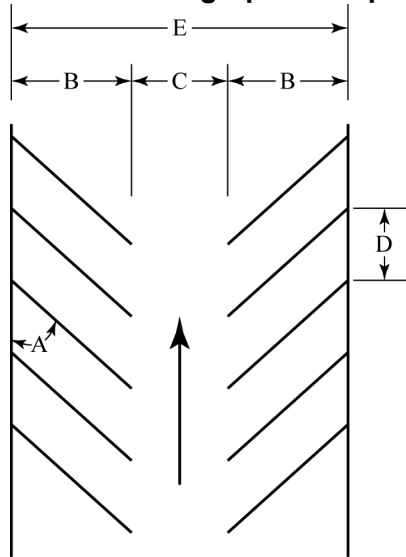
A. General standards.

1. 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.
2. 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.
3. The proposal of any off-street parking in conjunction with a subdivision or land development shall be in accordance with this Chapter as well as Chapter 138, Subdivision and Land Development.
4. A change in any off-street parking strictly based on a change of use shall be in accordance with this Chapter.

B. Location.

1. All parking spaces must be located on the same lot as the use to be served unless otherwise authorized by the Board of Supervisors subject to the following conditions:
 - a. The owners of two (2) or more nonresidential establishments proposing to share parking spaces shall submit a sketched drawing with their application for a zoning permit, or a site plan with a preliminary or final plan application in the case of a subdivision or land development, showing the location of the proposed common off-street parking area, along with a signed agreement stating agreement of joint use (such as hours of operation), and maintenance responsibilities.
 - b. Some portion of a common off-street parking area shall lie within two-hundred (200) feet of an entrance, regularly used by patrons, into the buildings served thereby.

2. In no case shall any portion of a public or private street be utilized in complying with the parking requirements of this Section.
 3. Parking spaces for nonresidential uses shall not be located in the front yard setback areas.
 4. For multifamily residential developments, the parking spaces shall be within one-hundred (100) feet of the dwelling they serve.
- C. Size. The following schedule (Figure 19-1) of parking space and layout standards shall apply to all parking facilities in accordance with this Section:

Figure 19-1: Parking Space Requirements

A. Angle	Stall B. Length	C. Aisle	Stall D. Width	Total E. Width
90°	20 ft.	24 ft.	9.5 ft.	64 ft.
60°	21 ft.	18 ft.	9 ft.	60 ft.
45°	20 ft.	15 ft.	9 ft.	55 ft.
30°	17 ft.	12 ft.	9 ft.	46 ft.

Note: Parallel parking spaces shall be at least twenty-four (24) feet in length and eight (8) feet in width.

- D. Design.
1. 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.
 2. Parking spaces for over twenty (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.
 3. All parking spaces shall be marked by durable painted lines at least four (4) 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.

4. Parking spaces shall have paved all-weather surface, unless otherwise approved by the Board of Supervisors. All parking spaces shall have safe and convenient access in all seasons. Stacked parking spaces (one in front of another) are prohibited. Parking areas shall be maintained in a clean orderly and dust-free condition. Parking areas shall have a minimum slope of one (1) percent in any direction to provide for drainage and a maximum of slope of six (6) percent 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.
5. Parking areas shall be landscaped and screened in accordance with Section 162-1908. Parking areas with greater than twenty (20) spaces shall have landscaped islands. Such vegetated island shall be two-hundred (200) square feet for every twenty (20) spaces.
6. Handicapped parking shall be identified with a clearly visible marking displaying the international symbol of access and be in accordance with the provisions of the Americans with Disabilities Act (ADA) of 1990, as amended, and applicable Pennsylvania regulations.

E. Requirements.

1. Residential.

- a. Two (2) off-street parking spaces for each dwelling unit having three (3) or less bedrooms; three (3) off-street parking spaces for each dwelling unit having four (4) or more bedrooms.
- b. Residential garages shall not be counted as off-street parking spaces.
- c. 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.
- d. Parking spaces for each vehicle shall be as required by Section 162-1903.C.
- e. Parking spaces shall have an approved all-weather surface and shall have safe and convenient access in all seasons.

2. Industrial.

- a. Less than one-hundred thousand (100,000) square feet gross floor area: two and a half (2.5) spaces per one thousand (1,000) square feet of gross floor area.
- b. More than one-hundred thousand (100,000) square feet gross floor area: two (2) spaces per one-thousand (1,000) square feet of gross floor area.
- c. Industrial park: two (2) spaces per one-thousand (1,000) square feet of gross floor area.

3. Commercial.

- a. Eating and drinking establishment without table service (including Fast Food Restaurants): fifteen (15) spaces per one-thousand (1,000) square feet of gross floor area.
- b. Eating and drinking establishment with table service: twelve (12) spaces per one-thousand (1,000) square feet of gross floor area.
- c. Hotel/motel: one (1) space per unit plus eight (8) additional spaces per fifty (50) units.
- d. Warehouse, wholesale sales: one (1) space per one-thousand (1,000) square feet of gross floor area.
- e. Gas station (without repair service): one (1) space per gas nozzle plus two (2) stacking spaces per gas nozzle.
- f. Gas station (with repair service): one (1) space per gas nozzle plus two (2) stacking spaces per gas nozzle plus two (2) spaces per garage bay.
- g. Automobile sales and service, automobile repair shop: one (1) space for each four-hundred (400) square feet of gross floor area plus two (2) spaces per bay. Outdoor display area for automobile sales shall not be included in the required parking spaces.
- h. Retail sales, consumed goods (sales of consumed or perishable goods with little seasonal variation in demand: includes supermarkets, and other similar retail establishments): three and a half (3.5) spaces per one-thousand (1,000) square feet of gross floor area.
- i. 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 (5) spaces per one-thousand (1,000) square feet of gross floor area.
- j. Car wash: For a self-service facility, four (4) stacking spaces per wash bay plus two (2) drying spaces per wash bay. For a full-service, automated tunnel-type facility, eight (8) stacking spaces per wash "line" plus eight (8) drying spaces per wash "line."
- k. Laundromat: one (1) space per two (2) washing machines.
- l. Self-storage, mini warehouse: one (1) space per six (6) rentable storage units; or one (1) space per (ten) 10 rentable storage units where there is sufficient room for loading/unloading immediately adjacent to the front of each drive-up storage unit.
- m. Financial institution, bank: four (4) spaces per one-thousand (1,000) square feet of gross floor area.
- n. Personal services: five (5) spaces per one-thousand (1,000) square feet of gross floor area.

- o. Child/Adult day-care facility: two (2) spaces per ten (10) children/adult clients, plus one (1) space per employee, plus one (1) stacking space per twenty (20) children/adult clients.
 - p. Junkyard: three (3) spaces per one (1) acre.
 - q. Lumberyard: three (3) spaces per one-thousand (1,000) square feet of gross floor area in sales or display area, plus one (1) space per one-thousand (1,000) square feet of gross floor area of warehouse.
 - r. Home occupations: See Section 162-2024 of this Chapter.
 - s. Bed and breakfast: One (1) space for each guest room, plus one (1) space for each employee and two (2) spaces for the owner.
 - t. Farm produce stands, roadside stands: A minimum of five (5) off-street parking spaces per stand.
 - u. Kennel: one (1) space for every two (2) kennel runs plus one (1) space for each employee.
 - v. Catering establishment: three (3) spaces per one-thousand (1,000) square feet of gross floor area plus one (1) space for every employee.
 - w. Mechanical repair or fabrication shop: three (3) spaces per one-thousand (1,000) square feet of gross floor area.
 - x. Trucking establishment: two (2) spaces per one-thousand (1,000) square feet of gross floor area plus one (1) space per employee.
 - y. Convenience Store: eight (8) spaces per one-thousand (1,000) square feet of gross floor area.
 - z. Adult oriented establishments: As determined necessary by the Board of Supervisors upon recommendation of the Planning Commission.
4. Professional.
- a. Office buildings, business services, laboratories, and research and development facilities: three and a half (3.5) spaces per one-thousand (1,000) square feet of gross floor area.
 - b. Office park: three (3) spaces per one-thousand (1,000) square feet of gross floor area.
 - c. Medical/dentist office: six (6) spaces per one-thousand (1,000) square feet of gross floor area.
 - d. Professional services/offices: five (5) spaces per one-thousand (1,000) square feet of gross floor area.

- e. Funeral home: twenty (20) spaces per one-thousand (1,000) square feet used for the operation of the funeral home or one (1) space per four (4) seats, whichever is greater.
 - f. Veterinary hospital: three (3) spaces per treatment room plus one (1) space for each veterinarian or employee.
 - g. Industrial Park: three (3) spaces per one-thousand (1,000) square feet of gross floor area.
5. Recreational.
- a. Cinema: one (1) space per three (3) seats.
 - b. Bowling alley: five (5) spaces per lane.
 - c. Health/Fitness club: seven (7) spaces per one-thousand (1,000) square feet of gross floor area.
 - d. Club or lodge: one (1) space per three (3) members the facility is designed to accommodate plus one (1) space per employee.
 - e. Golf course: four (4) spaces per hole plus seventy-five (75) percent of the requirements for any other associated use.
 - f. Swim club, public pool: ten (10) spaces per one-thousand (1,000) square feet of pool floor area.
 - g. Miniature golf: three (3) spaces per hole.
 - h. Indoor amusement arcade: one (1) space per two-hundred (200) square feet of gross floor area.
 - i. Riding stable: two (2) spaces per stall plus one (1) space per employee.
6. Institutional.
- a. Community center: one (1) space for each three (3) seats in the main assembly hall or eight (8) spaces per one-thousand (1,000) square feet of gross floor area, whichever is greater.
 - b. Assisted Living Facility, nursing home: one-half (0.5) spaces per bed and one (1) space per employee.
 - c. Hospital: two (2) spaces per bed.
 - d. Retirement community, age restricted community: one (1) space per each dwelling unit plus one (1) space per employee.
 - e. Place of worship, church: one (1) space per every fifty-four (54) inches of bench space, per International Building Code standards.

- f. Elementary school: one (1) space per fifteen (15) students plus one (1) space per employee.
 - g. Junior high/middle school: one (1) space per fifteen (15) students plus one (1) space per employee.
 - h. High school: one (1) space per four (4) students plus one (1) space per employee.
 - i. University without dormitories, community college: twenty (20) spaces per classroom.
 - j. University with Dormitories: one (1) space per dormitory room, plus two (2) per classroom.
 - k. Airport: thirty (30) spaces per one-thousand (1,000) square feet of gross floor area in terminal.
 - l. Utility installation: two (2) spaces per facility.
 - m. Library: four (4) spaces per one-thousand (1,000) square feet of gross floor area.
 - n. Museum: three (3) spaces per one-thousand (1,000) square feet of gross floor area in gallery.
 - o. Public transit station: Varies according to service area.
 - p. Municipal Uses/Government Uses: one (1) space per employee plus one (1) space per two (2) persons permitted at maximum capacity.
 - q. Cemetery: Varies depending on if accessory to a place of worship but in accordance with the recommendation of the Township Engineer.
 - r. Fire or emergency service facility: fifteen (15) spaces plus one (1) space per employee or volunteer.
7. 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.
8. Accessory or combined uses.
- a. If an 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 accessory use shall be in addition to that of the principal use.
 - b. The Planning Commission may recommend approval of 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.

9. Uses not specified or where the number of spaces varies. The parking space requirements for uses not listed in Subsections E.1-6, above 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 one (1) of these Subsections and upon recommendation of the Township Engineer.
10. Reserve parking. The number of parking spaces to be constructed may be less than the number of spaces required herein in the event that the following conditions are met to the satisfaction of the Board of Supervisors.
 - a. Evidence is submitted 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.
 - b. The ancillary information provided along with a zoning permit application or in the case of a subdivision or land development plan, a site development plan, submitted to and recommended for approval by the Planning Commission in accordance with Chapter 138, Subdivision and Land Development, 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 designated as “reserved parking” on the site plan of record.
 - c. No more than twenty (20) percent 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 non-paved area required by other provisions of this Chapter.
 - d. If reserved parking areas are built when determined necessary by the Board of Supervisors, the reserved parking areas shall be built with materials approved by the Township Engineer.

SECTION 162-1904. LOADING AND UNLOADING.

- A. 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 spaces not less than the minimum requirements specified in this Section:

1. **Location.** All required loading and unloading spaces shall be located on the same lot as the use to be served, and no portion of the vehicle shall project into any street right-of-way or traffic lane. No loading or unloading space for vehicles of more than two-ton capacity shall be located less than one-hundred (100) feet from any residential district. No permitted or required loading or unloading space shall be located within fifty (50) feet of a property line. No loading or unloading spaces 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 and unloading space shall be at least fourteen (14) feet in width by at least fifty (50) feet in length, exclusive of aisle and maneuvering space, and shall have vertical clearance of at least sixteen (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 and unloading space may be reduced, at the direction of the Board of Supervisors, to twelve (12) feet by thirty (30) feet.
3. **Access.** Each required off-street loading and unloading space 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 and unloading spaces shall be improved with a compacted stone base not less than seven (7) inches thick, or equal, surfaced with not less than two (2) 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 space.
6. **Space allocated.** Space allocated to any off-street loading or unloading space shall not, while so allocated, be used to satisfy the off-street parking requirements for any 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:

Size (square feet)	Number of Loading/Unloading Spaces
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:

Size (square feet)	Number of Loading/Unloading Spaces
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:

Size (square feet)	Number of Loading/Unloading Spaces
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, hospitals, and assisted living facilities; excludes ambulance spaces and emergency room spaces for nursing homes and hospitals:

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

SECTION 162-1905. ACCESS AND TRAFFIC CONTROL.

In order to minimize traffic congestion and hazards, and encourage orderly development of street frontage, the following regulations shall apply:

- A. Residential Lots Abutting Two (2) or More Streets. Unless clearly impractical or inappropriate from a safety or traffic planning perspective, lots which abut two (2) or more streets shall take their primary access to the street of lesser functional classification as defined by the *Pennsbury Township Comprehensive Plan*. Where mobility of the higher order street will not be compromised, as determined by the Township Engineer, a secondary access point on the higher order road may be considered by the Township.
- B. Access for Residential Uses.
1. Unless clearly impractical, all lots in a residential subdivision shall have direct access only to a local street.

2. Where lots within a residential subdivision are created having frontage on existing major or minor arterial, or major or minor collector streets within the Township, the subdivision street pattern shall provide reverse frontage access to local streets within the subdivision rather than access to the existing arterial or collector streets and all such lots shall be provided with a minimum rear yard of eighty (80) feet from the street line of any arterial, collector or local street.
 3. All lots radiating from a cul-de-sac turnaround shall have a minimum of fifty (50) feet frontage at the street right-of-way line.
- C. Ingress and Egress.
1. No driveway shall be situated within five (5) feet of a side or rear property line, except where common driveways are utilized.
 2. Nonresidential parking lots or common residential parking areas for multi-family uses, or areas for off-street parking or for the storage or movements of motor vehicles, shall not directly abut a public street unless separated from the street by at least ten (10) feet by a raised curb and a buffer planting strip, except for necessary accessways to any one (1) public street for each five-hundred (500) feet of frontage. The buffer or planting strip shall be planted in lawn grass and/or low growing plant species which at maturity will not obstruct motorist's views. Other required landscaping of parking lots or parking areas shall be in accordance with applicable Sections of this Chapter and the design standards found in Chapter 138, Subdivision and Land Development.
 3. Where practical, access to nonresidential and common residential parking areas shall be provided by a common service driveway. No such accessway shall be more than thirty-five (35) feet in width.
 4. 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.
 5. No parking, loading or service area shall be located within front yard setback areas in the Highway Commercial (HC) or Light Industrial (LI) District.
 6. 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 (2) accessways to any public street for each five-hundred (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 shall be located not less than one-hundred (100) feet from the intersection of any street lines. All accessways shall be designed to conform to the design standards found in Chapter 138, Subdivision and Lane Development.
 7. All accessways to a public street for a single commercial, industrial or institutional use shall be located not less than fifty (50) feet from the intersection of any street lines. There shall be no more than one (1) accessway for a single use, unless an additional accessway is determined necessary by the Township Engineer in consultation with the Township for reasons of safety or mobility. All accessways

shall be designed to conform to the design standards found in Chapter 138, Subdivision and Land Development.

8. If minimum accessway spacing cannot be achieved due to constraints, the accessway shall be located the farthest possible distance away from the intersecting roadway. In such cases, directional connections (i.e., right in/right out only) may be required by the Township.
9. All commercial, industrial, or institutional uses, or where deemed appropriate by the Township in consultation with the Township Engineer, on lots which abut two (2) or more streets shall take their primary access to the street of higher functional classification as defined by the *Pennsbury Township Comprehensive Plan*. Where mobility of the higher functional class street or safety will be compromised, as determined by the Township Engineer in consultation with the Township, access to the lower functional class street may be considered.

SECTION 162-1906. INTERIOR CIRCULATION AND EMERGENCY ACCESS.

- A. Interior Circulation. Interior accessways, aisles, and parking areas shall comply with the applicable Sections of this Chapter and the design standards of Chapter 138, Subdivision and Land Development.
- B. Emergency Access. Every use, building or structure located on a lot shall be designed to provide safe and convenient access for emergency service vehicles and shall comply with the design standards of Chapter 138, Subdivision and Land Development.

SECTION 162-1907. OBSTRUCTIONS TO VISION.

- A. On any lot, along any street, or at a point of entry onto a street such as but not limited to a driveway, no wall, fence, hedge, tree, shrub or other obstruction shall be erected, placed or allowed to grow in a manner which may obscure the view of approaching traffic.
- B. Street intersection visibility shall be maintained in accordance with the provisions of Chapter 138, Subdivision and Land Development.

SECTION 162-1908. SCREENING AND BUFFERING.

- A. The following standards are established to create buffers and screens between potentially conflicting adjacent land uses. Buffer areas, buffer planting strip, and screen shall be as defined in Article II of this Chapter. Buffer areas, buffer planting strips, and screens shall be required as noted in Figure 19-2. In addition, the Township may require suitable buffer area, buffer planting strip, or screen between uses that are deemed to require buffering and screening due to potential disruption or negative impact on the adjacent use or district. The minimum general plant types and spacing requirements shall be as set forth in Figure 19-3.

Figure 19-2: Buffer and Screen Requirements

New Use to be Buffered	Adjacent Use or District	Minimum Buffer Area Width (feet)	Minimum Buffer Planting Strip Width (feet)	Buffer or Screen, Percent Coverage
Commercial Use	Existing Residential Use Existing Institutional Use Residential District	25	15	Screen, 100%
Industrial Use	Existing Residential Use Existing Institutional Use Residential District	50	25	Screen, 100%
Institutional Use	Existing Residential Use Residential District	50	25	Buffer, 70 – 80 %
Any Residential Use	Roadway	25	15	Buffer, 70 – 80 %
Mobile Home Park	Other Residential Use or District	50	25	Buffer, 70 – 80 %
Multi-Family Use	Other Residential Use or District	100	30	Buffer, 70 – 80 %
Retirement Community	Other Residential Use or District	100	30	Buffer, 70 – 80 %

Figure 19-3: General Type*, Size, and Spacing Requirements for Plants and Other Materials within a Buffer Area, Buffer Planting Strip, or Screen

Buffer Area. The following trees and shrubs shall be installed at minimum:

- One (1) canopy tree per thirty (30) lineal feet of lot frontage, and
- One (1) flowering tree per sixty (60) lineal feet of lot frontage, and
- One (1) flowering shrub per ten (10) lineal feet of lot frontage.

Buffer Planting Strip. The following trees and shrubs shall be installed at minimum:

Trees:

- One (1) evergreen tree not less than six (6) feet in height per ten (10) lineal feet of perimeter property boundary placed in a double staggered row within the width required for the District, and
- one (1) evergreen tree not less than six (6) feet in height per twenty (20) feet, and
- one (1) deciduous tree not less than two and one half (2½) inches in caliper per ten (10) lineal feet of perimeter property boundary placed in a double staggered row, and
- shall not be closer than five (5) feet from any property line.

Shrubs:

- One (1) deciduous and/or evergreen shrub per six (6) lineal feet of perimeter property boundary, the minimum height of which shall be three (3) feet.
- Shrubs shall not be placed closer than three (3) feet from any property line.

Screen. A combination of the following materials shall be installed to achieve a one-hundred (100) percent screen, a minimum of six (6) feet in height (unless otherwise required by this Chapter). A minimum ten (10) feet wide buffer planting strip is required in conjunction with any fence or wall.

- Plant materials
- Walls (in accordance with Section 162-1915)
- Berms
- Fencing (in accordance with Section 162-1915)

* Refer to Appendix F and G of Chapter 138, Subdivision and Land Development, for details pertaining to the recommended and approved plant types.

B. General Buffer and Screen Requirements

1. Buffer areas, buffer planting strips, and screens shall be designed and maintained in accordance with Section 138-41 of Chapter 138, Subdivision and Land Development. The recommended and approved plant list is set forth in Appendix F and Appendix G 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 Appendices F and G.
2. The buffer area, buffer planting strip, or screen may be included in yard setbacks.
3. Buffer planting strips or screens shall be in place 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.
4. The applicant is encouraged to install plantings in naturalistic groupings rather than in linear strips, if a satisfactory buffer can be achieved.
5. A plan and cross-section of all proposed buffer areas, planting strips, and screens are required to be submitted. Plans shall be subject to review and approval by the Board of Supervisors upon the recommendation of the Planning Commission and review by the Township Engineer or other qualified professional.
6. Existing vegetation: Existing deciduous trees larger than two (2) inches in caliper and/or existing evergreen trees six (6) feet or larger in height shall be counted towards the buffer area, buffer planting strip, or screen requirement. 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 ensure needed vehicular or utility access, to preserve sight distance, or to remove invasive species. Additional planting material may be required to meet the standards of this Article.
7. Buffer planting strip requirements may be refined as approved by the Township if fences, walls and/or berms are proposed. The use of earth sculpting or berms can be part of the buffer area frontage landscaping for properties along Baltimore Pike if topography and lack of existing woodlands permit. Such earth sculpting or berms shall not block the clear site distance required at intersections and driveways.
8. All plantings in a buffer area, buffer planting strip, or screen shall be installed and thereafter maintained by the property owner, homeowners association, or entity for which maintenance responsibilities were assigned on the approved plan. Required plantings shall not be removed without prior approval of the Township. If such plantings are removed, become diseased, or die, the Township may require that they be replaced in kind at the expense of the property owner, homeowners association, or responsible party.
9. The species of trees used for buffering or screening below power lines shall be chosen based on the approximated mature height in order to avoid conflicts with overhead utilities.
10. The plantings shall be broken only at points of vehicular or pedestrian access, or as otherwise provided in this Section.

11. Buffer areas, buffer planting strips, and screens shall be kept clean of all debris, rubbish, and weeds.
 12. Structures permitted within the buffer area, buffer planting strip, or screen include:
 - a. Landscape treatment such as berms, fences or walls which aid in buffering and screening and do not conflict with the character of adjoining properties, or block the clear sight distance required at intersections; and
 - b. 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 functional purposes; and
 - c. Roads and driveways 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; and
 - d. Underground utilities.
 - e. No other structure shall be placed within the buffer area, buffer planting strip, or screen and no manufacturing or processing activity, or storage of materials shall be permitted. Signs are not permitted on top of berms.
 13. The Board of Supervisors may prescribe reasonable additional requirements in keeping with the rural and historical character of the Township, the Brandywine Battlefield National Historic Landmark Planning Area, and the surrounding uses and environment.
- C. Landscaping.
1. All landscaping and required landscape plans shall be in accordance with Section 138-41 of Chapter 138, Subdivision and Land Development.
 2. Existing landscaping shall be brought into conformity with Section 138-41 of Chapter 138, Subdivision and Land Development, upon any of the following conditions:
 - a. Substantial improvement (as defined in Article II) to a property or structure; or
 - b. A change in the use of a property or structure.
 3. The Board of Supervisors may prescribe reasonable additional requirements in keeping with the rural and historical character of the Township, the Brandywine Battlefield National Historic Landmark Planning Area, and the surrounding uses and environment.
- D. Parking lot and parking area screening requirements. Parking lots and parking areas for more than five (5) vehicles shall be screened as follows:
1. The perimeter of all such off-street parking areas or parking lots shall be screened from any abutting property or major arterial street.

2. Screening shall be six (6) 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 screen. Fencing may be used for screening only when specifically approved by the Township. If a wall is approved as a means of screening, it would be exempt from the setback requirements of this Chapter.
 3. The area for planting, fencing, walls or berms shall not extend beyond the front façade of the building, except in instances where parking has been permitted beyond the front façade of the building, in which case screening is permitted. No off-street parking or loading and unloading facilities shall be located within twenty (20) feet of the street line, unless provided for otherwise in other Sections of this Chapter.
- E. Recreational vehicles and motor homes stored in a side yard in a residential district (parked for more than seventy-two (72) hours) shall be screened from adjoining residential lots.

SECTION 162-1909. OUTDOOR STORAGE AND DISPLAY.

- A. All screening required per this Section shall be in accordance with Section 162-1908.
- B. 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. No outdoor storage or display of merchandise, articles, materials, goods or equipment shall be permitted beyond the front lines of the building, within the required yard areas, street right-of-way, parking areas, sidewalks, or other areas intended for pedestrian or vehicular use, except in the case of a sidewalk sale, garage sale, flea market, public auction, or display of goods in the Village Commercial (VC) Zoning District.
- C. 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).
- D. All organic rubbish or garbage shall be contained in tight vermin-proof containers, which shall also be screened from view from any public right-of-way and any contiguous residential use. In multi-family developments of greater than ten (10) units (but excluding townhouse developments), mobile home parks and retirement communities with common refuse areas, institutional uses, commercial uses, and industrial uses, garbage storage shall be centralized to expedite collection and enclosed on at least three (3) sides.
- E. On residential lots, recreational vehicles, motor homes, or other major recreational equipment shall be parked or stored in a carport or enclosed building, or within a rear yard or side yard, and shall be located no closer to a property line than the required setback lines for accessory uses for the applicable use, provided however that such equipment may be parked anywhere on the lot for a period not to exceed twenty-four (24) hours during loading and unloading. No such recreational equipment shall be used for dwelling purposes when parked or stored on a residential lot.
- F. Commercial and Industrial uses which require large amounts of land for outdoor storage or display. For all industrial and commercial uses and districts, storage of materials,

equipment or vehicles, but not including parking and similar activities, shall generally be carried on within a building and shall meet the provisions of this Section and other applicable regulations of this Chapter, except that additional outdoor storage and display areas for a permitted industrial or commercial use may be authorized where all of the following conditions are met:

1. The industrial or commercial use involved traditionally employs long-term outdoor storage including uses such as lumberyard, junkyard, nursery/greenhouse, automotive sales and service, and auto body repair/shops.
2. Such storage is needed for the successful operation of the use, and the proposed site is suitable for outdoor storage.
3. The applicant can demonstrate that indoor storage is not practical.
4. The storage shall comply with all applicable setback requirements and impervious surface coverage requirements in the applicable zoning district and shall cover only that percentage of total lot area that is deemed practical and feasible in the opinion of the Zoning Officer.
5. The storage area shall be screened from view from any residential district or use by buildings, walls or an effective screen, as required by Section 162-1908.
6. Any establishment which furnishes shopping carts as an adjunct to shopping shall provide definite areas within the building and parking area for storage of said carts. Each designated storage area shall be enclosed by a barrier at least as high as the height of the handles on a shopping cart, and shall be clearly marked for storage of shopping carts. All shopping carts shall be secured during non-operating hours.
7. Outdoor storage of raw materials and/or finished products shall be permitted only within the buildable area of the lot behind the front building line of the principal buildings, and shall not exceed ten (10) feet in height.

SECTION 162-1910. OUTDOOR LIGHTING.

- A. Applicability. The Board of Supervisors may require outdoor lighting for safety and personal security as they deem necessary.
- B. Illumination Standards¹. Lighting intensities and uniformity ratios² shall be in accordance with the current recommended standards of the Illuminating Engineering Society of North America (IESNA) *Lighting Handbook*, Current Edition.
 1. Future amendments to said recommended standards shall become part of this Chapter without future action of the Township.
 2. Samples of intensities for typical outdoor applications, as extracted from the 8th Edition of the *Lighting Handbook*, are included below in Figure 19-4:

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

² Uniformity ratios dictate that average illuminance values shall not exceed minimum values by more than the product of the minimum value and the specified ratio, e.g., for commercial parking high activity, the average footcandles shall not be in excess of 3.6 [0.9 x 4].

