

West Pikeland Township

ZONING ORDINANCE

Adopted April 25, 2005

WEST PIKELAND TOWNSHIP
CHESTER COUNTY, PENNSYLVANIA

ORDINANCE NO. 2005-201

**AN ORDINANCE OF WEST PIKELAND TOWNSHIP CREATING A NEW
COMPREHENSIVE ZONING ORDINANCE FOR THE TOWNSHIP AS WELL
AS THE ADOPTION OF CERTAIN MINOR SUBDIVISION AND LAND
DEVELOPMENT AMENDMENTS**

BE IT ENACTED AND IT IS HEREBY ENACTED this 25th day of April, 2005, that Draft No 4 of the new Comprehensive West Pikeland Township Zoning Ordinance and Map as well as Amendments to the Subdivision and Land Development Ordinance in the form attached hereto are hereby adopted in the same form and substance as is set forth in Draft No. 4 with the following additions/modifications:

1. Add Title Page.
2. In Article I revise Section 101 to change reference from 2004 to 2005.
3. In Article VIII delete Section 803.D.4 and renumber subsequent Section 803. D.5 as 803.D.4.
4. In Article X revise Section 1002.B.8 to read as follows:
The nightly out-of-doors parking or storage of commercial vehicles shall be limited to one (1) vehicle not to exceed seventeen thousand (17,000) pounds gross vehicle rating (g.v.w.r.). The commercial vehicle shall be parked on the lot, not on the street, (See also Section 1106.B, Residential Outdoor Storage.)
5. In Article XIII revise subsection 1306.B.7. a to read as follows:
 - a. Signs shall not be erected more than thirty (30) days prior to the election or referendum.

Further replace Section 1307.C to read as follows:

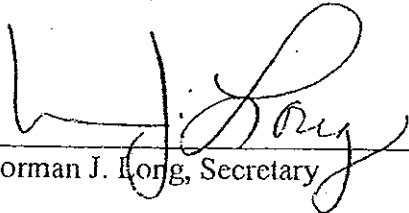
One (1) wall, ground, or free-standing sign not exceeding twenty (20) square feet in area for the identification of a church, school,

recreational area, estate or farm and conforming to the requirements set forth in Section 1307.G below. Where permitted, any illumination shall be non-flashing, uncolored, diffused or indirect and such sign shall be set back at least one-third of the distance of any required yard from any property line.

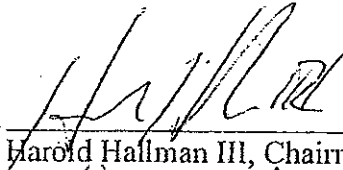
6. All ordinances inconsistent herewith are hereby repealed.
7. All prior zoning ordinances of the Township are hereby repealed.
8. This Ordinance shall take effect as provided by law.

ADOPTED the day and year first above noted, April 25, 2005.

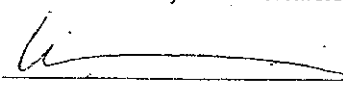
ATTEST:


Norman J. Long, Secretary

BOARD OF SUPERVISORS


Harold Hallman III, Chairman


Linda Glaum, Vice-Chairman


William Cracas, Member

West Pikeland Township
Zoning Ordinance
Adopted April 25, 2005
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ARTICLE I PREAMBLE

SECTION 101. **SHORT TITLE**

This Ordinance shall be known, and may be cited as, “**The West Pikeland Zoning Ordinance of 2005.**”

SECTION 102. **PURPOSE**

This Ordinance is enacted under and pursuant to the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended, in order to promote, protect and facilitate the public health, safety, and welfare through:

- A. Coordinated and practical community development;
- B. Provision for proper population density and prevention of overcrowding of land;
- C. Provision of police protection;
- D. Provisions for adequate light, air, open space, and recreation;
- E. Provision for adequate parking and loading;
- F. Provision for safe and efficient travel by vehicles, bicycles and pedestrians;
- G. Provision of adequate water and sewer facilities;
- H. Provision for the protection and preservation of natural resources, including water resources and agricultural land and related activities;
- I. Provision for schools, public ground, and other public improvements;
- J. Protection against loss of health, life, or property from fire, flood, or other dangers; and
- K. Fulfillment of the purposes of Article I, Section 27 (the Environmental Amendment) of the Pennsylvania Constitution, which reads: “The people have a right to clean air, pure water, and to the preservation of the natural, scenic, historic, and aesthetic values of the environment. Pennsylvania’s natural resources are the common property of all the people, including generations yet to come. As trustees of these resources, the Commonwealth shall conserve and maintain them for the benefit of all people.”

This chapter is enacted in accordance with an overall program and with consideration for the character of the Township, its various parts and the suitability of the various parts for particular uses and structures.

SECTION 103. COMMUNITY DEVELOPMENT OBJECTIVES

This Ordinance is enacted to implement the spirit and intent of the 1999 West Pikeland Township Comprehensive Plan, 1992 Open Space, Recreation, and Environmental Resources Plan, and other applicable codes, ordinances, or studies, as amended, which have been formulated to implement the purpose set forth in Section 101 according to the following community development objectives:

- A. Preserve the rural character and manage development in a manner that protects environmental and agricultural resources and maintains open space as an integral part of the Township.
- B. Protect valuable historic resources from degradation or destruction in order to preserve the cultural and agricultural roots of the Township.
- C. Preserve, protect, and manage the agricultural character, natural resources and environment of the Township through:
 - 1. Careful evaluation of all proposed development in light of the limitations imposed by soils, slopes, drainage, and conditions which may cause water depletion or possible contamination of water resources.
 - 2. Conservation of environmentally sensitive areas, such as, but not limited to, stream valleys, floodplains, wooded areas, and steep slopes.
 - 3. Protection of water resources (quality and quantity), such as ponds, creeks, and rivers, as both aesthetic and recreational facilities.
 - 4. Protection of scenic resources and important viewsheds.
- D. Support the agricultural industry by protecting land and soil resources.
- E. Support equestrian activities as an ongoing agricultural use that helps preserve the rural character of the Township.
- F. Allow for development in an orderly manner which preserves the rural character of the Township, while at the same time providing land for desired industries or businesses.
- G. Protect village communities and develop them as described in the Township Comprehensive Plan.
- H. Provide for the development of an adequate range of housing based on existing conditions and anticipated development which will be in character with the existing community.

- I. Encourage a safe and efficient vehicle and pedestrian circulation system that links residential areas to activity centers, while minimizing deleterious side effects, such as damage to the environment and through traffic in residential areas.
- J. Continue to provide community facilities and services to meet the needs of existing and future residents and landowners in a manner that is consistent with the Township Comprehensive Plan and the statutory and fiscal capabilities of West Pikeland Township.

SECTION 104. INTERPRETATION AND SCOPE

In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements for the promotion of the purposes of this Ordinance. From and after the effective date of the Ordinance, the use, construction and development of all land, structures, buildings, signs or portions thereof, will be subject to the regulations herein. Any existing buildings, land, or uses not in conformity with the regulations herein shall be considered nonconforming, but may be continued or changed subject to regulations herein regarding nonconformities except for developments falling within the provisions of Section 508(4) of the Municipalities Planning Code.

SECTION 105. CONFLICT

Where this Ordinance imposes greater restrictions upon the use of buildings or land, or upon height and bulk of buildings, or prescribes larger open spaces than are required by the provisions of another ordinance, enactment, rule, regulation or permit, then the provisions of this Ordinance shall control. Where the provisions of any statute, other ordinance, or regulation impose greater restrictions than this Ordinance, the provisions of such statute, ordinance, or regulation shall be controlling.

SECTION 106. REPEALER

The West Pikeland Township Zoning Ordinance of 1976, and amendments are hereby repealed.

SECTION 107. VALIDITY AND SEVERABILITY

The provisions of this Ordinance are severable and if any section, sentence, clause, part of provision thereof shall be held illegal, invalid or unconstitutional by any court of competent jurisdiction, then such decision of the Court shall not affect or impair the remaining sections, sentences, clauses, parts of provisions of this Ordinance. It is hereby declared to be the intent of the Board of Supervisors of the Township that this Ordinance would have been adopted as if such illegal, invalid or unconstitutional section, sentence, clause, part or provision had not been included herein.

SECTION 108. EFFECTIVE DATE

The effective date of this Ordinance is _____, except that with respect to the subject matter of any amendment as it may affect the nonconforming uses, or otherwise, the effective date of this Ordinance shall mean the date upon which the particular amendment became or becomes effective.

ARTICLE II DEFINITION OF TERMS

SECTION 201. INTERPRETATION

Unless otherwise expressly stated, the following words and phrases shall be construed throughout this Ordinance to have the meaning indicated in this Article. The present tense includes the future. The singular number includes the plural and the plural the singular, except that such interchange of meaning shall not apply where numbers in the text refer to specific, minimum and maximum quantities. The masculine gender includes the feminine and neuter. The word "used" includes the words "designed," or "intended to be occupied." The word "person" includes any individual, partnership, firm, association, corporation, or organization. The word "shall" indicates a mandatory requirement.

SECTION 202. DEFINITION OF TERMS

ABANDON or ABANDONMENT - The relinquishment of a use without intention to resume the said use as established under Article XIV, Nonconforming Use Regulations.

ACCESSORY APARTMENT - A self-contained residential dwelling unit resulting from the conversion of, or addition to, an existing single-family detached residence, resulting in the creation of a unit or units in addition to the principal residence. The accessory unit is complete with kitchen and bath facilities, has direct access to the main residence, and is subordinate to the original primary dwelling in terms of size and function.

ACCESSORY USE OR STRUCTURE - A use, building or other structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.

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

ADAPTIVE REUSE - The development of a new use for a building originally designed or used for another purpose.

ADMINISTRATIVE OFFICE - An establishment primarily engaged in management and general administrative functions such as executive, personnel, finance, and sales activities.

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

- A. A store or shop where the principal use is devoted to the display and selling of pornographic materials which are pictures, drawings, photographs, films, or other depictions or printed matter and paraphernalia which, if sold knowingly to an individual

under the age of eighteen (18) years of age, would violate the criminal laws of the Commonwealth of Pennsylvania in effect at the time thereof.

- B. Adult entertainment establishments such as cabarets, nightclubs, movie theaters, bars or similar establishments providing live or media entertainment.
- C. Any other business, establishment, or club which offers its patrons services, entertainment, or retail goods or commercial services characterized by an emphasis on activities or matter depicting, describing, relating to, or displaying sexual or erotic activities.

AGRICULTURE - The cultivating of soil, the raising of livestock or poultry, and the harvesting of products of the soil including but not limited to nurseries, horticulture, and forestry.

AGRICULTURE, INTENSIVE - Agricultural uses involving the processing or production of agricultural products which are likely to emit frequent, reoccurring odors or noises considered obnoxious to a residential environment including but not limited to, mushroom production, feedlots, milk farm, commercial piggeries, and poultry houses. Rendering is specifically excluded from intensive agricultural uses.

AGRICULTURE, NON-INTENSIVE - The cultivation of soil and the raising and harvesting of products of the soil, including nurseries, horticulture, commercial greenhouses, forestry, and the raising of animals and poultry not to exceed a combined total of one thousand (1,000) pounds per acre, but excluding intensive agriculture.

ALTERATION - Any change or rearrangement, other than a repair, in the supporting members of an existing building, such as bearing walls, columns, beams, or girders, as well as any change in exterior doors or windows, or any enlargement to or diminution of a building or structure, whether horizontally or vertically, or moving of a building or structure from one location to another.

ALTERATION, STRUCTURAL - Any change in, or addition to, the supporting or structural members of a building or other structure, such as the bearing walls, partitions, columns, beams or girders, or any change which could convert an existing building or other structure into a different structure, or adapt it to a different use, or which, in the case of a nonconforming building or other structure, would prolong the life of such building or other structure.

ALLEY - A minor right-of-way providing secondary vehicular access to the side or rear of two (2) or more properties.

ALLUVIAL (FLOODPLAIN) SOILS - Areas subject to periodic flooding and listed in the Soil Survey of Chester and Delaware Counties, Pennsylvania, U.S. Department of Agriculture, Soil Conservation Service, May 1963. Alluvial soils include, but are not limited to:

Bowmansville silt loam (Bo)

Chewacla silt loam (Ch)
Congaree silt loam (Cr)
Rowland silt loam (Ro, Rp)
Wehadkee silt loam (We)

ANIMAL HOSPITAL/VETERINARY OFFICE - A place where animals or pets are given medical or surgical treatment and the boarding of animals is limited to short-term care incidental to the hospital use.

ANIMAL SHELTER - The keeping of more than ten (10) dogs or more than (20) cats, or a combination of dogs and cats equaling more than fifteen (15) animals, which are lost, strays, unwanted, unlicensed or unowned, whether or not the shelter is for the purpose of eventual adoption of the animals or whether the shelter is run as a for-profit or non-profit operation.

ANTENNA, COMMERCIAL COMMUNICATIONS - A structure that includes a transmitting, receiving, or relay tower and support structures and accessory buildings that is licensed by the Federal Communications Commission for the specified purpose of television, radio, or telephone communications beyond that which would be used for normal personal or residential use. Such uses shall include a cellular, television, radio, or microwave tower.

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

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

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

ANTENNA SUPPORTING STRUCTURE - A Communications Tower, Municipal Communications Tower, water tower, smoke stack, building, utility pole or other similar structure that can support radio antennas above ground level.

APPLICANT - A landowner or developer, as herein defined, who has filed an application for development, including his heirs, successors and assigns or the equitable owner of property with the owner's permission.

APPLICATION FOR DEVELOPMENT - Every application, whether preliminary or final, required to be filed and approved prior to the start of construction or development, including, but

not limited to an application for a building permit, for the approval of a subdivision plat or plan, or for the approval of a development plan.

AUTOMOBILE SALES - The use of any building, land area or other premise for the display and sale of new or used automobiles, panel trucks or vans, trailers, motorcycles, motor vehicles, or recreation vehicles and including any warranty repair work and other repair service conducted as an accessory use.

AUTOMOBILE SERVICE/GAS STATION - Any area of land, including structures thereon, or any building or part thereof, that is used for the sale of motor vehicle fuel or accessories, and which may or may not include facilities for lubricating, washing, or otherwise servicing motor vehicles, but which shall not include painting or body and fender repairs, or the storage for sale of new or used motor vehicles.

AUTOMOTIVE REPAIR FACILITIES - Establishments engaged in furnishing automotive repair services to the general public and which may include painting or body and fender repairs.

BANKING OR FINANCIAL INSTITUTION - Any building wherein the primary occupation or use is concerned with such businesses as banking, savings and loan associations, credit unions, loan companies, mortgage companies, or investment companies.

BASE FLOOD - See **FLOOD, BASE**

BASE FLOOD ELEVATION - See **FLOOD ELEVATION, BASE**

BASEMENT – As defined by the Township Building Code.

BED AND BREAKFAST - A building occupied by a resident innkeeper containing eight (8) or fewer guest rooms for the temporary lodging of guests for compensation and providing to the guests such lodging services as maid service and accessory eating and drinking facilities limited to the serving of breakfast and afternoon tea.

BLOCK - A unit of land bounded by streets or by a combination of streets and public land, railroad rights-of-way, waterways, or any other barrier to the continuity of development.

BOARD OF SUPERVISORS - The Board of Supervisors of the Township of West Pikeland, Chester County, Pennsylvania.

BUFFER or BUFFERING – Provision for year-round visual and/or sound attenuation between uses, through the application of such means as plantings, earthen berms, depressions, fences, and walls.

BUILDING - Any enclosed or open structure which is a combination of materials to form a structure for supporting or sheltering any occupancy and/or use; including mobile homes and trailers to be used for human habitation.

BUILDING COVERAGE – The ratio of the total ground floor area of all buildings on a lot to the net area of the lot on which they are located, expressed as a percentage.

BUILDING HEIGHT – As defined by the Township Building Code.

BUILDING PERMIT - An approval statement signed by the Building/Zoning Officer authorizing the construction, alteration, reconstruction, restoration, demolition or razing of all or a part of any building within the Township.

BUILDING PERMIT APPLICATION - The request filed by any person with the Building/Zoning Officer that seeks authorization to construct, alter, reconstruct, restore, demolish or raze all or a part of any building within the Township.

BUILDING, PRINCIPAL - A building in which is conducted, designed to be conducted or intended to be conducted, the primary use of the lot on which it is located.

BUILDING/ZONING OFFICER - The officer of the Township designated by the Board of Supervisors as the individual who issues the permit for the construction, alteration, reconstruction, restoration, demolition or razing of all or a part of any building within the Township.

BULK REGULATIONS - Standards that control the height, density, intensity and location of structures, i.e., setbacks or yard requirements.

BUSINESS OFFICE - An office where a particular kind of business is transacted or a service supplied and shall be limited to offices for management, executive, personnel, finance, consulting, record keeping, sales activities excluding retail sales, and clerical work of a commercial, industrial, mercantile, or service enterprise.

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

CARTWAY - The paved portion of a street or right-of-way intended for vehicular use.

CEMETERY - Land used or intended to be used for burial of the deceased, including columbariums, mausoleums, and mortuaries when operated in conjunction with the cemetery and within the boundaries.

CERTIFICATE OF APPROPRIATENESS - The approval statement signed by the Board of Supervisors which certifies the appropriateness of a particular request for the construction, alteration, reconstruction, restoration, demolition or razing of all or a part of any building within the Township or historic district and authorizes the issuance of a building permit for said request.

CERTIFIED HISTORIC DISTRICT - An Historic District which has been delineated by West Pikeland Township and certified for historical significance by the Pennsylvania Historical and Museum Commission in accordance with PA Act No.167 of June 13, 1961, P.L. 282, as amended.

CERTIFIED HISTORIC BUILDING OR STRUCTURE - A building or structure listed in the National Register of Historic Places and/or located within a registered historic district and certified by the Secretary of the Interior as being of historical significance (contributing) to that district.

CHURCH OR SIMILAR PLACE OF WORSHIP - A nonprofit use of land or a building as a place of worship, convent, monastery or similar religious institution or use, including rectory and parish house.

CLEAR CUTTING - The felling of all trees on a tract of land, or any portion thereof, at one time. (See also, **SELECTIVE CUTTING**)

CLEAR SIGHT TRIANGLE - An area of unobstructed vision at a street intersection; defined by lines of sight between points at a given distance from the intersection down the center lines of the street.

CLUB or LODGE - A building utilized as a private club or social organization offering restaurant or bar privileges for members.

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

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

COMMERCIAL PIGGERY - The raising of hogs or pigs on a commercial basis as the principal use on the lot where the animals are fed garbage or other edible waste.

COMMERCIAL RECREATION – (See **RECREATION, COMMERCIAL**)

COMMON OPEN SPACE

COMMUNICATIONS EQUIPMENT – Antennas, radios, receivers, and transmitters, batteries and other power sources, cables, generators, and other equipment, and appurtenances necessary for the installation and operation of a facility for transmitting or receiving radio signals, or both, licensed for operation by the Federal Communications Commission, but not included within the definition of Antenna Supporting Structure.

COMMUNICATIONS FACILITY – The Communications Equipment, any building necessary to house them, and the Antenna Supporting Structure, if any, which together constitute the operating facilities necessary for transmitting or receiving radio signals, or both, on a Lot.

COMMUNICATIONS TOWER – A lattice tower or monopole designed solely for the purpose of supporting antennas and cables for transmitting or receiving of radio signals or both.

COMMUNICATIONS TOWER, MUNICIPAL – Any Communications Tower that is, at the time of construction, located on land that is owned by West Pikeland Township.

COMPREHENSIVE PLAN - The Comprehensive Plan of West Pikeland Township, as adopted and amended from time to time.

CONDITIONAL USE - See **USE, CONDITIONAL**.

CONDOMINIUM - A type of ownership, and not a type of use, wherein each apartment or dwelling unit is owned in fee by its occupant, while the land and such appurtenances as driveways, parking areas, sidewalks, landscaping, swimming pools and other recreation facilities, street lighting, heating facilities, entrance lobbies, halls, elevators and on-site utilities, remain under the ownership, with full responsibility for maintenance, in the developer or any organization holding title to such land and appurtenances.

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

CONTRIBUTING HISTORIC RESOURCE - An historic resource in a National Register listed or eligible historic district which is filed with the National Register as supporting the district's historical significance through location, design, setting, materials, workmanship, feeling, and association.

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

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

CONVERSION, RESIDENTIAL - The subdivision of a single family detached dwelling into two (2) or more dwelling units.

CUL-DE-SAC - A single access street intersecting another street at one end and terminated at the other by a vehicular turn-around, built to Township public street standards for vehicular traffic flow.

DAY CARE

- A. Commercial Adult Day Care** - A commercial facility where daytime supervision is provided for adults.
- B. Commercial Child Day Care Center** - A facility which exclusively provides supplemental parental care and/or instruction to children who are not related to the caregiver or operator; where tuition, fees, or other forms of compensation are charged; and which is licensed or approved to provide child care by the Commonwealth of Pennsylvania.
- C. Home Day Care** - A home occupation in which a private residence is used for the care and supervision of no more than five (5) children under the age of six (6), including those related to the caregiver.

DBH or dbh - See **DIAMETER AT BREAST HEIGHT**

DEMOLITION - The dismantling or tearing down of all or part of any building and all operations incidental thereto.

DEMOLITION BY NEGLECT - As applied to Class I or Class II Historic Resources, the leaving open or vulnerable to vandalism or the absence of routine maintenance or repair, including the extermination of wood destroying insects, leading to structural weakness, decay, or deterioration of the resource, resulting in a detrimental effect on its historical character, stability, or structural integrity, and thereby compromising its viability for reuse. Demolition by neglect includes ordinary negligence or willful neglect, by the owner or any party in possession thereof, which results in deterioration of exterior features as to create a hazardous or unsafe condition, deterioration of exterior walls, roofs, chimneys, or windows, the lack of adequate waterproofing, or deterioration of foundations which could result in permanent damage.

DENSITY - The total land area divided by the total number of dwellings to be housed thereon, expressed in dwelling units (DU) per acre.

DEP or PaDEP – Pennsylvania Department of Environmental Protection.

DEPARTMENT OF HEALTH - The Department of Health of the Commonwealth of Pennsylvania or of Chester County, or their representative having jurisdiction in the Township.

DESIGN GUIDELINES - Criteria developed to identify design concerns and help to ensure that rehabilitation, restoration, alteration, reconstruction, and erection of buildings and structures is compatible with the character of designated historic building, structures, resources, and districts.

DEVELOPER - Any landowner, agent of such landowner, tenant with permission of such landowner, or equitable owner, who makes or causes to be made, an application for development.

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

DIAMETER AT BREAST HEIGHT (DBH or dbh) - The diameter of a tree trunk measured at a point four (4) feet above ground level.

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

DISTRICT - A geographically definable area possessing a significant concentration, linkage, or continuity of sites, buildings, structures, or objects for the purpose of establishing zoning regulations.

DOUBLE FRONTAGE LOT - See **LOT, REVERSE FRONTAGE**

DRAINAGE - The movement of water from an area by stream or sheet flow, and removal of excess water from soil by downward flow.

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

DRINKING ESTABLISHMENT - Any inn, tavern, restaurant, club or lodge in which alcoholic beverages are consumed on the premises.

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

- A. **Single-Family Detached Dwelling.** A building designed for and occupied exclusively as a residence, containing one (1) principal dwelling unit and having no common or party wall with an adjacent dwelling, and having yards on all sides. Where a private garage is structurally attached to such building, it shall be considered as part thereof. Where permitted, a single-family detached dwelling also may include one or more accessory apartment(s) or may be subject to a residential conversion into multi-family dwellings.
- B. **Single-Family Attached Dwelling (townhouse).** A dwelling within a building designed for and occupied exclusively as a residence, containing at least three (3) but not more than six (6) dwelling units each accommodating one (1) family and which are attached by vertical common party walls and which have side yards adjacent to each end unit.
- C. **Two-Family Dwelling (twin or duplex).** A building designed for and occupied exclusively as a residence, containing two (2) dwelling units. A two-family dwelling may be either a duplex with two principal dwellings on separate floors occupying a common yard or may be a twin with two dwellings separated by a vertical common or party wall, with each individual dwelling having yards on all but the party wall side.
- D. **Multi-Family.** A building designed for and occupied exclusively as a residence, containing three (3) or more dwelling units, but which do not meet the definition of single-family attached dwellings.

DWELLING UNIT - A single unit providing complete, independent living facilities for one (1) family, including permanent provisions for living, sleeping, eating, cooking, and sanitation, but excluding individual rental units in a motel, rooming house, tourist home, institutional home, dormitory, and the like. Individual dwelling units shall conform to applicable Township building codes, including provision for minimum dwelling size.

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

EDUCATIONAL USE - Use of land or building(s) for the establishment and maintenance of a public or private college, commercial or non-profit, secondary or elementary school, or other educational institution for the primary purpose of instruction and learning excluding day care. A public or private non-profit school shall be defined as an educational use that is not conducted as a gainful business. A commercial school shall be defined as an education use conducted for-profit as a gainful business.

EFFECTIVE DATE OF THE ORDINANCE - The date upon which this Ordinance officially comes into effect, except that with respect to the subject matter of any amendment, said date shall mean the date upon which the particular amendment became or becomes effective.

EFFECTIVE VISUAL SCREEN - A wall, fence, plantings, earth works, or combinations thereof, which are arranged or placed as provided in Section 630 of the West Pikeland Township Subdivision & Land Development Ordinance to create either an opaque visual barrier or to

provide for a filtered view which diverts attention from, or obstructs at least fifty (50) percent of an otherwise clear view of a use or activity during all seasons of the year.

ELECTRIC SUBSTATION - Buildings or structures and equipment erected and used for the purposes of transmission, switching or transforming of electrical current between customers and the utility company facilities, not including the storage of materials, trucks, repair facilities or housing of repair crews.

ENGINEER, TOWNSHIP - A professional engineer, licensed by the Commonwealth of Pennsylvania, and duly appointed by the Board of Supervisors as the engineer for the Township of West Pikeland, Chester County.

ENVIRONMENTALLY SENSITIVE AREAS - Those areas of land the disturbance of which would contribute significantly to the degradation of environmental conditions or amenities. Environmentally sensitive areas include, but are not limited to, those resources protected in Section VIII of this Ordinance.

ERECTION OR CONSTRUCTION - Any or all work necessary for the erection or construction of any building or structure from a combination of materials which form safe and stable structures.

FAMILY - A family is defined as:

- A. A single person occupying a dwelling unit; or
- B. Two (2) or more persons related by blood, marriage, or adoption occupying a dwelling unit, including not more than (1) boarder, roomer, or lodger; or
- C. A group home; or
- D. Not more than four (4) unrelated persons occupying a dwelling unit, living together, excluding a rooming or boarding house, fraternity house, dormitory, or transitional housing.

FENCE OR WALL - Any freestanding and uninhabited structure erected to secure or divide a property from another, or part of a property from the remaining part of the same property.

FILL - Material, exclusive of structures, placed or deposited so as to form an embankment or to raise the surface elevation of the land.

FLAGPOLE – A flagstaff designed and solely intended for the patriotic display of the flag of the United States of America, or its armed forces, the Commonwealth of Pennsylvania or any political subdivision thereof, or the flag of a group or organization, or combination thereof, and for no other purpose. A flagpole shall not include a standard antenna a standard antenna support

structure, a commercial communications antenna support structure, tower, antenna or any other structure designed, intended or capable of supporting any other use or purpose.

FLOOD - A general and temporary inundation of normally dry land from the overflow of streams, rivers or other waters of the Commonwealth of Pennsylvania.

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

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

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

FLOOD FRINGE - The remaining portions of the one hundred year floodplain in those areas in the Flood Insurance Study (FIS) where a floodway has been delineated. The basis for the outermost boundary of this area shall be the one hundred year flood elevations as shown in the flood profiles contained in the FIS.

FLOOD, ONE HUNDRED YEAR - The highest level of flooding that, on the average, is likely to occur every one hundred (100) years; that is, that has a one (1) percent chance of occurring each year as delineated by the Federal Flood Insurance Agency Maps developed in the Flood Insurance Program, or in the absence thereof as calculated by a professional engineer and approved by the Township Engineer (see also **BASE FLOOD**).

FLOODPLAIN: A floodplain is a relatively flat or low area adjoining a river, stream, or watercourse which is subject to partial or complete inundation, or an area subject to the unusual and rapid accumulation or runoff of surface areas. For the purpose of this Ordinance, the floodplain shall include the area within the Floodplain Conservation District as defined by Section 803 of this Ordinance.

FLOODPLAIN, APPROXIMATED - The areas identified as Zone A in the Flood Insurance Study for which the one hundred year flood 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. (See Section 901 for additional information pertaining to this definition.)

FLOODPLAIN SOILS - See **ALLUVIAL SOILS**

FLOODWAY - The areas identified as "floodway" in the Flood Insurance Study (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.

FLOOR AREA, GROSS - The floor area within the perimeter of the outside walls of the building under consideration, or from the centerline of the wall separating two (2) buildings, without deduction for hallways, stairs, closets, thickness of walls, or other features.