Figure 19-4: Sample Lighting Intensities for Typical Outdoor Applications		
Use /Task	Maintained Foot-candles	Uniformity Ratio – avg:min
Streets, local residential	0.4 average	6:1
Streets, local commercial	0.9 average	6:1
Parking, residential, multi-family		
- Low vehicular/pedestrian activity	0.4 average	4:1
- Medium vehicular/pedestrian activity	0.6 minimum	4:1
Parking, industrial/commercial/institutional/municipal		
- High activity, e.g., regional shopping centers/fast food facilities, major athletic/civic/cultural/recreational events	0.9 minimum	4:1
- Medium activity, e.g., community shopping centers, office parks, hospitals, commuter lots, cultural/civic/recreational events	0.6 minimum	4:1
- Low activity, e.g., neighborhood shopping, industrial employee parking, schools, church parking.	0.4 average	4:1
Walkways and bikeways	0.5 average	5:1
Building entrances	5.0 average	----

C. Control of Glare. 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.

1. For lighting horizontal uses/tasks such as roadways, pathways and parking areas, fixtures shall meet IESNA “full cutoff” criteria. Vegetation screens shall not be employed to serve as the primary means for controlling glare.
 - a. Fixtures shall be of a type and design appropriate to the lighting application and appropriate to the nature of the development and surrounding area.
 - b. Fixtures used for architectural lighting, e.g., facade, fountain, feature and landscape lighting, shall be aimed so as not to project their output beyond the objects intended to be illuminated and shall be extinguished between the hours of 10 p.m. and dawn.
2. 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).
3. Neither the direct nor reflected light from any luminaire shall create a disabling glare causing traffic hazards to motor vehicle operators or public thoroughfares.
4. Lighting shall be designed so that the illumination does not exceed 0.10 vertical footcandles, measured at thirty (30) inches above the grade at the property line, beyond the property line on which the lighting originates.
5. Floodlights and spotlights shall be so installed or aimed that they do not project their output into the windows of adjacent uses, directly skyward or onto a roadway.
6. Where all-night safety or security lighting is to be provided, the lighting intensity levels shall not exceed twenty-five (25) percent of the levels normally permitted by this Chapter for the use.

7. Unless otherwise permitted by the Board of Supervisors, for reasons such as safety and security, lighting shall be controlled by automatic switching devices, such as time clocks or combination motion detectors and photocells, to extinguish sources between 10 p.m. and dawn to mitigate nuisance glare and sky-lighting consequences.
- D. Street Lighting.
1. Where required by this Chapter, the applicant shall install or cause to be installed, at the applicant's expense, all new lighting, including but not limited to pole street lights, pathway lighting, and walkway lighting, 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.
 2. Standards. All lighting and accessory equipment shall meet acceptable industry standards as approved by the Board of Supervisors.
- E. Maintenance. Lighting fixtures and ancillary equipment shall be maintained so as to always meet the requirements of this Chapter.
- F. Height Limits. Except for public street lights and traffic devices and signals, freestanding lighting fixtures shall meet IESNA "full cutoff" criteria and shall not exceed sixteen (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. Parking areas are encouraged to be lighted with pole mounted lights, but building mounted lights are permitted in limited circumstances.
- G. Safety. Except for traffic devices and signals, 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.
- H. Parking areas. 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 thirty-nine (39) inches; rear overhang: minimum sixty (60) inches).
- I. 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. Full cutoff lighting is required in certain instances, as per this Section, and strongly encouraged in all situations to reduce glare and light pollution.
- J. Nonconforming Lighting. Any lighting fixture or lighting installation existing on the effective date of this Chapter that does not conform with the requirements of this Chapter, shall be considered as a lawful nonconformance shall be made to conform with the requirements of this Chapter when:
1. The nonconformance is deemed by the Board of Supervisors to create a safety hazard.
 2. The nonconforming lighting fixture or lighting installation is replaced or relocated.

K. Lighting Plan requirements.

1. Lighting plans shall be submitted to the Township for review and approval and shall include: Preliminary and final lighting plan.
 - a. The location of all proposed exterior lighting fixtures.
 - b. Expected hours of lighting operation.
 - c. Iso-foot-candle plots for individual fixture installations and ten by ten (10 x 10) foot illuminance-grid plots for multi-fixture installations, and one (1) isolux diagram detail for each proposed light, that demonstrate compliance with the intensities and uniformities set forth in this Chapter.
 - d. Description of the equipment, including fixture catalog cuts, photometrics, glare reduction devices, lamps, control devices, mounting heights and mounting methods proposed.
2. When requested by the Board of Supervisors, the applicant shall submit a visual impact plan that demonstrates appropriate steps have been taken to mitigate on-site and off-site glare.
3. Post-approval alterations to lighting plans or intended substitutions for approved lighting equipment shall be submitted to the Township for review and approval.
4. 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.

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

M. Street Lighting Dedication.

1. When street lighting is to be dedicated to the Township, the applicant shall be responsible for all costs involved in the lighting of streets and street intersections until the street is accepted for dedication.
2. If street lighting is to be dedicated to the Township, prior to dedication, the Applicant shall legally establish, by documentation in form and substance satisfactory to the Township a homeowners association and/or property management organization that shall be responsible to pay all costs associated with dedicated street lighting.
3. Assumption of costs of dedicated street lighting. Upon dedication of street lighting, the Township shall assess the homeowners association, individual property owners, corporations, or other applicable entities as may be necessary to collect all revenues required that are directly or indirectly associated with all costs of each specific street lighting fixture. Unpaid costs shall be a municipal claim and lien

against the lots in the development served by the street lighting. These costs shall include:

- a. Administration;
- b. Collection;
- c. Pro-ration of non payables;
- d. Actual utility electrical charges; and
- e. Maintenance and maintenance contracts for fixtures and associated equipment.

SECTION 162-1911. PHYSICAL PERFORMANCE STANDARDS.

The following standards regulate the impact of uses upon other and adjacent uses in the Township and Township residents, and shall apply to applicable uses in all zoning districts.

A. Air quality.

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) in Article III, Title 25, Pennsylvania Department of Environmental Protection, Rules and Regulations, as amended, and other applicable 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 said user shall install and maintain in conjunction therewith such control as will prevent the emission into the open air of any air contaminant in a quantity that will violate any provision of this Chapter.
3. No user shall cause, allow, or maintain any junk, household waste, or salvage operations fire within the Township.
4. Except for the open burning of leaves and branches, open burning of all other materials is prohibited in the Township and/or in accordance with the regulations of the Chester County Health Department. Unless prohibited by other statutes, ordinances or regulations, open burning of leaves and branches on the property where the leaves and branches originate is permitted only on weekdays (except legal holidays) only between the hours of 9:00 AM and 4:00 PM prevailing time, at which time the fire shall be fully extinguished. Prior to starting the fire, the local fire department shall be notified and the property owner shall comply with all requirements of the fire department.

- B. Fire and explosive hazards.** No highly flammable or explosive liquids, solids, or gases shall be stored in bulk as defined by the National Fire Code, with the exception of propane and heating oil connected directly with and located and operated on the same lot as the energy devices or heating appliances they serve. 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 and applicable federal fire protection regulations. All buildings and structures and activities within such buildings and structures shall conform to the Township Building Code (Uniform Construction Code) adopted in 2004, as amended, and the Pennsylvania Construction Code Act, Act 45 of 1999 (35 P.S. §7210.101 – 7210.1103), as amended, the Fire Prevention Code, and 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, as amended, and other applicable state, federal, and Township regulations.
- 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 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. No floodlighting, spotlights, or high-intensity lighting, except for surveillance, security, safety lighting shall be permitted in any residential district after 10 p.m. prevailing time. Lighting shall be in compliance with the lighting regulations of Section 162-1910.
- D. Liquid and solid waste disposal. There shall be no discharge at any point into any public, community, 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 71, 73, 91, 92, 93, 95, 96, 102, and 105, Title 25 Pennsylvania Department of Environmental Protection, Rules and Regulations, as amended, and other applicable regulations.
- E. Ground and Water Contamination. No materials or wastes shall be deposited upon a lot in such form or manner that they may be transferred off the lot by natural causes or forces, nor shall any substance which can contaminate a stream or watercourse or otherwise render such stream or watercourse undesirable as a source of water supply or recreation, or which will destroy aquatic life, be allowed to enter any stream or watercourse.
- F. Noise. Noise levels shall be maintained at a level which is not objectionable due to intermittence, frequency or intensity and shall not exceed the standards established by this Section.
1. No person shall operate or cause to be operated on private or public property any source of continuous sound (any sound which is static, fluctuating or intermittent with a recurrence greater than one (1) time in any fifteen (15) second interval) in such a manner as to create a sound level which exceeds the limits set forth in Figure 19-5 when measured by a sound level meter (which conforms to the specifications published by the American Standards Association) at the adjacent lot line of the receiving land use.

Figure 19-5: Continuous Noise Levels		
Receiving Land Use	Time Frame	Maximum Noise Level Limit
Residential, Park/Open Space, Agriculture, or Institutional	7 a.m. – 9 p.m. prevailing time 9 p.m. – 7 a.m. prevailing time, Sundays, and holidays	55 dBA 50 dBA
Commercial	7 a.m. – 9 p.m. prevailing time 9 p.m. – 7 a.m. prevailing time, Sundays, and holidays	65 dBA 60 dBA
Industrial	All times	70 dBA

2. For any source of sound which emits an impulsive sound (a sound of short duration with an abrupt onset and rapid decay and an occurrence of not more than one (1) time in any fifteen (15) second interval), the sound level shall not exceed twenty (20) dBA over the maximum sound level limits set forth in the above table, regardless of time of day or night on the receiving land use, as measured by a sound level meter (which conforms to the specifications published by the American Standards Association).
3. The maximum permissible sound levels as named above, shall not apply to the following noise sources:
 - a. Emergency alarm signals for the purpose of alerting persons to the existence of an emergency.
 - b. Work to provide, repair, or replace electricity, water or other public utilities involving public health or safety.
 - c. Normal and legally permitted residential activities customarily associated with residential use and typical residential living. This exception shall not apply to boisterous parties, loud music, barking dogs and similar activities and nuisances.
 - d. Domestic power tools.
 - e. Temporary activities involving construction and demolition activities.
 - f. Agriculture.
 - g. Motor vehicle operations on public streets. Such noise shall be regulated by Pennsylvania Transportation Regulations governing established sound levels.
 - h. Public celebrations or activities authorized by the Township.
 - i. The unamplified human voice.
 - j. Emergency generators.

- G. Odor. No use, except agricultural related or equestrian uses, shall emit odorous gases or other odorous matter in such quantities to be offensive at any point on or beyond its lot lines. Any process which may involve the creation or emission of any odors shall be provided with a secondary safeguard system or shall make corrective arrangements in order that control will be maintained if the primary safeguard system should fail. Immediate corrective action shall be taken should either system fail.
- H. Vibration. No vibration shall be produced which is transmitted through the ground and is discernible by a normal individual beyond the lot lines on which the activity is situated by direct means such as, but not limited to, sensation by touch or visual observation of movement without the aid of instruments; nor shall any vibration exceed 0.002g peak measured at or beyond the lot line using either seismic or electronic vibration measured equipment.
- I. Electrical, Radio, and Electromagnetic Disturbance. There shall be no radio or electrical disturbance adversely affecting the operation of any equipment at any point other than equipment belonging to the creator of such disturbance. No use, activity, or process shall be conducted which produces electromagnetic interference with normal radio or television reception from off the lot on which the activity is conducted.
- J. Radioactivity. There shall be no activities that emit dangerous levels of radioactivity at any point. No operation involving radiation hazards shall be conducted which violates state or federal statutes, rules, regulations, and standards. In addition, any proposed use which incorporates the use of radioactive material, equipment or supplies, shall be in strict conformity with Pennsylvania Department of Environmental Protection rules and regulations, and rules, regulations, and standards of the U.S. Nuclear Regulatory Commission.
- K. Electrical, Diesel, Gas or Other Power. All uses requiring power shall be operated so that the service lines, substation, or other structures and equipment shall conform to the most acceptable safety requirements recognized by the Pennsylvania Bureau of Labor and Industry, and shall be constructed to be an integral part of the buildings with which it is associated. If visible from adjacent residential lots, it shall be screened in accordance with Section 162-1908.
- L. 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 and enjoyment of the surrounding area.

SECTION 162-1912. STRIPPING AND REMOVAL OF TOPSOIL; EXCAVATION OF CLAY, SAND, GRAVEL, OR ROCK.

- A. Stripping and removal of topsoil or sod.
 - 1. Topsoil or sod may be stripped or removed under the following situations:
 - a. As part of the construction or alteration of a building, street or parking lot or the grading incidental to such building, street or parking lot.
 - b. As part of the installation of utilities or the maintenance thereof.

2. No lot shall be graded, contours changed or filled without the approval of the Township Engineer and adherence to the Township's stormwater management requirements and other applicable ordinances and statutes.
 3. No topsoil shall be removed for purposes of resale. Any sale of topsoil shall constitute a change in land use of the property from which the material was excavated.
 4. Stripping operations shall be set back from any property line a minimum of twenty-five (25) feet and from any street right-of-way a minimum of fifty (50) feet.
 5. Stripped areas shall be stabilized within three (3) days.
- B. Excavation of clay, sand, gravel or rock in connection with construction. The excavation of clay, sand, gravel, rock, and other minerals that occur in the normal course of construction, shall be permitted under the following situations:
1. As part of the construction of a building or the construction or alteration of a street or parking lot, and all appurtenant improvements.
 2. Excavation shall not be conducted in a way which will leave loose boulders exposed.

SECTION 162-1913. UTILITIES AND UNDERGROUND WIRING.

- A. Electrical, gas, street light supply, cable television, fiber optic, and telephone distribution lines primarily intended for the use of buildings and structures located within the Township shall be installed underground when in accordance with new construction and any major renovation or rehabilitation.
- B. When existing electric and telephone lines are underground, cable television and fiber optic lines must be underground. If either existing telephone or electric are aerial, cable television and fiber optic lines may be aerial.
- C. 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.
- D. This Chapter shall not apply to any existing or proposed building or extension thereof used or to be used by a public utility corporation that complies with Section 619 of Act 247.

SECTION 162-1914. SEWAGE AND WATER FACILITIES.

Sewage and water facilities shall be in accordance with the Township's Act 537 Plan and Chapter 138, Subdivision and Land Development, and any applicable state and county regulations.

SECTION 162-1915. FENCES, HEDGES, AND WALLS.

- A. A zoning permit shall be required for the erection, alteration or substantial replacement (more than twenty-five (25) percent) of a fence or retaining wall. Applications shall be filed in triplicate and on forms furnished by the Township and shall be accompanied by detailed plans, drawings, specifications and such other information deemed necessary by the Zoning Officer to determine the location and details of construction of such fence or

- retaining wall. No change in those plans shall be made without notification to and approval by the Zoning Officer. If the Zoning Officer is aware of a property line dispute, he or she may require a survey by a licensed professional land surveyor as part of the application. A survey is required if the fence is proposed within five (5) feet of the property line.
- B. Fences or walls that are in conformance with all of the provisions of this and any other applicable ordinances may be permitted within required setbacks but shall be setback a minimum of one (1) foot from the property line.
- C. Unless otherwise required by this Chapter, no fence or wall, except a retaining wall or a permitted structural wall, shall be erected within any of required yard setback, unless that portion of the fence or wall which exceeds six (6) feet in height has a ratio of open area to solid area of at least four (4) to one (1). In no case shall a fence or wall exceed eight (8) feet in height, except in the case of a junkyard or salvage yard where the regulations set forth in Section 162-2028 shall apply, and in the case of a communications tower or other antennae provided for in Section 162-2014, where the maximum height of a fence shall not exceed ten (10) feet in height.
- D. Front Yard Fences
1. No fence over four (4) feet in height shall be erected in the front yard area of any residential lot, tract, or parcel of land, unless it is a vegetative fence/hedge consisting of trees and shrubs, excepting those parcels over three (3) acres or with a principal agricultural use.
 2. The use of metal or vinyl coated chain link fencing is prohibited in front yards.
- E. All fences shall be maintained and kept safe and in a state of good repair.
- F. No fence or wall shall be erected or maintained within a street right of way or shall obstruct required sight distance vision at street intersections, public streets, private roads, or driveways, in accordance with the standards for a clear sight triangle in Section 162-1907 and Chapter 138, Subdivision and Land Development. No hedge, tree, shrub, or other vegetative growth shall obstruct required sight distance vision at street intersections, public streets, private roads, or driveways, in accordance with the standards for a clear sight triangle in Section 162-1907 and Chapter 138, Subdivision and Land Development.
- G. Fences or walls shall not be located in drainage easements or drainage swales that are part of an approved stormwater management plan in accordance with Township stormwater management regulations.
- H. Fences or walls shall not be located in any natural drainage channels nor impede the natural flow of water.
- I. No fences shall be permitted that may result in bodily injury, including, but not limited to, high voltage or barbed wire fencing.
- J. Swimming pools shall be fenced in accordance with the applicable provisions of this Section and with the provisions in Section 162-2002.

SECTION 162-1916. KEEPING OF ANIMALS.

For the purpose of protecting human and animal health, preventing erosion-prone land use conditions, and preventing the contamination of ground and surface waters, the following provisions shall apply to the keeping of horses, cows, sheep, swine, goats, llamas, dogs, cats, fowl, poultry, rabbits, and other animals of similar size, character, and impact. Customary household pets (such as dogs, cats, and other small animals customarily kept in the dwelling) shall be exempt from the acreage requirements of this Section (Subsection A.) but shall comply with Subsection B., general standards for keeping of animals.

- A. **Permitted Number of Animals.** A minimum lot size of three (3) acres shall be required for the keeping of one (1) large animal including but not limited to a horse, cow, beef cattle, llama, or other animal of similar size regulated by this Section. A minimum lot size of two (2) acres shall be required to keep one (1) small animal, including but not limited to: swine, sheep, emu, or other animal of similar size. A minimum lot size of one-quarter (0.25) acres shall be required to keep poultry. For each additional animal, additional acreage must be available in accordance with Figure 19-6. Animals not addressed shall be judged according to the requirements for animals of a similar size, as determined by the Zoning Officer.

Figure 19-6: Additional Acreage Requirements Per Additional Animal*	
Animal	Acreage
Horse	1.5
Cow	1.5
Beef Cattle	1.5
Swine	0.50
Sheep	0.50
Poultry	0.02
*Beyond the initial acreage requirement, as applicable.	

- B. **General Standards for Keeping of Animals.**

1. No animals of any kind shall be kept in any structure or enclosure or elsewhere on a property which will result in a nuisance, health or safety issue, or unsanitary conditions for humans or animals. All animals shall have appropriate and adequate facilities for food and water.
2. Permanent shelter shall be provided for all animals not kept in the residence as domestic pets. Horses, cattle, sheep, and goats shall have loafing sheds, covered feeding areas, or other appropriate facilities. Stables or shelters for animals such as horses, cattle, sheep, llamas, swine, sheep, or emus shall be located at least one-hundred (100) feet from any property line.
 - a. A permanent building shelter placed or constructed on a property shall be designed to serve the number of animals kept in accordance with this Section.
 - b. Shelters shall have a roof and at least three (3) enclosed sides and shall be designed in accordance with the setback and impervious coverage requirements of the associated district.
 - c. Shelters shall be designed for ease of manure removal and handling.

3. No person owning or having in his/her custody livestock or poultry shall permit the same to go at large to the injury or annoyance of others, nor shall such livestock or poultry be permitted upon the streets or other public ways or the Township. Such action is hereby declared to be a nuisance and dangerous to the public health and safety.
4. A fenced or otherwise enclosed outside area shall be provided which is capable of containing the animals kept and is of sufficient size and properly located for good sanitary practices. Materials used for fencing shall be of sufficient sturdiness and properly designed, installed and maintained so as to prevent animals from straying off the property.
5. Uncovered manure storage shall be located at least one-hundred (100) feet from any lot line, Flood Hazard District boundary, stream, wetland, or other body of water. No manure may be stored within a swale or drainage way, nor located so as to drain onto adjacent land.
6. Keeping of animals shall not result in pollution of ground water or surface water, or runoff of pollutants onto adjacent property.
7. Any legally existing nonconforming building used for the keeping of animals that does not conform to setbacks may continue to be used but may not be expanded so as to increase the nonconformity. A legally existing nonconforming building or structure which is not legally used for the keeping of animals on the effective date of this Chapter may not be used for the keeping of animals.
8. Operation of kennels is permitted in accordance with Section 162-2044.

ARTICLE XX

Supplemental Use Regulations

SECTION 162-2001. APPLICABILITY.

A. This Article establishes supplemental controls for uses requiring special design considerations to ensure compatibility with other uses permitted within a zoning district. The following regulations shall apply to all zoning districts in which the particular use being regulated is permitted. The provisions of this Article shall be in addition to the standards established by the applicable zoning district, conditional use, or special exception procedures where applicable, and any applicable Section of this Chapter or other chapters, codes or ordinances.

B. Uses specifically regulated in this Article include the following:

- 2002 Accessory Uses, Buildings, and Structures
- 2003 Adaptive Reuse of a Historic Structure
- 2004 Reserved
- 2005 Adult Oriented Establishments and Uses
- 2006 Agricultural/Farming Uses
- 2007 Antique Store in a Historic Resource
- 2008 Automobile Sales and Service
- 2009 Bank or Other Financial Institution
- 2010 Bed and Breakfast Lodging in a Historic Resource
- 2011 Cemetery
- 2012 Child/Adult Day Care Center
- 2013 Club or Lodge
- 2014 Communication Towers and Antennas
- 2015 Convenience Store
- 2016 Reserved
- 2017 Drive-Through Service
- 2018 Eating and Drinking Establishment (without Drive-Through Service)
- 2019 Educational Use or Place of Worship Use/Activity
- 2020 Gasoline or Service Station
- 2021 Reserved
- 2022 Group Home
- 2023 Helipad, Private
- 2024 Home Occupations
- 2025 Hospital
- 2026 Hotel, Motel, or Inn
- 2027 Industrial or Office Park
- 2028 Junkyard or Salvage Yard
- 2029 Mechanical Repair or Fabrication Shop
- 2030 Mixed Use
- 2031 Mobile Home Park
- 2032 Multifamily Dwellings
- 2033 Nursing Home/Long Term Living Facility, Assisted Living Facility/Personal Care Home, or Retirement Community
- 2034 Recreational Use
- 2035 Recycling Collection Center/Recycling Processing Facility
- 2036 Residential Conversion of a Historic Resource

- 2037 Self-Storage/ Mini-Warehouse
- 2038 Shopping Center and Retail Uses of 3,000 square feet or greater floor area
- 2039 Single Professional Office in a Historic Resource
- 2040 Temporary Structure or Use
- 2041 Timber Harvesting Operation/Forestry
- 2042 Transfer Station, Trash
- 2043 Transitional Housing
- 2044 Veterinary Clinic and/or Kennel
- 2045 Solar Energy Systems

SECTION 162-2002. ACCESSORY USES, BUILDINGS, AND STRUCTURES.

A. General.

1. The uses, buildings and structures in this Section are accessory and shall be incidental and subordinate to the principal use on the tract or lot.
2. Accessory uses, buildings and structures in Sections 162-2002.C and D shall be:
 - a. Located on the same tract or lot as the principal use;
 - b. Located in the side or rear yard of the lot; and
 - c. Located no further forward on the tract or lot than the front building line of the principal building.
 - d. No larger than forty percent (40%) of the principal building's floor area or no greater than six-hundred (600) square feet at ground floor level, whichever is less. On lots having a lot area of one acre or less, the maximum ground floor area for all accessory buildings on a lot shall be five-hundred (500) square feet.
3. A minimum setback of ten (10) feet from the lot lines shall be required, except:
 - a. Agricultural/Farming accessory uses, buildings, and structures, as per Section 162-2002.B, below.
 - b. Active residential accessory uses, such as tennis courts and swimming pools shall meet the minimum yard area standards for the principal use in the applicable underlying district in which the use is located; but in no case shall an active residential use or structure, including indoor or outdoor tennis courts and swimming pools, be located less than fifty (50) feet from any lot line. Active recreational accessory uses shall not be located within ten (10) feet of any existing or proposed on-site sewage absorption area. Active recreational accessory uses shall be screened from view from adjacent residential lots and specifically lighting facilities for the accessory use shall be hooded and screened to prevent glare and light impingement on neighboring properties and facilities designed so that they shall not interfere with the use or enjoyment of any neighboring residential property and shall follow applicable requirements in Article XIX.
 - c. Commercial, Institutional, and Industrial accessory uses, buildings, and structures, as per Section 162-2002.D, below.

- d. No portion of a detached accessory building, regardless of size, shall be located closer than ten (10) feet to the principal building. If located closer than ten (10) feet, the accessory building shall be considered an addition to the principal building and shall meet all applicable setbacks for the principal building.
 4. Accessory uses, buildings, or structures shall have a maximum height of fifteen (15) feet, except as otherwise stated in this Chapter.
 5. For properties with individual on-lot sewage systems, no accessory uses, buildings and structures shall be constructed within the primary or the separate replacement sewage system area or within the same setbacks (with respect to buildings, wells, etc.) as specified for primary septic systems. The property owner or lessee shall demonstrate to the satisfaction of the Township that accessory uses, buildings and structures comply with this requirement. At the sole discretion of the Township, the owner or lessee may be required to provide quantitative proof in the form of soil testing or other data for the primary and/or the secondary septic site that the requirements of this Chapter have been met. Failure to comply with this requirement could result in the owner or lessee being required to remove the accessory uses, buildings and structures at their own expense.
- B. Agricultural/Farming Accessory Uses, Buildings, and Structures. The following uses, buildings and structures shall be permitted when incidental and subordinate to a principal agricultural/farming use and when located on the same lot or tract as that principal use. A principal agricultural/farming use shall mean that the use shall be an agricultural operation as defined in Article II.
 1. Minimum yard setbacks shall be as specified in Section 2006.
 2. Storage of farm products and farm machinery.
 3. Barns and stables sheltering livestock, poultry, and farm products.
 4. Silos for storage of grain or other farm products which shall be setback a distance equal to their height.
 5. Preparation of agricultural products produced on the premises.
 6. Garages and outbuildings.
 7. Signs identifying the name of the farm in accordance with Article XXI.
 8. Residential accessory uses in accordance with Section 162-2002.C, below.
 9. Display and Sale of Agricultural Products. The display and sale of agricultural products shall be permitted, provided that:
 - a. At least fifty percent (50%) of such products shall have been produced on the property on which they are offered for sale. Such use shall be solely undertaken by the owner or operator of the principal agricultural use.

- b. Parking spaces for at least three (3) cars shall be provided behind the roadway right-of-way line.
 - c. Sale of agricultural products shall be conducted from a temporary stand dismantled at the end of the growing season or a permanent structure, provided that such structure shall be at least twenty-five (25) feet from any street line, and shall be at least fifty (50) feet from a side or rear yard lot line abutting a residential use or district or a distance equal to their height, whichever is greater. There may only be one (1) such structure per primary agricultural use.
 - d. Signs associated with the sale of farm products shall conform to the sign regulations in Article XXI.
10. Secondary Farm Business. This accessory use allows for a secondary source of income for a farmer and shall be allowed as a use solely undertaken by the owner or operator of the agricultural use, so as to promote the continuation of existing agricultural uses. This use shall be in accordance with the following:
- a. A maximum of one (1) secondary farm businesses shall be allowed per agricultural use.
 - b. A maximum of two (2) employees shall be permitted in conjunction with the secondary farm business in addition to family members or farm laborers employed in the primary farm business.
 - c. Secondary farm family businesses may include, but are not limited to the following:
 - 1) Veterinary offices which primarily serve farm animals, stables, and supplies
 - 2) Creation and sale of crafts
 - 3) Creation of household articles, such as chairs, cabinets, clocks, and similar carpentry type articles for use in the home
 - 4) Processing of locally produced agricultural products
 - 5) Custom farm work.
 - 6) Grain mills or portable grinding mills
 - 7) Blacksmith shop
 - 8) Tree farming and sales
 - 9) By special exception, other similar uses to those above listed uses.
11. Agricultural warehousing in conformance with Section 162-2006.D.
- C. Residential Accessory Uses, Buildings, and Structures. The following uses, buildings and structures shall be permitted when incidental and subordinate to a principal residential use

and when located on the same lot or tract as that principal use and when in compliance with other applicable criteria of this Chapter:

1. Garage, driveway, or parking area for the parking of passenger automobiles including noncommercial trucks and vans.
2. Temporary or nightly outdoor parking or storage of commercial vehicles. shall be limited to one (1) vehicle per lot. Such vehicle shall be owned or operated by the resident of the lot and such vehicle shall not include signage or advertising, except for a logo or business name of no greater than a maximum of two (2) square feet per vehicle. Commercial vehicles which display signage or advertising other than the permitted as listed above shall not be parked on the residential lot for more than a twenty-four (24) hour period during which period it shall be screened by view from the public right of way and adjacent residential lots by way of a one-hundred percent (100%) fencing or vegetative screening as per Section 162-1908. All parking of vehicles, trailers or other conveyances with a gross vehicle weight rating of over 20,000 pounds is prohibited in all residential zoning districts and on property used for residential purposes.)
3. Motor home or recreational vehicle as per Sections 162-1908 and 162-1909.
4. Residential structures for such accessory uses as shelter for household pets, storage sheds, bathhouses, gazebos, decks, patios, tennis courts, flagpoles, stables, clothes lines, and private noncommercial greenhouses.
5. Windmills for residential energy use purposes by conditional use provided they receive a building permit are installed to industry standards and such proof of appropriate and safe installation is supplied to the Township upon request.
6. Uses designed to serve the residents of a residential development, including areas for washing machines and dryers, lockers or storage areas, recreational facilities and lounges.
7. Fences or walls in accordance with Section 162-1915.
8. Signs associated with the occupants of the dwelling in accordance with Article XXI.
9. Home occupation (home based business and no-impact home based business) in accordance with Section 162-2024.
10. Reserved.
11. Noncommercial swimming pool subject to the following provisions:
 - a. Installation and fencing of swimming pools. Swimming pools shall be installed and shall be enclosed by fencing in accordance with the Township Building Code and with the applicable provisions in Section 162-1915.
 - b. Setbacks.

- 1) 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) A swimming pool and related apparatuses shall not be located within ten (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) 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) 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) Lighting facilities shall be hooded and screened to prevent glare and light impingement on neighboring properties and interference with the use and enjoyment of any neighboring property, and shall follow applicable requirements of Article XIX.
 - 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.
12. Garage or yard sales subject to the following provisions:
 - a. Such use shall be limited to occurrences of not more than four (4) times within one (1) calendar year. There shall be at least a thirty (30) day period between such occurrences and each occurrence shall last no more than four (4) consecutive days.

- b. No more than one (1) vehicle for sale or show shall be displayed on a residential lot.
 - c. Signs for garage or yard sales shall be in compliance with Article XXI.
- 13. Residential outdoor storage in compliance with Section 162-1909.
- 14. Residential radio antenna, television antenna or microwave dish antenna in accordance with the following standards:
 - a. Where applicable, structures shall comply with Federal Communications Commission (FCC) regulations and the Township Building Code.
 - b. Freestanding antenna of any type shall be located in the side or rear yard, and shall meet all minimum setback requirements of the zoning district in which it is located, however no portion of the base of a freestanding antenna shall be located any closer to a lot line than the height of the antenna.
 - c. The highest point of a radio or television antenna shall not exceed the peak of the roof of the principal building by more than fifteen (15) feet or, if a freestanding antenna, the maximum height of the antenna shall be fifty (50) feet.
 - d. When roof or wall mounted, microwave dish antenna shall not project above the peak of the roof line unless a special exception is granted. If freestanding, the total height of the dish antenna shall not exceed ten (10) feet. Microwave dish antenna shall not exceed three (3) feet in diameter. Such use shall be screened with staggered plantings or fencing to the extent that such screening does not substantially interfere with reception.
 - e. No more than two (2) antenna of any kind shall be permitted per dwelling unit, nor shall more than one (1) freestanding radio or television antenna be permitted per dwelling unit.
- 15. Accessory apartments and Accessory existing detached dwellings. The purpose of this Section is to allow the alteration of existing buildings for the purpose of meeting housing needs of immediate family members, domestic employees, and/or caregivers and their dependent children 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 Township historic character, open space, and the concept of limited development.
 - a. Accessory apartments. Accessory apartments shall be permitted in R-1, R-2, R-3, and VR Zoning Districts by special exception approval by the Zoning Hearing Board in accordance with Article XXIV and shall be also subject to the following standards:
 - 1) The principal structure shall be located on a lot which satisfies the minimum lot area and bulk regulations of the district in which it is located. There shall be only one (1) accessory apartment per

principal use, and accessory apartments shall only be permitted in single-family detached dwellings.

- 2) The property and both the principal dwelling and accessory apartment shall be owned by the same person; one (1) of the two (2) dwelling units must be owner-occupied.
- 3) Use of the accessory apartment shall be limited to two (2) family members or two (2) caregivers or domestic or farm/agricultural use employees and their dependent children.
- 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 this Section and other applicable township codes. An on-site inspection may be required to confirm compliance.
- 5) The accessory apartment shall be limited to no more than two (2) bedrooms and shall meet the following size requirements:

Number of Bedrooms in Units	Minimum Floor Area in Unit
Efficiency	300 sq.ft.
1 bedroom	400 sq.ft.
2 bedrooms	600 sq.ft.

- 6) The accessory apartment shall be clearly subordinate to the primary dwelling in terms of size and function and shall not exceed twenty percent (20%) of the habitable floor area contained in the existing primary 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 fifteen percent (15%), but not to exceed four-hundred (400) square feet of the floor area of the existing primary 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 as indicated in Subsection 7), above, alterations to the exterior of the existing dwelling shall be limited to access, windows, and ventilation. After creation of the accessory apartment, the existing primary dwelling shall maintain the usual appearance of a single-family detached dwelling and shall remain compatible with the character of the surrounding neighborhood.
- 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 (1) exterior façade where the unit is at grade with the ground outside.
- 10) After conversion, the principal dwelling shall have no more than the existing number of entrances along the front of the building prior to the creation of the accessory apartment. 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 Codes 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 (1) all-weather off-street parking space shall be required in addition to that required for the original principal dwelling. The parking space shall have unrestricted ingress and egress to the street.
- b. Accessory existing (existing on the date of enactment of this Chapter) detached dwellings. Accessory existing detached dwellings shall be permitted in R-1, R-2, R-3, and VR Zoning Districts only upon the approval of a conditional use by the Board of Supervisors in accordance with Section 162-2308 and shall also be subject to the following standards:
- 1) An owner applying for approval of an accessory existing 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.
 - 2) An accessory existing detached dwelling may only be located on a lot having a minimum of ten (10) contiguous acres (not divided by a public or private road).
 - 3) Only one (1) accessory existing detached dwelling shall be permitted on a lot.
 - 4) Single ownership shall be maintained of the entire property on which both the principal dwelling and the accessory existing 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.
 - 5) Either the principal dwelling or the accessory existing detached dwelling on a lot shall be an owner occupied dwelling. Occupancy of both the principal dwelling and the accessory existing detached dwelling shall be limited to members of the owner's immediate family, caregivers, and domestic or farm employees and their dependent children.
 - 6) A restrictive covenant setting forth the requirements of this Section and Chapter and any conditions in the written decision of the Board of Supervisors granting a conditional use approval for an accessory existing 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 existing detached dwelling.

- 7) An accessory existing detached dwelling shall have separate systems for sewage disposal and water supply unless it can be demonstrated that the existing systems are adequate for servicing the principal residence and the accessory existing detached dwelling. In any event, all standards established by the Chester County Health Department and Pennsylvania Department of Environmental Protection and Act 537 Sewage Planning shall be met.
- 8) 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 existing detached dwelling.
- 9) All applications for an accessory existing detached dwelling shall include a plan showing the location of both the principal residence and the accessory existing detached dwelling prepared by a Pennsylvania licensed civil engineer and/or architect. The plan shall show all means of access to and from the public street, interior circulation and parking areas, the location of all sewage disposal and water supply facilities, and such other details as the Board of Supervisors may reasonably request. In the event that the location of the accessory existing 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.
- 10) 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.
- 11) Each dwelling unit must have a separate mailing address in accordance with Township regulations.
- 12) An accessory existing detached dwelling shall not be increased in square footage by more than twenty-five percent (25%) of its existing floor area at the time of application.

16. Accessory Solar Energy System in conformance with Section 162-2045.

D. Commercial, Institutional, and Industrial Accessory Uses, Buildings, and Structures. The following uses, buildings and structures shall be permitted when incidental and subordinate to a commercial, institutional, or industrial use and when located on the same lot or tract as that principal use and when in compliance with other applicable criteria of this Chapter:

1. Accessory buildings and structures on commercial, institutional, and industrial lots shall have the same setback from lot lines as principal buildings when they abut residential uses, lots or districts, and otherwise shall have a minimum setback of twenty (20) feet.

2. By conditional use, windmills for generating energy used for the principal use provided they are issued a building permit and are installed to industry standards and such proof of appropriate and safe installation is supplied to the Township upon request.
3. Uses designed to serve the employees of a commercial industrial or institutional development, including areas for bicycle parking, patios, gazebos, flagpoles, and storage sheds.
4. Off-street parking and loading facilities in accordance with Section 162-1903.
5. Driveways, accessways, and interior circulation in accordance with Section 162-1905.
6. Outdoor storage of materials in accordance with Section 162-1909.
7. Signs in accordance with Article XXI.
8. Fences or walls in accordance with Section 162-1915.
9. Private radio antenna, television antenna or microwave dish antenna shall be permitted as a commercial or industrial accessory use when in accordance with the following standards:
 - a. Where applicable, structures shall comply with Federal Communications Commission (FCC) regulations and the Township Building Code.
 - b. Antenna meeting the definition of a Communication Tower shall comply with the standards of Section 162-2014 and shall only be located in those districts where specifically permitted by this Chapter.
 - c. Freestanding antenna of any type shall be located in the side or rear yard, and shall meet the minimum setback requirements of the zoning district in which it is located, however, no portion of the base of a freestanding antenna shall be located any closer to a lot line than the height of the antenna.
 - d. The highest point of a radio or television antenna shall not exceed the peak of the roof of the principal building by more than fifteen (15) feet or, if a freestanding antenna, the maximum height of the antenna shall be fifty (50) feet.
 - e. Microwave dish antenna shall meet the following additional standards:
 - 1) Microwave dish antennas up to three (3) feet in diameter may be installed, subject to those specific regulations set forth for residential accessory uses, above.
 - 2) Microwave dish antennas exceeding three (3) feet in diameter shall be permitted, subject to the following:
 - a) The total height of the microwave dish antenna shall not exceed twelve (12) feet if roof mounted and fifteen (15) feet if

freestanding, unless approved as a special exception by the Zoning Hearing Board.

- b) Screening shall be provided in accordance with those stipulated for residential microwave dish antenna, Section 162-2002.C, above and Section 162-1508.
- c) Before erection or installation of any such microwave dish antenna, a permit application shall be made to the Township and a fee paid, as may be established by Board of Supervisors, and shall be accompanied by plans to scale, showing:
 - i. The dimensions of the lot and location of the buildings thereon.
 - ii. Details of all microwave antenna anchors, supports and foundations, and the exact proposed location thereon on the lot.
 - iii. Design wind load on each anchor and allowable wind load on each anchor.
 - iv. Forces on foundation, including live load and dead load.
 - v. Allowable soil bearing pressure and actual soil bearing pressure.
 - vi. Strength and allowable stresses of cables, rods or braces. Actual force and allowable force for each cable, rod or brace.
 - vii. When microwave antennas are attached to an existing structure, provide details of how microwave antenna loads will be distributed to the existing structure.

10. Accessory Solar Energy System in conformance with Section 162-2045.

SECTION 162-2003. ADAPTIVE REUSE OF A HISTORIC RESOURCE.

The provisions of Article XVII shall apply.

SECTION 162-2004. RESERVED.

SECTION 162-2005. ADULT ORIENTED ESTABLISHMENTS AND USES.

The following provisions shall apply to adult oriented establishments and uses:

- A. The following location and dimensional standards shall be met:

1. Adult oriented establishments and uses shall be located a minimum of one thousand (1,000) feet from another existing adult oriented establishment and use.
 2. Adult oriented establishments and uses shall be located a minimum of five hundred (500) feet from any residential zoning district or use, church, school, day care facility, or public playground or park.
 3. The minimum lot area for Adult oriented establishment and uses shall be one (1) acre.
 4. Except as otherwise noted in this Section or Chapter, area and bulk regulations for this use shall be as specified in the applicable underlying district in which this use is located.
- B. Signs and visible messages based on the allowable sign area within the applicable zoning district shall be permitted, provided:
1. Sign messages shall be limited to verbal description of materials or services available on the premises.
 2. Sign messages may not include any graphic or pictorial depiction of material or services available on the premises.
 3. Messages which are visible or intended to be visible from outside the property, such as on or within doors or windows, shall not display materials, items, publications, pictures, films or printed material available on the premises.
- C. Adult oriented establishments and uses shall require application for a conditional use permit, as per Section 162-2308, from the Board of Supervisors. Application for such a conditional use permit shall consist of:
1. A description of the premises for which the permit is sought.
 2. A statement of the intended use(s).
 3. Hours of operation.
 4. Type, size and location of proposed sign(s).
- D. Nothing in this Chapter shall be deemed to allow any uses that are "obscene" as that term has been interpreted from time to time by the courts of the United States or the Commonwealth of Pennsylvania.
- E. There shall be no alcoholic beverages in association with an adult oriented establishments and uses without proper State licensing and permission from the PA Liquor Control Board.
- F. Except as otherwise specified in this Section or Chapter, parking, screening, buffering, lighting, signs, storage and display, fencing and walls, access, and other general standards shall be in accordance with the applicable sections of Article XIX.

SECTION 162-2006. AGRICULTURAL USES.

Agricultural uses and uses associated with agriculture shall be subject to the following regulations:

A. General Regulations.

1. Gardening, incidental to residential use, shall be permitted in any district without restriction in regard to lot area.
2. Any structures used for the shelter or housing of livestock or poultry or any intensive agricultural use shall be located not less than one hundred (100) feet from any lot line. Except as provided for dwellings, no other agricultural structure, including agricultural accessory structures, shall be constructed closer than fifty (50) feet to any abutting property or public right-of-way. Nonintensive agricultural uses shall be set back a minimum of twenty (20) feet from a property line. Where setbacks provided in the applicable district differ from fifty (50) feet, the greater dimension shall apply.
3. Silos and bulk bins shall be exempt from the maximum building height limit when attached to an existing structure or located such that the distance from the base of the barn, silo, or bulk bin to both the nearest property line and the nearest street right-of-way line is no less than the height of said silo or bulk bin. In no case shall any such structure exceed one-hundred (100) feet plus accessory structure and safety mechanisms for a maximum of one-hundred and twenty (120) feet.
4. The storage or stock-piling of manure or other odor or dust producing substance shall not be permitted within one hundred (100) feet of any abutting property other than that of the owner/operator of this use or public right-of-way, closer than one hundred (100) feet to any wells, springs, sinkholes, on slopes adjacent to any ponds and streams, or within any swale or drainageway. Manure shall only be stored or stockpiled on an approved impervious surface that will restrict the associated nutrients from being released onto and into adjacent soils and the groundwater aquifer.
5. Lots shall be graded so that animal wastes are confined, stockpiled, stored, or disposed of within the lot on which they originate or adjacent lot(s) under the same ownership and use. Waste disposal shall also be in accordance with applicable Township ordinances.
6. All grazing and pasture areas where animals are kept shall be fenced.
7. The Township shall strongly encourage a Conservation Plan and Nutrient Management Plan be completed for all agricultural/farming uses. The aforesaid plans shall be required for intensive agricultural/farming uses due to their intensive nature and potential impacts on land, natural resources, and adjacent property owners, as specified by the Chester County Conservation District and under the Nutrient Management Act of 1993, as amended.
8. Except as otherwise specified in this Section or Chapter, parking, screening, buffering, lighting, signs, storage and display, fencing and walls, access, and other general standards shall be in accordance with the applicable sections of Article XIX.

- B. Nonintensive Agricultural/Farming uses and customary buildings associated with such uses shall be in accordance with the following standards:
1. Except as otherwise specified in this Section, lot area regulations and area and bulk regulations for nonintensive agricultural/farming uses in applicable underlying zoning districts shall apply.
 2. The applicable regulations of other applicable Township, County, or State requirements shall apply.
 3. No slaughtering or processing operations shall be permitted under a nonintensive agricultural/farming use. Said operations shall be considered intensive agricultural/farming uses.
 4. Commercial piggeries shall be considered intensive agricultural uses and shall not be permitted as part of a nonintensive agricultural use.
- C. Intensive agricultural/farming uses and customary buildings associated with such uses shall be in accordance with the following standards:
1. The minimum lot area for intensive agricultural/farming uses shall be twenty (20) acres in all districts where this use is permitted, otherwise except as specified in this Section other area and bulk regulations of the underlying district in which this use is located shall apply.
 2. An intensive agricultural/farming use including agricultural buildings or structures housing mushrooms, poultry, hogs, or other livestock; accessory mushroom composting; feed lots, or other odor or dust producing activities, shall be setback a minimum of three-hundred (300) feet from any adjacent residential property lines.
 3. Intensive agricultural/farming uses shall be setback the stricter of a minimum of one-hundred (100) feet from any floodplain or watercourse or as specified by the Chester County Conservation District, as applicable.
 4. The applicable regulations of other applicable Township, County, or State requirements shall apply.
- D. Agricultural/Farming Warehousing. Agricultural warehousing shall comply with the following provisions:
1. Agricultural/farming warehousing shall be an accessory use to the principal agricultural/farming use and shall only be permitted on a lot used for the principal agricultural use.
 2. Agricultural/farming warehousing shall required a minimum lot size of five (5) acres, even if associated with a nonintensive agricultural/farming use that is permitted a smaller lot size in the underlying district.
 3. Up to a maximum of fifty percent (50%) of the total products and materials stored on-site may include items which are owned and used by off-site interests.

- E. Commercial Greenhouse Production. The following provisions shall apply to commercial greenhouse production:
1. Commercial Greenhouse Production shall be considered an Intensive agricultural/farming use and shall follow applicable regulations for the district in which it is located.
 2. Maximum lot coverage shall not exceed sixty percent (60%).
 3. Screening shall be provided in accordance with Section 162-1908.
 4. Stockpiling of organic material shall be so designed so as to prevent run-off into streams, or onto roadways, or onto adjacent properties. Storage of such materials shall be located no less than fifty (50) feet in distance from any lot line or Flood Hazard District boundary and no less than one hundred (100) feet from any stream, wetland, or other body of water and shall not be stored within a drainageway nor located so as to drain onto adjacent land.

SECTION 162-2007. ANTIQUE SHOP IN A HISTORIC RESOURCE

- A. Except as otherwise noted in this Section or Chapter, the lot on which the historic resource is located shall meet the minimum area and bulk requirements for nonresidential uses in the underlying zoning district or one (1) acre whichever is less restrictive, unless the lot size or other condition is nonconforming at the time of application for a conditional use, in which case this special use for a historic resource may be considered and such nonconformance may continue. This use shall also follow the requirements of Article XVII.
- B. This special use, if not otherwise permitted in the underlying zoning district, shall be principally contained within a Class I or Class II historic resource.
- C. In order to qualify for a conditional use hereunder and to continue such use, a historic resource, shall be maintained, renovated, expanded, and restored with substantial historical accuracy in accordance with the standards recommended in the Secretary of the Interior's Standards for Rehabilitation and also as determined by the Historical Commission, Planning Commission, and Board of Supervisors. 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.
- D. Site plans, floor plans, and elevations showing both existing and new exterior and interior building alterations for the conditional use shall be included with the application for conditional use. The site plan, floor plan, and elevations, which need not meet the requirements for a subdivision and land development plan, shall demonstrate compliance with the requirements herein set forth. Photographs may be substituted for elevation drawings if no material change is proposed. Any building demolition shall be as regulated under Article XVII.
- E. In granting a conditional use, with the recommendation of the Historical Commission the Board of Supervisors shall be authorized to require the granting of façade easements and to impose conditions regulating or limiting the hours of operation of the business.
- F. 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.

- G. The historic resource shall not be increased in square footage by more than twenty-five percent (25%) of its existing floor area at the time of application.
- H. Off-street parking spaces shall be screened from visibility from public streets and adjacent properties by fencing, walls, or natural vegetation in accordance with Article XIX, and as determined by the Historical Commission, Planning Commission, and Board of Supervisors. Parking shall be located so as to not detract from the historic appearance of the historic resource. Parking shall meet the requirements of Article XIX, 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 is unnecessary and inconsistent with the preservation of the historic resource, appearance, or setting of the historic resource.
- I. Outside display or storage of articles for sale shall be as in Section 162-1909.
- J. Trash receptacles shall be screened so as not to be visible from the street or abutting properties except on scheduled pickup days.
- K. Except as otherwise specified in this Section or Chapter, parking, screening, buffering, lighting, signs, storage and display, fencing and walls, access, and other general standards shall be in accordance with the applicable sections of Article XIX.

SECTION 162-2008. AUTOMOTIVE SALES AND SERVICE.

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

- A. The minimum lot size for automobile and truck sales is five (5) acres.
- B. Building and permanent structures must be setback a minimum of seventy-five (75) feet from all property lines. Parking and display areas for automobiles and trucks and service and loading areas shall be a minimum of seventy-five (75) feet from the property line of a property zoned or used for residential purposes.
- C. A minimum of forty (40%) percent of the lot shall be landscaped and open green areas.
- D. Primary access shall be from an arterial or major collector road, as defined in this Chapter, and access shall follow the requirements of Article XIX.
- E. This use may contain up to a maximum of twenty percent (20%) building coverage.
- F. This use may contain up to a maximum of sixty percent (60%) impervious lot coverage, however underground vehicle storage is strongly encouraged.
- G. Except as otherwise noted in this Section or Chapter, this use shall meet other minimum area and bulk regulations for the applicable underlying district in which this use is located.
- H. Except as otherwise specified in this Section or Chapter, parking,, screening, buffering, lighting, signs, storage and display, fencing and walls, and other general standards shall be in accordance with the applicable sections of Article XIX.
- I. There shall be no commercial sale of gasoline. Gasoline on the premises shall only be for use related to the primary business of automotive, truck, and recreational vehicle sales and service.

SECTION 162-2009. BANK OR OTHER FINANCIAL INSTITUTION.

The following provisions shall apply to a Bank or other financial institution:

- A. Except as otherwise noted in this Section or Chapter, banks or other financial institutions shall meet the minimum area and bulk standards of the applicable underlying district in which they are located.
- B. The use shall have direct or shared access with another use to an arterial or major collector street as defined by this Chapter, and access shall follow the requirements of Article XIX.
- C. In addition, when proposed in conjunction with drive-through service, such uses shall meet Section 162-2017.

SECTION 162-2010. BED AND BREAKFAST LODGING IN A HISTORIC RESOURCE.

Bed and Breakfast lodging uses for historic resources shall be subject to the following regulations:

- A. A bed and breakfast shall be permitted only in a historic resource that is a single-family detached dwelling and accessory buildings existing on the date of the enactment of this chapter as specified in this Section.
- B. This special use, if not otherwise permitted in the underlying zoning district, shall be principally contained within a Class I or Class II historic resource.
- C. Except as otherwise noted in this Section or Chapter, the minimum area and bulk regulations shall be as stated for a single-family detached dwelling in the applicable underlying district, unless the lot size or other condition is nonconforming at the time of application for a conditional use, in which case this special use for a historic resource may be considered and such nonconformance may continue. This use shall also follow the requirements of Article XVII.
- D. The property upon which the bed and breakfast lodging use is established shall be the principal residence of the operator of the use, and there shall be only one (1) principal residence per bed and breakfast lodging use. Non-resident employees shall be restricted to two (2) in addition to the resident members of the family of the operator.
- E. In order to qualify for a conditional use hereunder and to continue such use, a historic resource, shall be maintained, renovated, expanded, and restored with substantial historical accuracy in accordance with the standards recommended in the Secretary of the Interior's Standards for Rehabilitation and also as determined by the Historical Commission, Planning Commission, and Board of Supervisors. 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.
- F. The bed-and-breakfast lodging shall have no more than eight (8) guest rooms. However, up to eight (8) additional guest rooms, for a maximum of sixteen (16) guest rooms in a bed-and-breakfast lodging, shall be permitted under this Chapter upon satisfaction of the additional conditions under Subsection V, below.
- G. Exterior and interior alterations shall be limited to those customarily associated with residential use or those which may be required by the Pennsylvania Department of Labor and Industry, or for safety reasons as required by any other local, state, or federal

- regulations. Fire escapes, external stairways, or additional external doors shall be located either to the side or rear of the building.
- H. Site plans, floor plans, and elevations showing both existing and new exterior and interior building alterations for the conditional use shall be included with the application for conditional use. The site plan, floor plan, and elevations, which need not meet the requirements for a subdivision and land development plan, shall demonstrate compliance with the requirements herein set forth. Photographs may be substituted for elevation drawings if no material change is proposed. Any building demolition shall be as required under Article XVII.
 - I. There shall be no cooking facilities in any guest room.
 - J. Food service to guests on the premises shall be limited to breakfast and afternoon tea only.
 - K. 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 premise is located.
 - L. The maximum uninterrupted length of stay shall be fourteen (14) days.
 - M. Where an on-lot sewage disposal system is to be used, the application for the use shall be accompanied by a valid Chester County Health Department permit verifying that the existing or proposed sewage system can accommodate the maximum potential usage and that an appropriate site for a replacement system is available should the existing system fail. 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.
 - N. Proof of any required fire inspection by a fire company or recognized fire safety personnel shall be available at all times.
 - O. A bed and breakfast operation may be subjected to an annual inspection for compliance with Township ordinances.
 - P. No greater than one-hundred and twenty (120) square feet of the historic resource in which the bed and breakfast use is located or an accessory building may be used for the retail sale of articles to the public as part of the bed and breakfast lodging use.
 - Q. Any amenities including, but not limited to, swimming pools and tennis courts, shall be for the sole use of the residents and the bed and breakfast guests and shall follow Section 162-2002.A.3 and 162-2002.C.12. When located within seventy-five (75) feet of a the property line of an adjacent residential use, the use of active recreation amenities, such as a swimming pool or tennis court, shall be limited in use and lighting between the hours of nine (9) a.m. to nine (9) p.m.
 - R. Off-street parking spaces shall be screened from visibility from public streets and adjacent properties by fencing, walls, or natural vegetation in accordance with Article XIX, and as determined by the Historical Commission, Planning Commission, and Board of Supervisors. Parking shall be located so as not to detract from the historic appearance of the historic resource. Parking shall meet the requirements of Article XIX, 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 is unnecessary and

- inconsistent with the preservation of the historic resource, appearance, or setting of the historic resource.
- S. A single sign shall be allowed on the premises. Illumination of a sign shall be limited to downlights external to the sign and all sign illumination shall be extinguished by ten (10) p.m. There shall be no use of windows for display or advertising. Signage size and other requirements shall be as provided in Article XXI.
 - T. Trash receptacles shall be screened so as not to be visible from the street or abutting properties except on scheduled pickup days.
 - U. Except as otherwise specified in this Section or Chapter, parking, screening, buffering, lighting, signs, storage and display, fencing and walls, access, and other general standards shall be in accordance with the applicable sections of Article XIX.
 - V. Up to eight (8) additional guest rooms, for a maximum of sixteen (16) guest rooms in a bed-and-breakfast lodging, shall be permitted under this Chapter upon satisfaction of the following additional conditions:
 - 1. In order to be allowed more than eight (8) guest rooms, the applicant shall be required to perpetually restrict the development of the property on which the historic resource is located, according to the formula set forth herein. The applicant shall agree to perpetual conservation easements satisfactory in form and substance to the Township Solicitor, which shall restrict the development of the historic resource(s) and lot(s) as herein required.
 - 2. Four (4) additional guest rooms shall be allowed in exchange for each lot which is perpetually restricted from further development. The historic resources must be located on the lot which the applicant agrees to restrict. Each restricted lot shall:
 - a. Be a separately subdivided lot on which the bed and breakfast lodging use is located or contiguous lot(s) allocated to the bed-and-breakfast lodging use;
 - b. Contain an area equal to the greater of:
 - 1) The minimum lot size in the zoning district in which the historic resource is located; or
 - 2) Two (2) acres; and
 - c. Wetlands, floodplain, and steep slopes (greater than twenty-five percent (25%)) shall be deed restricted against further development.
 - d. The applicant is cautioned to take into account future potential uses of the applicant's tract of land and to situate any new 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.
 - e. The additional guest rooms may be contained in a building or buildings other than the historic resource if the following conditions are met:

- 1) The additional building(s) are on the lot(s) for bed-and-breakfast lodging use;
 - 2) The construction of the building(s) is demonstrated by competent evidence to be consistent with the historical architecture and setting of the historic resource; and
 - 3) The area of the additional building(s) plus the historic resource and other impervious cover does not exceed that allowed by the underlying district in which the bed and breakfast lodging is permitted; and
 - 4) As determined by the Historical Commission.
- f. The applicant is encouraged to maintain, restore, or at a minimum renovate the interior of the historic resource 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, as approved by the Historical Commission.
- g. The residence of the operator of the use may be located in a building other than the historic resource so long as the residence is on the same lot as the bed-and-breakfast lodging use, meets the requirements of Subsection 2.e, above, and is a part of the bed-and-breakfast lodging use.