FLOOR AREA, GROSS LEASABLE - That floor area within a building, on all floors of such building which are used for or related to the business or use conducted within the building, including all lavatory areas, corridors, storage areas and other areas used to keep stock and inventory, but exclusive of the following areas: elevator shafts, stairwells, first floor lobby, storage area in the basement, and any room or area dedicated to the heating plant, air conditioning equipment or other utility areas necessary for the operation of the building.

FLOOR AREA, HABITABLE - The floor area within exterior walls designed for year round human occupancy, excluding such spaces as garages, accessory buildings, basements, attics, patios and porches, except where such spaces are specifically finished for year round human occupancy.

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

FREEBOARD - A dimension or distance above a floodplain or flood hazard area, utilized as a margin of safety. (See also, **FLOOD ELEVATION, REGULATORY**)

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

GARAGE, PRIVATE - An accessory building or part of a principal building used for the storage of four (4) or less motor vehicles owned and used by the owner or tenant of the premises, and for the storage of not more than two (2) motor vehicles owned and used by persons other than the owner or tenant of the premises. Such use shall not include provision for repairing or servicing vehicles for profit.

GARAGE/YARD SALE - The temporary display and sale of goods and craft items on a residentially used property, as regulated by the Township.

GOLF COURSE - An organized, unlighted playing area containing a minimum of nine (9) holes, constructed according to P.G.A. and U.S.G.A. Standards and excluding miniature golf courses and driving ranges.

GREENHOUSE - A building whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature or humidity can be regulated for the cultivation of delicate or out-of-season plants.

GREENHOUSE, COMMERCIAL (RETAIL OR PRODUCTION) - A greenhouse occupied for growing large numbers of flowers and plants and having general public access for the purposes of viewing and purchasing the various products and/or for the purpose of growing flowers and plants on a production basis or for research without public access.

GROUNDWATER RECHARGE - The replenishment of water, contained in interconnected pores located below the water table in an aquifer, from the 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, are not able to live without professional care or supervision. Group homes shall not include alcoholism or drug treatment centers, work release facilities for convicts or ex-convicts, or other housing facilities serving as an alternative to incarceration. (See also **TRANSITIONAL HOUSING**)

HEDGEROW: A hedgerow is a linear plant community dominated by trees and/or shrubs. Hedgerows often occur along roads, fence lines, property lines, or between fields, and may occur naturally or be specially planted (e.g. as a windbreak). For the purposes of this Ordinance, where hedgerows meet the definitional criteria for woodlands, they shall be regulated as such.

HIGHWAY ACCESS POINT - The location or place of egress and ingress to a street or highway created by a driveway, alley, or other street.

HISTORICAL ARCHITECTURAL REVIEW BOARD - (HARB) - The Township government body that advises the Board of Supervisors on any requests for authorization to construct, alter, reconstruct, restore or demolish all or a part of any building within the Act 167 historic districts, the members of which are appointed by the Board of Supervisors.

HISTORICAL COMMISSION - The Historic Commission of West Pikeland Township which advises the Township on matters concerning the preservation of historic resources throughout the Township, the members of which are appointed by the Board of Supervisors.

HISTORIC RESOURCE - Within the context of this Zoning Ordinance, all of the buildings, structures, sites, objects and districts to be determined to be of historical significance and included in the Township Historic Resource Inventory which is defined to include those buildings, structures, sites, objects based on the following two classifications:

- A. Class I Historic Resources** – Class I Historic Resources shall include the following resources unless reclassified as provided in Section 804.B.2:

1. Resources listed individually in the National Register of Historic Places, as certified by the National Park Service;
2. Resources listed as a contributing resource in a National Register historic district, as certified by the National Park Service;
3. Resources which have received a Determination of Eligibility (DOE) for listing on the National Register of Historic Places from the Bureau for Historic Preservation of the Pennsylvania Historical and Museum Commission;
4. Resources listed as contributing in an historic district which has received a Determination of Eligibility(DOE) for listing on the National Register of Historic Places from the Bureau for Historic Preservation of the Pennsylvania Historical and Museum Commission.

B. Class II Historic Resources – Class II Historic Resources shall include any resource included in the West Pikeland Township *Historic Resource Inventory* which is not designated as a Class I Historic Resource.

HISTORIC RESOURCE INVENTORY - An official inventory of historic resources in the Township, including all resources identified in the Chester County Historic Sites Survey of 1982 except as may be revised as provided in Section 804.B.2.

HOME OCCUPATION - An activity conducted for profit by persons residing on the premises that is clearly subordinate to the residential use of the property. Any activity meeting the definition of a “No Impact Home-Based Business” shall be permitted as such and shall not be regulated as a home occupation.

HOMEOWNERS ASSOCIATION - A non-profit organization comprised of homeowners or property owners, planned and operated under negotiated and approved rules and regulations, for the purpose of administering the needs of residents through the maintenance of community-owner property. This term is synonymous with property-owners association.

HORTICULTURE - The cultivation of fruits, vegetables, flowers, or ornamental plants. A form of agriculture.

HOTEL - An establishment open to transient guests and in which lodging with or without meals is offered for compensation and in which access to guest rooms is from an interior lobby, corridor or hallway accessed from a common entrance.

HYDRIC SOILS: Any soil inventoried or described as hydric or as a soil with hydric inclusions according to the *Soil Survey of Chester and Delaware Counties, Pennsylvania*, or other information provided by the U.S. Soil Conservation Service (SCS). Where site conditions indicate that the location of hydric soils differs from locations indicated by the SCS, the burden shall be upon the applicant to verify such location(s) to the satisfaction of the applicable

Township body, otherwise the SCS 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. In West Pikeland Township, hydric soils shall include, but are not limited to:

Hydric Soils

Wehadkee (We)
Worsham (WoA, WoB, WoB2)

Soils with Hydric Inclusions

Chewacla (Ch)
Glenville (GnA, GnB, GnB2, GnC2, GsB)

IMPERVIOUS SURFACE: Any surface which is impenetrable by liquid or which is incapable of allowing groundwater recharge or absorption of precipitation or runoff. All buildings, including roof overhangs, and all parking areas, driveways, roads, sidewalks, and other such areas in concrete, asphalt or other impervious paving materials shall be considered impervious surfaces. For purposes of compliance with lot coverage limitations, porous or pervious paving materials shall be considered impervious. For other purposes including but not limited to stormwater calculations, a percentage of any areas comprised of porous or pervious paving materials may be excluded from calculation of the area of impervious surfaces to an extent reasonably related to the degree to which stormwater passes through the paving material and does not contribute to stormwater runoff, as determined by the Township Engineer.

INVASIVE PLANT SPECIES – Predominantly non-native, non-indigenous, alien tree, shrub, vine, or herbaceous species that grow or reproduce aggressively, usually because they have few or no natural predators, and which can so dominate an ecosystem that they kill off or drive out many indigenous plant species. Invasive trees, shrubs, vines, or herbaceous species include, but are not limited to:

Norway Maple (*Acer platanoides*), Tree-of-Heaven (*Ailanthus altissima*), Paper Mulberry (*Broussonetia papyrifera*), White Mulberry (*Morus alba*), Empress Tree (*Paulownia tomentosa*), White Poplar (*Populus alba*), Multiflora Rosa (*Rosa multiflora*), Japanese Barberry (*Berberis thunbergii*), European Barberry (*Berberis vulgaris*), Autumn Olive (*Eleagnus umbrellae*), Border Privet (*Ligustrum obtusifolium*), Common Privet (*Ligustrum vulgare*), Morrow's Honeysuckle (*Lonicera morrowii*), Tartarian Honeysuckle (*Lonicera tatarica*), Japanese Honeysuckle (*Lonicera japonica*), Common Buckthorn (*Rhamnus cathartica*), Wineberry (*Rubus phoenicolasius*), Japanese Spiraea (*Spiraea japonica*), Linden Viburnum (*Viburnum dilatatum*), Guelder Rose (*Viburnum opulus*), Oriental bittersweet (*Celastrus orbiculatus*), Leatherleaf Climatis (*Clematis terniflora*), Mile-a-Minute Weed (*Polygonum perfoliatum*), Kudzu (*Pueraria lobata*), Garlic Mustard (*Alliaria petiolata*), Canada Thistle (*Cirsium arvense*), Crown Vetch (*Coronilla varia*), Tall Fescue (*Festuca elatior*), Purple Loosestrife (*Lythrum salicaria*), Sweet Clover (*Melilotus affinis*), Japanese Stilt Grass (*Microstegium vimineum*), Reed Canary Grass (*Phalaris arundinacea*), and Johnson Grass (*Sorghum halepense*).

JUNK YARD (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 junk yard. Toxic wastes, radioactive materials, poisons, and other substances which are potentially harmful to man are excluded from this definition.

KENNEL - The use of land, building or structure for the purpose of breeding, boarding, training or grooming customary household pets for compensation, or the maintenance of four (4) or more dogs that are more than six (6) months old on a single lot or contiguous lots under single ownership or lease.

LABORATORY - A building or group of buildings in which are located facilities for scientific research, investigation, testing and experimentation, but not including the manufacture of products for sale.

LAND DEVELOPMENT - Any of the following activities:

- A. The improvement of one (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
 - 2. The division or allocation of space, whether initially or cumulatively, between or among two (2) or more existing or prospective occupants by means of, or for the purpose of, streets, common areas, leaseholds, condominiums, building groups or other features.
- B. A subdivision of land.
- C. The definition of land development shall not include the addition of an accessory building, including farm buildings, on a lot or lots where clearly subordinate to an existing principal building.

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

LANDSCAPING - The planting of turf-grass or other appropriate ground cover in all open areas of the lot, and in addition, the planting of evergreen and deciduous trees, and shrubs, including the maintenance thereof, for the control of erosion, retention of precipitation, protection against the elements, promotion of human comfort, and otherwise protecting the public health, safety and welfare.

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

LOT - A parcel of land under single and separate ownership which is occupied or to be occupied by one principal building or other structure or use, together with any accessory buildings or other structures or uses customarily incidental to such principal buildings or other structure or use, and such open spaces as are arranged or designed to be used in connection with such principal building or other structure or use, such open spaces and the area and dimensions of such lot being not less than the minimum required by this Ordinance.

LOT AREA - The gross area of land contained within the limits of the property lines bounding that area, excluding any portion of a lot included in any street or railroad right-of-way.

LOT AREA, NET – See Net Lot Area.

LOT AVERAGING - Development design option which allows flexibility in lot size, provided the average lot size that is required within the district is maintained.

LOT, CORNER - A lot bounded by two (2) or more intersecting streets, or at the point of abrupt change in direction of a single street, the interior angle of which is not greater than one hundred thirty-five (135) degrees.

LOT COVERAGE: The ratio of the total ground floor or surface area of all impervious surfaces to the net area of the lot on which they are located, expressed as a percentage.

LOT LINE - A property boundary line dividing one lot from another or from a street or any public space, except that, in the case of any lot abutting a street deemed to be the same as the street line, the lot line shall not be the centerline of the street, or any other line within the street line even though such may be on the property boundary line in a deed.

LOT LINE, FRONT - The lot line abutting a street and coinciding with the street line; in the case of a corner lot, each street on which the corner lot abuts shall be considered a front lot line .

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

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

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

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

LOT WIDTH - The distance, in feet, between the two (2) opposite side lot lines, or between the side lot line and the front lot line in the case of a corner lot. Where applicable, the required minimum lot width shall be met at the minimum front yard setback, measured parallel to the street line, or at a greater depth parallel to the street line where specifically approved by the Township.

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

MINI-WAREHOUSE - Storage units provided for lease to the public for the purpose of storage of personal property generally stored in residential structures and in which each storage unit has direct access from the outside and is not provided with heat, telephone, or electrical service except for a single light.

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

MOBILE HOME LOT - See **LOT, MOBILE HOME**.

MOBILE HOME PAD - A concrete pad for the purpose of supporting a mobile home.

MOBILE HOME PARK - A parcel or contiguous parcels of land which have been so designated and improved for the placement of mobile homes for non-transient use, consisting of two (2) or more manufactured or mobile home lots.

MOTEL - An establishment open to transient guests and in which lodging with or without meals is offered for compensation and which has a parking space for each guest facility and access directly from the outside.

MOTOR VEHICLE – A vehicle which is motor driven or drawn including without limitation, automobiles, trucks, vans, trailers, motorcycles, tractors, all-terrain vehicles, recreational vehicles, and boats.

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

MUNICIPALITIES PLANNING CODE (MPC) – The Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended.

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, archeology, engineering, and culture. National Register resources are those buildings, sites, structures, and objects listed on the National Register of Historic Places, and likewise National Register Historic Districts, also called Register Historic Districts, are those historic districts listed in the National Register of Historic Places. National Register eligible resources are those buildings, structures, sites, objects which have received a Determination of Eligibility (DOE) from the Pennsylvania Historical and Museum Commission for listing on the National Register of Historic Places.

NATIVE PLANTS - Plants that are indigenous and original to the specific area or region (The Delaware Valley) and are most appropriate for planting as a result of their adaptation to regional environmental conditions including climate, soils, topography, winds, precipitation, wildlife and other living organisms.

NET ACRE: Any single acre (or in the plural, a component of larger net acreage) meeting the definition of Net Tract Area.

NET AREA: The net area of any lot or tract for purposes of density calculation and determination of compliance with certain area and bulk criteria, measured in acres or square feet. The Net Area shall be determined by subtracting the following from the surveyed gross area of any lot or tract as applicable:

- A. All lands within existing rights-of-way or easements for public or private streets or other access ways;
- B. All lands within existing or proposed rights-of-way or easements for pipelines or electrical transmission lines for 125 KVA or greater;
- C. All lands within existing stormwater management facilities serving more than a single lot and including stormwater management basins and easements utilized for stormwater conveyance, detention or retention. For purposes of this exclusion, stormwater management basins shall be measured to include any area necessary to convey, detain, store or retain the one hundred year storm and any area comprising a berm or berms necessary to impound such conveyance, detention, storage or retention, measured to extend to the downstream or downslope toe of any such berm. Easement(s) established for stormwater management purposes shall be measured to include all area within the defined limits of the easement(s).

- D. Existing open space restricted from further development except for permitted open space purposes;
- E. Any area comprising one or more of the following:
 - 1. Flood plain or alluvial soils as established by the provisions of the Flood Plain Conservation District (Article VI of this ordinance);
 - 2. Steep slope areas defined as grades of twenty-five percent (25%) or greater as determined by detailed topographical survey using aerial photogrammetry or field survey;
 - 3. Any area designated as a wetland, under the jurisdiction of the U.S. Army Corps of Engineers and/or the Pennsylvania Department of Environmental Protection (DEP) or successive agencies;
- F. Forty percent (40%) of any area not otherwise excluded and comprising Hydric Soils as defined herein.

For purposes of application of the net area definition to a tract of land under application for subdivision or land development, or for conditional use approval, the term “existing” in subsections A through D above shall not apply to future development, easements or rights-of-way which may be established as a result of approval of the subject application, but which do not exist at the time of application.

NET TRACT ACRES or NET TRACT ACREAGE – The net tract area measured in acres.

NET LOT AREA – The net area of any lot.

NET TRACT AREA – The net area of any tract.

NEW CONSTRUCTION - See **CONSTRUCTION, NEW**

NO-IMPACT HOME-BASED BUSINESS: A business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and which involves no 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 residential use. The business or commercial activity must satisfy the following requirements:

- A. The business activity shall be compatible with the residential use of the property and surrounding residential uses;
- B. The business shall employ no employees other than family members residing in the dwelling;

- C. There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature;
- D. There shall be no outside appearance of a business use, including, but not limited to, parking, signs or lights;
- E. The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical interference, including interference with radio or television reception, which is detectable in the neighborhood;
- F. The business activity may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood;
- G. The business activity shall be conducted only within the dwelling and may not occupy more than 25% of the habitable floor area;
- H. The business may not involve any illegal activity.

NON-PRIME AGRICULTURAL PROPERTY: Any separately-deeded tract which at the time of adoption of this definition does not meet the definition of Prime Agricultural Property.

NONCONFORMING LOT - A lot or site which does not comply with the applicable dimensional regulations, including those related to site area, lot area, and lot width, in this Ordinance or amendments hereafter enacted where such lot was lawfully in existence prior to enactment of this Ordinance or amendments.

NONCONFORMING SIGN - Any sign lawfully existing at the time of the passage of this Ordinance that does not conform in use, location, height, or size to the regulations of Article XIII, Signs.

NONCONFORMING STRUCTURE - A structure or part of a structure which does not comply with the applicable dimensional regulations, including those relating to density, impervious surfaces, building coverage, building height, and setbacks in this Ordinance or amendments hereafter enacted where such structure was lawfully in existence prior to enactment of this Ordinance. Such structures include, but are not limited to, buildings, fences, and swimming pools.

NONCONFORMING USE - A use, whether of land or of a structure, which does not comply with the applicable use provisions of this Ordinance or amendment heretofore or hereafter enacted, where such use was lawfully in existence prior to the enactment of such ordinance or amendment, or prior to the application of such ordinance or amendment to its location by reason of annexation.

NURSERY - Land or greenhouses used to raise flowers, shrubs, trees, and/or other plants for commercial purposes.

NURSING HOME OR CONVALESCENT HOME - A building or series of buildings for the housing and care of persons in need of specialized care and attention, including assisted living residence(s), but where such care does not necessarily meet hospital level of services.

OFFICE BUILDING - A building used primarily for conducting the affairs of a business, profession, service, industry or government, or similar activity and where no goods, merchandise, or materials are stored for sale, exchange, or delivery on the premises.

OPEN SPACE, COMMON – Restricted open space designed and intended for the use and enjoyment of the residents of the subdivision or land development of which it is a part and owned and managed in common. Common ownership shall not necessarily preclude use or access by the general public or lease for private use such as agriculture.

OPEN SPACE, RESTRICTED - A parcel or parcels of land or an area of water, or a combination of land and water, within a subdivision or land development, set aside, designed and managed for the protection of open space features, including but not limited to farmland, scenic views, historic resources, natural areas and recreational areas, subject to an approved Open Space Management Plan and restricted from further development as provided in Article IX of this Ordinance.

OUTDOOR RECREATIONAL USE - See **RECREATIONAL USE, OUTDOOR**.

OUTDOOR STORAGE - See **STORAGE, OUTDOOR**.

PaDEP or DEP – Pennsylvania Department of Environmental Protection.

PARCEL – A lot or tract of land.

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

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

PERSONAL SERVICE SHOP OR ESTABLISHMENT - A building in which limited services consistent with neighborhood needs are offered to the general public. Examples of such services include, but are not limited to: barber and beauty shops, pharmacies, dry cleaning and tailoring shops, shoe repair shops, travel agencies, or photocopy shops.

PHILANTHROPIC USE – A private or public organization that is organized and operated for the purpose of providing a service without profit. Such use shall include, for example, an

institution or foundation that distributes grants or services to other agencies. The nonprofit status of the organization shall be based on its recognition as such by the Internal Revenue Service.

PLANNING COMMISSION - The Planning Commission of West Pikeland Township, Chester County, Pennsylvania.

PREMISES - A separate lot, tax parcel, tract, or plot of land together with the buildings and structures thereon. Premises may include more than one (1) occupant on a lot or parcel, such as an office building or planned commercial center.

PRIME AGRICULTURAL PROPERTY – Any separately-deeded tract within the RC-Residential & Conservation District which at the time of adoption of this definition collectively contains ten (10) or more gross acres of land(s) comprising Class I, II or III agricultural soils, regardless of contiguity or fragmentation of such land(s). All tracts not meeting this definition shall be defined as non-prime agricultural properties.

PRINCIPAL USE - The dominant or main use on a lot.

PROCESSING - A function involved in the manufacturing of materials, goods or products in which they are not physically changed except for packaging or sizing.

PROFESSIONAL OFFICE - The office of a member of a recognized and lawful profession maintained for the conduct of that profession, including, but not limited to, dentists, doctors, chiropractors, attorneys, and accountants.

PUBLIC HEARING - A formal meeting held pursuant to public notice by the governing body or planning agency, intended to inform and obtain public comment prior to taking action.

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

PUBLIC SERVICE FACILITIES - Telephone, electric and cable television lines, poles, equipment and structures; water or gas pipes, mains, valves or structures; sewer pipes, valves or structures; pumping stations; telephone exchanges and repeater stations; and all other facilities, equipment and structures necessary for conducting a service by a government or a public utility.

PUBLIC USE - Any building, structure, facility, complex, or area used by the general public or which provides a service to the public, whether constructed by a state, county, or municipal government agency, or any private individual, partnership, association, or corporation.

PUBLIC WATER - See **WATER SUPPLY**.

RAZING - The complete removal of an entire building or structure so as to leave no part of the building or structure standing.

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

RECREATION, ACTIVE – Recreation activities, including the facilities used for such activities, that are usually rigorously athletic and not quiet, and have a noticeable impact on the surrounding neighborhood and environment. Active recreation may include, but is not limited to, individual or team sports, child's play, larger picnics, playground play, ball courts, swimming pools, and recreational events with a large number of participants and/or spectators.

RECREATION, COMMERCIAL – Passive or active recreational use or facility operated for profit, including but not limited to a swimming or tennis club, campground, commercial stable, riding school or academy, and golf course, and, for purposes of regulation under this Ordinance, including similar recreational uses or facilities operated on a private or membership basis whether or not for profit.

RECREATION, PASSIVE – Recreation activities, including the facilities used for such activities, that are usually quiet and not rigorously athletic, and have a low impact on the surrounding environment. Passive recreation may include, but is not limited to, walking, hiking, fishing, bird watching, and quiet picnicking.

RECREATIONAL EQUIPMENT, MAJOR - Major recreation equipment shall include boats and boat trailers, travel trailers, pick-up campers or coaches (designed to be mounted on automotive vehicles), tent trailers, snowmobiles, and apparatus used for transporting recreational equipment, whether occupied by such or not, and any other similar equipment or apparatus.

RECREATIONAL FACILITY - A place designed and equipped for the conduct of sports, leisure time activities and other customary and usual passive, active, indoor or outdoor recreational activities as defined herein.

RECREATIONAL USE, OUTDOOR - A recreational use and associated facilities designed and equipped for the conduct of sports and leisure time activities, including swimming, tennis and other court games, baseball and other field sports, playground and other outdoor activities, but excluding amusement parks; go-carts, dirt bikes, or motor-cross tracks; shooting ranges and other activities which generate noise objectionable to a residential environment.

RECREATIONAL USE, INDOOR - The use of a building or part thereof for indoor sports such as bowling, tennis, racquetball, squash, indoor basketball, indoor swimming, and those sports activities usually conducted indoors, but excluding target shooting or any other activities that create loud noises or may be dangerous or disturbing to surrounding residents.

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

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

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

REPAIR AND ROUTINE MAINTENANCE - Any or all work involving the replacement of existing construction, work, or features with the same material for the purpose of maintenance and upkeep only, but not including any addition, removal, change, or modification in any construction or existing features.

RESIDENTIAL CONVERSION - See **CONVERSION, RESIDENTIAL**

RESTAURANT - A place of business serving food and beverages prepared for consumption on the premises, and providing table or sit-down service, but not including outdoor curb service.

RESTAURANT, FAST FOOD - An eating establishment where customers place their orders at a service area located indoors, but separate from any seating facilities, and where food is either consumed at seating facilities or is taken out for consumption.

RESTORATION - Any or all work connected with the returning to or restoring of a building or a part of any building to its original condition through the use of original or nearly original materials.

RETAIL SERVICES - Establishments providing services or entertainment, as opposed to products, to the general public, real estate and insurance, personal service establishments, motion pictures, amusement and recreation service, educational and social services, museums and galleries.

RETAIL STORE/TRADE - Establishments engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods, such as, but not limited to hardware store, pharmacy, magazine or book store, florist, or clothing store.

REVERSE OR DOUBLE FRONTAGE LOT - See **LOT, REVERSE OR DOUBLE FRONTAGE**

RETIREMENT COMMUNITY - A development of individual or multiple dwelling units which is designed for adults and which meets the definition of "housing for older persons" as set forth in the Fair Housing Amendments Act of 1988, as amended.

RIGHT-OF-WAY - Land reserved or dedicated for use as a street, alley, walkway, or any other public or private purpose.

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

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

RIPARIAN BUFFER: A riparian buffer is 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 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 purposes of this Ordinance, the riparian buffer shall be divided into two Zones:

- A. **Zone One: Inner Riparian Buffer** - This zone shall begin at each edge of any identified wetland or watercourse and shall occupy a margin of land on each side, each with a minimum width of fifteen (15) feet from any wetland or twenty-five (25) feet from any watercourse, whichever is greater. The width of such margin shall be measured horizontally on a line perpendicular to the applicable edge of the wetland or, in the case of a watercourse, to the nearest edge of the water at bankful flow. Where very steep slopes (+25%) are located within and extend beyond such margin, Zone One shall extend to include the entirety of the very steep slopes up to a maximum dimension of seventy five (75) feet on either side of the subject wetland or watercourse.
- A. **Zone Two: Outer Riparian Buffer** - Zone Two begins at the outer edge and on each side of any area delineated within Zone One and occupies any additional area, if any, within seventy five (75) feet of the nearest edge of any wetland or watercourse, measured as for Zone One.

SECONDARY FARM FAMILY BUSINESS - An agricultural accessory use, such as repair of agricultural equipment, butcher shop, or processing of local agricultural products, which provide a secondary source of income to the primary agricultural use.

SECRETARY OF THE INTERIOR STANDARDS FOR REHABILITATION - Under the direction of the National Historic Preservation Act, the Secretary of the Interior Standards for Rehabilitation address the treatment and preservation of the historic and architectural character of historic resources including interior and exterior features, design, additions, material, and construction methods.

SELECTIVE CUTTING - The felling of certain, but not all trees in an area for the purposes of: (1) removing dead, diseased, damaged, mature or marketable timber; (2) improving the quality of a tree stand or species; or (3) meeting personal domestic needs. (See also, **CLEAR CUTTING**)

SEWAGE - Any substance that contains any of the waste products or excrementitious matter or other discharge from the bodies of human beings or animals and laundry, bathroom, and kitchen waste water.

SEWAGE DISPOSAL SYSTEM

- A. **Individual** - The disposal of sewage from one (1) dwelling unit by use of septic tanks or other safe and healthful means, approved by the Chester County Health Department.
- B. **Central/Community Collection and Treatment (Centralized)** - A sanitary sewage system which carries sewage from individual dischargers by a system of pipes to one (1) or more common treatment and disposal facilities, either on-site or off-site, and approved by the Pennsylvania Department of Environmental Protection.
- C. **Public Sewer System (Centralized)** - An off-site system for collection, treatment, and disposal of sewage in which sewage is conveyed to a treatment facility and disposed of through means and approved by the Pennsylvania Department of Environmental Protection.

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

SIGN – Any permanent or temporary structure or part thereof or any device attached, painted or represented, directly or indirectly, on a structure or other surface that displays or includes any letter, word, insignia, flag, or representation used as or which is in the nature of an advertisement, announcement, visual communication, direction, or which is designed to attract the eye or bring the subject to the attention of the public. As used in this Zoning Ordinance, the following sign types and classifications are further defined as follows:

- A. **Abandoned Sign** - A sign erected on, or related to, the use of a property on which the use is discontinued for a period of six (6) months or more, or any sign which relates to a time, event, or purpose which is past.
- B. **Awning Sign** - Any sign that is part of or attached to an awning or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area. An awning without lettering or other advertising shall not be regulated as a sign.
- C. **Banner Sign** - A temporary sign intended to be hung across a public street or private property, possessing characters or letters applied to paper, plastic, or fabric of any kind. Symbolic flags of any business or institution shall be considered banner signs for the

purpose of this Ordinance, excluding the flag of the United States of America, or its armed forces, the Commonwealth of Pennsylvania or any political subdivision thereof.

- D. **Billboard** - See "Off-Premises Sign."
- E. **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 which identify or advertise home occupations or signs affixed to vehicles denoting a business related activity.
- F. **Construction/Development Sign** - A type of temporary sign intended to display the name of the project and/or the contractor, architect, engineer, financier, or similar information pertaining to the project.
- G. **Double-Faced Sign** - A sign which displays a message, information, or advertising on both faces of the sign.
- H. **Freestanding Sign** - A sign supported by structures or supports that are placed on, or anchored in, the ground and that are independent from any building or structure. The height of a freestanding sign shall be measured from the proposed finished grade to the highest point of the sign structure.
- I. **Ground Sign** - A sign, other than a freestanding sign, placed directly on ground without supports or pylons, independent from any building or structure.
- J. **Illuminated Sign** - A sign which has characters, letters, figures, designs, or outlines illuminated by direct or internal electric lighting or luminous tubes as part of the sign.
- K. **Marquee or Canopy** - A permanent, roof-like structure, supported by a wall of a building, but having no relationship to the roof structure, generally designed and constructed for protection against weather.
- L. **Marquee or Canopy Sign** - Any sign attached to a marquee or canopy.
- M. **Official Traffic Sign** - Signs erected by the Commonwealth of Pennsylvania Department of Transportation, the Township of West Pikeland, the County of Chester, or the Federal Government which are designed to regulate traffic, describe road conditions, supply directions, or provide information.
- N. **Off-Premises Sign** - A sign which directs attention to a person, business, profession, product, or activity not conducted on the same premises.
- O. **Political Sign** - Any temporary sign pertaining to political views, an individual seeking election or appointment to a public office, or a forthcoming public election or referendum.