SECTION 162-2011. CEMETERY.

The following provisions shall apply to a cemetery:

- A. Except as otherwise noted in this Section or Chapter, area and bulk regulations for this use shall be as specified in the applicable underlying district in which this use is located. No part of a cemetery, including but not limited to individual plots, structures, driveways and roads, shall be located in steep slopes.
- B. Individual plots shall be set back a minimum of fifty (50) feet from all tract boundaries, public rights-of-way, and the Flood Hazard District. A system of internal monumentation shall be required to permit the accurate location and recovery of individual plots.
- C. No vault shall be located where, at its greatest depth below the ground surface, it may intrude upon the permanent or seasonal high water table.
- D. To the greatest degree feasible, the existing soil profile and its natural groundwater recharge capacity shall remain undisturbed in buffer areas, perimeter setback areas, and retained natural areas.
- E. Burial vaults shall be placed such that the minimum horizontal separation between vaults is no less than two (2) feet in order to allow for infiltration of groundwater. This provision shall not apply to vaults within a mausoleum.
- F. Individual headstones greater than five (5) feet in height and other above ground permanent structures shall require building permits prior to installation.
- G. Except as otherwise specified in this Section or Chapter, parking, screening, buffering, lighting, signs, storage and display, fencing and walls, access, and other general standards shall be in accordance with the applicable sections of Article XIX.

H. An application for a cemetery use shall include the following:

1. A master plan identifying the overall layout of plots, internal road network, buildings, stormwater management facilities, and other improvements.
2. A valid permit issued from the Pennsylvania Department of Health, when applicable.
3. A narrative of how the cemetery will be developed and maintained.
4. The applicant shall demonstrate that recharge of groundwater is not adversely impacted by the cemetery design.
5. The applicant shall provide sufficient hydrologic and other information to satisfy the Township that the potential for groundwater contamination from the burial grounds shall not be hazardous to neighboring water supply wells.

SECTION 162-2012. CHILD/ADULT DAY CARE CENTER.

A. Child day care centers shall be subject to the following regulations:

1. The area and bulk regulations of the underlying district shall apply for this use except that the minimum rear yard shall be no less than fifty (50) feet. Where this use is located adjacent to a residential district, the minimum side yard shall be thirty-five (35) feet.
2. Child day care centers shall meet the provisions of 55 Pa. Code § 3270.1 et seq. for "Child Day Care Centers" and the applicable requirements of all other state and county agencies. Where any of the requirements in this Chapter conflict with state requirements, the more restrictive requirement shall apply.
3. 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 the PA Department of Public Welfare, the Chester County Health Department, and any other applicable state or county agencies as a condition of permit approval and continuation.
4. An outdoor play area shall be provided consistent with the Pennsylvania Department of Public Welfare standards. This area shall be located to the side or rear of the building and shall be set back at least twenty-five (25) feet from all property lines and shall be surrounded by a safety fence.
5. The screening and landscaping requirements of Section 162-1908 shall be met. Outdoor play areas shall be sufficiently screened so as to protect residential areas from inappropriate noise and disturbance.
6. Outside play shall be limited to the hours between eight (8) a.m. and seven (7) p.m. or sunset, whichever occurs earlier.
7. When proposed in combination with another nonresidential use, a permit is required for each use.
8. No less than one (1) off-street parking space for each employee, plus two (2) parking spaces for each ten (10) children shall be provided. Parking shall be

adequately screened when situated within fifty (50) feet of land zoned for or in residential use.

9. 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 (1) passenger unloading space per ten (10) children shall be provided; a minimum of one (1) unloading space shall be provided in all cases. The unloading spaces shall be nine and one-half (9.5) feet wide by twenty (20) feet long.
 10. An existing residential building on the lot may be used and occupied as a single-family residence for the owner or an employee of the owner of the day care center. However, such building shall not be used for nor include space for the child care use and shall meet the area and bulk regulations of the R-3 Residential district.
 11. Except as otherwise specified in this Section or Chapter, parking, screening, buffering, lighting, signs, storage and display, fencing and walls, access, and other general standards shall be in accordance with the applicable sections of Article XIX.
- B. Adult day care centers shall be subject to the following regulations:
1. The area and bulk regulations of the underlying district shall apply.
 2. Adult day care centers shall hold a valid license from the Pennsylvania Department of Aging, meet the regulations of the Pennsylvania Older Adult Living Centers Licensing Act of 1993 (6 Pa. Code § 11.1 et seq.), and the applicable requirements of all other state and county agencies. Where any of the requirements in this Chapter conflict with state requirements, the more restrictive requirement shall apply.
 3. There shall be a minimum of one (1) off-street parking space provided for each employee and, additionally, a minimum of one (1) safe passenger unloading space measuring a minimum of nine and one-half (9.5) feet by twenty (20) feet in size for each five (5) clients that the center is licensed to accommodate. Safe sight distances and internal circulation patterns are required for both drop-off and pick-up locations.
 4. There shall be an outdoor open and safe area which shall be a minimum of ten percent (10%) of the net tract size and shall contain such amenities as benches, gazebos, and/or walking paths.
 5. Except as otherwise specified in this Section or Chapter, parking, screening, buffering, lighting, signs, storage and display, fencing and walls, access, and other general standards shall be in accordance with the applicable sections of Article XIX.

SECTION 162-2013. CLUB OR LODGE.

A Club or Lodge shall be subject to the following regulations:

- A. Except as otherwise noted in this Section or Chapter, this use shall meet minimum applicable area and bulk regulations for the applicable underlying district in which this use is located. Where a golf course or other recreational use is proposed in conjunction with a club, Section 162-2034 shall also apply.

- B. The use of the facility shall be for authorized members and guests only.
- C. Lodging of overnight guests is prohibited in any building that is a club or lodge.
- D. Outdoor activity areas shall be setback a minimum of one-hundred (100) feet from any residential property line.
- E. When located within or adjoining a residential district or use, the hours of operation shall be established by the Zoning Hearing Board and shall not interfere with neighboring properties and uses.
- F. A buffer, in accordance with Section 162-1908 shall be maintained adjacent to any residential use or district. All structures, parking, and facilities for outdoor activity shall be screened. Except as otherwise specified in this Section or Chapter, parking, screening, buffering, lighting, signs, storage and display, fencing and walls, access, and other general standards shall be in accordance with the applicable sections of Article XIX.
- G. The use of firearms, paintball guns and apparatus, archery, and similar activities as a part of this use shall be prohibited.

SECTION 162-2014. COMMUNICATION TOWERS AND ANTENNAS.

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, unless the applicant demonstrates, to the satisfaction of the Township that lattice-type construction is more suitable for the intended application.
- B. Communication towers shall comply with all area and bulk and other regulations in the underlying district in which it is located, unless otherwise noted in this Section or Chapter.
- C. Every such tower shall meet the following restrictions:
 - 1. There shall be no inhabited structures, residential accessory structures, or electrical transmission lines within a radius equal to the height of the tower; and the communication tower shall be designed, where technically feasible, with a break point which shall ensure that the structure will fall within this radius setback. In no case shall the tower be located less than a distance of twenty-five (25) feet from the nearest property line;
 - 2. The requested height shall be the minimum height necessary to meet the particular communication requirements of the proposed facility;
 - 3. The applicant does not have the ability to use an existing communication tower for its communications requirements;
 - 4. The tower shall be lighted as may be required by federal, state or local aviation regulations;
 - 5. The Board of Supervisors shall be assured that all health, safety and welfare issues have been properly addressed.

6. No communications tower or antenna shall be constructed on any property or placed on any structure in any portion of the Brandywine Battlefield National Historic Landmark Planning Area which is within one-half mile of the Brandywine Creek
- D. All towers over thirty-five (35) feet in height must meet the standards set forth in the International Building Code (IBC) 2006 Section 3108, 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. The maximum height of a communication tower shall be one-hundred fifty (150) feet provided, however that the height of a communication tower may be increased to a maximum height of two-hundred fifty (250) feet by conditional use.
- E. Owners of communication towers higher than thirty-five (35) feet shall secure the property boundary, or at a minimum the tower base including any support structures, with a chain link fence which shall be ten (10) feet in height. In addition to boundary security, all communication towers in excess of thirty-five (35) feet in height shall have anti climbing devices or other means with locked access, to prevent unauthorized climbing of the tower. Screening and buffering shall be provided as per Section 162-1908 around all fences to screen them from public views and adjoining properties.
- F. Access to the communication tower shall be via a public street or an adequate easement including a passable cartway.
- G. Communication tower owners will provide the Township with a certification that the operators of the communication antenna are licensed by the Federal Communications Commission and that the antenna will be operated in accordance with all Federal Communication Commission regulations.
- H. If measurable radio interference results from the installation and use of a communication antenna, 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.
- I. The owner of any communication tower higher than thirty-five (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
- J. The owner of the communication tower shall be required annually to provide a certificate of insurance to the Township providing evidence of liability insurance at levels acceptable to the Township and naming it as an additional insured on the policy of the owner.
- K. 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 ninety (90) days within which to dismantle and remove all structures from the property. At the time of issuance of the permit for the construction of the communication tower, the owner shall provide financial security in form and amount acceptable to the Township to secure the expenses of dismantling and removing said structures.

- L. If there is suitable space available on an existing communication tower, within the geographic area that a new communication tower is intended to serve, no new tower shall be established. The owner of the communication tower shall make joint use of the tower available to other users upon such terms and conditions as are customary and usual in the industry. All new communication towers shall be designed with sufficient capacity for joint use.
- M. 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.
- N. In addition to the above standards, all other applicable performance standards pertinent 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.

O. Telecommunications antennas on existing tall structure.

Telecommunications antennas may be affixed to existing electrical transmission structures existing on the date of enactment of this Chapter by conditional use in all districts in the Township. In all districts other than the R-1, R-2, R-3 and R-4, R-5, VR, VC, RT1, AND HR Districts, telecommunications antennas may be affixed to a building or structure existing on the date of enactment of this Chapter by conditional use. In districts the following conditional use criteria shall apply:

- (a) The applicant shall prove that the location is necessary to satisfy their function in the applicant's system and, where applicable, will obviate the need for the erection of a telecommunications tower in another location where the same is permitted.
- (b) The applicant shall minimize the adverse visual impact and the number of such facilities through proper design, siting screening, material, color and finish and whenever possible, competing providers should collocate antennas and related facilities.
- (c) Building-mounted telecommunication antennas shall not be located on any single-family dwelling or two-family dwelling.
- (d) Building-mounted telecommunication antennas shall be permitted to exceed the height limitations of the applicable zoning district by no more than 20 feet.
- (e) Omnidirectional or whip telecommunication antennas shall not exceed 20 feet in height and seven inches in diameter.
- (f) Directional or panel telecommunication antennas shall not exceed five feet in height and three feet in width.
- (g) Any applicant proposing telecommunication antennas to be mounted on a building or other structure shall submit evidence from a Pennsylvania-registered professional engineer certifying that the proposed installation will not exceed the structural capacity of the building or other structure, considering wind and other loads associated with the antenna location.

- (h) Any applicant proposing telecommunication antennas to be mounted on a building or other structure shall submit detailed construction and elevation drawings indicating how the antennas will be mounted on the structure for review by the Township for compliance with The Township Building Code and other applicable law.
- (i) Any applicant proposing telecommunication antennas to be mounted on a building or other structure shall submit evidence of agreements and/or easements necessary to provide access to the building or structure on which the antennas are to be mounted so that installation and maintenance of the antennas and communications equipment building can be accomplished.
- (j) Telecommunication antennas shall comply with all applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.
- (k) Telecommunication antennas shall not cause radio frequency interference with other communication facilities located in the Township.
- (1) A communications equipment building shall be subject to the height and setback requirements of the applicable zoning district for an accessory structure.
- (m) The owner or operator of communications antennas shall be licensed by the Federal Communication Commission to operate such antennas.
- (n) The maximum height of telecommunications antennas affixed to electrical transmission structures, including the height of the structure, shall be 120 feet.

SECTION 162-2015. CONVENIENCE STORE.

The following provisions shall apply to convenience stores:

1. Except as otherwise noted in this Section or Chapter, area and bulk regulations shall be as designated in the applicable underlying district in which this use is located.
2. Access shall be controlled and defined by the use of concrete curbing.
3. Except as otherwise specified in this Section or Chapter, parking, screening, buffering, lighting, signs, storage and display, fencing and walls, access, and other general standards shall be in accordance with the applicable sections of Article XIX.
4. When proposed with the sale of motor vehicle fuel, the provisions of Section 162-2020 for a gasoline station shall apply in addition to the standards of this Section, including the parking and stacking requirements for fuel pumps.

SECTION 162-2016. RESERVED.

SECTION 162-2017. DRIVE-THROUGH SERVICE.

The following provisions shall apply to uses having drive-through service:

- A. Except as otherwise noted in this Section or Chapter, area and bulk regulations for drive-through services shall be as specified for the use with which it is associated, including eating and drinking establishment, bank, or pharmacy as specified in the applicable underlying district.
- B. The drive-through service area shall not be located adjacent to or facing a residential use or district.
- C. The drive-through service area shall have a cartway that has a dedicated area for conducting business, a vehicle stacking lane which can accommodate a minimum of five (5) cars, and an area for departing vehicles. The stacking lane shall be clearly marked and shall not be used for parking lot circulation aisles nor shall it conflict in any way with circulation or parking.
- D. When drive-through service is adjacent to or on the same lot as other commercial establishments, it shall use a common access with the other establishments and not have a separate entrance to the street.
- E. A pedestrian pathway shall be provided between any existing pedestrian pathway and the entrance to the principal use for which the drive-through service is intended.
- F. If the drive-through service is for a restaurant, trash receptacles shall be provided outside the restaurant for patron use and shall be located in a manner that drive-through service customers have access to from an automobile, but trash receptacles shall not be located within forty (40) feet of any residential properties. A trash storage unit shall also be provided which is designed to be screened from the street and adjacent properties.
- G. Except as otherwise specified in this Section or Chapter, parking, screening, buffering, lighting, signs, storage and display, fencing and walls, access, and other general standards shall be in accordance with the applicable sections of Article XIX.

SECTION 162-2018. EATING AND DRINKING ESTABLISHMENT (WITHOUT DRIVE-THROUGH SERVICE).

The following regulations shall apply to an eating and drinking establishment:

- A. Except as otherwise noted in this Section or Chapter, this use shall meet minimum area and bulk requirements for the underlying district in which it is located.
- B. The use shall have access to either an arterial or major collector road, as defined by this Chapter. When this use is adjacent to or on the same lot with other commercial uses, there shall be a common accessway.
- C. Trash receptacles shall be provided outside of the restaurant for patron use, but shall not be located closer than fifty (50) feet to any residential use or district.

- D. A trash storage area shall be provided which is screened from the street and adjacent properties to create a visual barrier from the street and adjacent properties and to prevent trash from blowing from the area in accordance with Section 162-1908. Trash areas shall be located to permit safe and accessible trash removal.
- E. Except as otherwise specified in this Section or Chapter, parking, screening, buffering, lighting, signs, storage and display, fencing and walls, access, and other general standards shall be in accordance with the applicable sections of Article XIX.
- F. An Outdoor Café may be permitted as accessory to this use under the following required provisions:
 - 1. Prior to constructing or maintaining an Outdoor Café, an applicant shall first apply for and secure a permit from the Township in accordance with the following:
 - a. An applicant shall submit in writing to the Zoning Officer, along with the required fee, an application including the following information:
 - 1) Name and address of the applicant.
 - 2) Plan specifying the location of the Outdoor Café, including a calculation of proposed number of occupants, seating capacity, and location.
 - 3) Written consent of the property owner, if other than the applicant.
 - 4) Indoor seating capacity.
 - 5) Statement of indemnity as per Subsection 1.b, below.
 - 6) Other similar information as may be required, and information sufficient to demonstrate compliance with this Section.
 - b. No action shall be taken on any application for a permit under this Section until the application has been completed fully and the application fee, as required by the schedule of fees established and amended by resolution of the Board of Supervisors, has been paid in full.
 - c. The applicant shall indemnify and keep harmless the Township, its officers, employees, and agents from and against any and all actions, suits, demands, payments, costs, and charges for and by reason of the existence of an Outdoor Café, and all damages to persons or property resulting from or in a manner caused by the presence, location, use, operation, installation, maintenance, replacement, or removal of such use, or by the acts or omission of the employees of agents of the applicant for such use. An indemnification agreement satisfactory to the Township shall be provided by the applicant.
 - 2. This use shall be associated with a principal use of an eating or drinking establishment and shall be located abutting that building in which the principal use is located, and shall be located on the same lot as that principal use.
 - 3. The associated eating or drinking establishment shall have a minimum indoor seating capacity of sixteen (16) persons.

4. Outdoor café uses, abutting or adjacent to residential districts, shall stop serving customers on or before nine (9) p.m. prevailing time on Sunday through Thursday and clear all tables of food, beverages, and customers on or before ten (10) p.m. On Friday and Saturday, customer service shall stop at ten (10) p.m. prevailing time, and all tables shall be cleared of food, beverages, and customers on or before eleven (11) p.m.
5. This use shall not be located on or extend onto a public street, right-of-way, pathway, or sidewalk.
6. This use shall be separated from parking areas or traffic flow areas by fencing or buffering. However, in any location where the outdoor café is not separated from the flow of traffic or parking areas, no table shall be located within five (5) feet of the curb or the boundary of that area, whichever is closer.
7. This use shall provide table service.
9. The applicant shall maintain this use as per all Township regulations and codes and state and federal laws, as well as Township rules for this use, which may, from time to time, be changed to facilitate the purposes and functioning of this use.
10. This use shall meet applicable Chester County Health Department requirements.

SECTION 162-2019. EDUCATIONAL USE OR PLACE OF WORSHIP USE/ACTIVITY.

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

- A. The minimum required lot size shall be by special exception dependent on the type, location, and intensity of educational use, however shall be no less than one (1) acre. Except as otherwise noted in this Section or Chapter, other area and bulk regulations shall follow those specified in the underlying zoning district in which this use is permitted.
- B. For educational uses access shall be taken from a collector or arterial road and for place of worship uses/activities access shall be taken from an arterial or major collector road, as defined by this Chapter.
- C. Outdoor play or recreation areas adjacent to a residential use or district shall be a minimum of seventy-five (75) feet from side and rear property lines and shall be sufficiently screened to minimize disturbance of residential areas as per Article XIX. Outdoor play or recreation areas adjacent to a non-residential use or district shall be a minimum of twenty-five (25) feet from side and rear property lines.
- D. Except as otherwise specified in this Section or Chapter, parking, screening, buffering, lighting, signs, storage and display, fencing and walls, access, and other general standards shall be in accordance with the applicable sections of Article XIX.
- E. Building or any structures associated with this use shall be set back a minimum of fifty (50) feet from property lines of residential uses or districts.
- F. The applicant shall demonstrate that all necessary approvals and permits from state and local agencies have been obtained.

SECTION 162-2020. GASOLINE OR SERVICE STATION.

The following provisions shall apply to gasoline or service stations:

- A. Except as otherwise noted in this Section or Chapter, this use shall meet minimum area and bulk regulations for the applicable underlying district in which this use is located. However, gas pumps shall be a minimum of five-hundred (500) feet from the nearest water supply whether on the same lot or not.
- B. Outdoor storage of materials and supplies shall be consistent with Section 162-1909, Outdoor Storage. In addition, the following storage standards shall apply:
 - 1. Automotive parts, refuse, and similar articles shall be stored within a building or enclosed area.
 - 2. Vehicles waiting for repairs shall not be stored outdoors for more than ten (10) days. Junk or parts vehicles shall be stored indoors or directly behind the building where they are screened from public view and limited to no more than two (2) vehicles.
- C. For gasoline stations, a minimum lot width of one hundred (100) feet shall be provided along each street in which access is proposed. This requirement shall not apply to facilities solely providing automobile repair services, in which case the required lot width of the underlying district shall apply.
- D. Gasoline pumps and service islands shall be set back a minimum of twenty-five (25) feet from any street right-of-way and a minimum of fifty (50) from the property line of a commercial, industrial, or institutional use and one-hundred (100) feet from the property line of a residential lot or residential district. .
- E. There shall be no more than a total of four (4) gasoline pumps per gasoline station use. To implement *the Pennsbury Township Route 1 Corridor Improvement Plan (2000)* gasoline pumps shall be placed behind the gasoline station, service station, or if applicable convenience store building when such a building is built in association with this gasoline station use.
- F. Hours of operation and delivery service for the gasoline station and/or service station shall be between six (6) a.m. and ten (10) p.m.
- G. Repair or service operations shall take place within an enclosed building except for minor service activities performed at the fuel pump.
- H. Fuel tanks shall be placed underground and shall use materials and be designed in accordance with State and Federal regulations.
- I. Except as otherwise specified in this Section or Chapter, parking, screening, buffering, lighting, signs, storage and display, fencing and walls, access, and other general standards shall be in accordance with the applicable sections of Article XIX. Provided however, for properties within the Brandywine Battlefield National Historic Landmark Planning Area, signs shall be consistent with the historic character of the area.

SECTION 162-2021. RESERVED.

SECTION 162-2022. GROUP HOME.

The following provisions shall apply to group homes:

- A. Group homes shall comply with the applicable provisions of the Township Building Code.
- B. Except as otherwise noted in this Section or Chapter, this use shall meet minimum area and bulk regulations for the applicable residential dwelling in the applicable underlying district in which this use is located.
- C. Proof of required licensing and compliance with all applicable state and county regulations for the proposed facility shall be furnished to the zoning officer prior to granting of a zoning permit.
- D. Group home occupancy shall not exceed a maximum of eight (8) resident clients not including resident staff or other support staff.
- E. Except as otherwise specified in this Section or Chapter, parking, screening, buffering, lighting, signs, storage and display, fencing and walls, access, and other general standards shall be in accordance with the applicable sections of Article XIX.

SECTION 162-2023. HELIPAD, PRIVATE.

- A. Applicability. No person shall land, discharge, load or take off in a helicopter in any place within the Township except as follows and a special use permit must be obtained from the Township one (1) month in advance of the event.
 - 1. In conjunction with a special event such as an athletic contest, 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.
 - 3. Landings and takeoffs for law enforcement purposes and emergencies, such as Medivac, are permitted without prior approval.

SECTION 162-2024. HOME OCCUPATIONS.

Home occupations shall be considered an accessory use and shall be classified and regulated as set forth below.

- A. Classification, applicability and permits.
 - 1. A minor home occupation (no-impact home based business), as defined in this Chapter, shall be permitted as an accessory use by-right in those districts where minor home occupations are allowed when each of the following criteria and those in Act 247 are met:
 - a. The use is carried on only by family members residing in the dwelling and shall have no employees other than those family members.

- 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 display or sale of retail goods and no stockpiling or inventory of a substantial nature.
 - d. There is no exterior indication, including signs, advertising or other display, that a home occupation is located on the premises.
 - e. 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.
 - f. The business activity shall be conducted only within the dwelling and the floor area devoted to the use does not exceed twenty-five percent (25%) of the ground floor area of the principal residential structure or four hundred (400) square feet, whichever is less.
 - g. The business activity does not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.
- 1.A. No-impact consulting as defined in this Chapter (See “Consulting – No-Impact”) shall be permitted as an accessory use by-right in those districts where minor home occupations are allowed where the criteria of Section 162-2024.A.1.a, c, d, f, and g, herein above are met. No-impact consulting shall not require a permit (Sections 162-2024.A.2 and B.9), and additional parking spaces (Section 162-2024.B.5)
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 and is classified as a minor home occupation, the Code Enforcement Officer shall issue a one (1) time permit for the home occupation. Where the proposed home occupation does not meet all of the criteria, Subsection A.3 through A.5 shall apply.
3. Where a proposed home occupation does not meet one (1) or more of the above criteria in Subsection 1.a through 1.g and Act 247, it shall be classified as a major home occupation and an annual permit shall be required to be obtained from the Code Enforcement Officer.
4. A major home occupation shall be permitted as an accessory use 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 major home occupation which does not meet at least two (2) of the above criteria in Subsection 1.a through 1.g shall not be permitted as a home occupation.

- B. General standards. The following regulations shall apply to all home occupations, whether classified as minor or major:
1. A home occupation must be conducted within a dwelling which is a bona fide residence of the principal practitioner or, for a major home occupation, in an accessory building thereto which is normally associated with a residential use. The home occupation, other than an outdoor play area for a home day care, shall be carried on wholly indoors. Accessory structures such as sheds, detached garages, and barns may be used for unheated storage of materials for the major home occupation, only if the primary building is used as an office for the home occupation use.
 2. A home occupation shall not be permitted within a nonconforming structure or on a nonconforming lot, which the exception of historic resources and their lots, as defined by Article II and XXII.
 3. 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 for a residential use or a major home occupation.
 4. Home occupations are an accessory use for a principal residential use as permitted in the applicable underlying district and except as otherwise noted in this Section, shall meet minimum area and bulk regulations in the applicable underlying district in which the principal residential use is located.
 5. In addition to the off-street parking spaces required for the particular primary residential use concerned, a major home occupation use shall provide one (1) off-street space per two-hundred (200) square feet of total floor area used for the home occupation, plus one (1) space for each employee, however a maximum of four (4) off-street parking spaces are permitted on one (1) lot inclusive of that required residential parking. A minor home occupation shall provide no more than one (1) additional parking space above that already provided for the residential use where it is located. Off-street parking spaces required for the home occupation are not permitted in front yards. All off-street parking spaces shall be located at least ten (10) feet from any property line. Off-street parking areas for the home occupation use shall be screened from abutting residences in accordance with Section 162-1908. Alternately, a fence may be erected as a visual screen with a minimum height of four (4) feet.
 6. Any commercial vehicle, not to exceed one (1) in number, shall be parked within a garage, an enclosed structure, or a parking space which is screened from view at the street line and from adjacent residential uses.
 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 162-2024.A 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 eight (8) p.m. and eight (8) a.m. which involves individuals entering or leaving the premises or mechanical operations.
 11. Deliveries from commercial suppliers shall not be made prior to eight (8) a.m. or later than eight (8) p.m.
 12. Home occupations shall not include the following:
 - a. Animal hospitals.
 - b. Riding 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. Automotive repair or mechanical shop.
 - l. Painting of vehicles, trailers, or boats.
 - m. Private schools with organized classes. (Private instruction of no more than two (2) students during one (1) session may be permitted per Section 162-2024.D.2.)
 - n. Welding shops.
 - o. Other uses of similar character.
- C. Standards for major home occupations permitted by special exception. In no case, shall a major 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 fifty percent (50%) of the floor area of the ground floor or first floor of the user's dwelling unit.
 2. No more than one (1) 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. Signage shall be as designated in Article XXI.
- D. Standards applicable to specific home occupations. The following provisions shall apply to specific home occupations as defined below and shall be in addition to the other applicable provisions in this Section:

1. Personal services. Personal services, including beauty parlors and barbershops, may be permitted as a special exception provided no more than two (2) 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 (2) 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 art or craft-related business activities whereby the commodity for sale is completely manufactured by and may be sold on the site by the resident craftsman. Home crafts may include, but are not limited to the following: artists, sculptors, specialty paper arts such as invitations, 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 home day care. A family home day care use is a facility in which care is provided for four (4) to six (6) children at any one time, who are not relatives of the caregiver, where the child care areas are being used as a family residence as the primary use.
 1. Family home day care facilities shall meet the provisions of 55 Pa. Code § 3280.1 et seq. for "Family Child Day Care Homes" and the applicable requirements of all other state and county agencies. Where any of the requirements in this Chapter conflicts with state requirements, the more restrictive requirement shall apply.
 2. 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 the Pennsylvania Department of Public Welfare, the Chester County Health Department, and any other applicable state or county agencies as a condition of permit approval and continuation.
 3. The minimum lot size shall be the minimum lot size required for a single-family detached residence in the underlying district or one (1) acre, whichever is greater.