- P. **Portable Sign** - A type of temporary sign, with or without display or legend, which is self-supporting without being firmly embedded in the ground, or is fixed on a movable stand or mounted on wheels or movable vehicles, or made easily movable in some other manner. Portable signs shall also include hot air or gas filled balloons specifically used for advertising.
- Q. **Primary Sign** - A sign requiring a permit under the terms of this Ordinance.
- R. **Projecting Sign** - A sign affixed to a wall or other vertical building surface in such a manner that its leading edge extends more than six (6) inches beyond the surface of such wall or building.
- S. **Real Estate Sign** - A sign pertaining to the sale, lease, or rental of the property on which it is located.
- T. **Roof Sign** - A sign erected above and maintained above the roof line, parapet, or eaves of a building. Roof signs are prohibited in West Pikeland Township.
- U. **Sign** - Any permanent or temporary structure or part thereof or any device attached, painted or represented, directly or indirectly, on a structure or other surface that displays or includes any letter, word, insignia, flag, or representation used as or which is in the nature of an advertisement, announcement, visual communication, direction, or which is designed to attract the eye or bring the subject to the attention of the public.
- V. **Temporary Sign** - A sign intended for short-term use, such as a promotional sign, including signs pertaining to business events, community events, political issues, an individual seeking public office, or a forthcoming public election.
- W. **Wall Sign** - A sign parallel to a wall or other vertical building surface. Wall signs shall not extend beyond the edge of any wall or other surface to which they are mounted and shall project no more than six (6) inches from its surface, otherwise they shall be defined as a projecting sign.
- X. **Window Sign** - A temporary or permanent sign which is oriented to the public right-of-way and is located on the inside of a window. Any sign affixed to the outside of a window shall be regulated as a wall sign.

SIGN AREA - (See **ARTICLE XIII, SIGNS**, for the calculation of sign area.)

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

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

SITE RESTORATION - Measures taken following completion of land disturbance activities which will stabilize the land surface and minimize possible erosion or sedimentation.

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

SPECIAL EXCEPTION - See **USE, SPECIAL EXCEPTION**.

SPECIMEN VEGETATION: Individual trees or other vegetation determined to be of specimen quality as determined by a registered landscape architect or which generally fall within the parameters of the following table shall be protected in accordance with these standards. The examples of specimen trees included in the following table are intended to provide general guidelines and examples of what constitutes a specimen tree and is not considered an all-inclusive list.

Examples of Potential Specimen Trees

Species	dbh	Species	dbh	Species	dbh
Apple	24"	Locust	30"	Sassafras	20"
Ash	32"	Maple	32"	Spruce	30"
Beech	32"	Oak	32"	Sycamore	36"
Cherry	24"	Osage Orange	20"	Tulip Poplar	36"
Elm	30"	Coniferous Species	30"	Walnut	30"
Hemlock	30"			Hickory	32"

STEEP SLOPES: Slopes shall be measured as the change in elevation over the horizontal distance between consecutive contour lines and expressed as a percent. The steep slope regulation set forth in this Ordinance shall apply where any applicable steep slope area, as set forth below, extends over three (3) or more contiguous two (2) foot contour intervals (six (6) cumulative vertical feet of slope) and where exceeding one thousand (1,000) square feet in any single contiguous area so measured. 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. For the purposes of this Ordinance, steep slopes are defined as either of the following two categories:

- B. **Moderately Steep Slopes** are those areas of land where the grade is fifteen (15) percent to twenty-five (25) percent.
- B. **Very Steep Slopes** are those areas of land where the grade is greater than twenty-five (25) percent.

STORAGE - The keeping of new or used products, merchandise, materials, equipment or vehicles for a continuous period greater than thirty (30) days. Excluded from this definition are the following:

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

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

STREET - A public (dedicated) or private (undedicated) right-of-way intended for use as a means of vehicular and pedestrian circulation to provide access to more than one (1) lot. The word "street" includes thoroughfare, avenue, boulevard, court, drive, expressway, highway, lane, alley, road, or similar terms. Streets are further classified within the West Pikeland Township Comprehensive Plan (1999) as amended:

- A. **Expressways:** These roads serve the heaviest volumes of traffic and have limited access to allow for higher speeds. Average daily trips range between 10,000 and 100,000. Expressways serve higher average trip lengths focusing on regional and interstate traffic. Expressways facilitate truck transport by providing the optimum conditions for truck traffic. The Pennsylvania Turnpike is the only expressway that passes through West Pikeland Township.
- B. **Principal Arterials:** These roads serve heavy volumes of traffic often ranging between 10,000 and 40,000 trips per day. They provide a high degree of mobility, but offer more access than expressways. Principal arterials link urban centers and *usually* consist of more than two lanes. Route 113, south of Route 401 is designated as a principal arterial.
- C. **Minor Arterials:** Arterials of this type also emphasize mobility and serve to link urban and rural centers, but their focus is more regional. They provide for traffic ranging from 5,000 to 15,000 trips per day with higher access than principal arterials, but still some access control. Route 113, north of Route 401, and Route 401 is designated as a minor arterial for the Township.
- D. **Collector:** Its purpose is to collect traffic and move it to the arterials. A major collector links residential and commercial areas by "collecting" traffic from residential areas and moving it to arterials. This road classification accommodates traffic averaging 3,000 to 8,000 trips per day. Clover Mill, Newcomen, and Byers Road are designated as collector for the Township.

- E. Primary Distributor:** These roads primarily serve an access function, but may be relatively long and may connect two higher functioning roads. A farm lane that provides access to adjacent properties, but that may have some mobility component, and which has a few developments feeding into it is an example of a primary distributor. Roads designated as Primary Distributors are Davis Road, Bodine Road, Horseshoe Trail Road north of Route 113, and Art School Road going southeast to northwest.
- F. Secondary Distributor:** Although these roads serve almost exclusively as local access, some may have other smaller local access roads feeding into them and serve a minimal mobility function in addition to the access function. An example of such a road is a rural road that is of some length and could be used for mobility purposes, but that rarely serves trips other than local access trips. Roads designated as Secondary Distributors are Pikeland Road, Yellow Springs Road, Street Road, Horseshoe Trail Road south of Route 113, Eagle Farms Road, Lower and Upper Pine Creek Roads.
- G. Local Access:** These roads are the lowest functioning of all roads and serve as direct access to properties. Most roads within individual residential subdivisions are local access roads. Examples include Dunsinane Hill Road and Elbow Road.

STREET, CENTERLINE - A line which is an equal distance from both street lines unless officially designated otherwise.

STREET LINE - The legal right-of-way line of a street dividing a lot from the boundary of a public street legally open or officially plotted.

STREET, PRIVATE – Where approved by the Township in accordance with the West Pikeland Township Subdivision & Land Development Ordinance, a street not dedicated to the Township for public use or not accepted by the Township for public dedication.

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

STREET, SINGLE ACCESS - A street which has access to an existing public road and circulation system only at one (1) point. A single access street includes cul-de-sacs, loop roads, and dead end streets.

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

STRUCTURE - That which is built or constructed or a portion thereof. For the purposes of this Ordinance, structures include any form or arrangement of building materials, on or in water or land, involving the necessity of providing proper support, bracing, tying, anchoring or other protection against the forces of the elements and having a permanently fixed location. Structures include, but are not limited to buildings, sheds, mobile or manufactured homes, signs, fences or

walls over six (6) feet in height, aerials and antennae, porches, platforms, tennis courts, swimming pools, tents, tanks, and towers.

STRUCTURE, ACCESSORY - See **ACCESSORY USE OR STRUCTURE**.

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

SUBDIVISION - The division or 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 division by lease of land for agricultural purposes into parcels of more than ten (10) acres, not involving any new street, easement of access or residential dwellings shall not be included.

SUBDIVISION AND LAND DEVELOPMENT ORDINANCE - The Subdivision and Land Development Ordinance of West Pikeland Township, as adopted and amended from time to time.

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 - As it applies to the Flood Hazard District, a substantial improvement includes any repair, reconstruction, rehabilitation, addition, or other improvement of a structure, to an extent or amount equaling fifty (50) percent or more of the market value of the structure before the start of construction of the improvement. "Substantial Improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. This term includes structures which have incurred "substantial damage" regardless of the actual repair work performed. The term does not, however, include either of the following:

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

SWIMMING POOL - Any structure, permanently constructed or portable, that contains water over twenty-four (24) inches in depth and which is used or intended to be used for swimming or

recreational bathing. This use includes in-ground, above-ground, and on-ground swimming pools, hot tubs, and spas.

TAVERN - A drinking establishment where the sale and consumption of alcoholic beverages is a principal use, with or without a restaurant.

TIMBER HARVESTING OPERATION: The uprooting or removal of more than four (4) trees per acre from any lot for the purpose of allowing or encouraging the natural regeneration or preservation of a tree stand, on a lot which has a gross area prior to any subdivision or land development of more than three (3) acres and which is undertaken in compliance with an approved timber harvesting plan.

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 forester with demonstrable expertise in forest management, and shall document measures to be taken to: protect water quality; minimize impacts from skid trails and logging roads, land areas, and the tree removal process; and ensure site restoration.

TDR – Transfer of development rights.

TEMPORARY STRUCTURE - See **STRUCTURE, TEMPORARY**.

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

TOWNSHIP - The Township of West Pikeland, Chester County, Pennsylvania.

TRACT - An area of land, parcel, or property which is the subject of a development application.

TRACT AREA - The total amount of land contained within the limits of the property lines bounding the tract.

TRACT AREA, GROSS - The tract area.

TRACT AREA, NET - The net tract area.

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

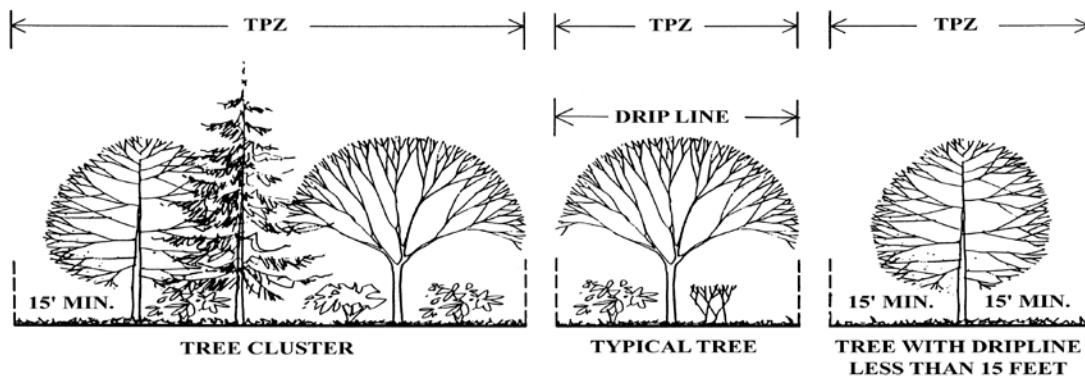
TRAILER - A drawn vehicle, not self propelled, which is permitted on the highways when properly licensed.

TRANSITIONAL HOUSING - Living arrangements for up to five (5) unrelated individuals that do not meet the definition of "family" or "group home." Transitional housing may include a licensed community-based facility which provides lodging, habilitative services, or meals to clients where supervision is provided seven (7) days a week, twenty-four (24) hours a day, or is staffed continuously by the provider whenever the structure is occupied.

TREE DRIPLINE - The line marking the outer edges of the branches of the tree.

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

Tree Protection Zone (TPZ)



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

USE ACCESSORY - See **ACCESSORY USE OR STRUCTURE**

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

USE, CONDITIONAL - A use permitted in a particular zoning district pursuant to the provisions of Article VI of the Municipalities Planning Code and the provisions of Article XVI of this Ordinance.

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

UTILITY FACILITY - See **PUBLIC SERVICE FACILITIES**

VARIANCE - A modification of the regulations of this Ordinance granted by the Zoning Hearing Board on grounds of physical conditions or unnecessary hardship, not self-imposed, pursuant to the provisions of this Ordinance and Act 247.

VETERINARY OFFICE - See **ANIMAL HOSPITAL**.

WALKWAY, PUBLIC - Any place designed or maintained for public pedestrian use, without regard to ownership.

WALL - See **FENCE**.

WAREHOUSE - A building used primarily for the indoor storage of goods and materials.

WATERCOURSE: A watercourse is a channel or conveyance of surface water having defined bed and banks, whether natural or artificial, with perennial or intermittent flow, but does not include manmade swales constructed expressly for the purpose of stormwater management.

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

WATER SUPPLY

- A. Individual** - A supply of water to a single use or dwelling from a private well located on the lot in which the use is located and which does not fall under the definition of "community water supply."
- B. Community** - A system for supplying water from a common source or sources to more than one dwelling and other buildings within a development. The water supply source may be located on-site or off-site and may be publicly or privately owned.
- C. Public** - A system for supplying water in sufficient quantities to more than one dwelling or other buildings of a development, which is administered by a municipal authority or by a municipality or public utility as defined and regulated by the Pennsylvania Public Utility Commission.

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

WETLANDS: Wetlands are those areas inundated or saturated by surface water 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, ponds, 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.

WHOLESALE TRADE - Business primarily engaged in selling merchandise to retailers rather than to consumers directly, or to industrial, commercial, institutional, or professional business users, or to other wholesalers; or establishments acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies. Wholesale trade shall include the warehousing, loading and unloading, and shipping of such merchandise.

WOODLANDS: A tree mass or plant community in which tree species are dominant or co-dominant and the branches of the trees form a complete, or nearly complete, aerial canopy. Except as provided herein, any area, grove, or stand of mature or largely mature trees (i.e., larger than six inches dbh) covering an area of one-quarter acre or more shall be considered a woodland. For the purposes of this Ordinance, the extent of any woodland plant community or any part thereof shall be measured from the outer-most dripline of all the trees in the 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 which would have met the definition of woodland prior to timbering or disturbance. Regulation of woodlands as set forth in this Ordinance shall not apply to any area within fifty (50) feet of any dwelling existing at the time of adoption of this Section, nor to any orchards or oldfields (former agricultural fields or pastures where natural succession has been allowed to occur, but where most trees are smaller than six (6) inches dbh).

WOODLAND DISTURBANCE: Any activity which alters the existing structure of a woodland or hedgerow; alterations include the cutting or removal of canopy trees, subcanopy trees, understory shrubs and vines, woody and herbaceous woodland floor species. Woodland disturbance also includes any activity which constitutes a land disturbance (exposes soils, alters topography) within a woodland or hedgerow. Woodland disturbance does not include the selective cutting or removal of invasive plant species. (See Article II for examples of invasive plants.)

YARD - An open or unoccupied area around the inner periphery of a lot; a yard extends parallel to lot lines and street lines, and is measured as a distance perpendicular to lot and street lines.

YARD, FRONT - A yard between and parallel to a street line and building setback line from which the lot has primary access or which abuts the lot, and extending the entire width of the lot. In the case of a corner lot, the yards extending along all streets are front yards and the remaining

yards shall include a rear yard, opposite the street to which the front of the principal building is predominantly faced, and a side yard, opposite the other street.

YARD, REAR - A yard extending the full width of the lot along the rear lot line at a specified depth from such rear lot line.

YARD, SIDE - A yard extending the full depth of the lot along a side lot line extending a specified depth from such side lot line.

ZONING, 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 HEARING BOARD - The Zoning Hearing Board of the Township of West Pikeland, Chester County, Pennsylvania.

ZONING MAP - The official Zoning Map of West Pikeland Township, as adopted and amended from time to time.

ZONING OFFICER - The officer charged with the enforcement of the provisions of the Township Zoning Ordinance.

ZONING ORDINANCE - The Zoning Ordinance of West Pikeland Township, as adopted and amended from time to time.

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

WEST PIKELAND TOWNSHIP
CHESTER COUNTY, PENNSYLVANIA
ORDINANCE NO. 2012-03

**AN ORDINANCE OF WEST PIKELAND TOWNSHIP, AMENDING SECTION 202 OF
THE WEST PIKELAND TOWNSHIP ZONING ORDINANCE, REVISING THE
DEFINITION OF TERMS FOR "NET AREA"**

PURSUANT TO THE AUTHORITY CONFERRED BY THE PENNSYLVANIA MUNICIPALITIES PLANNING CODE, AS AMENDED, 53 P.S. § 10101, ET SEQ., THE BOARD OF SUPERVISORS OF WEST PIKELAND TOWNSHIP DOES HEREBY ENACT AND ORDAIN AS FOLLOWS:

Section I Article II, Section 202 of the West Pikeland Township Zoning Ordinance ("the Ordinance") under is hereby amended to replace Section A, under the definition of Net Area, as follows:

NET AREA: The net area of any lot or tract for purposes of density calculation and determination of compliance with certain area and bulk criteria, measured in acres or square feet. The Net Area shall be determined by subtracting the following from the surveyed gross area of any lot or tract as applicable:

- A. All lands within existing rights-of-way or easements for public or private streets or other access ways. Notwithstanding the foregoing, there shall not be subtracted from the gross lot or tract area any land within any existing or proposed public trail use unless the same is or was required to be offered, dedicated or conveyed in order to satisfy any mandatory requirements of this Ordinance, or of the Subdivision and Land Development Ordinance, or of any conditions to a final approval granted hereunder.
- B. All lands within existing or proposed rights-of-way or easements for pipelines or electrical transmission lines for 125 KVA or greater;
- C. All lands within existing stormwater management facilities serving more than a single lot and including stormwater management basins and easements utilized for stormwater conveyance, detention or retention. For purposes of this exclusion, stormwater

management basins shall be measured to include any area necessary to convey, detain, store or retain the one hundred year storm and any area comprising a berm or berms necessary to impound such conveyance, detention, storage or retention, measured to extend to the downstream or downslope toe of any such berm. Easement(s) established for stormwater management purposes shall be measured to include all area within the defined limits of the easement(s).

D. Existing open space restricted from further development except for permitted open space purposes;

E. Any area comprising one or more of the following:

1. Flood plain or alluvial soils as established by the provisions of the Flood Plain Conservation District (Article VI of this ordinance);
2. Steep slope areas defined as grades of twenty-five percent (25%) or greater as determined by detailed topographical survey using aerial photogrammetry or field survey;
3. Any area designated as a wetland, under the jurisdiction of the U.S. Army Corps of Engineers and/or the Pennsylvania Department of Environmental Protection (DEP) or successive agencies;

F. Forty percent (40%) of any area not otherwise excluded and comprising Hydric Soils as defined herein.

For purposes of application of the net area definition to a tract of land under application for subdivision or land development, or for conditional use approval, the term “existing” in subsections A through D above shall not apply to future development, easements or rights-of-way which may be established as a result of approval of the subject application, but which do not exist at the time of application.

Section II Severability. If any sentence, clause, section, or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections,

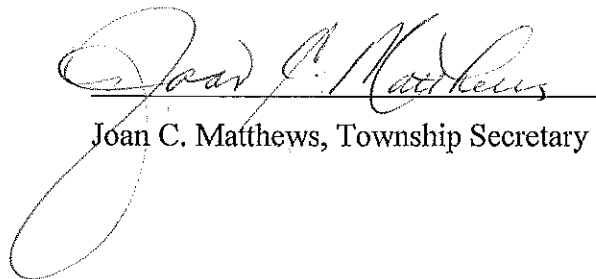
or parts hereof. It is hereby declared as the intent of the Board of Supervisors that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

Section III Repealer. All Ordinances or parts of Ordinances conflicting with any provision of this Ordinance are hereby repealed insofar as the same affects this Ordinance.

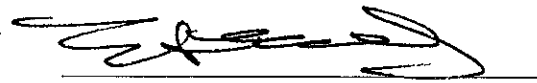
Section IV Effective Date. This Ordinance shall take effect five (5) days after its adoption.

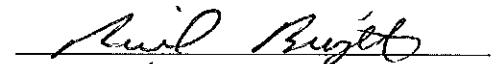
DULY ADOPTED and ENACTED this 19th day of March, 2012.

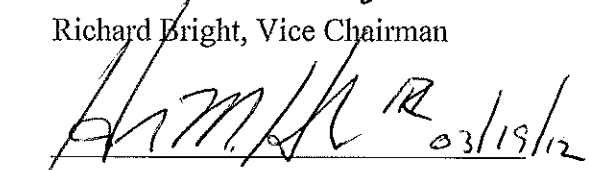
ATTEST:

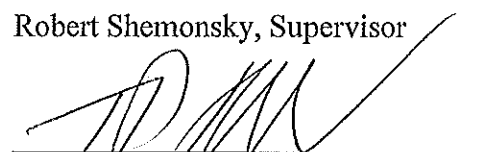

Joan C. Matthews, Township Secretary

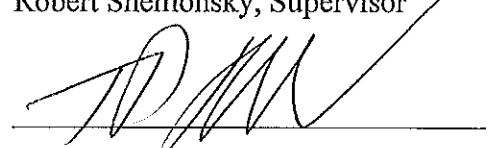
BOARD OF SUPERVISORS:


Ernest E. Holling, Chairman


Richard Bright, Vice Chairman


Harold M. Hallman, III, Supervisor


Robert Shemonsky, Supervisor


Tom Tucker, Supervisor

ARTICLE III ESTABLISHMENT OF DISTRICTS

SECTION 301. CLASSES OF DISTRICTS

For the purposes of this Ordinance, West Pikeland Township is hereby divided into five (5) base zoning districts, and five (5) overlay districts, including two discrete historic districts and three Township-wide overlay districts. All of these districts are intended to support and implement the recommendations of the *West Pikeland Township Comprehensive Plan* (1999), as amended, and shall be designated as follows:

A. **Base Districts**

RD Residential Development District
RC Residential & Conservation District
V-1 Village Preservation District:
V-2 Village Preservation District:
V-3 Village Preservation District:

B. **Overlay Districts**

Anselma Mill Act 167 Historic District
Yellow Springs Act 167 Historic District
Natural Resource Protection Overlay District
Floodplain Conservation Overlay District
Historic Resource Protection Overlay District

SECTION 302. ZONING MAP

A. **Base Districts**

The boundaries of all base districts shall be shown on the map made part of this Ordinance; this map shall be known as the “Zoning Map of West Pikeland Township.” Said map and all notations, references, and data shown thereon are hereby incorporated by reference into this Ordinance, and shall be as much a part hereof as if all were fully described herein. Whenever an amendment of this Ordinance involving a change of district boundaries is approved by the Board of Supervisors, said change shall be recorded on the master “Zoning Map of West Pikeland Township” as maintained at the Township offices and which is updated from time to time.

B. **Overlay Districts**

Overlay districts shall be treated as additional regulations to the otherwise applicable base zoning district. The location and provisions applicable to the overlay districts are

described in Article VII (Act 167 Historic Districts) and Article VIII (Natural Resource Protection, Floodplain Conservation, and Historic Resource Protection).

SECTION 303. **INTERPRETATION OF DISTRICT BOUNDARIES**

A. **Base Districts**

Boundary lines shall, unless otherwise indicated, follow property lines or the center lines of streets, watercourses, ponds or lakes, or rights-of-way of power lines and other public utilities, or such lines extended, or lines parallel or perpendicular thereto. Where uncertainty exists as to the location of any said boundary as shown on the Zoning Map, the following rules shall apply:

1. Where a district boundary is indicated as approximately following the centerline of a street, lane, watercourse, pond or lake, or the right-of-way of a power line, public utility, or other property line, such centerline shall be construed as the boundary.
2. Where a district boundary is indicated as approximately following a lot or other property line, such lot or property line shall be construed to be such boundary.
3. Where a district 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.
4. Where specific dimensions are shown on the Zoning Map between a street or watercourse and a district boundary, they shall indicate that the district boundary runs parallel to the centerline of the street or watercourse at a distance therefrom equivalent to the number of feet so indicated, unless otherwise specified. Where scaled distances do not agree with such dimensions, the written dimensions shall control.

B. **Overlay Districts**

In the case of the overlay districts, rules and interpretations of district boundaries shall be as described in Articles VII and VIII, as applicable.

SECTION 304. **BOUNDARY TOLERANCES**

Where a lot held under single and separate ownership is divided by a district boundary line, other than a boundary of the Floodplain Conservation Overlay District, the uses permitted in the less restrictive district may extend into that portion of said lot in the more restrictive to either the nearest lot line or a distance of fifty (50) feet in the case of the RD Residential Development and

RC Residential & Conservation Districts or twenty-five (25) feet in the case of the Village districts, whichever is less.

- A. In no case shall a use be allowed to extend into the more restrictive district unless full use is made of the less restricted area before extension.
- B. Any extension of a use into the more restrictive district must meet the area and bulk requirements of the more restrictive district.
- C. In no case shall the uses and area and bulk requirements permitted in an abutting district be extended for any distance into the Floodplain Conservation Overlay District.

ARTICLE IX
OPEN SPACE DESIGN OPTION

SECTION 901. PURPOSE.

- A. To conserve open land, including those areas containing unique and sensitive natural resources such as woodlands, steep slopes, streams, floodplains, and wetlands, by setting them aside from development.
- B. To provide greater design flexibility and efficiency in the siting of services and efficiency in the siting of services and infrastructure, including the opportunity to reduce length of roads, utilities, and the amount of paving and impervious surface required for residential development.
- C. To reduce erosion and sedimentation through the retention of existing vegetation, the minimization of development on steep slopes, and the reduction of earth disturbance.
- D. To provide for a diversity of lot sizes, building densities, and housing choices to accommodate a variety of age and income groups and residential preferences to meet the needs of all Township residents.
- E. To implement the policies of the *West Pikeland Comprehensive Plan* (1999, as amended) and *Open Space, Recreation, and Environmental Resources Plan* (1992, as amended) to protect environmentally sensitive areas, address recreation and open space needs, and to preserve the Township's scenic and rural character.
- F. To implement the policies of the *West Pikeland Comprehensive Plan* in regard to land use and agricultural preservation goals and meeting Township housing needs.
- G. To create neighborhoods with direct visual access to open land, with amenities in the form of neighborhood open space and with strong neighborhood identity.
- H. To provide options for landowners to minimize impacts on sensitive environmental resources, reduce disturbance of natural and cultural features, and conserve scenic views.
- I. To provide flexible standards for addressing varying circumstances and interests of individual landowners and the unique characteristics of their properties.

SECTION 902. GENERAL REGULATIONS.

- A. Minimum Tract Area. A tract of land using the Open Space Design Option shall be of sufficient area to permit the development of not less than three dwelling units under applicable density calculation.

B. Permitted Uses.

Except as limited pursuant to Section 902.A above, use of the Open Space Design Option may include any principal and accessory residential use(s) permitted in the base zoning district and any open space use(s) pursuant to Section 905.A hereinafter set forth, subject to all applicable regulation herein. Where residential development under the Open Space Design Option constitutes an Age Restricted Retirement Community, additional uses and/or facilities as set forth in Section 1027 may be permitted when demonstrated by the applicant to be clearly intended for use principally by residents, staff, and visitors to the community.

C. Applicable Approval Process. Use of the Open Space Design Option shall be permitted by right in the RD-Residential Development District and in the RC-Residential & Conservation District where residential uses are limited to single-family detached dwellings and subject to all provisions of this Article, as applicable. In the RC-Residential & Conservation District, use of the Open Space Design Option by right shall be further limited to provision for individual sewage disposal systems. Under all other circumstances, use of the Open Space Design Option shall be permitted when approved by the Board of Supervisors as a conditional use in accordance with the provisions of Section 1612.D. Water Supply.

Development under the Open Space Design Option shall be served by individual, community, or public water supply systems in accordance with applicable provisions of the West Pikeland Township Subdivision & Land Development Ordinance, and where the applicant can demonstrate, to the satisfaction of the Board of Supervisors, adequate supply for the intended residential and open space uses. In order to demonstrate adequate water supply, the Township may require the drilling of test wells upon the recommendation of the Township Engineer.

E. Sewage Disposal.

Development under the Open Space Design Option shall be served by individual, community or public sewage disposal systems consistent with the West Pikeland Township Sewage Facilities (Act 537) Plan and in accordance with applicable provisions of the West Pikeland Township Subdivision and Land Development Ordinance, subject to demonstration of compliance with all applicable regulations of the Chester County Health Department and/or the Pennsylvania Department of Environmental Protection, as applicable. In developments that are proposed to be served by community wastewater disposal systems, the selection of wastewater treatment technique shall be based upon the “Ordered List of Preferred Alternative Types of Community Wastewater Systems” contained in Appendix C of this Ordinance.

F. Single Plan.

The tract, or tracts in the case of contiguous or non-contiguous parcels, of land to be developed shall be in one ownership or, if in multiple ownership, shall be developed according to a single plan with common authority and responsibility.

SECTION 903. **DENSITY, AREA & BULK REGULATIONS.**A. Minimum Restricted Open Space.

Except where adjusted to facilitate the use of transferable development rights as provided in Article XVII, the minimum restricted open space shall include all areas comprising specified constrained lands as set forth in Subsection 903.A.1 PLUS additional acreage representing a percentage of the net tract area as set forth in Subsection 903.A.2, and shall further comply with all standards and criteria for restricted open space established in Sections 904 and 905 below:

1. Constrained Lands included within minimum restricted open space:
 - a. Flood plain or alluvial soils as established by the provisions of the Flood Plain Conservation District (Article VI of this ordinance);
 - b. Steep slope areas defined as grades of twenty-five percent (25%) or greater as determined by detailed topographical survey using aerial photogrammetry or field survey;
 - c. Any area designated as a wetland, under the jurisdiction of the U.S. Army Corps of Engineers and/or the Pennsylvania Department of Environmental Protection (DEP) or successive agencies.
2. Additional Minimum Restricted Open Space shall be provided in each zoning district as follows:

<u>Zoning District</u>	<u>% Net Tract Area Included in Minimum Restricted Open Space in Addition to Specified Constrained Lands</u>

a.	RD-Residential Development District	forty (40) percent
b.	RC-Residential & Conservation District	fifty (50) percent

B. Permitted Density Calculation.

Except where additional density is permitted through receipt of transferable development rights as provided in Article XVII, the maximum permissible number of lots or dwelling units on any tract utilizing the Open Space Design Option shall be calculated by multiplying

the net tract area (in acres) by the multiplier stipulated for each zoning district as provided below. The product of any such calculation may be rounded to the nearest whole number:

<u>Zoning District & Conditions for use of Applicable Multiplier</u>	<u>Applicable Density Multiplier</u>
RD-Residential Development District, except age-restricted retirement community	1.5
RD-Residential Development District, age-restricted retirement community only	3.0
RC-Residential & Conservation District	0.55

Applicant is advised that the maximum number of units calculated under the provisions herein may not always be achievable while meeting requirements for minimum restricted open space and all other standards, criteria, and regulations herein. Permitted density for use of the Open Space Design Option on tracts previously subject to agricultural subdivision shall be subject to the provisions of Section 503.D.3.d, where applicable.

C. Density and Open Space Determinations for Split-zoned Properties.

1. Density Calculations. Where a single contiguous tract of land falls into more than one zoning district, including portions of a VP District, the gross density of development permitted shall be calculated separately based on permitted residential use in each zoning district. Where Applicant demonstrates to the satisfaction of the Board of Supervisors that a development more fully in compliance with the objectives of this Article shall result, the gross density of development on the entire tract may be calculated as the sum of the density calculations made for each district separately. In such cases, ultimate placement of dwelling units may reflect a uniform plan for the entire tract without regard to zoning district boundaries within the tract.
2. Open Space Calculations. Where a contiguous tract of land falls into more than one zoning district, the open space requirement for the entire tract shall be calculated as the sum of that required in each district separately, without regard to ultimate geographic location of open space parcels relative to each zoning district.

D. Residential Area and Bulk Regulations.

Under the Open Space Design Option, no minimum lot size is prescribed, rather, the following area and bulk regulations shall apply to any principal residential structure or any other permitted building, as applicable. At the time of conditional use application, or preliminary plan submission where conditional use approval is not required, the applicant shall demonstrate to the satisfaction of the Township that each lot created under this development option contains sufficient area for a feasible building envelope which complies with the following requirements. All applicable building envelopes shall be

indicated on the approved Final Plan and shall establish the specific locational limits for any future principal or accessory structure on any lot created under this Section.

1. Minimum Lot and Yard Areas

Under the Open Space Design Option, in lieu of a minimum lot size, the following lot and yard area regulations shall apply to any principal structure or any other structure:

- a. Minimum separation distances between buildings, except as provided for accessory structures in subsection b. below, shall be as follows:
 - 1) The minimum separation shall be fifty (50) feet measured perpendicularly from the rear wall of any residential structure at any point on any other building not accessory to such residential structure.
 - 2) Minimum separation distances from any other points between buildings shall be twenty (20) feet.
- b. Except where specifically approved through the conditional use process, principal or accessory structures shall be located no less than eight (8) feet from any lot line and, in no case, shall principal or accessory structures be located less than five (5) feet from any lot line. Where a setback of less than eight (8) feet has been approved, an easement shall be provided on the affected adjoining property between the lot line and a distance of no less than eight (8) feet from the approved building envelope, in order to provide for adequate access and maintenance.
- c. Minimum separation at any point between accessory buildings and the principal structures to which they are accessory shall not be less than prescribed by the applicable provisions of the West Pikeland Township Building Code; minimum separation distances between accessory buildings and any other building shall comply with subsection a. above.
- d. Accessory structures, including detached garages, shall not be permitted on residential lots of less than ten-thousand (10,000) square feet in gross area, except where specific provision for accessory structures on smaller lots has been approved at the time of subdivision as a conditional use.
- e. No exterior windows (except for clerestory windows), doors, or other openings shall be permitted in any portion of principal or accessory structures located less than five (5) feet from any lot line.
- f. Where greater setbacks do not otherwise apply, front-facing garages, whether attached or detached, shall be set back a minimum of thirty-five

(35) feet from the edge of the right-of-way or from the sidewalk, whichever results in the greatest setback. In addition, front-facing garages shall be set back a minimum of five (5) feet from the principal front façade of the dwelling. If the front-façade is not uniform, the five (5) foot setback shall be measured from the point of the front façade nearest the street.

- g. Minimum setbacks from the edge of the cartway (or outside edge of the curb if applicable) of any new local road which is part of the proposed subdivision/land development shall not be less than twenty (20) feet, except as provided for in subsection f. above. Where abutting a new arterial, collector, or distributor road within the proposed subdivision/land development, the setbacks shall be as follows: Arterial Road: eighty-five (85) feet; Collector Road: seventy-five (75) feet, Distributor Road: sixty-five (65) feet.
- h. In addition to the individual building lot setback requirements, new structures shall meet the following guidelines for minimum setbacks. These setbacks may be modified subject to approval by conditional use:
 - 1) From external road future rights-of-way: 75 feet
 - 2) From external tract boundaries: 50 feet
 - 2) From crop or pasture land: 100 feet
 - 4) From buildings or barnyards housing livestock: 300 feet
 - 5) From active recreation areas such as courts, playing fields, or golf fairways, greens or driving ranges: 150 feet

2. Maximum Impervious Surface Area or Lot Coverage, as applicable:

- a. For any lot or parcel greater than or equal to one (1) acre in area, the maximum lot coverage shall be fifteen (15) percent.
- b. For any lot or parcel less than one (1) acre in area, the maximum lot coverage shall be calculated in accordance with the following formula, up to a maximum of fifty-five (55) percent coverage:

formula: $y = 63 - (1.1) x$

y = maximum lot coverage permitted

x = lot area in thousands of square feet (i.e., if lot is 20,000 sq.ft., $x = 20$)

example: 20,000 sq. ft. lot

maximum lot coverage = $63 - (1.1) 20 = 41\%$

- c. Total maximum impervious surfaces for multi-family units or any other dwelling units not provided with individual lots shall be limited to forty (40) percent of the gross land area devoted to such dwelling units.
 - 1) The gross land area used to satisfy this requirement shall be indicated on submitted plans and shall constitute a single contiguous land area including buildings, parking, access, and yard areas clearly associated with and in the immediate vicinity of the subject dwelling units.
 - 2) The gross land area indicated on the plans shall not include any land area that is counted toward meeting minimum restricted open space requirements, nor yard area or coverage requirements for any other dwelling units or other permitted use.
 - d. Where applicable, the applicant shall indicate the maximum lot coverage and the location of the building envelope on each lot at the time of final plan submission. The approved lot coverage limitation and building envelope location for each lot shall be included on the record plan.
- 3. Maximum Building Coverage: Sixty-five (65) percent of permitted maximum impervious coverage, as set forth above.
- 4. Maximum Building Height: Thirty-five (35) feet measured in accordance with the Township Building Code, except as otherwise permitted by Section 1103.E.
- 5. Additional Standards for Single-Family Attached (townhouse) Development:
 - a. No more than six (6) dwelling units shall be attached in an individual residential structure;
 - b. No individual residential structure shall exceed 132 feet in any single dimension;
 - c. No single-family attached dwelling shall be less than twenty (20) feet in the narrowest dimension.
- 6. Additional Standards for Multi-Family Development:
 - a. No multi-family residential structure shall exceed 132 feet in any single dimension;
 - b. No multi-family residential structure shall exceed two (2) stories in height unless provided with a sprinkler system approved by applicable fire authorities.

SECTION 904. CONSERVATION & DEVELOPMENT DESIGN STANDARDS.

- A. General Development Standards. All applicable standards provided in Articles X, XI, XII, and XIII of this Ordinance shall apply to any development utilizing the Open Space Development Option.
- B. Required Design Process.

Use of the Open Space Design Option shall follow a four-step design process as described below. Applicants are required to document the design process as described in the plan requirements of the Subdivision and Land Development Ordinance and in sufficient detail to demonstrate compliance with the following procedure. This procedure is established to guide the design process and is not intended to further constrain density calculations, open space requirements, or area and bulk regulations.

1. Step 1: Delineation of Open Space Lands and Development Areas

Open space lands and development areas shall be delineated according to the following procedure:

- a. All lands excluded or partially excluded from determination of net tract area shall be delineated.
- b. A preliminary open space network shall be delineated to include lands identified pursuant to Subsection 904.B.1.a above to the greatest extent practicable and consistent with the resource protection standards set forth in Article VIII. At a minimum, the preliminary open space network shall further include additional lands necessary to meet the minimum restricted open space requirement as calculated in accordance with Section 903.A. This additional open space component shall be delineated so as to effect maximum consistency with the open space design standards set forth herein.
- c. Potential development areas shall constitute the residual areas of the tract(s) once the preliminary open space network has been delineated.

2. Step 2: Location of House Sites

Proposed house sites shall be located within the potential development areas and shall be designed to:

- a. Fit the tract's natural topography, minimizing need for changes in topography or disturbance to existing vegetation;

- b. Be located no less than fifty (50) feet from any area within the preliminary open space network delineated in Step 1, to the greatest extent practicable;
- c. Provide views of and access to adjoining open space areas (without encroaching upon them in a manner visually intrusive to users of such areas);
- d. Minimize visibility from exterior roads and other properties;
- e. Be able to be served by adequate water and sewage facilities.

3. Step 3: Alignment of Streets and Trails

- a. Once proposed house site locations are identified, the applicant shall delineate a system for vehicular access to each house in a manner conforming to the tract's natural topography and providing for a safe and efficient pattern of circulation and ingress and egress to and from the tract.
- b. Houselots shall generally be accessed from interior streets, rather than from external roads bordering the tract.
- c. The locations of streets and driveways shall minimize intrusion into and adverse impacts to the open space network. Interconnection between separate development areas as well as existing or potential development areas on adjoining tracts shall be encouraged.
- d. A tentative network of trails shall also be delineated, connecting streets and development areas with various natural and cultural features within the open space network. Potential trail connections to adjacent parcels shall also be shown in areas where a Township trail network is envisioned.

4. Step 4: Design of Lot Lines

Lot lines for the subdivision should be drawn as the last step in the design procedure. They should follow the configuration of house sites and streets in a logical and flexible manner, should be consistent with the applicable dimensional standards of Section 903.D, and should provide for logical management of open space areas consistent with the provisions of this Article.

- C. Architectural Design. It is not the intention of the Township to govern specific architectural design nor to link conditional use approval to any specific architectural design criteria. However, the applicant shall be required to demonstrate that the intended architectural design, selected by the applicant, is consistent with, and promotes the purposes of this Article and the standards set forth herein. For all structures developed under the Open Space Design Option, excepting Single-Family and Two-Family Dwellings, the following provisions shall apply:

1. Applicant shall submit drawings illustrating the general character of the intended exterior design of structures, including principal exterior materials;
2. For principal structures in excess of eighty (80) feet in length, the applicant shall demonstrate sufficient variation in roofline and articulation of facade to mitigate the visual impact of long continuous building facades;
3. Where the Board of Supervisors determines that architectural design, as presented by the applicant, is an essential means by which the proposed development will comply with the purposes and standards of this Article, the Board may require, as a condition of approval, establishment of appropriate means to guarantee general adherence to the intended architectural character. Examples of such situations include development design replicating the general scale and appearance of a village or of a rural farmstead;
4. Applicant shall address proposed means of long-term maintenance of exterior building facades and landscaping to the satisfaction of the Board of Supervisors, for example, including where appropriate establishment of covenants and/or homeowners association documentation. In granting approval of any conditional use, the Board may establish appropriate conditions to require provision for long term maintenance of exterior building facades and landscaping.

D. Special Provisions for Conservation of Historic Resources.

1. Historic resources shall be preserved to the greatest degree practicable, through incorporation into development plans and design, including historic structures, ruins or sites, historic road or other transport traces, paths and trails, and any other historic landscape features.
2. Density Bonus for Conservation of Historic Resources.

In addition to the maximum permissible number of lots or dwelling units otherwise permitted on any tract developed under the Open Space Design Option, Applicant may provide dwelling units and lots therefor through the renovation or adaptive reuse of structures included in the Chester County Historic Sites Survey subject to compliance with the standards in Section 904.D.3 below. Except where physically infeasible due to existing locational and/or structural attributes, all such dwelling units must comply with applicable lot and yard area requirements for the base zoning district in which the structure is located.

3. Standards for Historic Resources utilized for Density Bonus.

Where maintenance, renovation or reuse of any structure included in the Historic Sites Survey of Chester County is proposed in order to develop dwelling units in

addition to the maximum otherwise permissible, Applicant shall comply with the following standards:

- a. Applicant shall demonstrate to the satisfaction of the Board of Supervisors that development plans involving historical structures shall adequately conserve the historical integrity of such structures, particularly in terms of how they are viewed from any adjacent public street or road;
- b. Authentic period materials and colors or appropriate modern replication shall be utilized on any portion of any historic structure or enlargement thereof visible from any existing or proposed public right-of-way;
- c. Applicant shall maintain sufficient landscaped or buffer area surrounding historic structures to retain the integrity of the historical landscape setting. Applicant may demonstrate mitigation of impacts to historical landscape setting through introduction of vegetation or other screening in harmony with such landscape setting and through retention of view lines which visually link historic structures to their landscape setting;
- d. Facilities and equipment for heating/air conditioning, trash collection and compaction, and other structural elements not in keeping with historical architectural themes shall be concealed architecturally or otherwise screened from view;
- e. Where bonus density is provided, Applicant shall provide for long-term protection of affected historic structures through establishment of appropriate deed restrictions, easement(s) or other agreement in a form acceptable to the Township.

E. Open Space Resource Protection. The location of proposed open space shall take into consideration the resource protection, open space, and potential trail corridor recommendations of the *West Pikeland Open Space, Recreation, and Environmental Resources Plan* (1992, as amended). During the conditional use review process, the Board shall be satisfied that the applicant has incorporated the following resources into the open space to the fullest extent practicable:

1. Stream channels, floodplains, wet soils, swales, springs and other lowland areas, including adjacent buffer areas required to ensure their protection.
2. Significant natural areas of species listed as endangered, threatened, or of special concern, such as those listed in the Statewide Natural Diversity Inventory.
3. Moderate to steep slopes, particularly those adjoining water courses and ponds, where disturbance and resulting soil erosion and sedimentation could be detrimental to water quality.

4. Healthy woodlands, particularly those performing important ecological functions such as soil stabilization and protection of streams, wetlands and wildlife habitats.
5. Areas where precipitation is most likely to recharge local groundwater resources because of topographic and soil conditions affording high rates of infiltration and percolation.
6. Hedgerows, groups of trees, large individual trees of botanic significance, and other vegetation features representing the site's rural past.
7. Class I, II and III agricultural soils as defined by the USDA Natural Resource Conservation Service.
8. Historic structures and sites.
9. Visually prominent topographic features such as knolls, hilltops and ridges, and scenic viewsheds as seen from public roads (particularly those with historic features).
10. Existing trails connecting the tract to other locations in the Township.

SECTION 905. OPEN SPACE DESIGNATION & MANAGEMENT STANDARDS.

A. Open Space Designation & Use.

1. The location and layout of restricted open space shall be configured so as to serve residents adequately and conveniently and to promote adherence to resource protection standards in Sections 904.E above, and shall further conform to the following conditions:
 - a. A portion of the designated restricted open space equal in area to no less than twenty-five (25) percent of the gross tract area shall exclude areas comprised of designated flood hazard districts, wetlands, slopes in excess of twenty-five (25) percent, sewage treatment or disposal facilities or areas, stormwater management basins, areas devoted to golf or commercial recreation.
 - b. No portion of the designated restricted open space shall be measured as contributing to the minimum required restricted open space area where it:
 - 1) is within twenty-five (25) feet of any residential structure except historic structures;

- 2) is occupied by any parking area or any non-residential structure except historic structures and structures devoted to permitted agricultural or non-commercial recreational use(s);
- 3) extends less than seventy-five (75) feet in the narrowest dimension at any point;
- 4) comprises stormwater management facilities, except that areas devoted to stormwater management facilities may be included within the minimum required restricted open space area where the Applicant can demonstrate to the satisfaction of the Township Engineer that such facilities are designed to:
 - a) promote recharge of the groundwater system;
 - b) be available and appropriate for active or passive recreational use or scenic enjoyment; and
 - c) otherwise conform to the purposes, standards, and criteria for open space set forth in this Article.

For example, a long low berm graded to reflect natural contour could be designed to: 1) blend into the scenic landscape; 2) permit passive recreational use over the top of it; while 3) providing a relatively large linear area for seepage of stormwater into the groundwater system.

2. Use of Open Space. Areas designated for open space purposes, regardless of ownership, may be used for any of the following:
 - a. Conservation of open land in its natural state (e.g., woodland, fallow field, or managed meadow);
 - b. Agricultural and horticultural uses, including raising crops or livestock and wholesale nurseries. Intensive agricultural uses may only be permitted where approved as a conditional use where consistent with the provisions of Section 1005 and where the Board of Supervisors is satisfied that such use(s) may be conducted in a manner not detrimental to any neighboring residential use.
 - c. Forestry, if conducted in compliance with the woodland protection and tree harvesting standards of Sections 802.B.6 and 1029 of this Ordinance.
 - d. Public, common, or private green, park or outdoor recreation area. Commercial recreational use(s) may be permitted where approved as a

- conditional use where the Board of Supervisors is satisfied that such use(s) are consistent with the purposes of this Article.
- e. Golf courses, subject to the restriction set forth in Section 905.A.1.a.
 - f. Water supply facilities and sewage treatment and disposal facilities, including individual sewage disposal systems to the extent that it is not practicable to locate such facilities on individual lots. The placement of water and sewer facilities in open space areas shall be subject to all applicable regulations and shall be permitted only where the Board of Supervisors is satisfied that adequate provision(s) for the long-term management and maintenance of such facilities are guaranteed and that the placement of such systems in open space areas does not significantly compromise compliance with all other applicable standards for the designation, use and management of open space;
 - g. Stormwater management facilities, subject to the provisions of measurement of minimum required open space stipulated in Section 905.A.1.b.4. above;
 - h. Where water, sewer, or stormwater management facilities are located within restricted open space, easements satisfactory to the Board of Supervisors shall be established to require and enable the maintenance of such facilities by the appropriate parties.
 - i. Easements for drainage, access, utilities, sewer or water lines, or other public uses. Above ground utility and rights-of-way may traverse open space and conservation areas, but shall not count towards the minimum required open space.
 - j. Structures principally used for any of the above permitted open space uses, subject to compliance with any applicable limitations on measurement of minimum restricted open space;
- 3. Open space shall be interconnected with open space areas on abutting parcels wherever possible to promote the establishment of an interconnected and continuous network of open space, and shall include, where appropriate, provisions for pedestrian pathways for general public use to create linked systems within the Township.
 - 4. As a condition of approval, the Township may require that open space areas be provided with sufficient perimeter parking, and with safe and convenient access by adjoining street frontage or other rights-of-way or easements capable of accommodating pedestrian, bicycle, and maintenance and vehicle traffic, and containing appropriate access improvements.

5. Open space shall be suitably landscaped either by retaining existing natural cover and wooded areas and/or according to a landscaping plan to protect open space resources

B. Standards for Ownership of Restricted Open Space.

Except to provide for permitted open space uses, required open space shall be restricted from further subdivision or development by deed restriction, conservation easement, or other agreement in a form acceptable to the Township and duly recorded in the office of the Recorder of Deeds of Chester County. Subject to such permanent restrictions and the approval of the Board of Supervisors, restricted open space land in any open space development may be owned by a homeowners' association, the Township, a land trust or other conservation organization recognized by the Township, or by a similar entity, or may remain in private ownership.

1. Offer of Dedication.

The Township may, but shall not be required, to accept dedication in the form of fee simple ownership of restricted open space land. Where the Township accepts dedication of restricted open space land that contains improvements, the Board of Supervisors may require the posting of financial security to ensure structural integrity of said improvements as well as the functioning of said improvements for a term not to exceed eighteen (18) months from the date of acceptance of dedication. The amount of financial security shall not exceed fifteen (15) percent of the actual cost of installation of said improvements.

2. Homeowners' Association.

The restricted open space land and associated facilities may be held in common ownership by a Homeowners' Association. The Association shall be formed and operated under the following provisions:

- a. The developer shall provide a description of the Association including its bylaws and proposed means of maintaining the open space. The developer shall further provide satisfactory proof of adoption of the Association bylaws and copy of all declaration(s) of covenants, easements, restrictions or similar document(s) regulating the use and maintenance of the property.
- b. The Association shall be organized by the developer and operated with financial subsidization by the developer, before the sale of any lots within the development;
- c. Membership in the Association is mandatory for all purchasers of homes therein and their successors. The conditions and timing of transferring control of the Association from developer to homeowners shall be identified;

- d. The Association shall be responsible for maintenance and insurance on common open space land and any permitted improvements thereon, enforceable by liens placed by the Homeowners' Association. The Township has the right, but not the obligation, to enforce maintenance of common open space land, and may place liens to recover its costs. Any governmental body with jurisdiction in the area where the development is located may place liens on the owners of the lots subject to membership in the Homeowners' Association and/or the open space to collect unpaid taxes;
- e. The members of the Association shall share equitably the costs of maintaining and developing such common land. Shares shall be defined within the Association declaration and bylaws. Association dues shall be structured to provide for both annual operating costs and to cover projected long-range costs relating to the repair of any capital facilities (which shall be deposited in a sinking fund reserved for just such purposes);
- f. In the event of a proposed transfer, within the methods here permitted, of common open space land by the Homeowners' Association, or of the assumption of maintenance of such land by the Township, notice of such action shall be given to all property owners within the development;
- g. The Association shall have or hire adequate staff to administer common facilities and properly and continually maintain the common open space land;
- h. The Homeowners' Association may lease open space lands to any other qualified person, or corporation, for operation and maintenance of such lands, but such a lease agreement shall provide:
 - 1) that the residents of the development shall at all times have access to the open space lands contained therein (except that access to land that is actively farmed shall be limited to times of the year when the fields are fallow);
 - 2) that the common open space land to be leased shall be maintained for the purposes set forth in this Ordinance; and
 - 3) that the operation of open space facilities may be for the benefit of the residents only, or may be open to the residents of the Township, at the election of the developer and/or Homeowners' Association, as the case may be.
- i. The lease shall be subject to the approval of the Board of Supervisors and any transfer or assignment of the lease shall be further subject to the approval of the Board of Supervisors. Lease agreements so entered upon

shall be recorded with the Recorder of Deeds of Chester County within thirty (30) days of their execution and a copy of the recorded lease shall be filed with the Secretary of the Township;

- j. Homeowners' Association documentation demonstrating compliance with the provisions herein shall be filed with the Final Subdivision and Land Development Plans. At the time of Preliminary Plan submission, Applicant shall provide draft Homeowners' Association documentation with sufficient detail to demonstrate feasible compliance with this Section.
- k. All applicable Homeowners' Association documentation shall be reviewed and approved by the Township Solicitor and shall be recorded in the Office of the Chester County Recorder of Deeds at the time of recording of Final Plans and prior to issuance of any building permit.
- l. Any costs accrued on the part of the Township in regard to the administration, review or approval of any required activities of the Homeowners' Association shall be reimbursed by the Association within ten (10) days after written demand by the Township. Upon failure of the Association to pay such costs by the time required, there shall be added thereto interest at the rate of fifteen (15) percent per annum as well as all costs incurred by the Township in collection thereof. All such costs, including court costs and attorney's fees, shall constitute a municipal lien and be enforceable as such against the Association and shall apply, pro rata, against all lot owners who are members of the association, in addition to applying to any affected open space.

3. Condominiums.

The restricted open space land and associated facilities may be held in common through the use of condominium agreement(s), approved by the Board of Supervisors. Such agreement shall be in conformance with the Uniform Condominium Act of 1980. All common open space land shall be held as "common elements" or "limited common elements." To the degree applicable, condominium agreement(s) shall comply with the provisions of Section 905.B.2 above, set forth for Homeowners' Associations. Condominium agreement(s) shall be filed with the Final Subdivision and Land Development Plans. At the time of Preliminary Plan submission, Applicant shall provide draft condominium agreement(s) with sufficient detail to demonstrate compliance with this Section.

4. Dedication of Easements.

The Township may, but shall not be required to, accept easements for public use of any portion or portions of restricted open space land, title of which is to remain in common ownership by condominium or homeowners association, as applicable.

5. Transfer of Easements to a Private Conservation Organization

With the permission of the Township, an owner may transfer easements to a private, nonprofit, organization recognized by the Township, among whose purpose it is to conserve open space and/or natural resources, provided that:

- a. the organization is acceptable to the Board of Supervisors, and is a bona fide conservation organization with perpetual existence;
- b. the conveyance contains appropriate provision for proper reverter or retransfer subject to the approval of the Township in the event that the organization becomes unwilling or unable to continue carrying out its functions; and
- c. a maintenance agreement acceptable to the Board of Supervisors is entered into by the developer and the organization.

6. Private Ownership of Restricted Open Space.

- a. Restricted open space may be retained in ownership by the Applicant or may be transferred to other private parties subject to compliance with all standards and criteria for restricted open space herein.
- b. All or portions of the designated restricted open space, where permitted by the Board of Supervisors, may be included within or divided among one or more of the individual lots. Where deemed appropriate, the Board of Supervisors may require that responsibility for maintenance of restricted open space be conferred upon and/or divided among the owners of one or more individual lots.

C. Maintenance of Open Space and Common Facilities

Unless otherwise agreed to by the Board of Supervisors, the cost and responsibility of maintaining common facilities and open space shall be borne by the property owner, condominium association, homeowners' association, or conservation organization as outlined below.

1. Required Open Space Management Plan.

The applicant shall provide a plan for the long term management of the restricted open space which is to be created as part of the development, including maintenance and management of any wastewater disposal, water supply, stormwater management or any other common facilities which may be located within areas of restricted open space.

a. Open Space Management Plan Information

Such a plan shall include a narrative discussion of the following items:

- 1) The manner in which the restricted open space and any facilities included therein will be owned and by whom it will be managed and maintained;
- 2) The conservation, land management and agricultural techniques and practices which will be used to conserve and perpetually protect the restricted open space, including conservation plan(s) approved by the Chester County Conservation District where applicable;
- 3) The professional and personnel resources that will be necessary in order to maintain and manage the property;
- 4) The nature of public or private access that is planned for the restricted open space; and
- 5) The source of money that will be available for such management, preservation and maintenance on a perpetual basis.

b. At the time of Preliminary Plan submission, the applicant shall provide a draft open space management plan with sufficient detail to demonstrate feasible compliance with the provisions required under this Section.

c. The Board of Supervisors may require that the management plan be recorded, with the Final Subdivision and Land Development Plans, in the Office of the Recorder of Deeds of Chester County.

d. The Board may require as a condition of subdivision and/or land development approval that appropriate management contracts be established as evidence of the ability to adhere to the provisions of the approved management plan.

e. In order to allow for the changing needs inherent in the perpetual management of land, the management plan shall contain a provision to the effect that it may be changed by written application to the Board of Supervisors. Approval of such application by the Board shall not be unreasonably withheld or delayed, so long as:

- 1) The proposed change is feasible, is consistent with the purposes of preservation of open space set forth in this Section and with the approved subdivision and land development plans; and
- 2) The plan for such change avoids a likelihood of the obligation for management and maintenance of the land falling upon the Township without the consent of the Board of Supervisors.