4. The use shall be conducted in a building designed for residential occupancy and designed for the safety and well-being of the occupants.
 5. Play areas shall be provided consistent with the PA Department of Public Welfare standards.¹ The play area shall be set back, the greater of twenty-five (25) feet or the minimum yard required for the residential use in the applicable underlying district, from all property lines and outside play times shall be limited to the hours between eight (8) a.m. and six thirty (6:30) p.m. or sunset, whichever occurs earlier
 6. Outdoor play areas, if within five-hundred (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 or as otherwise required by the PA Dept. of Public Welfare codes.
 7. Family home day care uses shall be permitted only as an accessory use in a single-family 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.
 8. If a family home day care is located adjacent to a nonresidential use, a parking lot, or on a street classification higher than local street as defined in Article II, 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.
 9. No more than one (1) person other than resident members of the immediate family may be employed by the home day care.
 10. The screening requirements of Section 162-1908 shall be met.
 11. Safe off-street loading passenger space and adequate stacking capacity to avoid interference with any adjacent street shall be provided.
- b. Adult home day care. An adult home day care use is a facility in which care is being provided for four (4) to six (6) adults at any one time who are not relatives of the caregiver, where the family residence is being used as the facility as the primary use.
1. The minimum lot size shall be the minimum lot size required for a single-family detached residence in the underlying district or one (1) acre, whichever is greater.

¹ The Dept. of Public Welfare codes do not specifically require play areas for a family home day care but, when provided, there are safety regulations for outdoor play areas. The code requires a minimum of 65 sq. ft. of indoor or outdoor play area for group day care and also has safety regulations for outdoor play areas.

2. 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 the Pennsylvania Department of Aging, the Chester County Health Department, and any other applicable state or county agencies as a condition of permit approval and continuation.
3. The use shall be conducted in a building designed for residential occupancy and designed for the safety and well-being of the occupants.
4. Adult home day care uses shall be permitted only as an accessory use in a single-family 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.
5. No more than one (1) person other than resident members of the immediate family may be employed.
6. Safe off-street loading passenger space and adequate stacking capacity to avoid interference with any adjacent street shall be provided.

SECTION 162-2025. HOSPITAL.

The following provisions shall apply to a hospital:

- A. The minimum lot area for a hospital shall be five (5) acres. Except as otherwise noted in this Section or Chapter, this use shall meet minimum area and bulk regulations for the applicable underlying district in which this use is located.
- B. The principal access to a hospital shall be directly from an arterial or a major collector road as defined by this Chapter. Except as otherwise specified in this Section or Chapter, parking, screening, buffering, lighting, signs, storage and display, fencing and walls, access, and other general standards shall be in accordance with the applicable sections of Article XIX.
- C. Buildings and structures shall be set back a minimum of one-hundred (100) feet from any residential use property line. Where the use adjoins existing residential uses, emergency and service entrances shall be located where they will have the least impact on adjoining neighbors.
- D. The following uses are permitted within a hospital complex when designed as an integral part of the hospital:
 1. Medical or dental center;
 2. Patient care facilities;
 3. Hospital administrative offices;
 4. Accessory maintenance facility;
 5. Pharmacy or laboratory;
 6. Snack and restaurant facilities; and
 7. Gift shop.

- E. Helicopter landing pads may be permitted as an accessory use to a hospital when in conformance with the requirements of Section 162-2002 for commercial and industrial accessory uses and Section 162-2023.

SECTION 162-2026. HOTEL, MOTEL, OR INN.

A hotel shall be subject to the following regulations:

- A. The minimum lot area shall be two (2) acres; however the minimum lot size of a hotel with a conference facility shall be three (3) acres. Except as otherwise noted in this Section or Chapter, this use shall meet minimum area and bulk regulations for the applicable underlying district in which this use is located.
- B. The principal access to a hotel shall be directly from an arterial or major collector road, as defined by this Chapter. Except as otherwise specified in this Section or Chapter, parking, screening, buffering, lighting, signs, storage and display, fencing and walls, access, and other general standards shall be in accordance with the applicable sections of Article XIX.
- C. Buildings and structures shall be set back a minimum of seventy-five (75) feet from any residential use property line.
- D. The following uses are permitted when designed as an integral part of a hotel or motel:
 - 1. Lodging facilities;
 - 2. Dining facilities;
 - 3. Conference and meeting facilities;
 - 4. Recreation facilities;
 - 5. Gift shop and;
 - 6. Accessory maintenance facilities.

SECTION 162-2027. INDUSTRIAL OR OFFICE PARK.

The following provisions shall apply to an industrial or office park:

- A. The tract of land to be developed shall be in one (1) ownership, or in the case of a multiple ownership, it shall be developed according to a single overall master plan with common authority and responsibility.
- B. The tract and uses therein shall have access only to an arterial or collector road, as defined by this Chapter, via a common ingress and egress. The intersection of the industrial or office park entry road and the public street shall be of adequate construction to accommodate the proposed level of truck and other traffic expected to be generated by the industrial or office park.
- C. An industrial park may be used for primary uses in the district in which the industrial park is located and associated accessory uses, buildings, and structures, plus a maximum of thirty percent (30%) of an industrial park may be for office or commercial uses.
- D. Except as otherwise specified in this Section or Chapter, parking, screening, buffering, lighting, signs, storage and display, fencing and walls, access, and other general standards shall be in accordance with the applicable sections of Article XIX.

E. Area and Bulk Regulations for Industrial or Office Park Uses shall be as follows:

1. Minimum Tract Size: Five (5) contiguous acres.
2. Tract Perimeter Setbacks and Screening for Industrial Parks. Landscaping, screening, and buffering in accordance with Article XIX shall be required in addition to the following minimum setbacks along the perimeter of the industrial park:
 - a) Twenty-five (25) feet from industrial uses.
 - b) Fifty (50) feet from commercial uses.
 - c) Seventy-five (75) feet from external public roads.
 - d) One hundred fifty (150) feet from any residential use property line or district.
 - e) Other yard setbacks shall be in accordance with the district in which the industrial or office park use is located.
3. Tract Perimeter Setbacks and Screening for Office Parks. Landscaping, screening, and buffering in accordance with Article XIX shall be required in addition to the following minimum setbacks along the perimeter of the office park:
 - a) Forty (40) feet from all uses except fifty-five (55) feet from residential uses property line or district.
 - b) Sixty (60) feet from external public roads.
 - c) Other yard setbacks shall be in accordance with the district in which the industrial or office park use is located.
4. Minimum lot Area. The average area of individual lots within an industrial or office park development shall be one (1) acre, but no individual lot shall be less than thirty-thousand (30,000) square feet.
5. Minimum Widths.
 - a) Tract Width: Minimum tract width frontage along the arterial or collector road from which the industrial or office park has access shall be three-hundred (300) feet.
 - b) Individual Lot Widths at the building line: One-hundred (100) feet.
6. The lot and building coverage and floor area ratio shall be as specified in the underlying district in which the industrial or office park is located and except as otherwise specified in this Section or Chapter, this use shall meet minimum area and bulk regulations for the applicable underlying district in which this use is located.

SECTION 162-2028. JUNKYARD OR SALVAGE YARD.

The following provisions shall apply to a junkyard or salvage yard operation:

- A. Except as otherwise specified in this Section or Chapter, this use shall meet minimum area and bulk regulations for the underlying district in which this use is located. The land area serving to meet the minimum tract size shall be undivided by streets, watercourses, or rights-of-way. No part of the operation shall be located within the Flood Hazard District or located such that contaminants from the operation can seep or flow into a stream or other body of water.

B. Perimeter Setbacks and Buffering

1. The perimeters of a junkyard or salvage yard shall have a landscaped setback as follows:

Adjacent Use or District	Minimum Landscaped Setback
External public roads	50 feet
Commercial use or district	50 feet
Residential use or district	100 feet

2. The area where junk and any other material is stored outside shall be enclosed with a wall or fence, at least eight (8) feet in height, but no greater than ten (10) feet in height and which shall be designed and constructed so as to be one-hundred percent (100%) screened.
 3. Landscaping, buffering, and screening requirements shall be in accordance with Section 162-1908 and applicable sections of Chapter 138, Subdivision and Land Development. Vegetative screening shall be provided outside of the required fence.
- C. The portion of the tract serving as a junkyard shall be located on lands with less than fifteen percent (15%) slope.
- D. Storage piles shall not exceed eight (8) feet in height within twenty-five (25) feet of the screening or fence line. Storage piles in the remaining area of the junkyard shall not exceed ten (10) feet in height.
- E. There shall be provided at least a fourteen (14) foot wide accessway which shall be clear and free at all times to provide for access to all parts of the premises for firefighting and other safety or emergency purposes. No more than two (2) adjoining rows of junked cars shall be stored together. There shall be accessways between storage piles which are adequate to provide safety and emergency access as well as to provide firebreaks, as determined by the Township.
- F. Waste generated by the junkyard operation shall be managed in accordance with all applicable Township ordinances and county, federal and state regulations including the Solid Waste Management Act, the Clean Streams Law, and the Air Pollution Control Act of the Commonwealth of Pennsylvania.
1. Automotive fluids (including gasoline, oil, antifreeze, brake, transmission fluids, and similar fluids), Freon, and other flammable or toxic substances shall be removed from any junk or other items stored on the premises and shall be properly containerized and stored and removed from the premises a minimum of two (2) times per month. Such materials shall not be released into the air or deposited on or into the ground or watercourses and shall be transported and disposed of or recycled in accordance with applicable state and federal regulations.
 2. Automotive batteries shall be removed from junked vehicles and properly stored until they are disposed of or recycled.
 3. Removal of such fluids, batteries, and other hazardous materials shall take place on an impervious surface where they can be properly contained without danger of spilling or being transported into the ground.

- G. No junk or other material shall be burned on the premises. Each junkyard shall have available in proper working condition equipment that will control, contain, and suppress fires or other hazards.
- H. Tire storage piles shall not exceed two hundred (200) tires. In addition, when whole or processed tires are stored outdoors, each waste tire pile shall meet the following requirements:
 - 1. Piles shall not cover a surface area of greater than one thousand (1,000) square feet.
 - 2. Corridors of at least thirty-five (35) feet in width shall be maintained as firebreaks on all sides of tire piles. No point in the pile shall be more than twenty-five (25) feet from a firebreak. Firebreaks shall be kept free from obstructions that could limit access in the event of an emergency and vegetation shall be maintained below six (6) inches.
 - 3. Tires stored or processed outdoors shall be covered by a carport, tarp, or similar structure or device.
- I. No garbage or other organic waste liable to give off a foul odor or to attract vermin or insects shall be kept on the premises.
- J. All junk, including tires, shall be stored or arranged to prevent accumulation of water. Outdoor storage shall be conducted to control mosquito propagation during warm weather. Controls may include use of tarps, indoor storage screens, or spraying.
- K. Prior to issuing of a zoning permit by the Zoning Officer, the applicant shall provide sufficient information for the Zoning Officer to determine that all applicable federal, state, county, and Township requirements and regulations can be met by the proposed operation. Prior to the issuance of the permit, the applicant shall also provide evidence that all applicable conditions set by the Board of Supervisors during the conditional use approval process have been met.
- L. A stormwater management plan and erosion and sedimentation control plan shall be submitted as part of the land development application for a junkyard in accordance with Chapter 138, Subdivision and Land Development.
- M. The permittee shall allow inspection of the business premises by the Township or its appointed representative at any reasonable time.
- N. Except as otherwise specified by this Section or Chapter, parking, screening, buffering, lighting, signs, storage and display, fencing and walls, access, and other general standards shall be in accordance with the applicable sections of Article XIX.

SECTION 162-2029. MECHANICAL REPAIR OR FABRICATION SHOP.

The following provisions shall apply to mechanical repair or fabrication shops:

- A. Except as otherwise noted in this Section or Chapter, this use shall meet minimum area and bulk requirements for the underlying district in which this use is located.
- B. Outdoor storage of materials and supplies shall be consistent with Section 162-1909, Outdoor Storage Standards. In addition, the following storage standards shall apply:

1. Spare parts, refuse, and similar articles shall be stored within a building or enclosed area.
 2. Machinery or automobiles waiting for repairs shall not be stored outdoors for more than ten (10) days. Junk vehicles/machinery shall be stored indoors or directly behind the building where they are out of public view.
- C. Repair or fabrication operations shall take place within an enclosed building.
- E. Hazardous materials shall be stored in accordance with State and Federal regulations.
- F. Except as otherwise specified by this Section or Chapter, parking, screening, buffering, lighting, signs, storage and display, fencing and walls, access, and other general standards shall be in accordance with the applicable sections of Article XIX.

SECTION 162-2030 MIXED USE.

Mixed Use shall be in compliance with the applicable provisions of Article XIV, Multi-Use (MU) District of this Chapter, the design standards in Chapter 138, Subdivision and Land Development, and any other applicable regulations.

SECTION 162-2031. MOBILE HOME PARK.

Mobile home parks shall be in compliance with the applicable provisions of Article IX, Mobile Home Park District of this Chapter, the design standards contained in Chapter 138, Subdivision and Land Development, and any other applicable Township, county, or state regulations.

SECTION 162-2032. MULTIFAMILY DWELLINGS.

Multifamily Dwellings shall be in compliance with the applicable provisions of Article XIV, Multiuse (MU) District of this Chapter, the design standards contained in Chapter 138, Subdivision and Land Development, and any other applicable regulations.

SECTION 162-2033. NURSING HOME/LONG TERM LIVING FACILITY, ASSISTED LIVING FACILITY/PERSONAL CARE HOME, OR RETIREMENT COMMUNITY.

- A. Retirement Community. Retirement community, with facilities to serve residents of such community and their guests only, shall be in accordance with the following specific provisions:
1. A retirement community shall provide a combination of individual dwelling units in any combination of single-family, two-family, or multifamily buildings and may include a community center consisting of one (1) or more buildings in which the following uses may be permitted.
 - a. Dining facilities;
 - b. Auditoriums, activity rooms, craft rooms, libraries, lounges, and similar recreational facilities for members of the community;

- c. Office and retail or personal 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.
 2. The intensity of this use shall not exceed two-and-one-half (2.5) dwelling units per gross acre. For purposes of this Section, four (4) beds for patient, resident, visitor, and/or staff person use provided within the community center or accessory buildings shall be deemed the equivalent of one (1) dwelling unit.
 3. The minimum tract size for a retirement community shall be thirty (30) acres.
 4. Every lot shall have a lot width at the at the street line of not less than two hundred and fifty (250) feet
 5. A retirement community shall be developed and operated under the direction and control of a single owner or agent for the owner.
 6. Not less than forty percent (40%) of the total area in the tract shall be designated as and used exclusively for common open space. Otherwise, location, design and layout, and maintenance of common open space shall be in accordance with the requirements of Article XVIII.
 7. There shall be a setback of fifty (50) feet around the entire perimeter of the tract in which no structures shall be situated, except there shall be seventy-five (75) foot front setback.
 8. Except as otherwise noted in this Section or Chapter, this use shall meet minimum area and bulk regulations for the applicable underlying district in which this use is located.
 9. 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.
 10. Except as otherwise specified in this Section or Chapter, parking, screening, buffering, lighting, signs, storage and display, fencing and walls, access, and other general standards shall be in accordance with the applicable sections of Article XIX.
- B. Assisted Living Facility/Personal Care Home.
1. The minimum lot size for this use shall be five (5) acres.
 2. Every lot shall have a lot width at the street line of not less than two hundred and fifty (250) feet.
 3. The total usable floor area ratio shall not exceed forty (40%).
 4. There shall be a setback of fifty (50) feet around the entire perimeter of the tract in which no structures or roadways shall be situated, except there shall be seventy-five (75) foot front yard setback.

5. Not more than sixty percent (60%) of the area of any lot may be occupied by buildings, paving and other impervious cover. A minimum of forty percent (40%) of the area of any lot must be "green" area. Of the 40% green area, a reasonable area is to be devoted to a park like area for the enjoyment of the residents of the facility, connected to the main buildings with walkways. Reasonable recreational facilities, such as paved walking paths, shall be provided for the residents. An outdoor landscaped sitting area shall be provided. The sitting area shall not be located on slopes of greater than one percent (1%) nor shall it be adjacent to parking lots, detention basins, or arterial or major collector streets unless adequate screening is provided.
6. All accessory structures shall be located in conformance with the primary building requirements herein specified, except where specific requirements for accessory buildings or structures are specified in this Chapter.
7. For a single-building development, the building structure shall not exceed three (3) stories and forty-five (45) feet in height whichever is less. For a multiple-building development, the building structures shall not exceed three stories and thirty-five (35) feet in height whichever is less. No accessory building or structure shall exceed twenty (20) feet in height.
8. Except as otherwise noted in this Section or Chapter, this use shall meet minimum area and bulk regulations for the applicable underlying district in which this use is located.
9. The Board of Supervisors may prescribe reasonable architectural requirements in keeping with the rural and historical character of the Township, the Brandywine Battlefield National Historic Landmark Planning Area, and the surrounding uses and environment in accordance with Article XII-a and including the following:
 - a. New construction shall have pitched roofs with overhanging eaves. 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.
 - b. 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 as are: "T-111" plywood siding, all forms of exposed concrete block, and metal buildings.
 - c. 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).
 - d. Buildings shall be designed so as to visually articulate the line between the ground and upper level(s) with cornice, canopy, balcony, arcade, or other

visual device. Traditional canvas awnings without interior illumination are encouraged.

- e. Where provided, sidewalks shall be constructed of brick, concrete, concrete pavers, or concrete with brick boards; selection of paving material(s) shall be compatible with that existing or planned on neighboring properties. Other paving types may be used upon approval of the Board of Supervisors.
 - f. At the time of application for Preliminary Plan approval, an 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 samples 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 herein. Exterior design features may be modified during the Final Plan review process with any modifications subject to approval by the Board of Supervisors.
- 10. The Board of Supervisors may prescribe reasonable additional landscaping requirements in Section 162-1908 in keeping with the rural and historical character of the Township, the Brandywine Battlefield National Historic Landmark Planning Area, and the surrounding uses and environment in conformance with Article XII-a..
 - 11. Except as otherwise specified in this Section or Chapter, parking, screening, buffering, lighting, signs, storage and display, fencing and walls, access, and other general standards shall be in accordance with the applicable sections of Article XIX.
 - 12. Assisted living facilities shall be licensed and operated in accordance with the Pennsylvania Department of Public Welfare. Licenses shall be clearly displayed and made available for inspection at all times. A license shall be obtained from the Department as a condition of issuing a use and occupancy permit by the Township.
- C. Nursing Home/Long Term Care Facility The following provisions shall apply to nursing homes:
- 1. Nursing homes shall follow requirements in Subsection B, above.
 - 2. Nursing home facilities shall be licensed and operated in accordance with the Pennsylvania Department of Health. Licenses shall be clearly displayed and made available for inspection at all times. A license shall be obtained from the Department as a condition of issuing a use and occupancy permit by the Township.

SECTION 162-2034. RECREATIONAL USE.

Recreational uses shall be permitted accordance with the following standards:

A. Non-Commercial Recreational Uses or Facilities.

1. **Permitted Uses.** These uses include, but are not limited to, active or passive recreations uses such as parks, play fields, playgrounds, hiking paths, arboretums, conservation areas, wildlife sanctuaries, cross country skiing, swimming pools, boating, horseback riding, fishing, foot, bicycle and bridle paths, picnic areas, tennis and other racquet game courts or any similar uses characteristically identified with open space areas, and of a non-commercial nature, in accordance with the following development standards:
 - a. Impervious cover for the use shall not exceed twenty percent (20%) of the lot area, including pedestrian or bicycle paths.
 - b. Active outdoor recreational facilities, including fields, courts, swimming pools, and playgrounds, shall be set back a minimum of one hundred (100) feet from the lot line of any residential district or use and shall be screened in accordance with Section 162-1908. A minimum setback of fifty (50) feet shall apply to such areas that are adjacent to non-residential districts or uses.
 - c. Any improvements such as a structure, building, parking area, storage, loading or paved areas, but excluding foot and bicycle paths and necessary accessways to a public street, shall not be located closer than fifty (50) feet to the lot line of any residential district or use. Otherwise, the setback requirements of the underlying district shall apply.
2. The minimum lot size for this use shall be three (3) acres. Except as otherwise noted in this Section or Chapter, this use shall meet minimum area and bulk regulations for the applicable underlying district in which this use is located.
3. Non-commercial recreational uses or facilities shall adhere to the general development standards set forth in Section 162-2034.B.
4. **Outdoor Lighting.** Outdoor lighting shall comply with the provisions of Section 162-1910.
5. Seasonal or permanent restrooms shall be provided for outdoor recreation uses.

B. Commercial Recreational Uses or Facilities.

1. The standards under this Subsection shall apply to such privately established recreational uses such as, but not limited to, country clubs, golf, swim, and tennis clubs, ice-skating rinks, theaters, and bowling alleys.
2. The following aggregate minimum lot areas (Figure 20-1) shall be required based on each proposed use:

Figure 20-1: Recreational Use Minimum Lot Area	
Use	Minimum Lot Area
Golf Course (per nine holes)	50 acres
Theater	3 acres
Bowling Alley	3 acres
Outdoor Swim or Tennis Club	6 acres
Indoor Tennis, Racquetball, or Ice Rink	4 acres
Riding Stable	10 acres

The minimum aggregate lot area for commercial recreational uses or facilities that are not listed above shall be determined by the application of standards herein as well as applicable regulations contained in Chapter 138, Subdivision and Land Development and any other Township, county, state, or federal regulations, however no commercial recreational use shall have a lot size smaller than one (1) acre.

3. Except as otherwise noted in this Section or Chapter, this use shall meet minimum area and bulk regulations for the applicable underlying district in which this use is located.
4. The area or square footage necessary for recreational facilities including, but not limited to, tennis courts, basketball courts, soccer fields, baseball fields, and swimming pools shall be based on the specifications set forth in National Park and Recreation Association guidelines, as amended.
5. Any improvements such as a structure, building, parking area, storage, loading, or paved areas, excluding foot and bicycle paths, and necessary accessways to a public street, shall not be located closer than fifty (50) feet to any residential lot line, and shall be screened from any residential district or use in accordance with Section 162-1908. Otherwise, the setback requirements of the underlying district shall apply.
6. Outdoor active recreation facilities including, but not limited to, tennis courts and swimming pools, which concentrates activities shall be set back a minimum of one hundred (100) feet from any residential lot line and shall be screened from any residential district or use in accordance with Section 162-1908. A minimum setback of fifty (50) feet shall apply to such areas that are adjacent to non-residential districts or uses.
7. Auxiliary uses, such as a restaurant or banquet facilities, shall be restricted in their use to employees, patrons, members and guests of the principal use and shall be set back a minimum of one hundred (100) feet from any residential lot line and shall be screened from any residential district or use in accordance with Section 162-1908.
8. General Development Standards.
 - a. A master plan for the entire tract of land shall be prepared as part of the application for a use under this Section. The master plan shall provide sufficient data to ascertain the impact the facility will pose on the Township when it is complete.

- b. Impervious coverage for the proposed use shall not exceed the maximum lot coverage standard of the applicable zoning district, and except as otherwise noted in this Section, this use shall meet other minimum area and bulk regulations for in the applicable underlying district in which this use is located.
 - c. Lighting shall be in accordance with Section 162-1910.
- 9. Campgrounds.
 - a. Campgrounds shall be developed under a plot plan for the entire site indicating driveways, sewage disposal facilities, evidence of sewage facilities by the authority having jurisdiction, type and method of water supply, and certification of approval of the plan by the Planning Commission.
 - b. Campgrounds may be a permanent, year-round installation provided however that no campground user shall be permitted to remain in such camp ground for a period exceeding thirty (30) days. The operator of the campground shall deliver to the Board of Supervisors written management procedures sufficient to assure compliance with the thirty (30) day time limit, satisfactory to the Board of Supervisors, which shall be made a condition of the zoning permit.
 - c. The use shall have direct access to a collector or arterial road, as defined by this Chapter.
 - d. There shall be no more than one (1) point of egress to each street on which the lot abuts.
 - e. The access shall be as specified in Article XIX. .
 - f. No speaker or public address system shall be installed at such use that would cause sounds to emanate beyond the exterior of the premises.
 - g. At least one (1) attendant shall be on duty at all times.
- C. Where a golf course or other recreational use is proposed in conjunction with a club or lodge, Section 162-2013 shall also apply.
- D. Any non-commercial or commercial indoor recreational use which includes gun clubs, paintball, or similar loud target-oriented use shall be required to install soundproofing insulating resulting noise from such use from adjacent properties such that no noise from this use will be audible at the property line. Amphitheaters are prohibited.
- E. Except as otherwise specified in this Section or Chapter, parking, screening, buffering, lighting, signs, storage and display, fencing and walls, access, and other general standards shall be in accordance with the applicable sections of Article XIX.

SECTION 162-2035. RECYCLING COLLECTION CENTER/RECYCLING PROCESSING FACILITY.

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

- A. A recycling collection center shall only be permitted as a municipal accessory use or in conjunction with an approved garbage transfer station or recycling processing facility.
- B. A recycling processing facility shall only be permitted in the specific district(s) indicated in this Chapter, and area and bulk requirements shall reflect that in the underlying district, unless otherwise specified in this Section or Chapter.
- C. The following standards for the storage of recycled material shall apply to both recycling collection centers and recycling processing facilities.
 - 1. Storage of materials shall be within containers that prevent the material from being carried from the work area or site by wind or water and shall prevent the inhabitation of vectors.
 - 2. Stored materials shall be set back a minimum of one hundred (100) feet from an existing residential use or district. A minimum setback of fifty (50) or the setback required by the underlying district, whichever is greater, shall be maintained from any other property line or street line.
 - 3. Materials stored outdoors shall be properly screened so as not to be visible from adjacent streets or property. The storage of paper shall be within a fully enclosed building or trailer.
 - 4. Except where special provision has been made for the disposal of household hazardous waste, hazardous waste included on the list of hazardous waste maintained by the Pennsylvania Department of Environmental Protection (PaDEP) shall not be disposed of at a recycling collection center or recycling processing facility.
 - 5. Principal access to the site shall be from an arterial or collector road as defined by this Chapter.
 - 6. Except as otherwise specified in this Section or Chapter, parking, screening, buffering, lighting, signs, storage and display, fencing and walls, access, and other general standards shall be in accordance with the applicable sections of Article XIX.
- D. The following standards shall apply to recycling processing facilities:
 - 1. Operation of a recycling processing facility shall at all times be in full compliance with the statutes of the Commonwealth of Pennsylvania, the Rules and Regulations of the PaDEP, and the provisions of this Chapter. In the event that any of the provisions of this Chapter are less restrictive than any present or future Rules or Regulations of PaDEP, the more restrictive regulations shall supersede and control.
 - 2. Access to the site shall be limited to those posted times when an attendant is on duty. In order to protect against indiscriminate and unauthorized dumping, recycling processing centers shall be protected by locked barricades, fences, gates, or other means designed to deny access to the area at unauthorized times or locations. Such barricades shall be at least six (6) feet high and shall be kept in good repair and maintained in a uniform color.
 - 3. A working plan for clean up and control of litter shall be submitted to the Township. Blowing litter shall be confined to the work area and controlled through the provision

of a fence with a minimum height of six (6) feet, with openings not more than three (3) inches by three (3) inches along all boundaries.

4. Screening, consistent with the standards of Section 162-1908, shall be required between the fence and the street line and property line.
5. Unloading of materials shall be continuously supervised by a facility operator.
6. When this use is combined with a transfer station, the separation of material shall be done so that the recycling process does not interfere with the prompt disposal of the municipal solid waste.

SECTION 162-2036. RESIDENTIAL CONVERSION OF A HISTORIC RESOURCE.