2. Provisions for Maintenance of Restricted open space

- a. In the event that a homeowners' association, condominium, any successor organization, or any owner of the open space shall, at any time after establishment of a development containing open space land, fail to maintain such land in reasonable order and condition in accordance with the development plan, the open space management plan and/or association or condominium documents as applicable, the Township may serve written notice upon the owner of record, setting forth the manner in which the owner of record has failed to maintain the open space land in reasonable order and condition.
- b. Failure on the part of a homeowners' or condominium association to adequately maintain the open space land in reasonable order and condition shall constitute a violation of this Ordinance. The Township is hereby authorized to give notice, by personal service or by United States mail, to the owner or occupant, as the case may be, of any violation, directing the owner to remedy the same within twenty (20) days.
- c. Upon default by any owner, homeowners' association, conservation organization, or other entity responsible for maintenance of restricted open space and/or associated facilities, where such maintenance is required under the terms of the open space management plan, homeowners' association or condominium documents, any subdivision and/or land development plan for the property, the zoning approval for the property, or under any applicable requirements of any Township ordinances, permits or approvals, or where such maintenance is otherwise necessary to abate a nuisance, emergency, hazard or other condition threatening persons or property or the public health, safety or welfare, the Township may, but shall not be obligated, to take the following actions:
 - 1) Upon thirty (30) days advance written notice to the person, association or entity responsible for such maintenance (or any such lesser period as may be specified in the notice in instances of emergency) and the failure of the responsible individual, entity or association within such thirty (30) day period (or such lesser period in the event of an emergency) to perform the necessary maintenance and otherwise remedy the condition set forth in the Township's notice, to enter upon the open space, accessing the same through any other lands of such entity, association or individual as may be necessary, to perform such maintenance and take any other action necessary to correct the condition provided in the Township's notice.
 - 2) Any and all costs incurred by the Township in connection with such notice and maintenance shall be paid by the responsible individual, entity or association within ten (10) days after written demand by the Township. Upon failure of the responsible entity, association or individual to pay such costs by the time required, there shall be added thereto interest at the rate of fifteen (15) percent per annum as

well as all costs incurred by the Township in collection thereof.

- a) All such costs of maintenance, remediation, notices, and collection, including court costs and attorney's fees, shall constitute a municipal lien and be enforceable as such against the responsible entity, individual or association.
- b) Such lien shall extend to all property of such individual, entity or association within the development containing the affected open space.
- c) In the case of an association, such lien shall apply, pro rata, against all lot owners who are members of the association, in addition to applying to the affected open space.

- D. Open Space Performance Guarantees. Where intended as common or public amenities, all landscape improvements, plantings, accessways, and recreational facilities within designated open space areas shall be provided by the developer. A performance bond or other security acceptable to the Township shall be required to cover costs of installation of such improvements in the open space area. The performance bond or other security shall be in the same form and adhere to the same conditions as otherwise required for proposed improvements by the West Pikeland Township Subdivision and Land Development Ordinance

ARTICLE IV
RD-RESIDENTIAL DEVELOPMENT DISTRICT

SECTION 401. PURPOSE

In addition to the general goals listed in the statements of Purpose, Section 102, and Community Development Objectives, Section 103, the purpose of the RC-Residential & Conservation District is to:

- A. Provide for new residential development in attractive subdivisions designed to conserve land and respect the natural, historic, and scenic qualities of the parcel.
- B. Discourage conventional, sprawling subdivisions that consume land, create artificial views, and require high amounts of impervious surface.
- C. Serve as the Township's primary growth area and accommodate the projected population in a location that facilitates access by public/community water and sewer, is adjacent to major roadways leading to outlying commercial and employment centers, and is in proximity to other residential areas.
- D. Allow for new residential development that is designed to blend with the environment and units clustered within the development to preserve open space, protect fragile lands, reduce impervious surfaces, and minimize impact on scenic vistas.
- E. Allow for flexibility in unit design to accommodate a range of housing types, from larger detached homes with yards to well designed townhomes with lower maintenance requirements.

SECTION 402. USE REGULATIONS

- A. By-Right Uses. The following uses, and no others, are permitted as a matter of right:
 - 1. Non-intensive agricultural uses subject to the provisions of Section 1005.
 - 2. Nursery, tree farm or similar silvicultural use.
 - 3. Woodland preserve, game preserve, wildlife sanctuary, or other conservation purpose.
 - 4. Single-family detached dwellings under any applicable development option.
 - 5. Forestry, subject to the provisions of Sections 802 and 1029.

6. No-impact home-based business.
7. Municipal uses, including a park or recreational areas.
8. Municipal communications tower and the installation and operation of communications equipment located and operated on, or partly on and partly adjacent to, any municipal communications tower, subject to the provisions of Section 1011.
9. Use of the Conventional Development Option subject to all applicable standards set forth herein.
10. Use of the Open Space Design Option where limited to single-family detached homes and consistent with the provisions of Article IX.
11. Temporary use or structure, subject to the provisions of Section 1028.

B. Special Exception Uses

1. Private country club, provided that the principal activity is not one which is customarily carried on as a business, subject to the provisions of Section 1013.
2. Outdoor recreational uses including those of a commercial nature, such as, but not limited to, a swimming or tennis club, campground, commercial stable, riding school or academy, and golf course, excluding miniature golf courses, subject to the provisions of Sections 1023 as applicable.
3. Bed and breakfast, subject to the provisions of Section 1008.
4. Residential conversion of a single-family detached dwelling subject to the provisions of Section 1025.
5. Accessory apartments subject to the provisions of Section 1026
5. Home occupation, subject to the provisions of Section 1017.
6. Cemetery, subject to the provisions of Section 1009.

C. Conditional Uses

1. The receipt of Transferable Development Rights (TDRs) under the applicable provisions set forth herein.

2. Single-family detached dwellings where utilizing lot averaging provisions under the Conventional Development Option or in accordance with the Open Space Development Option where not otherwise permitted by right.
3. Single-family attached dwellings, two-family dwellings and multi-family dwellings in accordance with the Open Space Development Option.
4. Church or similar place of worship, including rectory or parish house, subject to the provisions of Section 1010.
5. Educational use subject to the provisions of Section 1015.
6. Nursing home, subject to the provisions of Section 1022.
7. Age-restricted retirement community subject to the provisions of Section 1027 and applicable provisions of the Open Space Design Option.
8. Mobile home park, subject to the provisions of Article VIII of the Subdivision and Land Development Ordinance and Section 1021 of this Ordinance.
9. Transitional Housing or Group Homes, subject to the provisions of Section 1030.
10. Municipally or privately owned and operated community wastewater treatment and reuse or irrigation systems in accordance with applicable provisions of this Ordinance and other applicable regulations.
11. Except as provided by right in accordance with Section 401.A, use of the Open Space Design Option as set forth in Article IX.
12. Use of the Conventional Development Option where lot-averaging provisions are utilized.

D. Accessory Uses

Any use customarily accessory to and on the same lot as any permitted principal use, including the display and sale of farm products, and further subject to all applicable provisions of Sections 1002 and 1003.

SECTION 403. AREA, BULK AND DEVELOPMENT REGULATIONS

A. Applicability of Development Options:

1. Any property of sufficient size may be subdivided for agricultural purposes in accordance with the regulations set forth in Section 1005 or other permitted non-residential development as provided in Section 403.F and as otherwise provided herein.
 2. Any property meeting applicable eligibility requirements may be developed as a Mobile Home Park in accordance with the provisions of Section 1022 and Article VIII of the West Pikeland Township Subdivision & Land Development Ordinance.
 3. Any property capable of being subdivided into three or more residential lots may be developed in accordance with the Open Space Design Option, subject to the provisions of Article IX.
 4. The owner of any property eligible for development as a Mobile Home Park or for development under the Open Space Design Option, including where developed as an age-restricted retirement community, may utilize received Transferable Development Rights where approved as a Conditional Use as provided in Article XVII.
 5. Any parcel existing prior to the adoption of these provisions and comprising less than ten net acres in area may, in lieu of other available options, be subdivided and/or developed in accordance with the Conventional Development Option as set forth in Section 403.C.
 6. Any parcel or lot existing prior to the adoption of these provisions and comprising less than one (1) net acre in area may not be further subdivided. Where such lots resulted from development under previously applicable PRD or cluster development provisions, such provisions as recorded in applicable subdivision/land development plans shall apply. In all other cases, the provisions set forth in Section 403.B shall apply
- B. Pre-Existing Parcels less than One Net Acre, Not Resulting from Prior PRD or Cluster Subdivision:
1. Use shall be limited to only one Single-Family Detached dwelling and customary accessory residential uses.
 2. Maximum Lot Coverage: Twenty (20) percent except that, where approved at the discretion of the Zoning Hearing Board as a special exception, the maximum lot coverage may be increased to no more than forty (40) percent, subject to the following:
 - a. The sewage system shall be certified adequate for the size of the dwelling by the Chester County Health Department.

- b. The Township Engineer shall certify that adequate stormwater recharge or storage facilities adequate to handle roof drainage and resolve any existing problems exist or shall be installed.
 - c. No such increase in lot coverage shall be permitted where any building requiring such increase shall require the installation of a sand mound or other nonconventional sewage system on a substandard lot of less than 1 acre.
 3. Maximum Building Coverage: Fifteen (15) percent except that, where approved at the discretion of the Zoning Hearing Board as a special exception, the maximum building coverage may be increased to twenty-five (25) percent on any individual lot, so long as any increase in total lot coverage beyond twenty (20) percent meets the criteria set forth in Subsection 403.B.2 above.
 4. Minimum Front Yard Setback: Thirty-five (35) feet
 5. Minimum Rear Yard Setback: Thirty-five (35) feet
 6. Minimum Side Yard Setbacks: Twenty (20) feet.
 7. Maximum Building Height: Thirty-five (35) feet measured in accordance with the Township Building Code, except as otherwise permitted by Section 1103.E.
- C. Conventional Residential Development Option for Pre-Existing Parcels less than Ten Net Acres.
 1. The use of this option shall be limited to tracts existing at the time of adoption of this Section greater than four (4) net acres and less than ten (10) net acres in area.
 2. The use of this option shall be limited to single-family detached residential uses and customary residential accessory uses.
 3. Application of Area & Bulk Regulations.
 - a. The conventional area and bulk regulations set forth in Subsection 403.C.4 below shall apply to the following situations:
 - 1) Any conventional subdivision NOT utilizing lot-averaging
 - 2) Any residential lot existing at the time of adoption of this Section greater than one (1) net acre in area and not otherwise subject to subdivision or land development.
 - b. The lot-averaging area and bulk regulations set forth in Subsection 403.C.5 below shall apply to any conventional subdivision utilizing lot-averaging, where permitted subject to conditional use approval.
 4. Conventional Area & Bulk Regulations

- a. Minimum Lot Area: One (1) net acre.
 - b. Minimum Lot Width: 150 feet.
 - c. Minimum Street Frontage: 100 feet, except that in the case of lots entirely fronting on a cul-de-sac turnaround, the lot width at street line may be reduced to no less than one-quarter (1/4) of the perimeter of the cul-de-sac turnaround.
 - d. Minimum Front Yard Setback: 35 feet.
 - e. Minimum Rear Yard Setback: 35 feet.
 - f. Minimum Side Yard Setback: twenty (20) feet one yard, fifty (50) feet aggregate.
 - g. Maximum Lot Coverage: 15%.
 - h. Maximum Building Coverage: 10%.
 - i. Maximum Building Height: 35 feet measured in accordance with the Township Building Code, except as otherwise permitted by Section 1103.E.
5. Lot-Averaging
- a. Eligibility
 - 1) Lot-averaging shall be limited to subdivisions creating a minimum of three (3) proposed lots.
 - 2) In consideration of conditional use approval for use of lot-averaging, each proposed subdivision shall be evaluated individually as to its impacts upon natural, scenic and cultural resources. It shall be the burden of the applicant to demonstrate to the satisfaction of the Board of Supervisors that the proposed design using lot-averaging promotes the conservation of local resources to a greater degree than would conventional subdivision design.
 - 3) Except where public or community sewage disposal acceptable to the Township is provided, all lots shall be capable of supporting individual on-lot sewage systems. Where on-lot sewage systems are proposed, each lot of the proposed subdivision shall have passed a percolation test as approved by the Chester County Health Department prior to receiving subdivision approval.
 - b. Minimum Average Lot Area Over Entire Subdivision: One (1) net acre.
 - c. Lot-Averaging Area & Bulk Regulations

- 1) Lots in excess of one (1) net acre shall comply with the conventional area and bulk regulations set forth in Subsection 403.C.4 above. No lot that is of sufficient size to otherwise be capable of further subdivision under the district regulations shall be included in determining the average lot area unless the possibility of such further subdivision is eliminated by a deed restriction or agreement in a form acceptable to the Township and duly recorded in the Office of the Recorder of Deeds of Chester County.
- 2) Lots less than one (1) net acre in area shall comply with the following:
 - a) Minimum Individual Lot Area: 20,000 square feet, net.
 - b) Minimum Lot Width: 120 feet.
 - c) Minimum Street Frontage: 100 feet, except that in the case of lots entirely fronting on a cul-de-sac turnaround, the lot width at street line may be reduced to no less than one-quarter (1/4) of the perimeter of the cul-de-sac turnaround.
 - d) Minimum Yard Setbacks: All yards on lots abutting the perimeter of the tract shall comply with the conventional setbacks set forth in Subsection 403.C.4 above. All other yards shall comply with the following:
 - i. Minimum Front Yard Setback: 30 feet.
 - ii. Minimum Rear Yard Setback: 30 feet.
 - iii. Minimum Side Yard Setback: fifteen (15) feet one yard, forty (40) feet aggregate.
 - e) Maximum Lot Coverage: For any lot less than one (1) acre in area, the maximum lot coverage shall be calculated in accordance with the following formula, up to a maximum of forty (40) percent:

$$\text{formula: } y = 63 - (1.1) x$$

y = maximum lot coverage permitted

x = net lot area in thousands of square feet (i.e., if lot is 20,000 sq.ft., x = 20)

example: 20,000 sq. ft. lot net area

*maximum lot coverage = $63 - (1.1) 20 = 41\%$ coverage,
thus 40% overall maximum applies.*

- f) Maximum Building Coverage: Sixty-five (65) percent of permitted maximum lot coverage, as set forth above.
 - g) The applicant shall indicate both maximum permitted lot coverage and building coverage on each lot at the time of final plan submission. The approved lot and building coverages for each lot shall be included on the record plan.
 - h) Maximum Building Height: 35 feet measured in accordance with the Township Building Code, except as otherwise permitted by Section 1103.E.
- D. Open Space Design Option. Subdivision and development in accordance with the Open Space Design Option shall be permitted subject to the provisions of Article IX.
- E. Mobile Home Park. Subdivision and/or development of a Mobile Home Park shall be permitted where approved by the Board of Supervisors as a conditional use and subject to the provisions of Section 1022 of this Ordinance and Article VIII of the West Pikeland Township Subdivision & Land Development Ordinance.
- F. Non-Residential Uses. The following standards shall apply to tracts or lots used for any principal use permitted by right, special exception or conditional use, not subject to any of the residential development options set forth herein, and except where otherwise provided in this Ordinance:
 - 1. Minimum Lot Area: Three (3) net acres.
 - 2. Minimum Lot Width: 200 feet
 - 3. Minimum Street Frontage: 100 feet, except that in the case of lots entirely fronting on a cul-de-sac turnaround, the lot width at street line may be reduced to no less than one-quarter (1/4) of the perimeter of the cul-de-sac turnaround.
 - 4. Minimum Front Yard Setback: 50 feet
 - 5. Minimum Rear Yard Setback: 50 feet.
 - 6. Minimum Side Yard Setback: 50 feet.
 - 7. Maximum Lot Coverage: 40%.
 - 8. Maximum Building Coverage: 20%.
 - 9. Maximum Building Height: 35 feet measured in accordance with the Township Building Code, except as otherwise permitted by Section 1103.E.

SECTION 404. OTHER APPLICABLE REGULATIONS

For additional requirements and design standards applicable to this district, refer to the provisions of Article VIII, Overlay Districts; Article X, Supplemental Land Use Regulations; Article XI, Common Land Use Regulations; Article XII, Off-Street Parking Regulations; and Article XIII, Signs.

ARTICLE V
RC-RESIDENTIAL & CONSERVATION DISTRICT

SECTION 501. PURPOSE

In addition to the general goals listed in the statements of Purpose, Section 102, and Community Development Objectives, Section 103, the purpose of the RC-Residential & Conservation District is to:

- A. Protect open space resources and reduce development pressure on those portions of the Township that are environmentally sensitive.
- B. Support and protect the agricultural industry by directing residential development to identified growth area(s) (e.g., RD-Residential Development District).
- C. Provide for water resource protection by reducing demand on the potable water supply, limiting soil erosion and stormwater runoff, and reducing contamination and runoff into the Pickering and Pine Creeks through appropriate growth management techniques.

SECTION 502. USE REGULATIONS

- A. By-Right Uses. The following uses, and no others, are permitted as a matter of right:
 - 1. The severance or transfer of Transferable Development Rights (TDRs) under the applicable provisions set forth herein.
 - 2. Agricultural uses, including intensive or non-intensive agricultural uses, subject to the provisions of Section 1005.
 - 3. Nursery, tree farm or similar silvicultural use.
 - 4. Woodland preserve, game preserve, wildlife sanctuary, or other conservation purpose.
 - 5. Single-family detached dwellings under any applicable development option.
 - 6. Forestry, subject to the provisions of Sections 802 and 1029.
 - 7. No-impact home-based business.
 - 8. Municipal uses, including a park or recreational areas.

9. Municipal communications tower and the installation and operation of communications equipment located and operated on, or partly on and partly adjacent to, any municipal communications tower, subject to the provisions of Section 1011.
10. Use of the Conventional Development Option subject to all applicable standards set forth herein.
11. Use of the Open Space Design Option where limited to single-family detached homes utilizing individual sewage disposal systems and consistent with the provisions of Article IX.
12. Temporary use or structure, subject to the provisions of Section 1028.

B. Special Exception Uses

1. Private country club, provided that the principal activity is not one which is customarily carried on as a business, subject to the provisions of Section 1013.
2. Commercial Recreation, excluding miniature golf courses, subject to the provisions of Section 1023 as applicable.
3. Animal shelter, veterinary office, or kennel, subject to the provisions of Section 1006.
4. Bed and breakfast, subject to the provisions of Section 1008.
5. Residential conversion of a single-family detached dwelling subject to the provisions of Section 1025.
6. Home occupation, subject to the provisions of Section 1017.
7. Cemetery, subject to the provisions of Section 1009.

C. Conditional Uses

1. The receipt of Transferable Development Rights (TDRs) for use on Non-Prime agricultural properties under the applicable provisions set forth herein.
2. Single-family detached dwellings where utilizing lot averaging provisions under the Conventional Development Option or in accordance with the Open Space Development Option where not otherwise permitted by right.

3. Single-family attached dwellings, two-family dwellings and multi-family dwellings in accordance with the Open Space Development Option.
4. Church or similar place of worship, including rectory or parish house, subject to the provisions of Section 1010.
5. Educational use subject to the provisions of Section 1015.
6. Secondary farm family business, in conjunction with a permitted agricultural use and subject to the provisions of Sections 1002 and 1005.
7. Municipally or privately owned and operated community wastewater treatment and reuse or irrigation systems in accordance with applicable provisions of this Ordinance and other applicable regulations.
8. Except as provided by right in accordance with Section 501.A, use of the Open Space Design Option as set forth in Article IX.
9. Age-restricted retirement community subject to the provisions of Section 1027 and applicable provisions of the Open Space Design Option.
10. Use of the Conventional Development Option where lot-averaging provisions are utilized.

D. Accessory Uses

Any use customarily accessory to and on the same lot as any permitted principal use, including the display and sale of farm products, and further subject to all applicable provisions of Sections 1002 and 1003.

SECTION 503. AREA, BULK AND DEVELOPMENT REGULATIONS

A. Applicability of Development Options:

1. Transferable Development Rights.

- a. The owner of any property may sever Transferable Development Rights and may transfer such rights to another party as set forth in Article XVII, provided that at least one development right is retained or that the subject property is merged in title with another property with at least one retained development right.
- b. The owner of any non-prime agricultural property eligible for development under the Open Space Design Option may utilize received Transferable Development Rights where approved as a Conditional Use as provided in Articles IX and XVII.

2. Prime Agricultural Properties.

- a. Properties meeting the definition of prime agricultural properties may be subdivided for agricultural purposes or for residential purposes with residual agricultural parcels as provided in Section 503.D, OR may be subdivided and developed in accordance with the Open Space Design Option as set forth in Article IX.
- b. On properties meeting the definition of prime agricultural properties, and NOT subject to subdivision, the standards set forth in Section 1005 shall apply to principal and accessory agricultural uses and the area and bulk regulations set forth in Subsection 503.C.4 shall apply to principal and accessory residential uses.

3. Non-Prime Agricultural Properties.

- a. Any property not meeting the definition of a prime agricultural property, where of sufficient size, may nevertheless be subdivided for agricultural purposes or for residential purposes with residual agricultural parcels as provided in Section 503.D, may be subdivided and/or developed for permitted non-residential purposes as provided in Section 503.F, OR may be subdivided and developed in accordance with the Open Space Design Option as set forth in Article IX.
- b. In addition, any parcel existing prior to the adoption of these provisions and comprising less than ten net acres in area may be subdivided and/or developed in accordance with the Conventional Development Option as set forth in Section 503.C.
- c. Any parcel or lot existing prior to the adoption of these provisions and comprising less than two (2) net acres in area may not be further subdivided. Where such lots resulted from development under previously applicable PRD or cluster development provisions, such provisions as recorded in applicable subdivision/land development plans shall apply. In all other cases, the provisions set forth in Section 503.B shall apply

B. Pre-Existing Parcels less than Two Net Acres, Not Resulting from Prior PRD or Cluster Subdivision:

1. Use shall be limited to only one Single-Family Detached dwelling and customary accessory residential uses.
2. Maximum Lot Coverage: Fifteen (15) percent except that, where approved at the discretion of the Zoning Hearing Board as a special exception, the maximum lot coverage may be increased to no more than thirty (30) percent, subject to the following:
 - a. The sewage system shall be certified adequate for the size of the dwelling by the Chester County Health Department.

- b. The Township Engineer shall certify that adequate stormwater recharge or storage facilities adequate to handle roof drainage and resolve any existing problems exist or shall be installed.
 - c. No such increase in lot coverage shall be permitted where any building requiring such increase shall require the installation of a sand mound or other non-conventional sewage system on a substandard lot of less than 1 acre.
 3. Maximum Building Coverage: Ten (10) percent except that, where approved at the discretion of the Zoning Hearing Board as a special exception, the maximum building coverage may be increased to twenty (20) percent on any individual lot, so long as any increase in total lot coverage beyond fifteen (15) percent meets the criteria set forth in Subsection 502.B.2 above.
 4. Minimum Front Yard Setback: Forty (40) feet
 5. Minimum Rear Yard Setback: Forty (40) feet
 6. Minimum Side Yard Setbacks: Twenty (20) feet for one yard; fifty (50) feet aggregate.
 7. Maximum Building Height: Thirty-five (35) feet measured in accordance with the Township Building Code, except as otherwise permitted by Section 1103.E.
- C. Conventional Residential Development Option for Pre-Existing Parcels less than Ten Net Acres.
 1. The use of this option shall be limited to tracts existing at the time of adoption of this Section and less than ten (10) net acres in area.
 2. The use of this option shall be limited to single-family detached residential use and customary residential accessory uses.
 3. Application of Area & Bulk Regulations.
 - a. The conventional area and bulk regulations set forth in Subsection 503.C.4 below shall apply to the following situations:
 - 1) Any conventional subdivision NOT utilizing lot-averaging
 - 2) Any residential lot existing at the time of adoption of this Section greater than two (2) net acres in area, not classified as a prime agricultural property, and not otherwise subject to subdivision or land development.
 - b. The lot-averaging area and bulk regulations set forth in Subsection 503.C.5 below shall apply to any conventional subdivision utilizing lot-averaging, where permitted subject to conditional use approval.

4. Conventional Area & Bulk Regulations
 - a. Minimum Lot Area: Two (2) net acres.
 - b. Minimum Lot Width: 200 feet.
 - c. Minimum Street Frontage: 100 feet, except that in the case of lots entirely fronting on a cul-de-sac turnaround, the lot width at street line may be reduced to no less than one-quarter (1/4) of the perimeter of the cul-de-sac turnaround.
 - d. Minimum Front Yard Setback: 50 feet.
 - e. Minimum Rear Yard Setback: 50 feet.
 - f. Minimum Side Yard Setback: thirty (30) feet one yard, eighty (80) feet aggregate.
 - g. Maximum Lot Coverage: 15%.
 - h. Maximum Building Coverage: 10%.
 - i. Maximum Building Height: 35 feet measured in accordance with the Township Building Code, except as otherwise permitted by Section 1103.E.
5. Lot-Averaging
 - a. Eligibility
 - 1) Lot-averaging shall be limited to subdivisions creating a minimum of three (3) proposed lots.
 - 2) In consideration of conditional use approval for use of lot-averaging, each proposed subdivision shall be evaluated individually as to its impacts upon natural, scenic and cultural resources. It shall be the burden of the applicant to demonstrate to the satisfaction of the Board of Supervisors that the proposed design using lot-averaging promotes the conservation of local resources to a greater degree than would conventional subdivision design.
 - 3) Except where public or community sewage disposal acceptable to the Township is provided, all lots shall be capable of supporting individual on-lot sewage systems. Where on-lot sewage systems are proposed, each lot of the proposed subdivision shall have passed a percolation test as approved by the Chester County Health Department prior to receiving subdivision approval.
 - b. Minimum Average Lot Area Over Entire Subdivision: Two (2) net acres

c. Lot-Averaging Area & Bulk Regulations

- 1) Lots in excess of two (2) net acres shall comply with the conventional area and bulk regulations set forth in Subsection 503.C.4 above. No lot that is of sufficient size to otherwise be capable of further subdivision under the district regulations shall be included in determining the average lot area unless the possibility of such further subdivision is eliminated by a deed restriction or agreement in a form acceptable to the Township and duly recorded in the Office of the Recorder of Deeds of Chester County.
- 2) Lots less than two (2) net acres in area shall comply with the following:
 - a) Minimum Individual Lot Area: One (1) net acre.
 - b) Minimum Lot Width: 150 feet.
 - c) Minimum Street Frontage: 100 feet, except that in the case of lots entirely fronting on a cul-de-sac turnaround, the lot width at street line may be reduced to no less than one-quarter (1/4) of the perimeter of the cul-de-sac turnaround.
 - d) Minimum Yard Setbacks: All yards on lots abutting the perimeter of the tract shall comply with the conventional setbacks set forth in Subsection 503.C.4 above. All other yards shall comply with the following:
 - i. Minimum Front Yard Setback: 35 feet.
 - ii. Minimum Rear Yard Setback: 35 feet.
 - iii. Minimum Side Yard Setback: twenty (20) feet one yard, fifty (50) feet aggregate.
 - e) Maximum Lot Coverage: Fifteen (15) percent except that, where approved at the discretion of the Zoning Hearing Board as a special exception, the maximum lot coverage may be increased to no more than thirty (30) percent, subject to the following:
 - i. The sewage system shall be certified adequate for the size of the dwelling by the Chester County Health Department.
 - ii. The Township Engineer shall certify that adequate stormwater recharge or storage facilities adequate to

handle roof drainage and resolve any existing problems exist or shall be installed.

- f) Maximum Building Coverage: Ten (10) percent except that, where approved at the discretion of the Zoning Hearing Board as a special exception, the maximum building coverage may be increased to twenty (20) percent on any individual lot, so long as any increase in total lot coverage beyond fifteen (15) meets the criteria set forth in Subsection 503.C.5.c.2.e above.
- g) Maximum Building Height: 35 feet measured in accordance with the Township Building Code, except as otherwise permitted by Section 1103.E.

D. Prime Agricultural Properties

1. Use Of Prime Agricultural Properties Not Subject To Subdivision. Prime agricultural properties may be used for any permitted principal and accessory agricultural uses subject to the standards set forth in Section 1005 and a single principal and accessory residential uses subject to the area and bulk provisions of Section 503.C.4.
2. Subdivision Of Prime Agricultural Properties For Agricultural Purposes. Any prime agricultural property may be subdivided subject to the area and bulk provisions referenced in Section 503.D.1 and provided that the minimum parcel size shall be ten (10) acres.
3. Subdivision of Prime Agricultural Properties to provide for more than one principal residential use. Except for development under the Open Space Design Option as provided in Article IX, subdivision for purposes of development of principal single-family detached dwellings shall comply with the following standards:
 - a. On any tract undergoing subdivision or land development for residential purposes, the total maximum number of residential units, including new and existing units, shall be equal to:

gross tract area in acres x 0.10.

Computations resulting in fractional numbers of units shall be rounded to the nearest whole number; fractions of one half (0.5) shall be rounded up. On existing lots less than five acres in area as of the date of adoption of this Ordinance, a single-family detached dwelling may be erected subject to compliance with all other applicable regulations herein;
 - b. Each lot subdivided under the provisions of this section for a single-family detached dwelling shall be as follows:
 - 1) Minimum Lot Area: 1 net acre.

- 2) Minimum Lot Width: 150 feet.
 - 3) Minimum lot width at street line: 100 feet, except that in the case of lots entirely fronting on a cul-de-sac turnaround, the lot width at street line may be reduced to no less than one-quarter (1/4) of the perimeter of the cul-de-sac turnaround.
 - 4) Minimum Front Yard Setback: forty (40) feet.
 - 5) Minimum Rear Yard Setback: forty (40) feet.
 - 6) Minimum Side Yard Setback: twenty (20) feet one yard, fifty (50) feet aggregate.
 - 7) Maximum Lot Coverage: Fifteen (15) percent except that, where approved at the discretion of the Zoning Hearing Board as a special exception, the maximum lot coverage may be increased to no more than thirty (30) percent, subject to the following:
 - a) The sewage system shall be certified adequate for the size of the dwelling by the Chester County Health Department.
 - b) The Township Engineer shall certify that adequate stormwater recharge or storage facilities adequate to handle roof drainage and resolve any existing problems exist or shall be installed.
 - 8) Maximum Building Coverage: Ten (10) percent except that, where approved at the discretion of the Zoning Hearing Board as a special exception, the maximum building coverage may be increased to twenty (20) percent on any individual lot, so long as any increase in total lot coverage beyond fifteen (15) meets the criteria set forth in Subsection 502.D.3 .b.7 above.
 - 9) Maximum Building Height: Thirty-five (35) feet measured in accordance with the Township Building Code, except as otherwise permitted by Section 1103.E.
- c. No single residential lot created according to the standards of this Section shall occupy more than 1.0 acre of Class I, Class II, and Class III soils except to the minimum extent necessary to provide for suitable individual sewage disposal service. Otherwise, residential lots may occupy more than 1.0 acre, provided that acreage above that amount is comprised of Class IV or less productive soils.

- d. Remaining lands.
 - 1. Subdivision of residential lots from a prime agricultural property according to the standards of this Section shall be configured so as to create the least practicable disruption to agricultural operations. Remaining agricultural parcels shall be no less than ten (10) acres each, so located and configured as to be appropriate for continued agricultural use.
 - 2. On tracts existing as of the date of adoption of this Section, where creation of all the residential lots permitted by the formula in Section 503.D.3.a would result in remaining agricultural lands of less than ten (10) acres, a single agricultural parcel of less than ten (10) acres may be created.
 - 3. Remaining lands, including any subdivided agricultural parcels, shall have frontage on a public street equal to or greater than forty (40) percent of the frontage of the tract prior to subdivision.
 - 4. When the maximum number of residential lots has been created from the parent tract as it existed at the time of adoption of this Section, as determined by Section 503.D.3.a above, the remaining lands, regardless of use, shall be restricted from further subdivision or development under this Section for other than agricultural purposes by deed restriction, conservation easement, or other agreement in a form acceptable to the Township and duly recorded in the office of the Recorder of Deeds of Chester County. Such restrictions shall not preclude such remaining lands from leasing for agricultural uses as defined by this Ordinance, or from future inclusion in a subdivision utilizing the Open Space Design Option; subject to all applicable provisions herein. Where applicable restrictions provide for potential future subdivision in accordance with the Open Space Design Option, maximum permissible density over the entire tract shall be calculated as provided in Article IX. From the total permissible density, the number of residential lots subdivided in accordance with the provisions of this section shall be subtracted and the remaining number of potential future lots shall be allocated to all remaining agricultural parcels, such allocation recorded with applicable restrictions.
- E. Open Space Design Option. Subdivision and development in accordance with the Open Space Design Option shall be permitted subject to the provisions of Article IX.
- F. Non-Residential & Non-Agricultural Uses. The following standards shall apply to tracts or lots used for any principal use permitted by right, special exception or conditional use, not subject to any of the residential development options or provisions for prime agricultural properties set forth herein, and except where otherwise provided in this Ordinance:

1. Minimum Lot Area: Five (5) net acres.
2. Minimum Lot Width: 200 feet
3. Minimum Street Frontage: 100 feet, except that in the case of lots entirely fronting on a cul-de-sac turnaround, the lot width at street line may be reduced to no less than one-quarter (1/4) of the perimeter of the cul-de-sac turnaround.
4. Minimum Front Yard Setback: 50 feet
5. Minimum Rear Yard Setback: 50 feet.
6. Minimum Side Yard Setback: 50 feet.
7. Maximum Lot Coverage: 15%.
8. Maximum Building Coverage: 10%.
9. Maximum building height: 35 feet measured in accordance with the Township Building Code, except as otherwise permitted by Section 1103.E.

SECTION 504. OTHER APPLICABLE REGULATIONS

For additional requirements and design standards applicable to this district, refer to the provisions of Article VIII – Overlay Districts; Article IX – Open Space Design Option, Article X – Supplemental Land Use Regulations; Article XI – Common Land Use Regulations; Article XII – Off-Street Parking Regulations; and Article XIII – Signs.

ARTICLE VI

VILLAGE PRESERVATION DISTRICTS

SECTION 601. **PURPOSE**

In addition to the general goals listed in the statements of Purpose, Section 102, and Community Development Objectives, Section 103, the purpose of the V-1, V-2 and V-3 Village Preservation Districts is to:

- A. Preserve the historic development pattern of the Township.
- B. Provide an opportunity for non-residential and higher density residential uses outside the identified growth areas of the *West Pikeland Comprehensive Plan* (1999, as amended).
- C. Provide for small-scale retail, service, and office uses that can serve the needs of local residents.
- D. Maintain the historic pattern of existing villages while allowing for new uses that complement the character of each village.

SECTION 602. **USE REGULATIONS**

A. **V- 1 Village Preservation District**

1. Uses Permitted By-Right

- a. Professional, business, or administrative office or studio.
- b. Banking or other financial institution without drive-through, outside walk-up ATM, or other outside service.
- c. Retail store or retail services including the sale of food for consumption on premises where no more than twenty (20) seats are provided for such purpose, and without any drive-through, outside walk-up, or other outside service. Retail development may include multiple individual uses in a single development,
- d. Personal service shop such as barber shop, beautician, or dry cleaning establishment.
- e. Catering Facility.
- f. Commercial day care, subject to the provisions of Section 1014.
- g. Municipal uses.

- h. Home occupation, subject to the provisions of Section 1017.
- i. Bed and Breakfast, subject to the provisions of Section 1008.
- j. Municipal communications tower and the installation and operation of communications equipment located and operated on, or partly on and partly adjacent to, any municipal communications tower, subject to the provisions of Section 1011.
- k. Temporary structure or use, subject to the provisions of Section 1028.
- l. Timber harvesting activities, subject to the provisions of Section 802, Natural Resource Protection Overlay District and Section 1029.

2. Uses Permitted Where Approved as a Special Exception

- a. Printing, publishing, or photostatic reproduction.
- b. Repair services, excluding automotive or other vehicular repair.
- c. Commercial indoor or outdoor recreational uses as defined in Section 201 and subject to the provisions of Section 1023.
- d. Educational (non-profit or commercial school), subject to the provisions of Section 1015.
- e. Church, similar place of worship, or philanthropic use subject to the provisions of Section 1010.
- f. Private club or lodge, provided that the principal activity is not one which is customarily carried on as a business, subject to the provisions of Section 1013.
- g. Yard for storage, sale, or distribution of lumber or building materials.
- h. Veterinary office, subject to the provisions of Section 1006.
- i. Single-family detached dwelling or two-family dwelling.
- j. Residential conversion, subject to the provisions of Section 1025.
- k. Accessory apartments, subject to the provisions of Section 1025.

3. Uses Permitted Where Approved as a Conditional Use

- a. Single-family attached dwellings (townhouses) or multi-family dwellings with public or community sewage facilities and where no more than sixty (60) % of the net area of the tract subject to development is used to calculate compliance with area and bulk regulations applicable to such residential development. In addition, the standards of Section 902.D shall apply.
- b. Banking or other financial institution with drive-through, outside walk-up ATM, or other outside service, subject to the provisions of Section 1007.
- c. Retail store or retail services with any drive-through, outside walk-up, or other outside service.
- d. Restaurants with or without drive-through service, subject to the provisions of Section 1026.
- e. Automobile or vehicular sales or services including repair.
- f. Gas station, auto service, or car wash facility, subject to the provisions of Section 1016.
- g. Convenience store, subject to the provisions of Section 1012.
- h. Light manufacturing, assembly, compounding or products from materials previously manufactured or processed.
- i. Laboratory for research, testing, and development.
- j. Hotel, motel, or inn, subject to the provisions of Section 1018.
- k. Any of the following uses where not located less than 1,000 feet from any similar use or from any educational use or church or similar place of worship, subject to the provisions of Section 1004:
 - 1) Adult Commercial, with a gross leasable floor area of one-thousand five hundred (1,500) square feet or less.
 - 2) Off-Track Betting Establishment, with a gross leasable floor area of one-thousand five hundred (1,500) square feet or less.
 - 3) Tattoo Parlor, with a gross leasable floor area of one-thousand five hundred (1,500) square feet or less.

- l. Any other use or activity which is of the same general character as any of the above and not otherwise provided for under this Ordinance.

4. Permitted Accessory Uses

Accessory use on the same lot and customarily incidental to any of the above by-right uses or authorized conditional use or special exception subject to the provisions of Sections 1002 and 1003.

- A. **V- 2 Village Preservation District**

1. Uses Permitted By-Right

- a. Professional, business, or administrative office or studio.
- b. Banking or other financial institution without drive-through, outside walk-up ATM, or other outside service.
- c. Retail store or retail services including the sale of food for consumption on premises where no more than twenty (20) seats are provided for such purpose, and without any drive-through, outside walk-up, or other outside service. Retail development may include multiple individual uses in a single development,
- d. Personal service shop such as barber shop, beautician, or dry cleaning establishment.
- e. Catering Facility.
- f. Commercial day care, subject to the provisions of Section 1014.
- g. Municipal uses.
- h. Home occupation, subject to the provisions of Section 1017.
- i. Bed and Breakfast, subject to the provisions of Section 1008.
- j. Municipal communications tower and the installation and operation of communications equipment located and operated on, or partly on and partly adjacent to, any municipal communications tower, subject to the provisions of Section 1011.
- k. Temporary structure or use, subject to the provisions of Section 1028.
- l. Timber harvesting activities, subject to the provisions of Section 802, Natural Resource Protection Overlay District and Section 1029.

2. Uses Permitted Where Approved as a Special Exception

- a. Printing, publishing, or photostatic reproduction.
- b. Repair services, excluding automotive or other vehicular repair.
- c. Commercial indoor or outdoor recreational uses as defined in Section 201 and subject to the provisions of Section 1023.
- d. Educational (non-profit or commercial school), subject to the provisions of Section 1015.
- e. Church, similar place of worship, or philanthropic use subject to the provisions of Section 1010.
- f. Private club or lodge, provided that the principal activity is not one which is customarily carried on as a business, subject to the provisions of Section 1013.
- g. Yard for storage, sale, or distribution of lumber or building materials.
- h. Veterinary office, subject to the provisions of Section 1006.
- i. Single-family detached dwelling or two-family dwelling.
- j. Residential conversion, subject to the provisions of Section 1025.
- k. Accessory apartment, subject to the provisions of Section 1025.

3. Uses Permitted Where Approved as a Conditional Use

- a. Single-family attached dwellings (townhouses) or multi-family dwellings with public or community sewage facilities and where no more than sixty (60) % of the net area of the tract subject to development is used to calculate compliance with area and bulk regulations applicable to such residential development. In addition, the standards of Section 902.D shall apply.
- b. Banking or other financial institution with drive-through, outside walk-up ATM, or other outside service, subject to the provisions of Section 1007.
- c. Retail store or retail services with any drive-through, outside walk-up, or other outside service.

- d. Restaurants with or without drive-through service, subject to the provisions of Section 1026.
- e. Automobile or vehicular sales or services including repair.
- f. Gas station, auto service, or car wash facility, subject to the provisions of Section 1016.
- g. Convenience store, subject to the provisions of Section 1012.
- h. Light manufacturing, assembly, compounding or products from materials previously manufactured or processed.
- i. Laboratory for research, testing, and development.
- j. Hotel, motel, or inn, subject to the provisions of Section 1018.
- k. Trucking terminal.
- l. Mini-Warehouse or self storage facility.
- m. Junk yard or recycling center, subject to the provisions of Section 1019 and Section 1024, respectively.
- n. Any of the following uses where not located less than 1,000 feet from any similar use or from any educational use or church or similar place of worship, subject to the provisions of Section 1004:
 - 3. Adult Commercial, with a gross leasable floor area of one-thousand five hundred (1,500) square feet or less.
 - 4. Off-Track Betting Establishment, with a gross leasable floor area of one-thousand five hundred (1,500) square feet or less.
 - 5. Tattoo Parlor, with a gross leasable floor area of one-thousand five hundred (1,500) square feet or less.

4. Permitted Accessory Uses

Accessory use on the same lot and customarily incidental to any of the above by-right uses or authorized conditional use or special exception subject to the provisions of Sections 1002 and 1003.

C. V- 3 Village Preservation District

The V-3 Village Preservation District includes the historical village of Yellow Springs, which has deep historical roots and is widely recognized as the Township's cultural center. Much of this village is located in an Act 167 Historic District. It is particularly intended that new development and all uses, whether commercial or residential, respect existing architecture and the historical character of the village.

1. By-Right Uses

- a. Single-family detached dwelling or two-family dwelling.
- b. Retail store or retail services, including multiple individual uses in a single commercial development, and without any drive-through, outside walk-up, or other outside service.
- c. Professional, business, or administrative office or studio.
- d. Restaurant without drive-through service.
- e. Theater, auditorium, or assembly hall.
- f. Library.
- g. Community recreation center.
- h. Catering Facility.
- i. Municipal uses.
- j. Home occupation, subject to the provisions of Section 1017.
- k. Municipal communications tower and the installation and operation of communications equipment located and operated on, or partly on and partly adjacent to, any municipal communications tower, subject to the provisions of Section 1011.
- l. Temporary structure or use, subject to the provisions of Section 1028.
- m. Timber harvesting activities, subject to the provisions of Section 802, Natural Resource Protection Overlay District and Section 1029.

2. Special Exception Uses

- a. Residential conversion or accessory apartments, subject to the provisions of Section 1025.

- b. Educational use (non-profit or commercial school), subject to the provisions of Section 1015.
- c. Bed and Breakfast, subject to the provisions of Section 1008.
- d. Living accommodations or sleeping quarters for the proprietor of a business establishment or for a watchman.
- e. Private club or lodge, provided that the principal activity is not one which is customarily carried on as a business, subject to the provisions of Section 1013.

3. Conditional Uses

- a. Single-family attached dwellings (townhouses) or multi-family dwellings with public or community sewage facilities and where no more than sixty (60) % of the net area of the tract subject to development is used to calculate compliance with area and bulk regulations applicable to such residential development. In addition, the standards of Section 902.D shall apply.
- b. Hotel, motel, or inn, subject to the provisions of Section 1018.
- c. Installation and operation of a communications facility, subject to the provisions of Section 1011.

4. Accessory Uses

Accessory use on the same lot and customarily incidental to any of the above by-right uses or authorized conditional use or special exception subject to the provisions of Sections 1002 and 1003.

SECTION 603. AREA AND BULK REGULATIONS

A. Applicability

- 1. Unless otherwise specified in this Section or in Article X, Supplemental Land Use Regulations, the area and bulk regulations set forth hereunder shall apply to all lots and/or uses in the V-1, V-2 or V-3 Village Preservation Districts except as follows:
 - a. Any tract developed in conjunction with an adjacent tract in a residential zoning district that is developed in accordance with the Open Space Design Option may also be developed in accordance with the Open Space

Design Option and subject to the same area and bulk regulations as apply to the adjoining tract.

- b. The area and bulk regulations set forth hereunder shall apply individually to each Single-family detached dwelling or Two-family dwelling (twin). For Single-family attached dwellings (townhouses) and multi-family dwellings, the area and bulk regulations set forth hereunder shall apply to each individual residential structure and not to each individual dwelling unit.
 - c. Where approved by the Board of Supervisors as a Conditional Use, modification of any applicable area or bulk regulation may be permitted. Where permitted, such modification(s) shall not vary more than fifty (50) percent from either minimum requirements or maximum allowances otherwise applicable, except as provided in Subsection 603.I below.
2. In approving any area or bulk modification as a Conditional Use, as provided under Section 603.A.1.b above, the Board of Supervisors may stipulate the following:
- a. The proposed lot layout and/or structural design and the modifications necessary to accommodate such design shall be consistent with the purposes of this Article;
 - b. The proposed design shall enhance the appearance and function of the overall village area and its streetscapes;
 - c. The proposed design shall not produce lots or pedestrian or vehicular access system(s) that would be impractical or which would adversely affect emergency access.
 - d. The applicant shall demonstrate to the Board that the proposed modification(s) will produce equal or better results than could be achieved without the requested modification(s) and that they represent the minimum modification necessary to achieve such results.
 - e. Where any modification involves an increase in impervious Lot Coverage beyond sixty (60) percent, the Board may require that system(s) be installed to fully recharge into the groundwater system all stormwater runoff from up to the two-year storm generated by any amount of impervious Lot Coverage that is greater than sixty (60) percent.
 - f. The Board may impose such other conditions as, in its judgment, will secure the objectives and purposes of this Article.

3. All yard area setbacks shall be measured from the ultimate right-of-way of any street, where applicable.

B. Minimum Lot Area.

Every lot shall have a minimum area as set forth hereunder, except that where public and/or community sewage disposal is not provided, all lots shall be of sufficient size to comply with Section 604 herein.

1. Residential Use: 15,000 square feet.
2. Non-Residential Use: One acre.

C. Minimum Lot Width.

1. Lots less than one acre in area: seventy-five (75) feet.
2. Lots one acre in area or greater: one hundred (100) feet.

D. Minimum Front Yard Setback.

1. Residential Use: Twenty (20) feet.
2. Non-Residential Use: Thirty-five (35) feet.
3. All garages, regardless of use and whether attached or detached, shall be set back a minimum of forty (40) feet from the edge of cartway or from the sidewalk, if any, which ever results in the greater setback, so as to provide space for parking in front of the garage.

E. Minimum Side Yard Setback (each side yard).

1. Residential Use: Ten (10) feet and not subject to reduction through modification.
2. Non-Residential Use: Twenty-five (25) feet.

F. Minimum Rear Yard Setback.

1. Residential Use: Twenty-five (25) feet.
2. Non-Residential Use: Forty (40) feet.

G. Coverage Regulations.

1. Building Coverage. Not more than thirty (30) percent of the area of a lot shall be covered by buildings/structures, except that not more than 15% of the area of a lot

shall be occupied by buildings/structures less than 1 1/2 stories in height. For this purpose, one-half story shall mean a roof-story with sufficient height and space within the form of a pitched roof to permit the development of habitable or leasable space, whether or not any actually is proposed.

- 2 Lot Coverage. Not more than sixty (60) percent of the area of a lot shall be covered by buildings/structures or other impervious materials.

H. Height Restrictions.

No structure or principal buildings shall exceed thirty-five (35) feet in height. As a condition of conditional use approval, the Board of Supervisors may permit roof structures above the cornice line which exceed the applicable height limit, where the Board agrees that such structures enhance the appearance of the overall design.

I. Building Size Limitations. For purposes of this section, an individual building shall be considered as a space or contiguous spaces fully separated from any other building. For purposes of this section, abutting buildings shall be considered as an individual building whether or not separated by permanent walls. The following limitations shall apply to individual structures:

1. In the V-1 District, no individual building shall contain more than 5,000 square feet of total floor area, except where increased square footage above 5,000 is entirely within an additional story or stories above the first floor or where increased square footage above 5,000, and not limited to a 50% increase, is approved subject to Conditional Use approval and in accordance with all applicable design standards herein.
2. In the V-2 and V-3 Districts, no individual building shall contain more than 3,000 square feet of total floor area, except where increased square footage above 3,000 is entirely within an additional story or stories above the first floor or where increased square footage above 3,000, and not limited to a 50% increase, is approved subject to Conditional Use approval and in accordance with all applicable design standards herein

SECTION 604. SEWER AND WATER SERVICE

- A. Public sewage disposal services shall be required for any use in the V-3 District and public or community sewage disposal and water supply services shall be required for any use permitted in any Village Preservation District, if available.
- B. Where public or community sewage disposal service is not available and cannot reasonably be made available, any lot containing an individual on-site sewage disposal system shall include a minimum contiguous area suitable for on-site sewage disposal and of sufficient size to accommodate disposal of all sewage generated on-site in

conformance with all applicable regulation, including provision for a backup disposal system. In no case shall such minimum contiguous area be less than ten thousand (10,000) square feet.

- C. Where an amendment to the West Pikeland Township Sewage Facilities (537) Plan is necessary to permit development of any particular sewage disposal system, such amendment shall be obtained at the sole risk and cost of the applicant.

SECTION 605. DESIGN STANDARDS.

A. Architectural Design.

1. To the extent practicable, all new construction and/or additions to existing structures within the V-1, V-2 or V-3 Village Preservation District(s) shall be designed with either a traditional village architectural character or may be a contemporary expression of traditional styles and forms, respecting the scale, proportion, roof pitch, character, and materials of historic examples in the villages of West Pikeland Township and the surrounding area, in accordance with the following standards:
 - a. Where any individual building façade (or adjoining facades which abut flush to the same building line) is visible from any public right-of-way or public space (including internal public spaces within a development) and exceeds sixty (60) feet in length, there shall be a clear dimensional differentiation of roofline (i.e., an obvious difference in height) and/or an offset in facade of at least ten feet, effectively breaking the single facade into two or more facades each no more than sixty feet in length. Where approved by the Board of Supervisors as a Conditional Use, single facades greater than sixty feet in length may be permitted, where Applicant demonstrates to the satisfaction of the Board that the design of the building and its relationship(s) to surrounding buildings and landscaped areas mitigates any negative impacts of long continuous building facade(s) on the character of the V-1, V-2 or V-3 Village Preservation District(s). Mitigating factors may include design which emulates characteristic historical building forms which typically included relatively long individual facade lengths such as barns, stables, churches, meeting houses, or other public buildings. Building arrangements which rely on repeated use of the same long facade element shall not be approved.
 - b. New construction shall generally have pitched roofs with overhanging eaves. Where flat roofs are provided, they shall be articulated with parapets and cornices. 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, or

blue shingles, red clay tiles, and corrugated metal or other corrugated material. The use of fascias, dormers, and gables is encouraged to provide visual interest.

- c. Exterior wall materials may include stucco, wood clapboard (including vinyl or aluminum imitation clapboard siding), native stone, brick, or other material of a shape, color, and texture similar to that found on historic structures in the vicinity.
 - d. Industrial and commercial activities shall be conducted within enclosed buildings and outdoor storage of equipment, materials, or similar items shall be prohibited except where consistent with Section 1106.C.
 - e. All facilities and equipment for heating/air conditioning, trash collection and compaction, and other structural elements not in keeping with historical architectural themes shall be concealed architecturally or otherwise screened from view from any public right-of-way or public space (including internal public spaces within a development).
- 2. For all principal and/or accessory uses permitted by special exception, variance or conditional use approval, Applicant shall provide drawings of sufficient detail to illustrate the 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 for the V-1, V-2 or V-3 Village Preservation District(s).
 - 3. Where the Board of Supervisors or Zoning Hearing Board, as applicable, determines that architectural design, as presented by Applicant, is an essential means by which the proposed use will comply with the purposes and standards set forth for the V-1, V-2 or V-3 Village Preservation District(s), the applicable Board may require, as a condition of approval of any conditional use, special exception or variance, establishment of appropriate means to guarantee adherence to the intended architectural character as proposed by the Applicant.

B. Pedestrian and Vehicular Access.

- 1. Pedestrian access within the V-1, V-2 or V-3 Village Preservation District(s) shall be designed to provide convenient, safe, and direct access between the various uses within the district and other nearby concentrations of development.
- 2. Vehicular access within the V-1, V-2 or V-3 Village Preservation District(s) shall be designed to limit the number of new access points to public roads and to limit potential for turning movement conflict. Where practicable, access to adjoining parcels shall be combined so as to limit potential turning movement and

pedestrian movement conflicts. New access points to public roads shall not be located less than two hundred (200) feet from any other access point to a public road, except where approved as a conditional use where Applicant demonstrates to the satisfaction of the Board that compliance with this provision is not reasonably feasible and that other access management techniques are adequately employed to mitigate the impacts of more than one access point in close proximity.

3. Parking areas within the V-1, V-2 or V-3 Village Preservation District(s) shall be designed and landscaped so as to appear broken in mass, in proportion to the scale of structural development. Coordination of access to parking areas and shared parking among adjacent uses shall be required wherever practicable. To the extent practicable, parking shall not be provided in the front yard. The use of secondary access streets or alleys is encouraged as a means of accessing off-street parking. 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.

C. Streetscape Design.

1. Streetscape landscaping and pedestrian amenities shall be provided as necessary to meet overall village planning objectives, as articulated in the West Pikeland Township Comprehensive Plan, and shall be coordinated with adjacent properties. Where appropriate, the Township may require installation and provision for regular upkeep and maintenance of specific public amenities, including but not limited to trash receptacles, benches of approved design and at appropriate intervals, and bicycle racks.
2. Where streetscape amenities are provided as set forth above, sidewalks shall be designed and constructed to adequately accommodate such amenities.
3. Planting strip(s) no less than five feet in width and planted with shade trees shall be provided between sidewalks and streets and other vehicular accessways, to the extent feasible.

D. Stormwater Management.

Within the V-1, V-2 or V-3 Village Preservation District(s), all stormwater management facilities shall be designed to optimize the capture of storm water at the sources of generation, maximize recharge to the subsurface and minimize surface water flow. Guidance for storm water management shall use the most current Best Management Practices such as those published by the American Society of Engineers, Pennsylvania State University or the Commonwealth of Pennsylvania.

- E. For additional requirements and design standards applicable to this district, refer to the provisions of Article VIII, Overlay Districts; Article X, Supplemental Land Use

Regulations; Article XI, Common Land Use Regulations; Article XII, Off-Street Parking Regulations; and Article XIII, Signs.

ARTICLE VII

ACT 167 HISTORIC DISTRICTS

SECTION 701. LEGAL AUTHORIZATION

The historic districts of Yellow Springs and Anselma Mill in West Pikeland Township, were created pursuant to authority contained in the Act of June 13, 1961, P.L. 282. No. 167 (therein termed Act 167), as amended, "An Act authorizing counties, cities, boroughs, incorporated towns and townships to create historic districts within their geographic boundaries; providing for the appointment of Boards of Historical Architectural Review; empowering governing bodies of political subdivisions to protect the distinctive historical character of these districts and to regulate the erection, reconstruction, alteration, restoration, demolition or razing of buildings within the historic districts."

SECTION 702. PURPOSES

This Article is created for the following purposes:

- A. To protect those significant historic building and structures of West Pikeland Township which have a distinctive character reflecting the rich architectural and historical heritage of the Township, of Chester County and the Commonwealth of Pennsylvania.
- B. To promote the use and reuse of the historic buildings and structures of West Pikeland Township, to protect and maintain Township character for the general welfare, education and culture of the Township through preservation and protection of buildings and structures of historical and architectural interest or significance within the Township.
- C. To promote the general welfare, education and culture of the Township by encouraging an interest in the Township's historical heritage.
- D. To encourage new buildings and new developments that will complement the existing historically and architecturally significant buildings and structures by ensuring that the outward design is harmonious to the general historical styles existing in the district in form, scale, material, proportion, texture, color including windows, roofs, voids to solids, and architectural details.

SECTION 703. GENERAL PROVISIONS AND APPLICABILITY

- A. The provisions of this Article shall apply only to the historic districts in West Pikeland Township which have been certified by the Pennsylvania Historical and Museum Commission in accordance with the Act 167.

B. Delineation of Historic Districts

1. The boundaries of the Yellow Springs Historic District and the Anselma Mill Historic District shall be shown on the Historic Resource Map which shall be an overlay on the West Pikeland Township Zoning Map.
2. The Historic Resource Map is hereby adopted by reference and declared to be a part of this Article.

C. Applicability

The provisions of this Article shall be applied to buildings and structures within the boundaries of the Yellow Springs Historic District and the Anselma Mill Historic District, and shall apply in addition to other applicable zoning regulations and Township ordinances, and supersede the otherwise applicable requirements of zoning to the extent those provisions are inconsistent with the provisions of this Article.

D. Compliance

No structure shall hereafter be used and no structure shall hereafter be erected, reconstructed, altered, restored, demolished or razed, in whole or in part, without full compliance with the terms of this Article and other applicable regulations.