Residential conversion shall be subject to the following regulations:

- A. This use shall be permitted in a historic resource that is a single-family detached dwelling and/or a barn, either of which can be converted by conditional use into two (2) or more dwelling units.
- B. Except as otherwise noted in this Section or Chapter, the minimum lot size and area and bulk regulations shall be as stated for a single-family detached dwelling in the applicable underlying district, unless the lot size or other condition is nonconforming at the time of application for a conditional use, in which case this special use for a historic resource may be considered and such nonconformance may continue. Additionally however, as part of the conditional use process residential conversion uses may be required to have an additional ten-thousand (10,000) square foot lot area per each additional dwelling unit, dependent on the number of additional units proposed and the minimum required density for a single-family detached dwelling in the underlying zoning district. This use shall also follow the requirements of Article XVII.
- C. This special use, not otherwise permitted in the underlying zoning district, shall be principally contained within a Class I or Class II historic resource.
- D. Single-family detached dwellings which are converted shall maintain the appearance of a detached dwelling with a single front entrance which the resulting units may share. Barns which are converted shall principally retain the appearance of a barn. Additional entrances may be placed on the side or rear of the structure. Exterior stairways and fire escapes shall be located on the rear wall in preference to either side wall and, in no case, on a front or side wall facing a street. Except as necessary for purposes of safety, there shall be no major structural change in the exterior of the building in connection with the conversion, except as otherwise noted in Subsection E, below. After conversion, the building shall retain substantially the same structural appearance it had before such conversion.
- E. A historic resource shall not be increased in square footage by more than twenty-five percent (25%) of its existing floor area at the time of application.
- F. In order to qualify for a conditional use hereunder and to continue such use, a historic resource, shall be maintained, renovated, expanded, and restored with substantial historical accuracy in accordance with the standards recommended in the Secretary of the Interior's Standards for Rehabilitation and also as determined by the Historical Commission, Planning Commission, and Board of Supervisors. 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.

- G. . Site plans, floor plans, and elevations showing both existing and new exterior and interior building alterations for the conditional use shall be included with the application for conditional use. The site plan, floor plan, and elevations, which need not meet the requirements for a subdivision and land development plan, shall demonstrate compliance with the requirements herein set forth. Photographs may be substituted for elevation drawings if no material change is proposed. Any building demolition shall be as required under Article XVII.
- H. The owner of the residential conversion shall reside in one (1) of the dwellings as a principal residence.
- I. All applicable Township Building Codes²⁹ 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.
- J. Separate cooking and sanitary facilities shall be provided for each dwelling unit.
- K. Trash receptacles shall be screened so as not to be visible from the street or abutting properties except on scheduled pickup days.
- L. Each converted structure shall have an outdoor recreation area of at least two-hundred (200) square feet per dwelling unit. The recreation area shall not be located in the front yard or in the side or rear yard setbacks.
- M. The following minimum floor area requirement shall be met:

Type of Unit	Minimum Floor Area
Efficiency	400 square feet
1 bedroom	500 square feet
2 bedrooms	650 square feet
3 bedrooms	750 square feet

A minimum one-hundred and twenty (120) square feet of floor area for each additional bedroom, den, family room, or recreation room shall be required.

- N. Off-street parking spaces shall be screened from visibility from public streets and adjacent properties by fencing, walls, or natural vegetation in accordance with Article XIX, and as determined by the Historical Commission, Planning Commission, and Board of Supervisors. Parking shall be located so as not to detract from the historic appearance of the historic resource. Parking shall meet the requirements of Article XIX, 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 is unnecessary and inconsistent with the preservation of the historic resource, appearance, or setting of the historic resource.

²⁹ Editor's Note: See Chapter 78, Building Construction.

- O. If the individual dwellings are proposed as condominium units, an approved homeowner association document which meets the applicable requirements of Article XVIII must be submitted.
- P. Except as otherwise specified in this Section or Chapter, parking, screening, buffering, lighting, signs, storage and display, fencing and walls, access, and other general standards shall be in accordance with the applicable sections of Article XIX.

SECTION 162-2037. SELF-STORAGE/MINI-WAREHOUSE.

The following provisions shall apply to self storage/mini-warehouses:

- A. Except as otherwise noted in this Section or Chapter, area and bulk regulations shall be as specified in the applicable underlying district in which this use is located.
- B. Access shall be from an arterial or collector street as defined by this Chapter.
- C. The minimum aisle width between buildings shall be twenty-four (24) feet.
- D. The use shall be subject to review by police and fire officials regarding security and fire protection.
- E. Storage of explosive, radioactive, toxic, highly flammable, or otherwise hazardous materials shall be prohibited.
- F. No business activity other than leasing of storage units and the sale of packing materials incidental to the principal use shall be conducted on the premises.
- G. Except as noted in Subsection H, below, all storage for this use shall be within enclosed buildings built on a permanent foundation of durable materials. Trailers, box cars or similar impermanent or movable structures shall not be used for storage.
- H. Outdoor storage on the tract shall comply with the following requirements:
 - 1. Outdoor storage of automobiles, boats, and recreation vehicles is permitted provided they are screened so as not to be visible from adjacent streets, residential uses or residential districts.
 - 2. A maximum of twenty percent (20%) of the total site area may be used for such outdoor storage.
 - 3. Stored vehicles shall not interfere with traffic movement through the complex.
- I. The storage facilities complex shall be surrounded by a security fence. Vegetative screening, consistent with the planting requirements of Section 162-1908, shall be provided between the fence and the street line and along property lines where the use is adjacent to any residential use or zoning district.
- J. Mini-warehouse structures and associated outdoor storage areas shall not be located within the Flood Hazard District.

- K. Except as otherwise specified in this Section or Chapter, parking, screening, buffering, lighting, signs, storage and display, fencing and walls, access, and other general standards shall be in accordance with the applicable sections of Article XIX.

SECTION 162-2038. SHOPPING CENTER AND RETAIL USES OF 3,000 SQUARE FEET OR GREATER FLOOR AREA

A shopping center shall meet the following standards. These criteria shall also apply to any single proposed retail use of three-thousand (3,000) square feet or greater in floor area:

- A. The minimum lot size for a shopping center use and an individual retail use with a floor area of ten-thousand (10,000) square feet or more shall be three (3) acres. The minimum lot size for an individual retail use of at least three-thousand (3,000) square feet floor area but less than ten-thousand (10,000) square feet floor area shall be 2 acres. Area and bulk regulations shall be as specified in the underlying zoning district except as otherwise stated in this Section or Chapter.
- B. Access shall be from an arterial road, as defined by this Chapter.
- C. Design and interior circulation shall be at a pedestrian scale and orientation as follows:
1. A pedestrian orientation shall be maintained and sidewalks or walking paths provided along all interior street frontages within this use and pedestrian access to sidewalks on or adjacent to the property on which this use is located shall be provided.
 2. Proposed development shall be designed to complement the historic character of a village in the Township in regard to building placement, style, bulk, construction materials, and site design.
 3. The use of a traditional grid street pattern or one that is similar in nature to the existing village development pattern in the Township is the preferred design of new roads for this use. The use of curvilinear streets and cul-de-sacs is strongly discouraged.
 4. Off-street parking shall be located to the side or rear of buildings.
 5. The removal of mature trees and site vegetation shall be minimized as per Article XV.
 6. Every effort should be made to locate new structures taking into account existing site features, the traditional development patterns of villages within the Township, and in such a manner as to minimize changes to the existing contours and original topography of the site.
- D. This use, including parking and service areas, shall be fully buffered from all adjacent residential uses and districts as per the screening and buffering requirements for commercial uses in Article XIX.
- E. Except as otherwise specified in this Section or Chapter, parking, screening, buffering, lighting, signs, storage and display, fencing and walls, access, and other general standards shall be in accordance with the applicable sections of Article XIX.

- F. Interior roadways for access and circulation shall be provided in accordance with the standards in Article XIX and Chapter 138, Subdivision and Land Development.
- G. Establishments furnishing shopping carts shall provide defined areas on the site for the storage of such carts that shall be clearly marked and designed for such use.
- H. Trash receptacles for patron use shall be provided outside of any establishment with take-out service or convenience shopping.
- I. The shopping center use and an individual retail use with a floor area of ten-thousand (10,000) square feet or more shall contract with a security firm to provide on-site security.

SECTION 162-2039. SINGLE PROFESSIONAL OFFICE IN A HISTORIC RESOURCE.

The following provisions shall apply to a single professional office in a historic resource:

- A. Except as otherwise noted in this Section or Chapter, the minimum lot size and area and bulk regulations shall be as stated for a single-family detached dwelling in the applicable underlying district,, unless the lot size or other condition is nonconforming at the time of application for a conditional use, in which case this special use for a historic resource may be considered and such nonconformance may continue. This use shall also follow the requirements of Article XVII.
- B. This special use, not otherwise permitted in the underlying zoning district, shall be principally contained within a Class I or Class II historic resource.
- C. In order to qualify for a conditional use hereunder and to continue such use, a historic resource, shall be maintained, renovated, expanded, and restored with substantial historical accuracy in accordance with the standards recommended in the Secretary of the Interior's Standards for Rehabilitation and also as determined by the Historical Commission, Planning Commission, and Board of Supervisors. 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.
- D. Site plans, floor plans, and elevations showing both existing and new exterior and interior building alterations for the conditional use shall be included with the application for conditional use. The site plan, floor plan, and elevations, which need not meet the requirements for a subdivision and land development plan, shall demonstrate compliance with the requirements herein set forth. Photographs may be substituted for elevation drawings if no material change is proposed. Any building demolition shall be as required under Article XVII.
- E. In granting a conditional use, with the recommendation of the Historical Commission the Board of Supervisors shall be authorized to require the granting of façade easements and regulating or limiting the hours of operation of the business.
- F. The historic resource shall not be increased in square footage by more than twenty-five percent (25%) of its existing floor area at the time of application.
- G. The maximum number of persons occupying the historic resource during any portion of the day for the purpose of performing the business for which the office is used shall not be greater than one (1) person per five-hundred (500) square feet of floor area.

- H. Off-street parking spaces shall be screened from visibility from public streets and adjacent properties by fencing, walls, or natural vegetation in accordance with Article XIX, and as determined by the Historical Commission, Planning Commission, and Board of Supervisors. Parking shall be located so as to not detract from the historic appearance of the historic resource. Parking shall meet the requirements of Article XIX 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 is unnecessary and inconsistent with the preservation of the historic resource, appearance, or setting of the historic resource.
- I. Trash receptacles shall be screened so as not to be visible from the street or abutting properties except on scheduled pickup days.
- J. Except as otherwise specified in this Section or Chapter, parking, screening, buffering, lighting, signs, storage and display, fencing and walls, access, and other general standards shall be in accordance with the applicable sections of Article XIX.

SECTION 162-2040. TEMPORARY STRUCTURE OR USE.

The following provisions shall apply to temporary uses and temporary structures:

- A. The following Temporary uses and/or structures shall be permitted:
 - 1. Offices for contractors on the site and during the period of construction only.
 - 2. Sales offices for new residential development to be removed upon the conclusion of the final sales in the development.
 - 3. Temporary housing for residents displaced from the principal residence due to damage which has made the structure uninhabitable while the principal dwelling is being repaired.
 - 4. Temporary shelter for business operations that have been displaced from the principal building due to damage which has made the principal structure unusable while the principal structure is being repaired.
 - 5. Bloodmobile, mobile medical testing facility and similar activities related to the promotion of public health.
 - 6. Mobile office of the armed forces of the United States for public education or recruitment.
 - 7. Mobile Headquarters for political campaigns for a period not to exceed three (3) months.
 - 8. Short-term seasonal sale of plants and flowers (e.g., Christmas trees, holiday plants, and Mother's Day flowers). Permits for this use shall be limited to a period of two (2) weeks except for Christmas trees which shall be limited to a period of six (6) weeks. Sale of farm products shall be governed by the applicable provisions of Section 162-2002.
 - 9. A temporary community event including, but not limited to, flea markets, public exhibitions, auctions, carnivals, circuses, non-profit fundraising events, and similar

temporary uses. Permits for such uses shall be limited to a period of two (2) weeks and not more than four (4) occurrences in one calendar year for each organization.

10. Temporary outdoor portable storage unit, such as a POD.
11. Other temporary uses or structures of a similar nature to those listed above as determined by the zoning officer.

B. Permits for Temporary Uses and Structures

1. A temporary use and occupancy permit shall not be required for uses listed in Subsection A., above that are in place for three (3) or more consecutive days.
2. Length of Permit
 - a. Unless otherwise specified in Subsection A, above, temporary uses and temporary structures shall exist for a period not more than six (6) months. Temporary use and occupancy permit may be renewed twice for an additional six (6) month period per extension.
 - b. At the expiration date of a temporary use and occupancy permit, the use shall cease. In the case of a temporary structure, the structure shall be totally removed within five (5) days of the expiration date of the temporary permit.
3. Where necessary as determined by the zoning officer, the applicant shall provide plans or information to ensure adequate parking, emergency access, road access, sanitary facilities, refuse collection, and clean-up after the event.

SECTION 162-2041. TIMBER HARVESTING OPERATION/FORESTRY.

A proposed timber harvesting operation shall be in compliance with the applicable provisions of Article XV, Natural Resource Protection Standards, the stormwater management and erosion control standards of Chapter 138, Subdivision and Land Development, and any other applicable Township, county, or state regulation.

SECTION 162-2042. TRANSFER STATION, TRASH.

The following provisions shall apply to a transfer station:

- A. The minimum area and bulk regulations shall be as specified in the applicable underlying district in which this use is located.
- B. Environmental Controls
 1. Operation of a transfer station shall be in full compliance with the statutes of the Commonwealth of Pennsylvania, the Rules and Regulations of the Department of Environmental Protection (PaDEP), and the provisions of this Chapter. In the event that any of the provisions of this Chapter are less restrictive than any present or future Rules or Regulations of PaDEP, the more restrictive regulations shall supersede and control.

2. Leachate from the municipal solid waste and water used to wash vehicles or any part of the operation shall be disposed of in a manner in compliance with PaDEP regulations. If the leachate is to be discharged to a municipal sewage treatment plant, appropriate permits shall be obtained from the applicable agencies and authorities. In no event shall the leachate be disposed of in a storm sewer, to the ground, or in any other manner inconsistent with PaDEP regulation.
 3. Open burning of any materials shall be specifically prohibited.
- C. Litter Control and Buffering
1. A working plan for clean up and control of litter shall be submitted to the Township. Blowing litter shall be confined to the work area and controlled through the provision of a fence with a minimum height of eight (8) feet and a maximum height of ten (10) feet, with openings not more than three (3) inches by three (3) inches along all boundaries.
 2. Buffering, consistent with the standards of Section 162-1908, shall be required between the fence and the street line and property line.
- D. Access to the site shall be limited to those posted times when an attendant is on duty. In order to protect against indiscriminate and unauthorized dumping, every transfer station shall be protected by locked barricades, fences, gates, or other means designed to deny access to the area at unauthorized times or locations. Such barricades shall be at least eight (8) feet high but no more than ten (10) feet high and shall be kept in good repair and maintained in a uniform color.
- E. The entire transfer process, which includes unloading, compaction, and loading onto the transfer trucks shall occur inside a building. Unloading of materials shall be continuously supervised by a facility operator.
- F. Storage of Solid Waste On-Site
1. Municipal solid waste shall not remain on the site for more than seventy-two (72) hours.
 2. At the end of each work day, all municipal solid waste shall be compacted in a transfer container. Oversized items and items that cannot be compacted because of their size or construction shall be stored in the building. These items shall not remain on the site for more than fifteen (15) days.
- G. A contingency plan for disposal of municipal solid waste during a plant shutdown must be submitted to the Township and approved by the Board of Supervisors.
- G. A transfer station may include the separation and collection of material for the purpose of recycling if the standards of Section 162-2035 for a recycling collection center are met.
- H. Except as otherwise specified in this Section or Chapter, parking, screening, buffering, lighting, signs, storage and display, fencing and walls, access, and other general standards shall be in accordance with the applicable sections of Article XIX.

SECTION 162-2043. TRANSITIONAL HOUSING.

The following provisions shall apply to transitional housing:

- A. Transitional housing shall not be permitted within a one thousand (1,000) foot radius of another transitional housing facility in order to avoid concentration of such facilities.
- B. Transitional housing occupancy shall not exceed a maximum of five (5) individuals being provided services plus resident staff. Support staff not residing at the facility shall not be included in this maximum number.
- C. Transitional housing shall be permitted in single-family detached residential buildings and shall comply with the applicable provisions of the Township Building Code.
- D. When proposed within an existing residential dwelling, the transitional housing facility shall have no external alterations except as may be necessary for reasons of safety, including fire escapes. Such access shall be located to the rear of the building where practical. The applicant shall submit plans indicating exterior changes. All changes shall be easily converted to a typical residential use. Except as otherwise noted in this Section, this use shall meet other minimum area and bulk regulations for the existing residential dwelling in the applicable underlying district in which this use is located.
- E. Transitional housing shall be provided with twenty-four (24) hour live-in supervision.
- F. Transitional housing must be sponsored and operated by a group, organization, or corporation licensed by either the county or state. Proof of licensing shall be submitted with applications for a transitional housing facility. Proof of compliance with all applicable county or state regulations shall be furnished to the Township prior to conditional use approval.
- G. This use shall meet minimum area and bulk regulations for the residential use in the applicable underlying district in which this use is permitted.
- I. Proof of required licensing and compliance with all applicable state and county regulations for the proposed facility shall be furnished to the zoning officer prior to granting of a zoning permit.
- J. Except as otherwise specified in this Section or Chapter, parking, screening, buffering, lighting, signs, storage and display, fencing and walls, access, and other general standards shall be in accordance with the applicable sections of Article XIX.

SECTION 162-2044. VETERINARY CLINIC AND/OR KENNEL.

These provisions shall apply to kennels, as defined in this Chapter, and to veterinary clinics where such uses maintain outdoor exercise yards or provide boarding kennels as part of their services:

- A. The minimum area and bulk regulations for a veterinary clinic without a kennel shall be as specified in the applicable underlying district. The minimum lot area for a veterinary clinic with a kennel shall be one and a half (1.5) acres. All other area and bulk regulations from the applicable underlying district shall apply unless otherwise specified in this Section or Chapter.
- B. No animal shelter or outdoor exercise yard shall be located closer than one-hundred (100) feet to any residential building other than the owner's.

- C. Outdoor exercise yards shall be entirely fenced to prevent animals from leaving the property. Animals shall be placed inside an enclosed building after 6:00 PM prevailing time and shall remain inside until 7:00 AM prevailing time except for outdoor bathroom walks as needed.
- D. The sale and storage of related products shall remain accessory to the veterinary clinic or kennel and shall occupy no more than twenty percent (20%) of the floor area of the principal building.
- E. All such uses shall meet all applicable Pennsylvania state licensing and codes.
- E. There shall be no outdoor storage of materials unless screened from adjoining properties in accordance with Sections 162-1908 and 162-1909.
- F. Except as otherwise specified in this Section or Chapter, parking, screening, buffering, lighting, signs, storage and display, fencing and walls, access, and other general standards shall be in accordance with the applicable sections of Article XIX.

SECTION 162-2045. SOLAR ENERGY SYSTEMS

§ 162-2045 Solar Energy Systems.

- A. Purpose. It is the purpose of these regulations to promote the safe, effective and efficient use of solar energy systems to reduce the consumption of non-renewable utility-supplied energy, heat, hot water, or any combination of the above, while protecting the health, safety and welfare of the residents of the Township, and while protecting adjacent land uses through appropriate zoning and land-use controls. Where, in the course of reviewing a permit or conditional use application for any solar energy system, it is deemed advisable for the Township to retain the services of the Township engineer or any other consultant, all reasonable costs for such services shall be borne by the Applicant.
- B. Accessory Solar Energy Systems. An Accessory Solar Energy System shall be permitted in all zoning districts by conditional use. If a standard cannot be met, the accessory use is not permitted.
 - 1. When calculating the 125% design capacity for an Accessory Solar Energy System, the following options apply:
 - (a) Individual net metering. When a property upon which the facility is installed also receives electrical power supplied by a utility company, excess electrical power generated and not presently needed for on-site use may be used by the utility company, as long as the electrical power generated is used primarily for on-site use. The owner of the Accessory Solar Energy System shall provide written confirmation that the public utility company has been informed of the customer's intent to install an interconnected customer-owned generator and also approves of such connection. Systems not connected to the public utility grid shall be exempt from this requirement.

- (b) Community net metering. Community net metering is similar to individual net metering, but permits the net metering credits from an Accessory Solar Energy System to be distributed among two or more electric meters, for example, where several homeowners cooperatively install an Accessory Solar Energy System. Such systems shall be permitted where all standards set forth herein are met and, in such cases, the 125% design capacity limitation for Accessory Solar Energy Systems shall apply to the collective energy demand of the participating parties.
 - (c) Virtual net metering. Virtual net metering may be permitted where an Accessory Solar Energy System is installed in a different location from the meter or meters being credited with the solar energy that is produced, subject to conformance with all standards set forth herein. Instead of a direct connection to the Accessory Solar Energy System, the consumer of electricity is credited with the amount of electricity that the system offsets through connection into the grid at its location. Virtual net metering may apply to individual or community Accessory Solar Energy Systems(s). The 125% design capacity limitation for Accessory Solar Energy Systems shall apply to the collective energy demand of the participating parties.
 - 2. Accessory Solar Energy Systems shall be attached to a building, or located on an existing impervious surface. If the Applicant contends that the Accessory System cannot be designed to be attached to a building or located on an existing impervious surface, the Applicant must demonstrate to the satisfaction of the Board that the system cannot feasibly be so located due to structural or other limitations, orientation toward the sun, or the presence of adjacent topography or vegetation impeding solar access.
- C. Criteria and Standards. The following criteria and standards shall apply to all Solar Energy Systems, unless the text clearly specifies otherwise. Compliance with the criteria and standards shall be demonstrated by submission of information and documentation with the conditional use application and evidence presented at the conditional use hearing.
- 1. Design and Permitting. The design and installation of the Solar Energy System shall conform to applicable industry standards, such as those of the American National Standards Institute (ANSI), Underwriters Laboratories (UL), the American Society for Testing and Materials (ASTM), or other similar certifying organizations, and shall comply with the Township Building Code and with other applicable codes and fire and life safety requirements. A zoning permit, building permit and other permits (e.g., electrical, mechanical) in accordance with the Township Construction Codes shall be required. Applicable manufacturer specifications shall be submitted as part of any permit application along with any other documentation requested by the Zoning Officer or Building Code Official necessary to prove compliance with the standards set forth in this Section 162-2045 and any other applicable provisions of this Chapter.

2. Grid interconnection. A Solar Energy System connected to the utility grid shall provide written authorization from the local utility company acknowledging and approving such connection.
3. Transmission lines. All power transmission lines from the Solar Energy System to any building or other structure shall be located underground. If an Applicant contends that underground location is not possible, the Applicant shall demonstrate to the satisfaction of the Board that underground lines are not feasible due to geological or topographic limitations or other limiting factors.
4. Appurtenances. All or any mechanical equipment (appurtenances) associated with and necessary for the operation of the Solar Energy System shall comply with all accessory setbacks for the zoning district in which the system is installed.
5. Glare. Solar collectors shall be placed such that concentrated solar radiation or glare shall not be reflected or otherwise directed onto nearby properties or roadways.
 - (a) The Applicant shall submit to the Township sufficient information to adequately demonstrate that no such off-site glare shall be produced.
 - (b) Submitted information shall be in the form of a glare study or other documentation or statement(s) provided by an expert acceptable to the Township.
 - (c) The Applicant shall provide with the zoning permit application certification from the installer and manufacturer of the Solar Energy System a signed statement acceptable to the Township that the proposed system shall not produce glare or reflect concentrated solar radiation visible beyond the property lines of the property upon which the Solar Energy System shall be located.
 - (d) The Applicant shall submit prior to the issuance of a building permit a signed statement, in form and substance satisfactory to the Township, acknowledging that Applicant, his/her/its successors and assigns a) accepts full responsibility for any mitigation or removal of the Solar Energy System or any portion thereof should it be determined by the Zoning Officer that a nuisance situation exists wherein glare or solar radiation beyond the property lines has been proven to result from the Solar Energy System of the Applicant; and b) agrees that should any mitigation or system removal deemed necessary by the Township fail to be dealt with in accordance with

the Township's determination within six months of notification of the landowner and/or system owner, the Township may implement such mitigation or remove such systems as it deems necessary, costs therefore to be reimbursed within 90 days of Township invoice and, if not, the Township may pursue any available legal remedy for collection including filing a municipal lien against the property for all cost and expenses incurred by the Township, including filing and attorneys fees.

6. Mounting location. A Solar Energy System may be roof- or ground-mounted (free-standing) subject to all limitations set forth in this Section 162-2045 and Chapter 162.
7. Historic resources. If a Solar Energy System is proposed to be mounted on or located within 100 feet of any Historic Resource, such System shall be subject to review and recommendation by the Historical Commission on the impact on the Historic Resource.
8. Solar access easements. A Solar Energy System shall be located to ensure solar access without reliance on adjacent properties. Where necessary to ensure that solar access to a Solar Energy System shall not be obstructed over time by permissible uses or activities on any adjacent property (i.e. by planting or growth of vegetation, new construction, etc.), it shall be the responsibility of the owner of the Solar Energy System to obtain appropriate solar access easement(s) from neighboring property owner(s) and to notify the Township upon the recording of any such easement(s). All solar access easements shall be recorded in the office of the Chester County Recorder of Deeds
9. Area and Bulk Regulations and Setback requirements.
 - (a) Accessory Solar Energy Systems. Accessory Solar Energy Systems must meet all area and bulk regulations and setback requirements for an accessory structure for the zoning district in which installed and shall not be installed within any yard abutting a street or within any required easement, except that the maximum height of a ground-mounted Solar Energy System shall be ten feet (10') above the ground elevation surrounding the system.
 - (b) Principal Solar Energy Systems. Principal Solar Energy Systems shall meet all area and bulk regulations and the setback requirements of the LI District for principal uses, except that the maximum height of a ground-mounted Solar Energy System shall be ten feet (10') above the ground elevation surrounding the system.

- (c) If the Applicant contends that the System cannot be designed in compliance with a height limitation of ten feet (10'), the Applicant shall demonstrate to the satisfaction of the Board that the system cannot feasibly be constructed and operated within the height limitation due to structural or other limitations, orientation toward the sun, or the presence of adjacent topography or vegetation impeding solar access.

10. Roof-mounted systems:

- (a) Under no circumstance shall the Solar Energy System extend beyond the edge of the roof.
- (b) A roof-mounted Solar Energy System may exceed, by no more than four (4) feet, the applicable building height or accessory building height limitation, but shall not exceed the height of the ridgeline of any sloping roof upon which it is mounted, where the pitch of the roof exceeds a ratio of 1/3.
- (c) A roof-mounted system may not be located on any portion of a roof facing a street. If the Applicant contends that a street-facing location is required, the Applicant shall demonstrate to the satisfaction of the Board that, due to solar access limitations, no location exists where the system can perform effectively other than the proposed location; or the system is designed as an integral part of the roof and utilizes solar shingles or other materials that mimic residential roof sheathing material.

11. The Applicant shall present site drawings and other material to demonstrate the visual impact of the system when viewed from adjacent properties and streets. Visual mitigation may include demonstration of the following:

- i. That the visual impact(s) of the roof-mounted Solar Energy System is(are) mitigated by distance from point of view of nearby properties or streets;
- ii. That the roof-mounted Solar Energy System is designed as an integral part of the architecture of the roof or is reasonably screened from view due to concealment by architectural treatment of the roof (e.g., intervening parapet or gables) or by existing topography and/or landscaping;
- iii. That the ground-mounted Solar Energy System is adequately screened from view due to the presence of existing topography and/or vegetation that provides an adequate visual buffer;

- iv. That the Applicant for installation of a ground-mounted Solar Energy System will screen the proposed system adequately from view through introduced landscaping;
 - v. That the visual impact(s) of the ground-mounted Solar Energy System is (are) mitigated by distance from point of view of nearby properties or streets.
- 12. Impervious coverage. For the purposes of this Section 162-2045, all “at grade” or “above grade” features and facilities relating to ground-mounted solar energy systems, including appurtenances, shall be considered impervious surface and shall be subject to all applicable storm water management regulations for introduction of additional impervious cover, except to the extent that the Applicant can demonstrate to the Township Engineer, by credible evidence, that storm water will infiltrate into the ground beneath the solar collection system at a rate equal to that of the infiltration prior to placement of the system.
- 13. Lot coverage. The footprint of a ground-mounted Solar Energy System shall be calculated as part of the overall lot coverage, regardless of whether it is determined to be impervious.
- 14. Safety and security of Principal Solar Energy Systems.
 - (a) Safety warnings. A clearly visible warning sign concerning voltage shall be placed at the base of all pad-mounted transformers and substations or fences, pursuant to applicable state and federal safety warning standards.
 - (b) Security. All access doors to electrical equipment for Principal Solar Energy Systems shall be locked or fenced, as appropriate, to prevent entry by non-authorized personnel.
- 15. Abandonment or disrepair. If the Solar Energy System is ever abandoned or enters into a state of disrepair, it shall be the responsibility of the landowner to remove the Solar Energy System or return it to proper maintenance within six (6) months from the date the system enters such a state or notification from the Township.
- 16. Decommissioning. If a ground-mounted Solar Energy System is ever removed, any earth disturbance as a result of the removal of the ground-mounted Solar Energy System shall be graded and reseeded to the satisfaction of the Township.

ARTICLE XXI Signs

SECTION 162-2101. PURPOSE.

It is the purpose of this Article to promote the public safety and welfare by regulating the placement, size, number, and conditions of signs and by limiting visual blight, potential hazards to vehicular and pedestrian movement, and dangers posed by signs in disrepair. Further, it is the purpose of this Article to provide opportunities for a variety of sign types and encourage sign designs that meet local resident and business needs in a manner that complements the character of the Township.

SECTION 162-2102. PROHIBITED SIGNS.

- A. Any sign erected, painted, or drawn on a tree or rock or other natural feature, unless approved by the Board of Supervisors.
- B. Any sign containing information which states or implies that a property may be used for any purpose not permitted under the provisions of this Chapter.
- C. Roof signs of any size.
- D. Digital, electronically changing message, or flashing signs.
- E. Internal illumination of signs.
- F. Portable or Mobile Signs of any type or size (e.g., signs on trailers or wheels)
- G. Signs affixed to or painted on a vehicle or trailer and parked at a specific location for the purpose of conveying a commercial message.
- H. Off-premises signs, except for an off-site billboard permitted in the HC Zoning District only and a temporary sign.

SECTION 162-2103. GENERAL SIGN REGULATIONS.

The following shall apply to all permitted sign uses:

- A. Sign Location
 - 1. No sign shall be permitted to be placed close enough to any intersection to impact the clear sight triangle as per Section 162-1907, nor to obstruct clear and free vision of traffic control signals or signs. Signs shall be placed so as not to obstruct vehicular or pedestrian traffic or create a safety hazard.
 - 2. No sign, other than Official Traffic Signs, shall be located within or extend into or over any street right-of-way.

3. No sign shall be higher than permitted by this Chapter or protrude above the building height as defined in the district in which the sign is located, whichever is lower.
4. Any sign located along the right-of-way of a state or federal highway shall comply with any more restrictive applicable federal or state requirements.
5. No sign shall be erected or maintained so as to prevent free ingress or egress from any door, window, or fire escape.
6. No business sign may be located nearer to a residence or a residential lot line than permitted for other commercial, institutional, or industrial accessory uses in the district in which the sign is located. If located nearer than fifty (50) feet or facing into a residence or a residential lot, the sign shall be so designed as not to shine or reflect light upon such residence or lot.
7. The outdoor storage of vehicles on a property shall not be used as a sign for a business, home occupation, or any other use. No vehicle which contains business advertising on its exterior shall park in a location visible from a public right-of-way.

B. Sign Illumination and Movement

1. Internal illumination, including the following, is prohibited.
 - a. Individually illuminated letters, either in the form of internally illuminated or backlighted solid letters (reverse channel); or
 - b. Signs where the background field is opaque and the lettering is illuminated.
2. External light sources shall be located above the sign to be illuminated, and the direction of the illumination shall be downward on the sign.
3. 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 and the light source shall be extinguished at the end of business hours.
4. Electrical transformer boxes and raceways are required to be concealed from public view. If a raceway cannot be mounted internally behind the finished exterior wall, the exposed metal surfaces of the raceway shall be finished to match the background wall, or integrated into the overall design of the sign.
5. All signs shall comply with the requirements of Section 162-1910.

C. Sign Construction, Maintenance, and Removal

1. All signs shall be constructed of durable materials firmly supported and shall be kept in good condition and repair. The Zoning Officer is designated to periodically inspect signs.

2. If the Zoning Officer finds a sign to be structurally unsafe or endangering the public safety, or the safety of a building or premises, the Township shall give written notice to the owner of the premises on which the sign is located that such sign be made safe or removed within five (5) days at the expense of the owner. Failure to comply shall be just cause for the Township to remove the sign or take corrective action to ensure the maintenance of the public safety. Such remedy shall be at the expense of the owner of the property on which the sign is located.
 3. All signs requiring the use of electricity shall be manufactured in accordance with the Underwriter Laboratories (UL) specifications and the National Electrical Code (NEC).
 4. All signs shall be securely mounted or fastened to the building upon which they are erected or, if freestanding or ground signs, must be securely and safely installed in the ground. Breakaway signs shall be installed where freestanding signs are installed immediately adjacent to vehicular facilities, as required by the Board of Supervisors. The installation of all signs must be approved by the Zoning Officer.
 5. Abandoned signs shall be removed by the owner of the property. Such signs may be removed by the Township at the expense of the owner of the property on which said sign is located.
 6. Any site, lot, or building on which a sign was erected shall be restored to its original, or better, condition upon removal of the sign by the owner of the property on which said sign was located.
- D. Sign Size. Permitted sign size shall be dependent on sign type and the district in which the sign is located, and may be dependent on the building frontage that a business occupies. For purposes of calculating permitted size, building frontage shall be calculated as follows:
1. On buildings housing only one (1) tenant, or multiple tenants that access the building via a common outside entrance(s), building frontage shall be that one (1) 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 is in question, an average of the linear feet of those walls in question shall be used in calculating allowable sign area.
 2. On buildings that house more than one (1) tenant where each tenant has its own outside entrance(s), building frontage for each tenant shall be that one (1) 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 (1) architecturally designed wall located on the perimeter of the building, only that one (1) 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.
- E. Sign Design Standards and Guidelines. The intent of the sign design standards and guidelines is to provide minimum standards and additional guidance for how signs are designed, constructed, and placed in order to produce creative, high quality signage that effectively communicates its message while positively contributing to Township character. These standards and guidelines will also assist those responsible for reviewing sign permit

applications by providing established criteria against which to judge the appropriateness of a sign's design.

The standards and guidelines apply to all new signs and the modification or reconstruction of existing signs in all zoning districts, and compliance is highly encouraged. Proposed signs located within the boundaries of the Brandywine Battlefield National Historic Landmark Planning Area, Fairville Village Historic District, the Route 1 Corridor Overlay District, or on or within one hundred (100) feet of the exterior walls of a historic resource shall be reviewed by the Historical Commission and Planning Commission for their comments regarding sign design, as per Section 162-1708.C.

All signs shall be coordinated with the design of the principal use in such a manner that the overall appearance is harmonious in color, form and proportion. The following specific standards and guidelines are recommended:

1. Color

- a. The total number of colors used on a sign should be limited to increase readability. It is recommended that no more than three (3) colors be used for a sign.
- b. A substantial contrast should be provided between the color of the background and the letters or symbols to make the sign legible.
- c. Sign colors should complement the colors used on the structures and project as a whole. Matching either the background or trim color of the structure which the sign serves is encouraged.
- d. Use historic colors if appropriate. Appropriate historic colors include but are not limited to bottle green, olive, gold, and burgundy. Black lettering on a white background is not recommended, nor are metallic paints other than gold.
- e. When more than one (1) sign is permitted, the colors on the signs shall be coordinated with each other to present a unified image.

2. Materials

- a. Sign materials and finishes should be compatible with the architecture of the structure the sign serves.
- b. Signs shall be professionally constructed using durable and high quality materials.
- c. Signs are recommended to be constructed of natural materials such as wood, masonry, stone, or metal with painted or raised lettering. Wood signs, either painted or carved, should be properly sealed to prevent deterioration. Metal signs should be properly primed and painted or factory coated to protect against corrosion.
- d. The use of synthetic materials is allowed, but sign materials are encouraged to replicate a natural material.

- d. Materials should contribute to the legibility of the sign. For example, glossy finishes are often difficult to read because of glare and reflections.

3. Legibility

- a. The information shown on signs shall identify the use or business (es) in a simple and straightforward manner. Brief, succinct messages are encouraged.
- b. Crowding or over-spacing of letters, words, or lines should be avoided. As a general rule, letters should not occupy more than seventy-five (75) percent of the total sign area.
- c. The number of different font styles on a single sign should be limited. A general rule is no more than two (2) font styles for small signs and three (3) for large signs.
- d. Overly intricate fonts that are difficult to read should be avoided. Sign fonts should be selected to provide both clarity and artistic integrity.
- e. Symbols and logos in place of words should be used whenever appropriate.

4. Illumination

- a. Use illumination only if necessary, and keep any lighting in proportion with the sign and structure.
- b. Where illumination is required, a projected light source is preferred. Projected lighting (such as gooseneck lighting) emphasizes the continuity of the sign and structure, and should be simple, unobtrusive, and not obscure the sign.
- c. If electrical raceways are necessary, they shall be as thin and narrow as possible and should never extend in width or height beyond the area of the sign's lettering or graphics. All exposed conduit and junction boxes shall be concealed from public view.
- d. All illumination of signs shall comply with Section 162-1910.

5. Structure Compatibility and Site Integration

- a. Signs should be located where architectural features or details suggest a location, size, or shape for the sign.
- b. Signs should be placed consistent with the proportions and scale of the elements within the structure's façade.
- c. Signs should be designed and placed to relate to the architectural features of the building and site on which they are located.
- d. The scale of signs should be appropriate for the building and site on which it is placed and should be proportional to the size of the location and the scale of the structure.

- e. Signs are discouraged from obscuring any architectural detail.
- f. In pedestrian-oriented areas, signs should relate to the sidewalk instead of motorists.
- g. Signs should be placed at or near the public entrance to a building or main parking area to indicate the most direct access to the building.

6. Sign Type Guidelines

- a. Freestanding signs are considered most appropriate for buildings originally designed as residential dwellings or where larger front yard setbacks are present and the building is fronted by landscaping. Freestanding signs should emphasize horizontal rather than vertical massing. Landscaping should be planted around the base of freestanding signs at a surface area ratio of one to one (1:1) or greater. Between five (5) and ten (10) percent of the sign area should be dedicated to identification of the street address.
- b. Wall signs designed as an integral part of the front façade of commercial buildings (the band or blank area between the first and second floors of a building) are encouraged. Signs should be proportional in scale to the building and to the wall space on which they are mounted.
- c. Wall or projecting signs are preferred where there is a small front yard setback.
- d. Projecting signs and wall-mounted signs that are rectangular, square or oval are encouraged for historic structures, as they are most appropriate to the majority of historic buildings.
- e. Projecting signs are most appropriate in pedestrian-oriented areas, and should be placed in close proximity to an entrance. A projecting sign should be suspended between the bottom of the second story window sills and the top of the doors or windows of the first story on a multi-story building. On a one-story building, the top of the sign should be suspended in line with the lowest point of the roof. A projecting sign should be hung at a ninety (90) degree angle from the face of the building, and should be pinned at least six (6) inches away from the wall for best visibility.
- e. Multi-tenant signs should be designed with consideration of legibility and tenant replacement. Individual tenant sign panels should be uniform in size, recognizing that the major tenant or name of the center may require a slightly larger sign panel. The size, font, and number of tenant names should provide visual interest. Panels should be designed in such a manner that replacement of an individual tenant's panel can be accomplished without negatively affecting the overall appearance of the sign.

SECTION 162-2104. STANDARDS FOR SPECIFIC SIGN TYPES.**A. Freestanding Signs**

1. In order to provide safe passage for pedestrians, freestanding signs shall be designed and installed so that the sign area is either lower than four (4) feet in height or higher than eight (8) feet in height, above grade. A freestanding sign shall be no more than twelve (12) feet in height, except for off-site billboards which shall not exceed thirty-five (35) feet.
2. Freestanding signs shall be limited to one (1) such sign per lot or development. If more than one (1) use is carried on in a structure or lot, the one (1) permitted freestanding sign may indicate the presence of all uses in the structure or lot. Individual freestanding signs for each use shall not be permitted.
3. Where both freestanding signs and ground signs are permitted in this Article, only one (1) of these sign types shall be erected on a lot or development.
4. The height shall be measured from the proposed finished grade to the highest point of the sign structure. Berming or mounding around the location of the sign to increase the sign height is prohibited.
5. Size shall be as specified below by district.

B. Ground Signs

1. Ground signs shall be supported and permanently placed by embedding, anchoring, or connecting the sign in such a manner as to incorporate it into the landscape or building design scheme.
2. Ground signs shall be limited to one (1) such sign per lot or development. If more than one (1) use is carried on in a structure or lot, the one (1) permitted ground sign may indicate the presence of all uses in the structure or lot. Individual ground signs for each use shall not be permitted.
3. In those districts where both ground signs and freestanding signs are permitted, only one (1) of these sign types shall be erected on a lot or development.
4. Ground signs may have an open area, and if so it shall not extend more than two (2) feet above grade. This area should be maintained free of weeds and debris. The overall height of any ground sign including support structure shall not be more than six (6) feet above grade.
5. Size shall be as specified below by district.

C. Projecting Signs

1. No portion of a projecting sign shall be less than eight (8) feet nor more than fifteen (15) feet above grade if located above a sidewalk. If located above a parking area or drive, no portion of a projecting sign shall be less than fourteen and a half (14.5) feet nor more than twenty (20) feet above grade.

2. No projecting sign can project more than forty-two (42) inches from the face of the building.
3. Projecting signs shall not extend above the top of the wall upon which it is mounted.
4. No projecting sign shall be attached to a building where a canopy, marquee, or awning sign exists.
5. Size and number of signs permitted per lot shall be as specified below by district.

D. Wall Signs

1. No portion of an exterior wall sign shall extend more than six (6) inches from the building wall.
2. No portion of a wall sign that extends from the building shall be less than eight (8) feet above grade.
3. No wall sign shall extend above:
 - a. The top of the parapet upon which it is mounted.
 - b. The bottom roof line which is immediately adjacent to the wall upon which the sign is mounted.
 - c. The bottom roof line of a gable roofed building.
4. Letters painted on or affixed to a building shall be considered a wall sign and shall be included in the computation of the total sign area.
5. Murals that consist only of images and do not include any commercial messages shall not be considered a wall sign. Murals that include commercial messages shall be considered a wall sign and regulated as such.

E. Canopy, Marquee, or Awning Signs

1. The lowest edge of the canopy, marquee, or awning sign shall be at least eight (8) feet above grade.
2. A canopy, marquee, or awning without lettering or other advertising shall not be regulated as a sign.
3. Size shall be as specified below by district.

F. Off-Site Billboards

1. Shall be permitted only in the Highway Commercial (HC) Zoning District.
2. Shall not exceed a dimension of ten (10) feet vertically and twenty (20) feet horizontally, for a total surface area of two hundred (200) square feet.

3. Shall not be located closer to a street line than the minimum front yard allowed in the HC Zoning District and must be the sole use on a separate lot containing no less than thirty-thousand (30,000) square feet.
 4. No part of the off-site billboard shall exceed thirty-five (35) feet in height.
 5. Lighting of the off-site billboard shall be permitted without time limitations, provided that the lighting meets all other requirements of this Chapter pertaining to the lighting of signs.
 6. Content shall not be regulated, except that lewd or indecent content, as defined by community standards, is prohibited.
 7. No off-site billboard shall contain advertising on more than one (1) side of the sign structure.
- G. Temporary Signs. Temporary signs announcing special or community events or the temporary, lawful sale of products, goods and/or services such as, but not limited to, the seasonal sale of goods such as Christmas trees, or special sales events of items, shall be permitted, provided that:
1. A permit shall be obtained before erecting any temporary sign, unless exempted under Section 162-2108. Permits shall run for forty-five (45) successive days and may be re-issued for an additional forty-five (45) successive days once per calendar year where just cause has been demonstrated.
 2. Temporary signs shall comply with all pertinent regulations applicable to permanent type signs.
 3. Temporary signs shall not exceed sixteen (16) square feet in total sign area per lot, business, or use.
 4. Signs shall be removed no later than three (3) days after the expiration of the permit, or three (3) days after completion of the advertised event if no permit was required.
 5. Any site, lot, or building on which the sign was erected shall be restored to its original or better condition upon removal of the sign.
 6. Portable signs shall be permitted as a temporary sign, however, such signs shall only be permitted for commercial uses in districts where commercial uses are permitted as a principal use, and there shall be no more than one (1) portable sign per establishment.
 7. Banner signs shall be permitted only as a temporary sign. No such sign is permitted to extend over a public road right-of-way.

SECTION 162-2105. SIGNS IN RESIDENTIAL DISTRICTS.

The following types of signs and no others shall be permitted in the Residential Zoning Districts (R-1, R-2, R-3, R-4, and R-5), the Mobile Home Park Zoning District (MHP), and the Village Residential Zoning District (VR), provided that the signs comply with all requirements herein specified.

- A. Official traffic signs.
- B. Accessory use or nameplate signs, provided that:
 - 1. The size of any such sign shall not exceed two (2) square feet.
 - 2. Not more than one (1) such sign shall be erected for each permitted use or dwelling unit.
- C. Identification signs for residential developments, farms or estates, schools, mobile home parks, churches and other permitted uses, provided that:
 - 1. The size of any such sign shall not exceed twenty-four (24) square feet.
 - 2. Not more than one (1) such sign shall be placed at each entrance to a public road.
- D. Real estate signs, provided that:
 - 1. The size of any such sign shall not exceed six (6) square feet.
 - 2. Not more than one (1) such sign shall be placed on premises held in single and separate ownership unless such premises front on more than one (1) street, in which event one (1) such sign may be placed on each frontage.
 - 3. All such signs shall be removed within thirty (30) days of the sale or rental of the premises. Open house signs shall be removed within twenty-four (24) hours after the end of the open house.
- E. Land development signs, provided that:
 - 1. The area of such sign shall not exceed twenty-four (24) square feet, and that no more than one (1) such sign shall be erected at each entrance to a public road.
 - 2. All such signs shall be removed upon completion of active work by the developer.
- F. 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 (2) square feet.
- G. 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 (6) square feet.

3. Not more than one (1) such sign per contractor shall be placed on premises held in single and separate ownership.
 4. No such sign shall be illuminated.
 5. Such signs shall be removed promptly upon completion of active work.
- H. Bulletin board signs for churches, schools, or institutions, provided that:
1. The size of such sign shall not exceed twenty-four (24) square feet.
 2. Use of a bulletin board sign shall be limited to one (1) per lot.
- I. Temporary signs as per Section 162-2104.G.
- J. Business signs advertising the sale of farm products, provided that:
1. The total sign area does not exceed twenty-four (24) square feet.
 2. There is not more than two (2) such signs on a premises held in single and separate ownership.
- K. On-site directional signs, not exceeding two (2) square feet in size, shall be permitted but shall be located no closer than twenty (20) feet from any street intersection, and shall not be illuminated. No advertising matter shall be contained on signs of this type.

SECTION 162-2106. 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 (1) freestanding or ground sign and one (1) building mounted (projecting, wall, canopy, marquee, or awning) sign; or two (2) building mounted signs shall be placed on each premises held in single and separate ownership.
 2. The maximum total sign area for the premises held in single and separate ownership shall not exceed an area equal to one (1) square foot for every one (1) linear foot of building frontage, but not to exceed twenty-six (26) square feet in total area for all signs.

SECTION 162-2107. SIGNS IN HIGHWAY COMMERCIAL, LIGHT INDUSTRIAL, AND MULTI-USE DISTRICTS.

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 twenty (20) square feet.
2. Not more than one (1) such sign shall be placed on premises held in single and separate ownership unless such premises fronts on more than one (1) street, in which case one (1) such sign may be placed on each street frontage.
3. All such signs shall be removed within thirty (30) days of the sale or rental of the premises. Open house signs shall be removed within twenty-four (24) hours after the end of the open house.

C. Business signs, provided that:

1. In the case of a premises under single and separate ownership with one (1) permitted use, up to two (2) signs shall be permitted. Not more than one (1) freestanding or ground sign and one (1) building mounted (projecting, wall, canopy, marquee, or awning) sign shall be placed on each premises held in single and separate ownership. The maximum total sign area for the premises shall not exceed an area equal to one (1) square foot for every one (1) linear foot of building frontage, but not to exceed thirty-two (32) square feet in total area for all signs.
2. In the case of a unified development with more than one (1) entity under single and separate ownership, such as an office or industrial park, business or shopping center, the following shall apply:
 - a. One (1) freestanding or ground 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 thirty-two (32) square feet in total area. No freestanding or ground sign shall be permitted for individual businesses located within the same development or on the same lot as the unified development.
 - b. The area of a permitted building mounted sign for individual uses within a unified development shall be as follows:
 - 1) Buildings that house only one (1) tenant shall not exceed one (1) building mounted sign. Sign size is limited to one (1) square foot of sign area for every one (1) linear foot of building frontage; however no sign shall be in excess of twenty (20) square feet. Such sign shall be located on the entry or parking side of the building.
 - 2) Buildings that house multiple tenants which access the building via a common outside entrance shall be permitted one (1) directory sign which shall not exceed twenty (20) square feet in total area. Such sign shall be located on the entry or parking side of the building.
 - 3) Buildings that house multiple tenants which access the building via multiple, common outside entrances shall be permitted one (1) directory sign which shall not exceed twenty (20) square feet in total area on the building frontage, and may have additional nameplate

signs that do not exceed two (2) square feet on the other common entrances.

- 4) Buildings that house more than one (1) tenant where each tenant has its own outside entrance(s) shall not exceed one (1) square foot of sign area for each linear foot of building frontage occupied by each tenant. The maximum allowable sign area for any one (1) tenant, however, shall not exceed a total of twenty (20) square feet.

- D. Off-site billboards shall only be permitted in the HC Zoning District, in compliance with Section 162-2104.F.

SECTION 162-2108. SIGN PERMITS AND BONDS.

- A. Permits. In addition to applicable requirements of Article XXIII, a sign permit shall be required for all signs exceeding two (2) square feet in area except as designated in Subsection B below, and such signs shall be subject to annual inspection. 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, drawings, specifications and such other information deemed necessary by the Zoning Officer to determine the location and details of construction of such sign. The plans and drawings shall show, in detail, the size, location, illumination, color, material and information included on the proposed sign(s).
- B. The following signs are allowed without a permit or fee, but the owner of the property on which the sign is located shall still be responsible for its proper erection and maintenance in a good and safe condition.
 1. Official highway route number signs, street name signs, directional or other official federal, state, county, or Township signs.
 2. Signs, as permitted in residential districts, six (6) square feet or less in area.
 3. Artisan signs.
 4. Real estate signs.
 5. Political signs, which are permitted in all zoning districts, provided they are on private property and are not more than six (6) square feet. Political signs shall be permitted within 30 days prior to any municipal, state or national election or referendum and shall be removed within three (3) days after election day.
- C. 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 (1) such bond or liability policy need be posted for the owner of the sign.
- D. 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 by resolution establish.
- E. 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.

- 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.
- G. Signs deemed by the Zoning Officer to be illegal or without permit shall be removed within five (5) days of written notification by the Zoning Officer in accordance with the provisions of Section 162-2306. Any failure to remove such sign or recurrence of a similar infraction on the premises by the owner or lessee shall be in violation of this Chapter and shall be punishable in accordance with the provisions of Articles XXIII and XXVI.
- H. Signs within the Brandywine Battlefield National Historic Landmark Planning Area, Fairville Village Historic District, the Route 1 Corridor Overlay District, or on or within one hundred (100) feet of a historic resource shall be reviewed by the Historical Commission and Planning Commission for their comments in accordance with Section 162-1708.C.

SECTION 162-2109. NONCONFORMING SIGNS.

All non-conforming signs 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 non-conforming, shall be subject to the provisions of Article XXII.

ARTICLE XXII
Nonconforming Uses, Buildings and Structures, Lots, and Signs

SECTION 162-2201. APPLICABILITY.

Except as otherwise provided in this Article XXII, the following regulations shall apply in all districts to nonconforming uses, buildings, structures, lots and signs

SECTION 162-2202. CONTINUATION.

Except as otherwise provided in this Article XXII, any nonconforming use, nonconforming building or structure, nonconforming lot or nonconforming sign, may be continued in the form and to the extent evident at the effective date of adoption of this Chapter or any subsequent amendment of this Chapter.

SECTION 162-2203. NONCONFORMING USES.

Except as otherwise provided in this Article XXII, all nonconforming uses shall comply with the following:

- A. Expansion of a nonconforming use. The nonconforming use within a building, structure, or upon a lot, shall not be expanded so as to use other portions of the building, structure or lot unless the Zoning Hearing Board authorizes the expansion as a special exception. The Zoning Hearing Board may grant such special exception provided that:
 - 1. It is clear that such expansion is not materially detrimental to the character of the surrounding area or the interest of the municipality.
 - 2. The area devoted to the nonconforming use shall in no case be increased by more than 25 percent. This increase shall occur only once per the existence of the nonconforming use.
 - 3. The expansion of a nonconforming use on a lot shall be limited to the lot which was in existence on the effective date of this Chapter. Lots shall not be merged to allow for the expansion of a nonconforming use.
- B. Expansion of a building or structure housing a nonconforming use. A building or structure housing a nonconforming use shall not be enlarged or structurally altered, except insofar as is required by law to assure the structural safety of the building or structure, or unless the Zoning Hearing Board authorizes the limited enlargement as a special exception. The Zoning Hearing Board may grant such special exception provided that:
 - 1. It is clear that such enlargement or structural alteration of the building or structure is not materially detrimental to the character of the surrounding area or the interest of the municipality.
 - 2. Any extension of a building or structure housing a nonconforming use shall conform to the area and bulk requirements of the district in which it is situated.
 - 3. Expansion of the nonconforming use, if proposed, is consistent with the provisions in Subsection A., above.

C. Change of nonconforming use.

1. Once changed to a conforming use, within a building, structure, or on land, the use shall not be permitted to revert back to a nonconforming use.
2. A nonconforming use may only be changed to another nonconforming use by grant of special exception by the Zoning Hearing Board, after a public hearing at which it is determined that the proposed new nonconforming 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:
 - a. Traffic generated;
 - b. Nuisance characteristics (such as emission of noise, dust, odor, glare, and smoke);
 - c. Fire hazards;
 - d. Hours and manner of operation; or
 - e. Any of the conditions required for special exception approval in accordance with Section 162-2408.

D. Reconstruction of a nonconforming use. A structure containing a nonconforming use involuntarily destroyed by fire, explosion, wind, flood, or other phenomena, or legally condemned, may be reconstructed and used for the same nonconforming use, provided that:

1. The Zoning Hearing Board, as a special exception, authorizes such reconstruction. The applicant shall prove that the nonconforming use to be continued to be carried on in the reconstructed structure will have no substantial adverse impacts on the use or development of adjacent property, nor be otherwise detrimental to the public health, safety, or welfare.
2. Reconstruction of the structure shall commence within one (1) year from the date the structure was destroyed or condemned and shall be completed within one (1) year from the date of commencement.
3. The reconstructed structure shall not exceed the area, bulk, and height of the damaged or destroyed structure, except as provided for in Subsection A. above, or Section 162-2204 .B, as applicable.

E. Unenclosed premises. Where a nonconforming use is conducted entirely on an unclosed premise, a building or structure to house or enclose such use, may be granted by special exception, by the Zoning Hearing Board, after a public hearing at which it is determined that the enclosure of the nonconforming use will be less detrimental to its neighborhood and surroundings than if it remains unenclosed. Such building or structure must conform to the area and bulk requirements of this Chapter.

F. Abandonment of a nonconforming use. Whenever a nonconforming use of land, premises, building or structure, or any part or portion thereof, has been discontinued for a period of one (1) 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 provisions of this Chapter.

SECTION 162-2204. NONCONFORMING BUILDINGS AND STRUCTURES.