E. Interpretation of Boundaries

Where uncertainty exists as to the boundaries of the historic districts shown on the Historic Resource Map and/or described in Section 703.A, the following rules shall apply:

1. Boundaries indicated as approximately following the centerlines of streets, highways, or alleys shall be construed to follow such centerlines.
2. Boundaries indicated as approximately following plotted lot lines shall be construed as following such lot lines.
3. Boundaries indicated as parallel to or extensions of features indicated in Section 703.A, shall be so construed, Distances not specifically indicated in the Historic Resource Map shall be determined by the scale of the Map.
4. Where physical or cultural features existing on the ground are at variance with those shown on the Historic Resource Map, or in other circumstances not covered by this Section, the Board of Supervisors shall interpret the boundaries of the historic districts.

SECTION 704. HISTORICAL ARCHITECTURAL REVIEW BOARD

The Historical Architectural Review Board, hereafter referred to as HARB, its membership, powers and duties are as provided in Ordinance # 14, the West Pikeland Township Historic Preservation Ordinance.

SECTION 705. DESIGN GUIDELINES**A. Permits and Certificate Required**

No person shall commence any work involving the erection, reconstruction, alteration, restoration, demolition or razing of any building or structure located in whole or in part within the Yellow Springs Historic District and/or the Anselma Mill Historic District, without first obtaining a certificate of appropriateness from the Board of Supervisors as provided by the procedure and requirements of Section 706 of this Article, with the exception of emergency repairs needed to be completed immediately for building stabilization. Nothing in this Ordinance shall be construed as to prevent routine maintenance or repair in kind to exterior elements of a building or structure in a historic district. (See Appendix D for Building Permit Review Procedure.)

- B. In determining the recommendations to be made to the Board of Supervisors concerning the issuance of a certificate of appropriateness, HARB shall consider only those matters that are pertinent to the preservation of the historic resource, certified to have historical significance, including the following:
1. The effect of the proposed change upon the general historic and architectural nature of the historic districts.
 2. The appropriateness of the exterior architectural features which can be seen from a public street or way.
 3. The general design, arrangement, texture, material and color of the building or structure and the relation of such factors to similar features of buildings and structures in the historic districts. Consideration shall be given, but not limited, to the following:
 - a. Proportion of Building's Facades - The relationship between the width of the building and the height of the building.
 - b. Proportion of Openings within the Building - The relationship of width to height of windows and doors.
 - c. Rhythms of Solids to Voids in the Facades - Since rhythm is a repeated and recurrent alteration of strong and weak architectural elements, a rhythm of masses to openings in a building should be maintained.

- d. Rhythm of Spacing of Buildings on Streets - In moving past a series of buildings, a rhythm of recurrent or repeated building masses to spaces between them should be experienced.
- e. Rhythm of Entrance and/or Porch Projections - Moving past a series of structures, one experiences a rhythm of entrances or projections at an intimate scale.
- f. Relationship of Materials - Within an area, the predominant materials may be brick, stone, stucco, wood siding or other material as would have been in place at the time of construction of the building or additions.
- g. Relationship of Textures - The predominant textures of an area may be smooth, such as stucco or rough as brick with tooled joints or horizontal wood siding or other textures.
- h. Relationship of Color - Insofar as the mass and detail such as trim are concerned, a predominant color that may be of a natural material or a patina colored by time. Blending colors of trim is also a factor.
- i. Relationship of Architectural Details - Architectural details and their relationship to the structure in question and adjacent ones, including but not limited to cornices, lintels, arches, quoins, balustrades and iron work, chimneys, etc.
- j. Relationship of Roof Shapes - Buildings should have compatible roof shapes such as gable, mansard, hip, flat, gambrel and/or other kinds of roof shapes.
- k. Walls of Continuity - Physical ingredients such as brick walls, wrought iron fences, evergreen landscape masses, building facades or combinations of these form continuous, cohesive walls of enclosures along the street.
- l. Relationship of Landscaping - There may be a predominance of a quality and quantity of landscaping, although emphasis herein shall be with the amounts and continuity of landscaping.
- m. Paving Materials - There may be a predominance in the use of brick pavers, cobblestones, granite blocks or others.
- n. Directional Expression of Front Elevation - Structural shape, planning of openings and architectural detail may provide a predominately vertical, horizontal or non-directional character to the building's facade.

- o. Scale - Scale is created by the size of units of construction and architectural detail that relate to the size of man. It can also be determined by building mass and how it relates to open space. The major elements of scale may be brick or stone units, window or door openings, porches and balconies, etc.
4. Variations - The HARB shall grant variations in a manner that will be in harmony with the character of the other buildings or structures on the street and/or in districts.
5. The height of any new building or structure shall not exceed the height of the tallest adjacent building or structure by more than ten (10) percent. This requirement shall also apply to any proposed modifications to existing buildings or structures.
6. In cases where applications for proposed demolition occur, the HARB shall, where deemed necessary, recommend to the Board of Supervisors that the proposed demolition be postponed for a period not exceeding nine (9) months. However, in the event demolition cannot be avoided, then the moving of a building shall be encouraged as an alternative to demolition if there is no other way to preserve the building.
7. In addition to the above design guidelines, all other Township laws and ordinances shall be complied with, including all other application regulations of the zoning Ordinance.

C. **Signs**

1. No sign or permanent external advertising display of any kind shall be erected, altered or used in the historic districts except for advertising that informs the public of the service, business, occupation or profession carried on, in or about the property on which such sign or permanent external advertising display appears. In conjunction with this, no such sign or advertising display of any kind or for any purpose shall be erected or altered until an application for a permit to make such erection or alteration has been reviewed by the HARB for its conformity in exterior material composition, exterior structural design, external appearance and size with similar advertising or information media used in the architectural period of the historic districts and a permit granted thereon.
2. In addition to those matters considered within this Section, proposed signs shall only be erected in accordance with the requirements of Article, XIII, Sign Regulations.
3. Historical markers may be authorized by the HARB subject to the provisions stipulated above and shall be erected in accordance with the requirements established for historic markers by the HARB and with the provisions of Section 1304, Exempt Signs.

SECTION 706. APPLICATION REVIEW PROCEDURE

- A. The Building/Zoning Officer of West Pikeland Township, or such other person or agency charged by the Board of Supervisors with the issuance of permits for the erection, demolition or alteration of buildings or structures subject to the provisions of this Ordinance, shall issue no permit for any such building changes until a certificate of appropriateness with respect thereto has been received from the Board of Supervisors.

B. **Application for Permit**

The application for a building permit for any building change with respect to any historic buildings and structures subject to the provisions of this Article shall be filed with the Building/Zoning Officer of West Pikeland Township, together with the filing fee required under the schedule of fees then in effect. Upon receipt of an application for a building permit for work to be done in the historic districts, the Building/Zoning Officer shall act in accordance with the procedures then being followed in that office, except those procedures that are necessarily modified by the following requirements:

1. The application shall include a site plan at a scale of one inch to forty (40) feet, schematic architectural drawings of the proposed changes at a scale of one quarter (1/4) inch to one (1) foot, and such other material and such number of copies thereof, as may from time to time be required in accordance with the rules and regulations of the HARB.
2. Upon receiving such application for a building permit, the Building/Zoning Officer shall forward copies of the application, together with all plans and other documentation submitted therewith, to the HARB.
3. The Building/Zoning Officer shall not issue a permit for any erection, reconstruction, alteration, repair, restoration, or demolition of all or a part of any building in the historic districts until the Board of Supervisors has issued a certificate of appropriateness.
4. The Building/Zoning Officer shall require applicants to submit a sufficient number of additional copies of material required to be attached to an application for a building permit so that the information needed to make the determination set forth in this Section will be available.
5. The Building/Zoning Officer shall maintain in the office a record of all such applications and final disposition of the same.

C. **HARB Meeting**

Within thirty (30) days of receipt of any building permit application under this Article, the HARB shall consider such application at its next regularly scheduled meeting or special meeting. The person applying for the permit shall be given a minimum of ten (10)

days notice of the time and place of the said hearing and shall be invited to appear to explain the reasons for such application.

D. **Design Guidelines in HARB Review**

In determining the recommendations to be presented to the Board of Supervisors concerning the issuing of a certificate of appropriateness authorizing a permit for the erection, alteration, reconstruction, repair, restoration or demolition of all or a part of any historic resource within the historic districts, the HARB shall consider the Design Guidelines set forth in Section 705.

E. **Findings after HARB Meeting**

1. Within thirty (30) days following the meeting, the HARB shall render a decision on any building permit application, and submit to the Board of Supervisors, in writing, its recommendation concerning the issuance of a certificate of appropriateness to authorize a permit for the erection, reconstruction, alteration, restoration, repair, or demolition of all or a part of any historic resource for which an application for a building permit has been made in accordance with this Section. The HARB may recommend:
 - a. The issuance of a certificate of appropriateness authorizing a permit for the proposed changes, as submitted.
 - b. The issuance of a certificate of appropriateness, subject to specified changes and conditions not included in the application as submitted, but which, in its opinion, would protect the distinctive historical character of the resource which is proposed to be changed.
 - c. The denial of a certificate of appropriateness, with respect to the proposed changes as submitted, together with their reasons for such denial.
2. Failure of the HARB to so act within the said period shall be deemed to constitute a recommendation for the issuance of a certificate of appropriateness with respect to the application as submitted.

F. **Contents of Written Report to Board of Supervisors**

The written report to the Board of Supervisors concerning the HARB's recommendation in the issuance of a certificate of appropriateness shall set out the following matters:

1. The exact location of the area in which the work is to be done.
2. The exterior changes to be made or the exterior character of the structure to be erected.

3. A list of the surrounding structures certified to have historical significance, with their general exterior characteristics.
4. The effect of the proposed change upon the general historic and architectural nature of the historic district.
5. The appropriateness of exterior architectural features which can be seen from a public street or way.
6. The general design, arrangement, texture, material and color of the historic resource and the relation of such factors to similar features of other buildings or sites in the historic district which have been certified to have historical significance.
7. The opinion of the HARB, including any dissent, as to the appropriateness of the work proposed in regard to preserving or destroying the historic aspect and nature of the resource.
8. The specific counsel of the HARB regarding the issuance of or refusal to issue a certificate of appropriateness.
9. Any changes in plans and specifications recommended by the HARB.

G. **Application Disapproval by HARB**

If the HARB decides to advise against the granting of a certificate of appropriateness, it shall indicate such to the applicant for a building permit. The disapproval shall indicate to the applicant the changes in plans and specifications, if any, which would protect the distinctive historical character of the historic districts, and the historic integrity of the resource. The HARB shall withhold its report for a period of five (5) days to allow the applicant to decide whether or not to make the suggested changes in the plans and specifications. If the applicant determines that the necessary changes will be made by the applicant, the applicant shall so advise the HARB, which shall in turn advise the Board of Supervisors accordingly.

H. **Recommended Approval with Conditions**

In the event that the recommendation for the issuance of a certificate of appropriateness is subject to conditions, the HARB shall indicate such to the applicant for a building permit via certified mail and the applicant may, within ten (10) days after receiving a copy of the written recommendation from the HARB, give notice of his refusal to accept any or all of the conditions, in which case, the HARB shall be deemed to have recommended against the issuance of a certificate of appropriateness. In the event that the applicant does not, within the said period, notify the HARB of his refusal to accept any or all of said conditions, conditional approval of the application, with all conditions, shall stand as granted.

I. **Board of Supervisors Meeting**

Upon receipt of the written report of the HARB, the Board of Supervisors shall consider at the next regular scheduled or special meeting, the question of issuing a certificate of appropriateness authorizing a permit for the work proposed by the applicant in the application. The applicant shall be given ten (10) days notice by the Township Secretary of the time and place of the hearing at which his application will be considered and shall have the right to attend and be heard regarding his application. All interested persons may appear and be heard at the hearing held by the Board of Supervisors.

J. **Design Guidelines in Board of Supervisors Review**

In determining whether or not to certify to the appropriateness of the proposed erection, alteration, reconstruction, repair, restoration or demolition, of all or a part of any resource within the historic districts, the Board of Supervisors shall consider the same factors as HARB set forth in Sections 705 of this Article and the report of the HARB.

K. **Decision of Board of Supervisors**

1. The grant or denial of a certificate of appropriateness shall, in writing, include findings of fact related to the specific proposal and shall set forth the reasons of the grant, with or without conditions, or for the denial. Within fifteen (15) days following the conclusion of the aforesaid meeting, the Board of Supervisors shall, by written communication to the applicant, either:
 - a. Issue a certificate of appropriateness authorizing the Building/Zoning Officer to issue a permit for the proposed changes as submitted.
 - b. Issue a certificate of appropriateness subject to specified changes and conditions not included in the application as submitted, but which would protect the distinctive historical character of the building, site or area which is proposed to be changed.
 - c. Deny a certificate of appropriateness with respect to the proposed changes as submitted. If the Board of Supervisors disapproves the certificate of appropriateness, copies of the written reason shall be given to the Building/Zoning Officer, the applicant, and to the Pennsylvania Historical and Museum Commission. The disapproval shall indicate what changes in the plans and specifications would meet the conditions for protecting the distinctive historical character of the historic district. Upon receipt of a written disapproval from the Board of Supervisors, the Building/Zoning Officer shall disapprove the application for a building permit and so advise the applicant. The applicant may appeal from the disapproval as provided by law.

2. Failure of the Board of Supervisors to so act within the said period shall be deemed to constitute a decision in favor of the applicant and a certificate of appropriateness shall thereupon be issued.
3. In the event that the approval is granted subject to conditions, the applicant may, within ten (10) days after receiving a copy of the official written communication from the Board of Supervisors, give notice of his refusal to accept any or all of the conditions, in which case the Board shall be deemed to have denied a certificate of appropriateness. In the event the applicant does not, within the said period, notify the Board of Supervisors of his refusal to accept any or all of the said conditions, the approval, with all conditions, shall stand as granted.

SECTION 707. UNREASONABLE ECONOMIC HARDSHIP

- A. When a claim of unreasonable economic hardship is made due to the effect of this Article, the owner of record must present evidence sufficient to prove that as a result of the HARB's action, the owner is unable to obtain a reasonable return or a reasonable beneficial use from an historic resource. The owner of record shall submit by affidavit to the HARB information which shall include, but not be limited to the following:
 1. Date the property was acquired by its current owner.
 2. Price paid for the property (if acquired by purchase) and the relationship (if any) between the buyer and the seller of the property.
 3. Mortgage history of the property, including current mortgage.
 4. Current market value of the property.
 5. Equity in the property.
 6. Past and current income and expense statements for a two (2) year period.
 7. Past capital expenditures during ownership of current owner.
 8. Appraisals of the property obtained within the previous two (2) years.
 9. Income and property tax factors affecting the property.
 10. Estimate(s) of the cost of the proposed erection, reconstruction, alteration, restoration, or demolition and estimate(s) of any additional costs that would be incurred to comply with the recommendations of the HARB for necessary changes for it to approve a certificate of appropriateness.

- B. The HARB may require that an applicant furnish additional information relevant to its determination of unreasonable economic hardship.
- C. The HARB may receive and consider studies and economic analyses from other Township agencies and from private organizations relating to the property in question.
- D. Should the HARB determine that the owner's present return is not reasonable, it must consider whether there are other uses currently allowed that would provide a reasonable return and whether such a return could be obtained through investment in the property for rehabilitation purposes. The HARB may choose to recommend to the Township that special economic incentives be developed to assist the owner of the resource in maintaining it and obtaining a suitable economic return or achieving a reasonable beneficial use.
- E. The HARB may seek the assistance of appropriate local, statewide or national preservation organizations in developing solutions which would relieve the owner's economic hardship. If HARB chooses to explore such options, HARB may delay issuing a certificate of appropriateness for demolition on the basis of economic hardship for a period of ninety (90) days in addition to time periods otherwise applicable.
- F. Should the applicant satisfy the HARB that he will suffer an unreasonable economic hardship if a certificate of appropriateness is not approved, and should HARB be unable to develop with the Township or appropriate local, statewide and national preservation organization a solution which can relieve the owner's hardship, the HARB shall recommend approval of a certificate of appropriateness for demolition.

SECTION 708. ADMINISTRATION

A. **Notice of Violation**

The Building/Zoning Officer shall serve a notice of violation on the person in violation of this Article which would result in, but not be limited to, 1) failure to apply for a certificate of appropriateness or a building permit required for the erection, reconstruction, alteration, restoration, demolition, or razing of any historic resource which can be seen from a public way, and 2) failure to comply with the HARB approved work. Such notice shall direct the abatement of said violation.

B. **Enforcement**

1. The Building/Zoning Officer shall have the power to institute any proceedings at law or in equity necessary for the enforcement of this Article in the same manner as in his enforcement of the Township Code as enacted and as may be amended from time to time.
2. The Building/Zoning Officer (or such other person or agency charged by the Board of Supervisors with the enforcement of the provisions of this Article) shall

review the progress and status of the proposed changes and render such reports (thereon to the Board of Supervisors and the HARB) that may be necessary to ensure compliance within provisions of this Article and the conditions of the certificate of appropriateness.

C. **Penalties**

For any and every violation of the provisions of this Article, the owner, general agent, or contractor of a resource which such violation has been committed or shall exist, and the lessee or tenant of an entire building or entire structure where such violation has been committed or shall exist, and the owner, general agent, contractor, or lessee has been committed or shall exist, and the general agent, architect, builder, contractor or any other person who knowingly commits, takes part or assists in any such violation or who maintains any building or structure in which any such violation shall exist, shall be liable on conviction thereof to a fine or penalty not exceeding three hundred dollars (\$300.00), for each and every offense. Whenever such person shall have been officially notified by the Building/Zoning Officer (or such other person or agency charged by the Board of Supervisors with the enforcement of the provisions of this Article), or by service of a summons in a prosecution, or in any other official manner, that he is committing a violation of this Article, each day's continuance of such violation after such notification shall constitute a separate offense punishable by a like fine or penalty. Such fines and penalties shall be in addition to any other fines, penalties and remedies provided by law for such cases and shall be collected in the same manner as is provided in The Second Class Township Code, Act of May 1, 1933, P.L. 103, as amended, 53 P.S. § 65101, et. seq.

ARTICLE VIII RESOURCE OVERLAY DISTRICTS

SECTION 801. GENERAL APPLICABILITY

- A. For the purposes of this Ordinance, the Resource Overlay Districts described in this Article shall be overlays to the existing underlying districts as shown on the Zoning Map, and as such, the provision for each of these districts shall serve as supplements to the underlying district provisions. However, all other provisions of all other Articles of this Ordinance and all other ordinances of the Township shall remain in full force.
- B. In those areas of the Township where a Resource Overlay District applies, the provisions of the Resource Overlay District shall be imposed in addition to the requirements of the underlying zoning district(s). In the event that a conflict exists between Overlay and underlying district standards, the more restrictive standard shall apply.
- C. Should the boundaries of a Resource Overlay District be revised as a result of legislative or administrative action or judicial decision, the underlying zoning requirements shall continue to be applicable.
- D. Nothing herein shall relieve any applicant of responsibility to comply with any other applicable Township, state, county, or federal regulation regarding the resources subject to this Article or any other applicable regulation. In the event that a conflict arises between the provisions set forth herein and any other applicable regulation, the more restrictive provision(s) shall apply.
- E. It is not intended by this Article to repeal, abrogate or impair any existing easements, covenants or deed restrictions affecting the use of specific resources on any property. However, where this Article imposes greater restrictions, the provisions of this Article shall prevail.

SECTION 802. NATURAL RESOURCE PROTECTION OVERLAY DISTRICT

A. Purpose

The natural resource protection standards of this overlay district are established to protect the public health, safety, and welfare by minimizing adverse environmental impacts. These standards are intended to meet the following purposes.

- 1. Establish resource protection standards for selected natural resources within the Township to assist the Township in reducing the impact proposed uses will have on such resource and the environment in general.

2. Conserve valuable natural resources within the Township in accordance with the following resource protection goals of the West Pikeland Township Comprehensive Plan (1999), as amended:
 - a. Protect those natural, scenic, and historic resources that contribute to the unique character of the Township.
 - b. Evaluate the Township’s environmental and historic resources protection regulations to ensure they are effective. Implement changes where needed.
 - c. Encourage the use of easements, buffers, setbacks, and other land use controls that protect sensitive environmental resources while allowing for some level of development to occur.
 - d. Protect natural resources including floodplains, steep slopes, productive agricultural soils, wetlands, and woodlands by allowing only for low intensity uses with minimum disturbance.
 - e. Facilitate preservation of environmental and historic resources through public and private initiatives that ensure appropriate development.
3. Protect identified natural resources within the Township in accordance with the following goals and objectives of the West Pikeland Township Open Space, Recreation, and Environmental Resources Plan (1992), as amended.
 - a. Preserve floodplains, wetlands, and other hydrological resources (such as lakes and ponds); Identify additional ordinance provisions which address the protection of environmentally sensitive water resources, such as wetlands and wetland margins.
 - b. Preserve areas of steep and very steep slopes; Strengthen ordinance provisions to minimize the disturbance of steep slopes and require mitigation measures for development of steep slopes.
 - c. Preserve wooded areas of the Township; Identify ordinance provisions which address the removal of trees, tree replacement, and tree protection, as woodland preservation is of critical concern to Township residents.

B. Resource Protection Standards

1. General Provisions
 - a. It shall be a violation of this Ordinance to regrade, fill, pipe, divert, channel, build upon, or otherwise alter or disturb a natural resource regulated under this Section prior to the submission and approval of applications for zoning or building permits, conditional use or special

exception approvals, variances or the submission of plans for subdivision or land development, as applicable.

- b. Where any application before the Township for any zoning or building permit, conditional use or special exception approval, variance, or subdivision and land development approval involves or contemplates disturbance to one or more resources subject to the provisions of this Article, such application shall be accompanied by information regarding applicable resource areas and proposed land disturbance as set forth in Section 802.C.3. Such information shall be verified as correct by the Township Engineer or other qualified professional as determined by the Township.

2. Floodplain Protection Standards

Areas identified as being within the boundaries of the floodplain shall not be regraded, filled, built upon, channeled, or otherwise altered or disturbed except in conformance with Section 803, Floodplain Conservation District, of this Ordinance.

3. Steep Slope Protection Standards

- a. Steep slope areas shall be preserved in their natural state whenever possible.
- b. Where construction of roads, buildings, driveways, or infrastructure cannot be avoided, disturbance of the existing grade, vegetation, and natural soils condition shall be kept to the minimum necessary and, in no case, shall such disturbance exceed the following permitted disturbance limits:
 - 1) Moderately Steep Slopes - No more than thirty (30) percent of moderately steep slopes shall be regraded, cleared, built upon, or otherwise altered or disturbed for any permitted use or purpose.
 - 2) Very Steep Slopes - No more than fifteen (15) percent of very steep slopes shall be regraded, cleared, built upon, or otherwise altered or disturbed, and such permitted disturbance to very steep slopes shall be limited to the following activities:
 - a) Timber harvesting, when conducted in compliance with a timber harvesting plan approved by the Township.
 - b) Grading for the minimum portion of a driveway necessary for access to the principal use and sewer, water, and other

utility lines when it can be demonstrated that no other routing is feasible.

- c. Finished slopes of permitted cut and fill shall not exceed twenty-five (25) percent slope unless the applicant can demonstrate the method by which steeper slopes can be stabilized and maintained adequately. All stockpiles of earth shall be seeded or otherwise stabilized when stored for more than thirty (30) days.
- d. Any disturbance of land shall be in compliance with the erosion and sedimentation control standards and plan submission requirements set forth in the West Pikeland Township Subdivision & Land Development Ordinance, including demonstration of how soil will be protected from erosion during construction and how soil will be stabilized upon the completion of construction.

4. Wetlands Protection Standards

- a. Any applicant proposing a use, activity, or improvement which would entail the regrading or placement of fill in wetlands shall provide the Township with proof that the Pennsylvania Department of Environmental Protection (Southeast Regional Office) and the U.S. Army Corps of Engineers have been contacted to determine the applicability of state and federal wetland regulations.
- b. Wetlands shall not be regraded, filled, piped, diverted, channeled, built upon, or otherwise altered or disturbed except where applicable state or federal permits have been obtained.

5. Watercourse & Riparian Buffer Protection Standards

- a. Zone One – Inner Riparian Buffer Except for regulated activities permitted by the Commonwealth (e.g. permitted stream or wetland crossing), provision for unpaved trail access, selective removal of hazardous or invasive plant species, or a soil conservation project approved by the Chester County Conservation District, the Zone One Riparian Buffer shall not be regraded, filled, built upon or otherwise disturbed. Vegetation, except as provided for above, shall not be removed.
- b. Zone Two – Outer Riparian Buffer - Except for the following activities, no more than twenty (20) percent of a Zone Two Riparian Buffer shall be regraded, filled, built upon, or otherwise altered or disturbed:
 - 1) Activities permitted in the Zone One Riparian Buffer.

- 2) Timber harvesting, when conducted in compliance with a timber harvesting plan approved by the Township. Clear-cutting of timber shall not be permitted within the riparian buffer.
- 3) Vegetation management in accordance with an approved landscape or open space plan.

6. Protection Standards for Woodlands, Hedgerows, and Specimen Vegetation

a. Disturbance Limits for Woodlands, Hedgerows, and Specimen Vegetation

- 1) Unless undertaken as an approved timber harvesting operation conducted in compliance with a timber harvesting plan approved by the Township, no more than thirty-five (35) percent of woodlands and hedgerows shall be regraded, cleared, built upon or otherwise altered or disturbed for residential uses and no more than fifty (50) percent of woodlands shall be regraded, cleared, built upon or otherwise altered or disturbed for non-residential uses. Where woodlands and hedgerows overlap other protected natural resources, the more restrictive disturbance standard shall apply. When determining the total acreage and the degree of disturbance permitted, measured as a percentage as provided above, areas of woodlands and hedgerows shall be considered in combination as a single resource across the entirety of a lot or tract as applicable.
- 2) Where woodland disturbance exceeds the thresholds established in Section 630 of the West Pikeland Township Subdivision & Land Development Ordinance, tree replacement shall be required consistent with the standards set forth therein.
- 3) Specimen vegetation shall not be removed from any lot or tract except where the applicant demonstrates to the satisfaction of the Township that such removal is essential to eliminate a hazardous condition(s), there is a demonstrable financial hardship, or to do otherwise would not be economically feasible or permit lawful use of the lot or tract. Where permitted, removal of specimen vegetation shall be minimized.
- 4) Preserved woodlands, hedgerows, and specimen trees may be used to provide an effective visual screen and otherwise meet the landscaping requirements of Section 630 of the Subdivision & Land Development Ordinance. Where necessary to meet the intent and minimum standards of the Subdivision & Land Development Ordinance, additional planting may be required to supplement existing vegetation as determined by the Township.

- 5) The Township may seek advice as needed from a qualified arborist to assist in the application of these woodland and tree protection standards.

b. Guidelines for Determining Permitted Woodland Disturbance

In determining where permitted woodland disturbance will occur, the following factors shall be considered:

- 1) Each building or structure shall be constructed in such a manner as to provide the least alteration or disturbance necessary of the existing woodland. Where possible, clear-cutting shall be minimized and trees shall be selectively removed.
- 2) 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.
- 3) Woodland alterations that would threaten the growth of remaining trees shall be avoided.

c. Protection of Woodlands to Remain On Site

In order to prevent injury to those trees or other vegetation which have been designated for protection, a Tree Protection Zone shall be established where such vegetation is to be retained. Woodlands, hedgerows, individual trees, and other vegetation that are to remain on the site shall be identified within the Tree Protection Zone and protected in accordance with the following provisions:

- 1) Prior to construction, protective fencing shall be installed around the boundaries of the Tree Protection Zone. The fencing along the Zone shall be maintained until all construction and other work has been completed.
- 2) Grade changes and excavations shall not encroach upon the Tree Protection Zone.
- 3) Trees being removed from the site shall not be felled, pushed, or pulled into a Tree Protection Zone.
- 4) No toxic materials shall be stored within one hundred (100) feet of a Tree Protection Zone, including petroleum based and derived products.

- 5) The area within the Tree Protection Zone shall not be built upon, nor shall any materials be stored there either temporarily or permanently. Vehicles and equipment shall not be parked in the Tree Protection Zone.
- 6) Sediment, retention, and detention basins shall not be located within the Tree Protection Zone, nor shall they discharge into the Tree Protection Zone.
- 7) Where trees, hedgerows, or other vegetation to be protected within the Tree Protection Zone has been damaged by construction and dies (or is clearly not going to survive) within eighteen (18) months following the end date of construction or final dedication of public improvements where applicable, whichever is later, the applicant shall be responsible for removal and replacement of the damaged vegetation. Proposed replacement plant material shall be acceptable to the Township. At the Township's discretion, the applicant may be required to escrow sufficient funds for the removal replacement of such vegetation, and specimen trees in particular, damaged during construction.