- A. Enlargement or alteration. A nonconforming building or structure being used, or proposed to be used, for a conforming use may continue and may be enlarged or structurally altered unless the alteration or enlargement would increase the nonconformity of the building or structure with respect to the setback requirements, the land coverage requirements, or other area and bulk requirements.
- B. Reconstruction. A nonconforming building or structure being used, or proposed to be used, for a conforming use which has been seriously damaged by fire, explosion, wind, flood, or other phenomena may be reconstructed in the same location and to its former dimensions and used for the same or similar conforming use for which it was used before its damage or destruction. Reconstruction shall be commenced within one (1) year from the date of damage or destruction and shall be completed within one (1) year from the date of commencement.
- C. Voluntary Demolition and Abandonment. Where a nonconforming building or structure housing a nonconforming use is voluntarily demolished or destroyed, including demolition by neglect, except for restoration and/or modernization, the nonconforming use, as well as the nonconforming structure, shall be deemed to have been abandoned and discontinued, and any use thereafter shall conform to the provisions of this Chapter.
- D. A nonconforming building or structure shall be used only for a permitted use unless occupied by a lawful nonconforming use as defined in this Chapter.

SECTION 162-2205. NONCONFORMING LOTS.

Except as provided in this Article, any lot lawfully existing at the time of enactment of this Chapter, or any amendment thereto, may be utilized subject to the following provisions:

- A. A nonconforming lot held on the effective date of this Chapter in single and separate ownership, which does not meet the required minimum area or dimensional requirements of the applicable district, may continue to be used, a zoning permit may be issued, or a building permit may be issued, provided any one of the following conditions applies:
 - 1. An existing use is permitted under the zoning requirements of this Chapter or in accordance with Section 2203, above.
 - 2. A proposed use is permitted under the zoning requirements of this Chapter.
 - 3. An existing building or structure:
 - a. Would have been in compliance with the zoning provisions for yards, setbacks, building coverage, and lot coverage that applied to the lot as of the day prior to the effective date of this Chapter; and
 - b. Adequate sewer and water facilities are provided.
 - 4. In the case of a proposed building or structure:

- a. The proposed building or structure is in compliance with the current zoning provisions for yards, setbacks, building coverage, and lot coverage; and
 - b. Adequate sewer and water facilities are provided.
- B. Reduction of lot area. The lot area of either a conforming or nonconforming lot shall not be reduced so that the area or width of the lot shall be smaller than prescribed within the applicable district.

SECTION 162-2206. NONCONFORMING SIGNS.

Any existing nonconforming signs may be continued, subject to the following:

- A. Relocation. A nonconforming sign may be relocated provided that moving such a sign would eliminate the nonconformity. A nonconforming sign shall not 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, where such sign remains nonconforming.
- B. Area. The total area of all such signs relating to a single use at the effective date of this Chapter, or at the effective date of any amendment of this Chapter, by which any sign shall be made nonconforming, shall not be increased.
- C. Repair or Replacement. Nonconforming signs, once removed or damaged more than fifty (50) percent of the sign face area, shall be replaced with conforming signs. Nonconforming signs, with damage of fifty (50) percent or less may be repainted or repaired, provided that such repainted or repaired sign does not exceed the dimensions of the existing sign or otherwise increase its nonconformity. No such sign shall be changed or replaced unless authorized as a special exception by the Zoning Hearing Board.
- D. Discontinuance. Whenever any nonconforming use of building, 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 ninety (90) days from the date such use terminates.

ARTICLE XXIII Administration

SECTION 162-2301. 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 162-2302. ADMINISTRATION.

The provisions of this Chapter shall be administered by the person or persons appointed by the Township Supervisors as the Zoning Officer.

SECTION 161-2303. ZONING OFFICER.

The Zoning Officer shall not hold any elective office in the Township and shall meet qualifications established by the Township and shall be able to demonstrate to the satisfaction of the Township a working knowledge of municipal zoning. The Zoning Officer shall administer this Chapter in accordance with its literal terms, and shall not have the power to permit any construction or any use or change of use which does not conform to this Chapter.

The duties and powers of the Zoning Officer shall be:

- A. To receive, review and make a determination on all applications for permits to build, alter, or use land, as well as applications for signs in accordance with Article XXI and to refer applications to the appropriate reviewing body for review and recommendation or determination when deemed advisable or required.
- B. To issue permits for the initial use of land, buildings, structures and signs, changes in the use thereof, or the change in use or extension of a nonconforming use.
- C. To issue permits for uses authorized by variance, special exception and conditional use only upon written order and only after such uses or buildings and structures permitted in conjunction therewith are reviewed, ordered and approved by the Zoning Hearing Board or the Board of Supervisors, as applicable, in accordance with the regulations of this Chapter or as directed by a court of competent jurisdiction, subject to such conditions or stipulations contained in any such order.
- D. To conduct inspections or field surveys to determine compliance or noncompliance with the terms of this Chapter.
- E. To record and file all applications for permits and accompanying plans and documents and keep them for public record. In addition, keep an official record of all business and activities, including complaints of a violation of any of the provisions of this Chapter and of the subsequent action taken on each such complaint.
- F. To report all violations of this Chapter to the Board of Supervisors and to issue to all violators notices of violation that are in accordance with the Municipalities Planning Code as well as orders to cease and desist.

- G. To institute civil enforcement proceedings in accordance with Section 162-2306, as a means of enforcement when acting within the scope of employment.
- H. To make an initial determination of whether the property is within the Flood Hazard District.
- I. To make a preliminary determination of compliance with this Chapter and zoning map under Section 916.2 of the Municipalities Planning Code.
- J. 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.
- K. Any other related duties which may be required from time to time by the Board of Supervisors.

SECTION 162-2304. 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 expansion by special exception of a nonconforming use, as well as any change of use or development within the Flood Hazard District in accordance with Section 162-1608. 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 filed in triplicate and on forms furnished by the Township and shall be accompanied by detailed plans, drawings, specifications, and other such information deemed necessary by the Zoning Officer to ascertain compliance of this Chapter.
- C. Sign permits. A sign permit shall be required as per Section 162-2108. 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, as may be allowed in Section 162-2108.B.
- D. 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 fifteen (15) working 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 162-2305. BUILDING INSPECTION.

All activities related to building inspection and the issuing of permits for construction and occupancy shall be in accordance with the Township Building Code (Uniform Construction Code) adopted in 2004, as amended, and the Pennsylvania Construction Code Act, Act 45 of 1999 (35 P. S. §§ 7210.101— 7210.1103), as amended.

SECTION 162-2306. ENFORCEMENT OF THE ZONING ORDINANCE.

This Chapter shall be enforced by the Zoning Officer. 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 and Section 616.1 of the MPC, as amended. 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:

- 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 thirty (30) days in accordance with procedures set forth in this Chapter.
- F. That failure to comply with the notice within thirty (30) days, unless extended by appeal to the Zoning Hearing Board, constitutes a violation, with possible sanctions clearly described.

SECTION 162-2307. 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 hearings 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 162-2308. CONDITIONAL USES.

- A. Application and Plan Content. An application for conditional use approval shall be accompanied by a proposed plan and shall be in accordance with the following requirements:
 - 1. Application. Application for conditional use shall be filed with the Township on such forms prescribed for that purpose, and shall include the application form, required filing fee, and the following information:
 - a. Name and address of the applicant.
 - b. Name and address of the owner of the tract to be affected by the proposed conditional use application.
 - c. Description and location of the tract on which the conditional use is proposed.
 - d. Statement of the present zoning classification, present land use, and existing improvements for the tract in question.

- e. Statement of the Section of this Chapter authorizing the proposed conditional use.
 - f. Description of the proposed use and site improvements.
 - g. Any other information that the Township deems necessary.
2. Plan Content. The application for conditional use shall be accompanied by a proposed site plan to include the following information:
- a. Site Plan drawn to a scale of one (1) inch equals fifty (50) feet with north point and date of plan preparation.
 - b. Approximate tract boundaries.
 - c. Location of tract by indicating nearest roadway intersection and zoning district.
 - d. Dimensional features showing compliance with the applicable area, width, coverage, yard, and design standards as specified in this Chapter.
 - e. Existing and proposed streets on and adjacent to the tract, properly identified.
 - f. Existing topographical and physical features on and adjacent to the site such as structures, historic resources, easements, soils, floodplains, wetlands, watercourses, and woodlands.
 - g. In the case of a subdivision, proposed general lot layout.
 - h. In the case of a land development, proposed general layout of the development, including locations of structures, parking lots, and open spaces.
 - i. Proposed method of water supply, sewage treatment, and stormwater management. Feasibility of water supply, sanitary sewage disposal, and storm drainage control should be demonstrated but need not be fully engineered.
 - j. The Board of Supervisors may, at its discretion, request one (1) or more of the detailed site analysis plans or impact statements as may be required for a subdivision or land development plan as described in Section 138-21, Preliminary Plan Requirements, and Section 138-23, Impact Statements, of Chapter 138, Subdivision and Land Development.
 - k. If requested by the Board, a market analysis shall be submitted. If such an analysis is requested, it shall contain information indicating the likelihood of the proposed Conditional Use meeting with market support and shall contain the following information:
 - 1) Uses Evaluated - A description of the land uses evaluated as a part of the market analysis including the nature of the proposed uses in terms of the intended attraction of the proposed use to neighborhood, community, and/or regional populations and markets.

- 2) Identification of Competition - Existing and approved developments that are likely to be in competition with the proposed use shall be identified. The analyst selected to perform the market study shall determine the area within which existing developments are likely to compete with the proposed use.
 - 3) Analysis - Dependent upon type of use proposed, the market analysis shall include an identification of the trade area to be served, where relevant the supportability of floor areas to be devoted to specific use(s), a computation of existing floor areas of a nature similar to the use proposed, and a determination of the net supportable floor area within the trade area or study area defined.
 - 4) Conclusions - The analyst shall proffer an opinion regarding the likelihood of the proposed use meeting with market support. Included in the conclusions shall be a statement regarding the appropriate time frame to consider construction of the development and scheduling of the development. Additionally, the types of tenants (if a leased project) which are likely to meet with market support in the development shall be identified.
3. In addition to the above information, conditional use applications for the Open Space Design Option shall include sufficient information for determining compliance with Article XVIII and conditional use applications for other proposed conditional uses shall include sufficient information for determining compliance with the applicable regulations in Article XX.

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 from the date of receipt of the applicant's application, 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, 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 this Chapter, as they may deem necessary to implement the purposes of the Pennsylvania Municipalities Planning Code 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 forty-five (45) days after the last hearing before the Board of Supervisors. Where the application is contested or denied, each decision shall be accompanied by findings of fact or conclusions 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 light of the facts found.
 8. Where the Board of Supervisors fails to render the decision within the period required by this Section or fails to commence, conduct or complete the required hearing as provided in Section 2308 of this Chapter or Section 908 (1.2) of the 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 Section 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.
- C. Conditions for Approval. In reviewing an application for conditional use, the Board of Supervisors shall evaluate the degree of compliance with the following conditions:
1. The proposed use is consistent with the purpose of the zoning district in which it is permitted, the overall purpose for zoning as described in Article I of this Chapter, and the policies of the *Pennsbury Township Comprehensive Plan*.
 2. The proposed use is capable of satisfying the applicable provisions and requirements of Chapter 138, Subdivision and Land Development and other applicable ordinances, codes, and/or regulations.
 3. The proposed use is limited to those authorized as conditional uses within the zoning district in which the lot or tract is located.
 4. The proposed use and construction is located in an area for which site conditions are suited.
 5. The proposed use is compatible with land uses on adjacent properties, including historic resources, and will be designed, constructed, and maintained in a manner which complements the appearance and character of the neighborhood.

6. If containing more than one (1) building, the use consists of a harmonious grouping of buildings or other structures.
7. The proposed use serves the health, safety, and general welfare of the Township.
8. The proposed use is consistent with, and will have no adverse effect upon, the logical extension of public services and utilities, such as public water, public sewer, police, fire protection, recreational opportunities, open space, and public schools.
9. The proposed use reflects an environmentally sensitive approach to land planning and design, will be sited in a manner sensitive to existing site conditions including streams, vegetation, and other natural resources, and is consistent with Article XV.
10. The proposed use provides safe and adequate access to roads, of the lowest functional classification where possible, existing or proposed, and will not result in excessive traffic volumes, and will make improvements needed to create compatibility with adjacent streets and public services.
11. The interior traffic circulation for the proposed use provides safe and convenient circulation for all users including vehicular and pedestrian modes of traffic and the plan addresses emergency design considerations.
12. Evidence of adequate water supply and sewage disposal capability for the proposed use is provided. The tract of land shall be served by a water supply system and a sewage system deemed acceptable by the Board of Supervisors, upon recommendation of the Township Engineer. Such facilities shall be designed and constructed in compliance with Chapter 138, Subdivision and Land Development and the Pennsbury Township Sewage Facilities Plan.
13. The proposed use will be developed using best stormwater management practices and soil erosion and sedimentation control techniques consistent with the requirements of Chapter 138, Subdivision and Land Development, Township stormwater management regulations, and other applicable codes and ordinances.
14. The development of a tract carried out in either a single phase or in stages shall be executed in accordance with a development agreement. The owner, developer, and Township shall enter into said agreement embodying all details regarding compliance with this Chapter to assure the binding nature thereof on the overall tract and its development, which agreement shall be recorded with the final development plan.
15. Review of proposed conditional uses shall take into consideration the applicable requirements of Article XIX and Article XX in determining the consistency of the proposed plan with the intent of this Chapter. Conditional use applications for the Open Space Design Option shall specifically take into consideration the requirements of Article XVIII.
16. The language, terms and conditions of any proposed covenants or restrictions shall be subject to review and recommendation by the Township Solicitor.
17. The Board of Supervisors may impose such conditions of approval, in addition to those required above, as may be necessary to ensure compliance with any or all of

the above standards as well as compliance with any other relevant ordinances, regulations and codes. The applicant shall be responsible for demonstrating compliance with the additional standards and criteria required for conditional use approval.

- D. Expiration of Conditional Use. Any grant of a conditional use approval shall be deemed null and void six (6) months after the date of such approval, if within that period, no application is made for a building permit, a use and occupancy permit, a subdivision or land development approval, as appropriate, unless the Board of Supervisors shall grant an extension upon application for an additional six (6) month period. Applicable fees for such extension shall be stated in the fee schedule adopted by resolution by the Board of Supervisors.
- E. Change or Expansion of Conditional Use. Any change, expansion or enlargement of a use approved or permitted by conditional use shall require a new conditional use application and approval.

ARTICLE XXIV

Zoning Hearing Board

SECTION 162-2401. APPOINTMENT.

There shall be a Zoning Hearing Board (the “Board” for purposes of this Article) consisting of three residents of the Township, appointed by the Board of Supervisors in accordance with Article IX of the Pennsylvania Municipalities Planning Code as amended.

SECTION 162-2402. JURISDICTION OF ZONING HEARING BOARD.

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.
- B. Intentionally Omitted
- 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 plain 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.
- 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. Any change, expansion or enlargement or a use previously approved or permitted by special exception shall require a new special exception application and approval.
- G. Appeals from the determination of any officer or agency charged with the administration of any transfers of 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.
- 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.

SECTION 162-2403. 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 162-2404. HEARINGS.

The Board shall conduct hearings and make decisions in accordance with the following requirements:

- A. The Board of Supervisors may prescribe reasonable fees with respect to hearings before the Zoning Hearing Board. Fees for said hearings may include compensation for the secretary and members of the Zoning Hearing Board, notice and advertising costs and necessary administrative overhead connected with the hearing. The costs, however, shall not include legal expenses of the Zoning Hearing Board, expenses for engineering, architectural or other technical consultants or expert witness costs.
- B. The hearings shall be conducted by the Board or the Board may appoint any member, or an independent attorney as a hearing officer. The decision, or, when no decision is called for, the findings shall be made by the Board; however, the appellant or the applicant, as the case may be, in addition to the Township, may, prior to the decision of the hearing, waive decision or findings by the Board and accept the decision or findings of the hearing officer as final.
- C. 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.
- D. 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.
- E. 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.
- F. Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded.
- G. The Board or the hearing officer, as the case may be, shall keep a stenographic record of the proceedings. The appearance fee for a stenographer shall be shared equally by the applicant and the Board. The cost of the original transcript shall be paid by the Board if the transcript is ordered by the Board or hearing officer or shall be paid by the person appealing from the decision of the Board if such appeal is made, and in either event the cost of additional copies shall be paid by the person requesting such copy or copies. In other cases the party requesting the original transcript shall bear the cost thereof.
- H. The Board or the hearing officer 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 advice 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.

- I. 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.

SECTION 162.2405. APPEALS AND REQUESTS TO THE ZONING HEARING BOARD.

Appeals under Section 162-2402 A-D and G-I above, (MPC 909.1(a)(1), (2), (3), (4), (7), (8) and (9)) may be filed with the Board in writing by the landowner affected, any officer or agency of the Township or any person aggrieved. Requests for a variance under Section 162-2409 below, (MPC 910.2) and for special exception under Section 162-2408 below, (MPC 912.1) may be filed with the board by any landowner or any tenant equitable owner or option holder with the permission of such landowner.

SECTION 162.2406. NOTICE OF HEARING.

The Township shall give notice of public hearings as follows:

- A. By giving public notice thereof as defined in this Chapter.
- B. By mailing written notice thereof to the applicant, the Zoning Officer, Township Secretary and any person who has made timely request for the same.
- C. By mailing written 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 written notice thereof to the owner, if his address is known, or to the occupant of every lot on the same street within five hundred (500) feet of the lot in question and of every lot not on the same street within one hundred fifty (150) feet of said lot; provided that failure to mail the notice required by this Subsection shall not invalidate any action taken by the Zoning Hearing Board. All hearings shall be conducted in accordance with Section 908 of the Pennsylvania Municipalities Planning 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.

SECTION 162-2407. DECISIONS.

- A. The Board or the hearing officer, as the case may be, shall render a written decision or, when no decision is called for, make written findings on the application within forty five (45) days after the last hearing before the Board or hearing officer. Where the application is contested or denied, each decision shall be accompanied by findings 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 forty five (45) days and the parties shall be entitled to make written representations thereon to the Board prior to final decision or entry of findings, and the Board's decision shall be entered no later than thirty (30) days after the report of the hearing officer. Except for challenges filed under Section 916.1 of the Pennsylvania Municipalities Planning Code where the Board fails to render the decision within the period required by this Section, or fails to commence, conduct or complete the required hearing as provided in Section 162-2404.I above (MPC 908(1.2)), the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing or on the record to an extension of time. When a decision has been rendered in favor of the applicant because of the failure of the Board to meet or render a decision as herein above provided, the Board shall give public notice of said decision within ten (10) days from the last day it could have met to render a decision in the same manner as provided in Section 162-2406 above (MPC 908(1)). 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. The deemed approval provisions of this section 162-2407.A shall apply to applicants only under Section 162-2402.E and F; and not appellants under Section 162-2402.A-D and G-I.
- 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 162-2408. CONDITIONS FOR SPECIAL EXCEPTION REVIEW AND APPROVAL.

- A. In any instance where the Zoning Hearing Board is required to consider a request for special exception, the Zoning Hearing Board shall evaluate the degree of compliance with the following conditions:
1. The proposed use is consistent with the purpose of the zoning district in which it is permitted, the overall purpose for zoning as described in Article I of this Chapter, and the policies of the *Pennsbury Township Comprehensive Plan*.
 2. The proposed use is capable of satisfying the applicable provisions and requirements of Chapter 138, Subdivision and Land Development and other

applicable ordinances, codes, and/or regulations.

3. The proposed use is limited to those authorized as special exception within the zoning district in which the lot or tract is located.
4. The proposed use and construction is located in an area for which site conditions are suited.
5. The proposed use is compatible with land uses on adjacent properties, including historic resources, and will be designed, constructed, and maintained in a manner which complements the appearance and character of the neighborhood.
6. If containing more than one (1) building, the use consists of a harmonious grouping of buildings or other structures.
7. The proposed use serves the health, safety, and general welfare of the Township.
8. The proposed use is consistent with, and will have no adverse effect upon, the logical extension of public services and utilities, such as public water, public sewer, police, fire protection, recreational opportunities, open space, and public schools.
9. The proposed use reflects an environmentally sensitive approach to land planning and design, will be sited in a manner sensitive to existing site conditions including streams, vegetation, and other natural resources, and is consistent with Article XV.
10. The proposed use provides safe and adequate access to roads, of the lowest functional classification where possible, existing or proposed, and will not result in excessive traffic volumes, and will make improvements needed to create compatibility with adjacent streets and public services.
11. The interior traffic circulation for the proposed use provides safe and convenient circulation for all users including vehicular and pedestrian modes of traffic and the plan addresses emergency design considerations.
12. Evidence of adequate water supply and sewage disposal capability for the proposed use is provided. The tract of land shall be served by a water supply system and a sewage system deemed acceptable by the Board, upon recommendation of the Township Engineer. Such facilities shall be designed and constructed in compliance with Chapter 138, Subdivision and Land Development and the Pennsbury Township Sewage Facilities Plan.
13. The proposed use will be developed using best stormwater management practices and soil erosion and sedimentation control techniques consistent with the requirements of Chapter 138, Subdivision and Land Development, Township stormwater management regulations, and other applicable codes and ordinances.
14. The development of a tract carried out in either a single phase or in stages shall be executed in accordance with a development agreement. The owner, developer, and Township shall enter into said agreement embodying all details regarding compliance with this Chapter to assure the binding nature thereof on the overall tract and its development, which agreement shall be recorded with the final development plan.

15. Review of proposed special exceptions shall take into consideration the applicable requirements of Article XIX and Article XX in determining the consistency of the proposed plan with the intent of this Chapter.
16. The language, terms and conditions of any proposed covenants or restrictions shall be subject to review and recommendation by the Township Solicitor.
17. If the request for special exception involves a property located within the Flood Hazard District, then the criteria in Section 162-1608 are also to be considered.
18. In granting a special exception, the Zoning Hearing Board may attach such reasonable conditions and safeguards, in addition to those expressed above, as it may deem necessary to implement the purposes of this Chapter. The applicant shall be responsible for demonstrating compliance with the additional standards and criteria required for special exception approval.

SECTION 162-2409. VARIANCES.

- A. The Board shall hear requests for variances where it is alleged that the provisions of this Chapter inflict unnecessary hardship upon the applicant. The Board may by rule prescribe the form of application and may require preliminary application to the Zoning Officer. The Board may grant a variance, provided that all of the following findings are made where relevant in a given case:
 1. That there are unique physical circumstances or conditions, including irregularity, narrowness or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that the unnecessary hardship is due to such conditions, and not the circumstances 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 or development of adjacent property, nor be detrimental to the public welfare.
- B. If there is a finding of hardship, and the criteria in Subsection A., above, are affirmatively established, the Board may consider as additional criteria the standards established in Section 162-2408 for special exceptions in the grant of the variance.
- C. If the request for variance involves a property located within the Flood Hazard District, then the criteria in Section 162-1608 are also to be considered.

- D. No variances may be granted from any objective criteria or standard applicable to a use authorized by conditional use or special exception. Any application that does not comply with any objective criteria or standard shall be a use variance application.

SECTION 162-2410. 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:

- A. Fails to obtain a zoning permit within six (6) months from the date of authorization thereof;
or
- B. Fails to demonstrate, as determined by the Township, the intent to perform and complete the work associated with the grant of the special exception or variance within six (6) months from the date of issuance of the permit for such work.

SECTION 162-2411. APPEALS TO COURT.

Appeals from decisions of the Zoning Hearing Board may be taken by any party aggrieved to a court of competent jurisdiction in accordance with Article X-A of the Municipalities Planning Code.

ARTICLE XXV Amendments

SECTION 162-2501. 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 162-2502. AMENDMENT BY BOARD OF SUPERVISORS.

- 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 (1) week prior to the date of the hearing.
- B. In addition to the requirement that notice be posted 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. This clause shall not apply when the rezoning constitutes a comprehensive rezoning.
- 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.

SECTION 162-2503. 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 thirty (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.

SECTION 162-2504. PROCEDURES UPON CURATIVE AMENDMENT.

- 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.

- 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.

ARTICLE XXVI

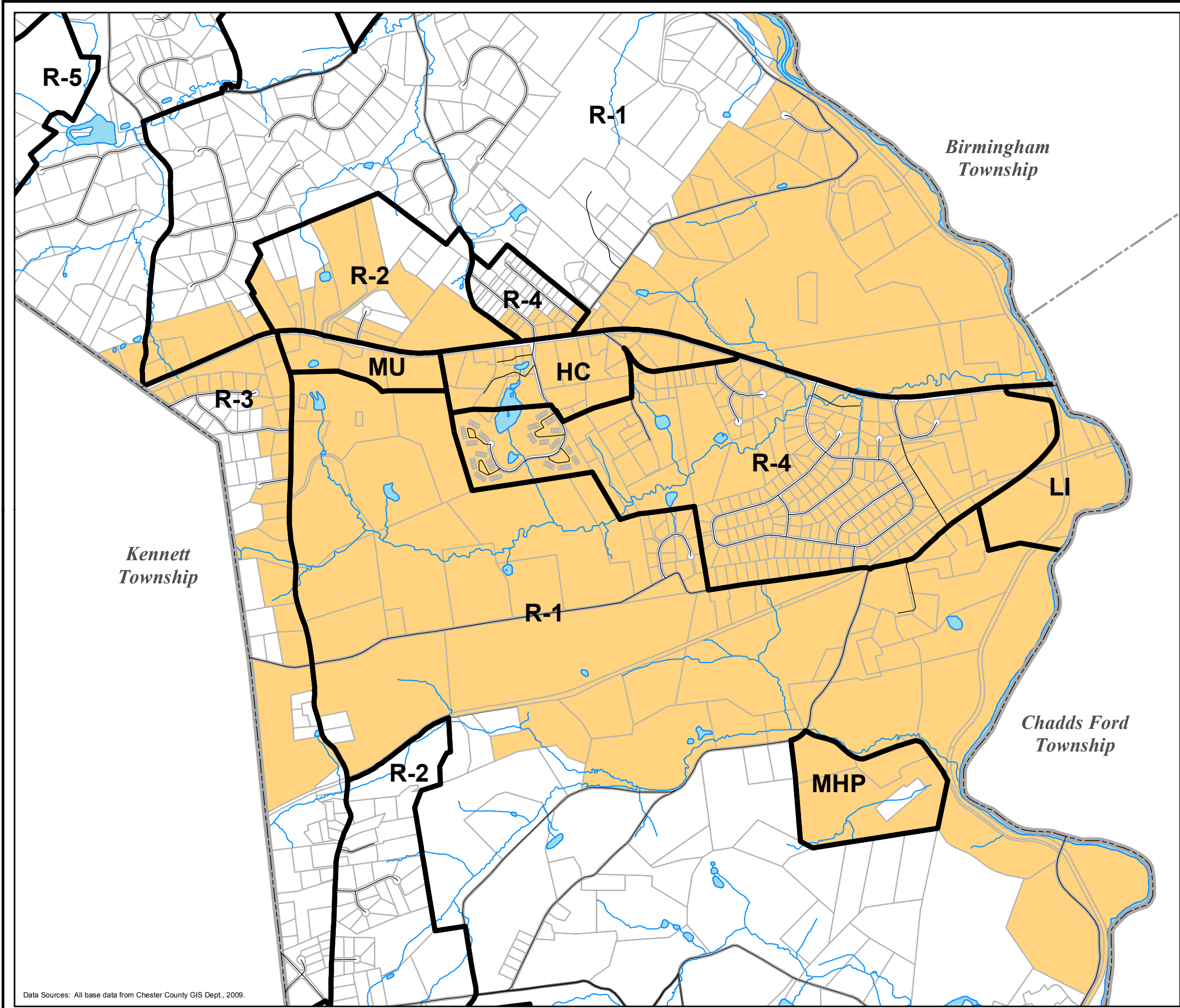
Remedies, Cause of Action, Validity

SECTION 162-2601. 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 162-2602. 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 thirty (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.



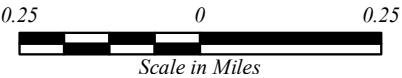
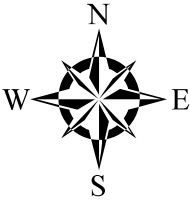
Pennsbury Township

Chester County, Pennsylvania

*Route 1 Corridor &
Brandywine Battlefield
Overlay District*

LEGEND

- Roads
- Streams
- Bodies of water
- Route 1 Corridor & Brandywine Battlefield Overlay District
- Proposed zoning (July 2010)
- Tax parcels
- Adjacent municipalities
- Township boundary



Brandywine Conservancy

Environmental Management Center
P.O. Box 141 Chadds Ford, Pennsylvania 19317 (610) 388-2700

Map created: November 12, 2010

Data Sources: All base data from Chester County GIS Dept., 2009.