C. **Application of Natural Resource Protection Standards**

1. Disturbance limitations as set forth herein shall be calculated on the basis of the applicable resource area existing on the entirety of any lot or tract subject to application. In the case of a subdivision involving more than one lot, allowable disturbance may vary from one lot to another provided that applicable disturbance limitations are not exceeded across the entirety of the tract subject to subdivision. Where proposed disturbance or allowance for future disturbance on any lot thereby exceeds the otherwise applicable maximum, the disturbance limitation(s) applicable to each lot within the subdivision shall be specifically noted on applicable final subdivision and land development plans and recorded with such plans. Where no such variation has been noted on recorded plans, the limitations set forth herein shall apply to each individual lot.
2. In the event that two or more natural resource areas identified in this Section overlap, the resources with the most restrictive standard (the least amount of permitted alteration, disturbance, regrading, clearing, or building) shall apply to the area of overlap.
3. Where any application before the Township involves or contemplates disturbance to one or more resources subject to the provisions of this Article, such application shall be accompanied by a site plan and supplemental information, including the following:

- a. Delineation of the extent and limits of all natural resources on the affected lot or tract subject to the provisions of this Section, including areas of woodlands, hedgerows and specimen vegetation, floodplains, moderately steep and very steep slopes, wetlands, watercourses, and Zone One and Zone Two riparian buffers; resource delineation within one hundred (100) feet of any area of proposed disturbance shall be based on aerial photogrammetry or field survey and otherwise may be based on available generalized information (e.g., recent aerial photographs, NRCS soils mapping, USGS topography).
- b. Plan for the proposed use of the site including any existing or proposed structures and specifically indicating the use subject to application and the limits of all encroachments and disturbances to identified resources necessary to establish the proposed use on the site;
- c. Grading plan identifying the existing contours of the site and proposed finished grades, indicating degree of land disturbance due to changes in grade necessary to accommodate the proposed use;
- d. Where applicable, a copy of any wetland delineation report prepared or submitted to the U.S. Army Corps of Engineers or the Pennsylvania Department of Environmental Protection, with proof of preparation by a qualified wetland biologist, soil scientist, or environmental professional of demonstrated qualifications.
- e. Calculations indicating the area of the site with natural resources and the area of natural resources that would be disturbed or encroached upon. The calculations shall be shown as indicated below.

RESOURCE DISTURBANCE TABLE				
Protected Resource*	A Amount of Land in Designated Resource (sq.ft.)	B Maximum Disturbance Allowance (percent)	C Maximum Amount of Permitted Disturbance (sq.ft.)	D Proposed Disturbance of Resource (sq.ft.)
Floodplain		0%		
Steep Slopes:				
Moderately Steep		30%		
Very Steep		15%		
Wetlands		0%		
Riparian Buffers:				
Zone 1 Buffer		0%		
Zone 2 Buffer		20%		
Woodlands				
residential uses		35%		

non-res. uses		50%		
Total				

D. Continued Protection of Identified Natural Resources

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

1. Protected Resource Areas On Individual Lots
 - a. For resource protected areas on individual lots, restrictions meeting Township specifications shall be placed in deeds for each site or lot that has resource protection areas within its boundaries. Such restrictions shall also be included on the final recorded subdivision or land development plan when applicable.
 - b. Deeds shall clearly state that the maintenance responsibility lies with the individual property owner. The restrictions shall provide for the continuance of the resource protection areas in accordance with the provisions of this Ordinance.
 - c. Other mechanisms for ensuring the continued protection of identified resources may also be considered and used if approved by the Township.
2. Protected Resource Areas Held In Common
 - a. For resource protected areas held in common, the provisions of Section 904 shall apply.
 - b. In addition to the provisions of Section 904, restrictions meeting Township specifications shall be placed on the natural area to be held in common.
 - c. The party or organization responsible for the maintenance of the natural area shall be clearly identified in the deed. The restrictions shall provide for the continuance of the resource protected areas in accordance with the provisions of this Ordinance.

E. Modifications to Natural Resource Protection Standards

1. For any use or activity subject to Subdivision or Land Development review, modification(s) to the natural resource protection standards of Section 802.B may be requested, which modification(s) may be granted at the discretion of the Board of Supervisors pursuant to the provisions of that Ordinance and subject to subsection 4.d below.

2. For any use or activity subject to application for approval of a Conditional Use, Special Exception, or Zoning Variance, modification(s) to the provisions of Section 802.B may be requested as part of such application, subject to subsection 4.d below.
3. For any use or activity not otherwise subject to permit or approval as provided in subsections a. or b. above, modification(s) to the provisions of Section 802.B may be requested in the form of an application for grant of a Special Exception by the Zoning Hearing Board, subject to subsection 4.d below.
4. In approving any application requesting modification(s) to the natural resource protection standards of Section 802.B as provided herein, the Zoning Hearing Board or Board of Supervisors, as applicable, as a condition of approval of such application, may permit specific modification(s) to said standards, subject to the following:
 - a. The Zoning Hearing Board or Board of Supervisors, as applicable, shall determine that the specific nature of the lawful use or activity, existing site conditions, and/or safety considerations warrant such modification(s); and
 - b. Permitted modifications shall be consistent with the purposes of Section 802.A and shall represent the minimum degree of modification necessary to accommodate the subject use or activity.

SECTION 803. FLOODPLAIN CONSERVATION OVERLAY DISTRICT

A. **Purpose**

In addition to the general goals listed in the statements of Purpose, Section 101, and Community Development Objectives, Section 102, the purpose of this Overlay District is:

1. To reduce financial burdens imposed on the community, its government and its individuals by preventing excessive development in areas subject to periodic flooding.
2. To require all those uses, activities, and developments that do occur in flood-prone areas to be protected and/or flood-proofed against flooding and flood damage through the use of appropriate construction practices.
3. To regulate uses, activities, and development which, acting alone or in combination with other existing or future uses, activities, and development, will cause unacceptable increases in flood heights, velocities, and frequencies.

4. To restrict or prohibit certain uses, activities, and development from locating within areas subject to flooding.
5. To comply with the provisions of the National Flood Insurance Program and the Pennsylvania Floodplain Management Act (Act 1978-166).

B. **General Provisions**

The provisions of Section 803 shall apply to all areas of West Pikeland Township located within the boundaries of any Floodplain Conservation District, as established by Article VIII.

1. **Compliance**

No structure shall be constructed and no existing structure shall be enlarged, converted, relocated or structurally altered, and no area shall be graded, filled, or excavated, in any Floodplain Conservation District except in full compliance with the terms and provisions of this Article and other applicable regulations.

2. **Permit Required**

A zoning permit and/or building permit, as applicable, shall be required for all activities which include, but are not limited to constructing, demolishing, or moving buildings or other structures, paving, filling, grading, excavation, mining, dredging or drilling operations, or the storage of materials and equipment, provided, however, that those structures, land uses, and water uses lawfully existing prior to the adoption of this Ordinance shall not be required to comply with this Article unless expansions or exterior additions are proposed, or compliance is necessary to correct a serious and substantial threat to public health, safety, or property.

3. **Disclaimer of Liability**

The degree of flood protection sought by the provisions of this Article is considered reasonable for regulatory purposes and is based on the use of normal and customary engineering methods of study. Floods that exceed the levels anticipated in Section 803 may occur on rare occasions, and floodwater heights may be increased by man-made or natural causes. In such events, areas outside identified floodplains and land uses permitted within such areas may be subject to flooding or flood damage, regardless of the adherence to the standards of this Article.

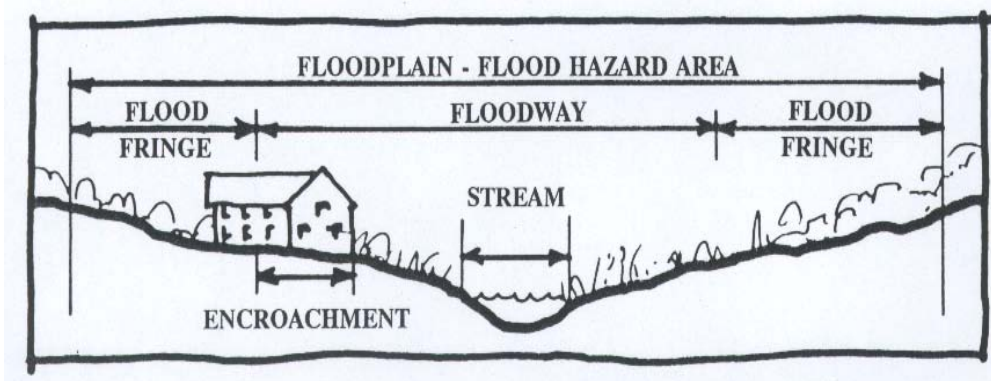
The adoption of this Article and Ordinance, the granting of a permit, or the issuance of any administrative decision under this Ordinance shall not constitute a representation, guarantee, or warrant by West Pikeland Township or by any official, agent or employee thereof, of the practicability or safety of any structure

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

4. Determination of Areas in District

The Floodplain Conservation District shall include all areas subject to inundation by the waters of the one hundred year flood and subdistricts as determined in subsection a. below. The source of this delineation shall be the Flood Insurance Study for the Township of West Pikeland, Chester County, Pennsylvania, as prepared by the Federal Emergency Management Agency, Federal Flood Insurance Administration, dated November 20, 1996, Community-Panel Numbers 42029 CO 182D, 42029 CO 183D, 42029 CO 184D, 42029 CO 192D, 42029 CO 201D, 42029 CO 202D, 42029 CO 203D, 42029 CO 204D, 42029 CO 211D (or the most recent revision thereof as issued by the Federal Emergency Management Agency (FEMA)).

- a. The Floodplain Conservation District shall be comprised of three (3) subdistricts as follows:
- 1) Floodway. The areas identified as “Floodway” in the Flood Insurance Study (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 Flood Insurance Study.
 - 2) Flood Fringe. The remaining portions of the one hundred (100) year floodplain in those areas in the FIS where a floodway has been delineated. The basis for the outermost boundary of this area shall be the one hundred (100) year flood elevations as shown in the flood profiles contained in the Flood Insurance Study.



- 3) Approximated Floodplain.

- a) The areas identified as “Zone A” in the FIS for which the one hundred (100) year flood elevations have been provided. When available, information from other federal, state, and other acceptable sources (including those listed in subsection b) below) shall be used to determine the one hundred year elevation, as well as a floodway area, if possible. When no other information is available, the one hundred (100) year elevation shall be determined by using a point on the boundary of the identified floodplain area which is nearest the construction site in question.
- b) In addition to the sources listed in subsection a) above, the following data may be used to determine the approximated floodplain areas for the purposes of this Ordinance:
 - i) Corps of Engineers – Floodplain Information Reports.
 - ii) U.S. Geological Survey – Flood-Prone Quadrangles.
 - iii) USDA Soil Survey of Delaware and Chester Counties – Alluvial soil types.
 - iv) Pennsylvania Department of Environmental Protection flood control investigations.
 - v) Known high water marks from past floods.
- b. In the event of a dispute concerning the actual boundary of the Floodplain Conservation District, an initial determination shall be made by the Zoning Officer. Such determination by the Zoning Officer may be appealed to the Zoning Hearing Board. The burden of proof in such an appeal shall rest with the appellant. All revisions to the boundaries of the Floodplain Conservation District are subject to the review and approval of the Federal Insurance Administrator for the National Flood Insurance Program in accordance with its rules and regulations.

C. **District Boundary Change**

The delineation of the Floodplain Conservation District boundary may be revised and modified by the Board of Supervisors where there are changes through natural or man-made events and where the effects of those changes have been documented and/or recommended by the U.S. Army Corps of Engineers, Philadelphia District, the Federal

Flood Insurance Administration, or FEMA. All such changes shall be subject to the review and approval of the Administrator of the National Flood Insurance Program.

D. Uses Permitted By-Right

The following uses and no others are permitted within the Floodplain Conservation District, provided they are conducted in accordance with the provisions of the Clean Streams Law of Pennsylvania, Act 349 of 1937, and amended, the Rules and Regulations of the Pennsylvania Department of Environmental Protection, all other applicable provisions of this Ordinance and other local, state and federal regulations:

1. Agricultural uses such as: general farming, pasture, orchard, grazing, outdoor plant nurseries, truck farming, forestry, and wild crop harvesting.
2. Recreational uses such as: park, camp, picnic grounds, golf courses, golf driving range, archery and shooting ranges, hiking and riding trails, hunting and fishing areas, game farm, fish hatchery, woodland preserve, game preserve, nature preserve, wildlife sanctuary, swimming areas or other conservation use, provided no impervious materials are used.
3. Municipal or public use, including recreational areas.
4. Uses accessory to those permitted by the underlying zoning district, including yards and parking, provided no impervious materials are used.

E. Special Exception Uses

The following uses may be permitted upon the issuance of a special exception by the Zoning Hearing Board as provided herein and in Section 803 K., provided they are conducted in accordance with the provisions of the Clean Streams Law of Pennsylvania, Act 349 of 1937, as amended, the Rules and Regulations of the Pennsylvania Department of Environmental Protection, all other applicable provisions of this Ordinance and other local, state and federal regulations. In issuing any special exception, the Zoning Hearing Board may attach such reasonable conditions and safeguards, in addition to those expressed in this Ordinance, as it may deem necessary to implement the purposes of this Ordinance:

1. Accessory uses customarily incidental to any of the foregoing permitted uses.
2. Circuses, festivals, and similar transient amusement enterprises.
3. Roadside stands and signs.
4. Dams, culverts, impoundment basins, and bridges approved by the Pennsylvania Department of Environmental Protection and the U.S. Army Corps of Engineers, where applicable.

5. Utilities and public facilities including streets, water lines, storm sewers and sewage treatment plants.
6. Modifications to structures existing as of the date of adoption of this Ordinance, subject to the provisions of Section 803.I. Design and Construction Standards.
7. Adaptive reuse of an existing building or structure in accordance with the underlying zoning district.

F. **Non-Conforming Uses and Existing Structures in the Floodplain Conservation District**

All uses or structures in the Floodplain Conservation District lawfully existing on the effective date of this Ordinance which do not conform with the provisions of this Article shall be deemed to be nonconforming. Such nonconforming uses or structures may be continued, maintained, repaired, and flood-proofed, except as otherwise prohibited in this Article. Such nonconforming uses or structures may be improved to comply with current Pennsylvania or Township health, safety or sanitary code specifications which are solely necessary to assure safe living conditions, subject to the following conditions:

1. No expansion or enlargement of an existing structure and/or use shall be allowed within any floodway area that would cause any increase in the elevation of the 100 year flood.
2. Any modification, alteration, reconstruction, or improvement of any kind to an existing structure and/or use to an extent or amount of fifty (50) percent or more of its market value shall constitute a substantial improvement and shall be undertaken only in full compliance with the provisions of this Ordinance.
3. Any modification, alteration, reconstruction, or improvement of any kind to an existing structure and/or use to an extent or amount of less than fifty (50) percent of its market value, shall be elevated and/or flood proofed to the greatest extent possible.

G. **Abandonment**

Notwithstanding provisions in Sections 1402 and 1403 to the contrary, no abandoned nonconforming use or structure shall be re-established, repaired, or re-occupied except in conformance use or structure, upon a determination that the use or structure constitutes a threat to public safety.

H. **Prohibited Uses**

The following uses shall be prohibited within any designated Floodplain Conservation District, and shall not be eligible for variance consideration:

1. The production or storage of any of the following materials or substances, or any activity requiring maintenance of a supply of more than five hundred and fifty (550) gallons, or other comparable volume of such materials or substances, or any amount of radioactive substances insofar as such substances are not otherwise regulated:
 - a. Acetone;
 - b. Ammonia;
 - c. Benzene;
 - d. Calcium carbide;
 - e. Carbon disulfide;
 - f. Celluloid;
 - g. Chlorine;
 - h. Hydrochloric acid;
 - i. Hydrocyanic acid;
 - j. Magnesium;
 - k. Nitric acid and oxides of nitrogen;
 - l. Petroleum products (gasoline, fuel oil, etc.);
 - m. Phosphorus;
 - n. Potassium;
 - o. Sodium;
 - p. Sulfur and sulfur products;
 - q. Pesticides (including insecticides, fungicides, and rodenticides);
 - r. Other hazardous or toxic materials similar to those listed above.
2. Hospital.
3. Nursing home.
4. Jail.
5. Mobile home or Mobile home park or any substantial improvement to an existing mobile home park.
6. Junk yard.
7. Cemetery.

I. **Floodplain Conservation District General Design and Construction Regulations.**

The following standards shall apply to all new construction, including additions or improvements, and development within the Floodplain Conservation District, where such construction is permitted under subsections 803 D., E., and F.

1. No Increase in Flood Heights

No new construction and/or development shall be permitted within any floodway area that may cause any increase in the elevation of the 100 year flood.

2. Proximity to Watercourses

Where permitted within any identified floodplain area, no new construction or development shall be located within the area measured fifty (50) feet landward from the top-of-bank, whichever is greater, of any watercourse, unless a permit is obtained from the Department of Environmental Protection, (South East Regional Office).

3. Changes to Watercourses

No encroachment, alteration, or improvement of any kind shall be made to any watercourse until all adjacent municipalities which may be affected by such action have been notified by the Township, and until all required permits or approvals have been first obtained from the Department of Environmental Protection, (South East Regional Office). In addition, the Federal Emergency Management Agency and Pennsylvania Department of Community and Economic Development shall be notified prior to any alteration or relocation of any watercourse.

4. Elevation of Residential and Non-Residential Structures

Where permitted within any identified Floodplain Conservation District, the elevation of the lowest floor (including basement) of any new construction or substantial improvement of a residential structure, including an existing mobile home, or a non-residential structure, shall be one and one half (1 ½) feet or more above the one hundred (100) year flood elevation or be flood-proofed up to that height.

5. Flood Proofing of Non-Residential Structures

Any non-residential structure, or part thereof, having a lowest floor which is not elevated to at least one and one half (1 ½) feet above the one hundred (100) year flood elevation, shall be flood-proofed in a completely or essentially dry manner in accordance with the W1 or W2 space classification standards contained in the publication entitled, "Floodproofing Regulations," published by the U.S. Army Corps of Engineers (June 1972, as amended), or in accordance with an equivalent standard approved by the Township Engineer. All plans and specifications for such floodproofing shall be accompanied by a statement sealed by a registered professional engineer or architect who states that the proposed design and methods of construction are in conformance with the above referenced standards.

6. 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 floodwaters for the purpose of equalizing hydrostatic forces on exterior walls. The term “partially enclosed space” also includes crawl spaces. Designs for meeting this requirement must be either certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:
 - 1) A minimum of two (2) openings having a net total area of not less than one (1) square inch for every square foot of enclosed space.
 - 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 covering or devices provided that they permit the automatic entry and exit of floodwaters.

7. Fill

Where 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 or construction and demolition debris shall not be permitted.
- c. Be compacted to provide the necessary permeability and resistance to erosion, scouring or settling.
- d. Have a slope with a ratio no greater than one (1) foot vertical to two (2) feet horizontal.
- e. Be used to the extent to which it does not adversely affect adjacent properties, and does not extend closer than ten (10) feet to any lot line.

8. Drainage Facilities

Storm drainage facilities shall be designed to convey the flow of stormwater runoff in a safe and efficient manner. The system shall ensure proper drainage along streets and appropriate channels or pipe, and provide positive drainage away from buildings. The system shall also be designed to prevent the discharge of excess runoff onto adjacent properties.

9. Water and Sanitary Sewer Facilities and Systems

All water and sanitary sewer facilities and systems shall conform to the following:

- a. All new or replacement water and sanitary sewer facilities and systems shall be located, designed and constructed to minimize or eliminate flood damage and the infiltration of flood waters.
- b. Sanitary sewer facilities and systems shall be designed to prevent the discharge of untreated sewage into floodwaters.
- 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.

10. 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.

11. Streets

The finished elevation of all new streets shall not be below the Regulatory Flood Elevation.

12. Storage

All materials that are buoyant, flammable, explosive, or, in time of flooding, could be injurious to human, animal or plant life, and not listed in Section 803.H, Prohibited Uses, shall be stored at or above the Regulatory Flood Elevation or be flood-proofed to the maximum extent possible

13. Placement of Buildings and Structures

All buildings and structures shall be designed, located and constructed so as to offer the minimum obstruction to the flow of water and shall be designed to have a minimum effect upon the flow and height of floodwater.

14. Anchoring

- a. All buildings and structures shall be firmly anchored in accordance with accepted engineering practices to prevent flotation, collapse, or lateral movement and shall be constructed in accordance with applicable Township building codes.
- 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.

15. 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” grade or similar 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. Window frames, doors and other components at or below the Regulatory Flood Elevation shall be made of metal or other water-resistant material.

J. **Application Requirements for Building Permits**

1. Zoning Officer Determination Required

If any proposed construction or development is located entirely or partially within any identified floodplain area, applicants for building permits shall provide all the necessary information in sufficient detail and clarity to enable the Zoning Officer to determine that:

- a. All such proposals are consistent with the need to minimize flood damage and conform to the requirements of this and all other applicable codes and ordinances.
- b. All utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damage.
- c. Adequate drainage is provided so as to reduce exposure to flood hazards.

2. Required Information

Applicants shall file the following minimum information plus any other pertinent information (e.g., any or all of the technical information contained in Section 803.M.5) as may be required by the Zoning Officer to make the determination as required in Section 803.J.1:

- a. A completed building permit application form.
- b. A plan of the entire site, clearly and legibly drawn at a scale of one (1) inch equals one hundred (100) feet or less, showing the following:
 - 1) North arrow, scale, and date.
 - 2) Topographic contour lines.
 - 3) All property and lot lines including dimensions and the size of the site expressed in acres or square feet.
 - 4) The location of all existing and proposed buildings, structures, and other improvements, including the location of any existing or proposed subdivision and land development.
 - 5) The location of all existing streets, drives, and other accessways.
 - 6) The location of any existing bodies of water or watercourses, identified floodplain areas, and, if available, information pertaining to the floodway, and the flow of water including direction and velocities.
- c. Plans of all proposed buildings, structures and other improvements, drawn at suitable scale showing the following:
 - 1) The proposed lowest floor elevation of any proposed building based upon National Geodetic Vertical Datum of 1929.
 - 2) The elevation of the one hundred year flood.
 - 3) Profiles and elevations of buildings and streets showing the one hundred year flood.
 - 4) Detailed information concerning any proposed floodproofing measures.

- 5) All applicable easements, deed restrictions, variances, and rights-of-way.
- d. The following data and documentation:
- 1) A document, sealed by a registered professional engineer or architect, which states that the proposed construction or development has been adequately designed to withstand the pressures, velocities, impact, and uplift forces associated with the one hundred year flood. Such statement shall include a description of the type and extent of floodproofing measures, which have been incorporated into the design of the structure and/or the development.
 - 2) Detailed information needed to determine compliance with Section 803.H.1, Storage, including:
 - a) The amount, location and purpose of any dangerous materials or substances that are intended to be used, produced, stored or otherwise maintained on the site.
 - b) A description of the safeguards incorporated into the design of the proposed structure to prevent leaks or spills of the dangerous materials or substances listed in Section 803.H.1, during a one hundred year flood.
 - 3) The appropriate component of the Department of Environmental Protection “Planning Module for Land Development.”
 - 4) Where any excavation or grading is proposed, a plan meeting the requirements of the Department of Environmental Protection, to implement and maintain erosion and sedimentation control.
 - 5) A description of the proposed use.

K. **Application Requirements for Special Exceptions**

1. **Required Information**

Applications for Special Exceptions shall conform to the requirements of Section 803.I. In addition, the factors in subsection 2. below shall be considered by the Zoning Hearing Board.

2. **Review Factors**

In reviewing applications for special exceptions, the Zoning Hearing Board shall

consider all relevant factors and procedures contained in other sections of the Zoning Ordinance, as well as the following:

- a. The danger to life and property due to the increased flood heights or velocities caused by encroachments.
- b. The danger that those materials may be swept onto other lands or downstream to the injury of others.
- c. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions.
- d. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners.
- e. The importance of the services provided by the proposed facility to the community.
- f. The requirements of the facility for a 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 development and development anticipated in the foreseeable future.
- i. The relationship of the proposed use to the comprehensive plan and floodplain management program for the area.
- j. The safety of access to the property in times of flood of ordinary and emergency vehicles.
- k. The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters expected at the site.
- l. Such other factors which are relevant to the purposes of this Ordinance.

3. Supplemental Technical Review

The Zoning Hearing Board may refer any application and accompanying documentation pertaining to any request for special exception to the Township Engineer for technical assistance in evaluating the proposed project in relation to flood heights and velocities, and the adequacy of the plans for protection and other related matters.

4. Conditions for Approving Special Exceptions

Special exceptions shall only be issued after the Zoning Hearing Board has determined that the granting of such will not result in:

- a. Any increase in flood levels during the one hundred year flood.
- b. Additional threats to public safety.
- c. Extraordinary public expense.
- d. The creation of nuisance.
- e. Any defrauding or victimization of the public.
- f. Any conflict with local laws or ordinances.

L. Variances Within the Floodplain Conservation District

If compliance with any of the requirements of this Ordinance would result in an unnecessary hardship for a prospective builder, developer, or landowner, the Zoning Hearing Board may, upon appeal, grant relief from the strict application of the requirements.

1. Variance Requirements

Appeals for variances shall be considered by the Zoning Hearing Board in accordance with the following:

- a. No variance shall be granted for any construction, development, use or activity within any floodway area that would cause any increase in the one hundred year flood elevation, cause additional threats to public safety, extraordinary public expense, defraud or victimize the public, conflict with any other applicable laws, ordinances, or regulations, or jeopardize the flood insurance program of the Township.
- b. Except for a possible modification of the freeboard requirements, no other revisions or modifications shall be granted, specifically the Floodplain Conservation District General Design and Construction Regulations (Section 803.l) shall not be modified.
- c. If granted, a variance shall involve only the least modification necessary to provide relief.
- d. In granting any variance, the Zoning Hearing Board shall attach whatever reasonable conditions and safeguards it considers necessary in order to

protect the public health, safety, and welfare, and to achieve the objectives of this Ordinance.

- e. Whenever a variance is granted, the Zoning Hearing Board shall notify the applicant in writing that:
 - 1) The granting of the variance may result in increased premium rates for flood insurance.
 - 2) Such variance may increase the risks to life and property.¹
- f. In reviewing any request for a variance, the Zoning Hearing Board shall consider, but not be limited to, the following:
 - 1) That there is good and sufficient cause for granting the requested variance.
 - 2) That failure to grant the variance would result in unnecessary hardship to the applicant.
 - 3) That the request meets the criteria for the granting of a variance as required by Section 1510 of this Ordinance.
- g. The Zoning Hearing Board shall maintain a complete record of all variance requests and related actions. In addition, a report of all variances granted during the year shall be included in the annual or biennial report to the Federal Insurance Administration.
- h. Notwithstanding any of the above, all structures shall be designed and constructed so as to have the capability of resisting the one hundred year flood.

M. Appeal Requirements for Variances

In addition to the requirements of Article XV, Zoning Hearing Board, appellants for variances shall provide five (5) copies of the following items:

- 1. A written request including a completed building permit application form and describing the proposed activity or construction and estimated cost.
- 2. A map drawn at a scale of one (1) inch equal to not more than one thousand (1000) feet, showing the site location.

¹ Divulging (1) and (2) to the applicant are requirement of the National Insurance Program. However, the Township does not in fact know how the variance may or may not affect insurance rates, and if the Township believes that the variance may increase the risk to life or property, then the variance should not be granted.

3. A plan of the entire site, clearly and legibly drawn at a scale no smaller than one (1) inch equals one hundred (100) feet, showing the following:
 - a. North arrow, scale, and date.
 - b. Topography based upon the National Geodetic Vertical Datum of 1929, showing existing and proposed contours at intervals of not more than two (2) feet.
 - c. All property and lot lines and rights-of way, including dimensions and the size of the site expressed in acres or square feet.
 - d. The location of all existing streets, drives, and other accessways, and parking areas, with information concerning widths, pavement types and construction, and elevations.
 - e. The location of any existing bodies of water or watercourses, buildings, structures and other public or private facilities, including railroad tracks and facilities, and any other natural and man-made features affecting, or affected by, the proposed activity or development.
 - f. The location of the floodway and flood fringe boundary lines, information and spot elevations concerning the one hundred year flood and Regulatory Flood elevations, and information concerning the flow of water, including direction and velocities.
 - g. The location of all proposed buildings, structures, utilities, and other improvements.
 - h. Any other information which the Township considers necessary for adequate review of the application.
4. Plans of all proposed buildings, structures and other improvements, clearly and legibly drawn at suitable scale showing the following:
 - a. Sufficiently detailed architectural or engineering drawings including floor plans, sections, and exterior building elevations, as appropriate.
 - b. For any proposed building, the elevation of the lowest floor (including basement) and, as required by the Township, the elevation of any other floor.
 - c. Complete information concerning flood depths, pressures, velocities, impact and uplift forces, and other factors associated with the one hundred year flood.

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

- h. Any other applicable permits such as, but not limited to, a permit for any activity regulated by the Pennsylvania Department of Environmental Protection under Section 302 of Act 166.
- i. An evacuation plan which fully explains the manner in which the site will be safely evacuated before or during the course of a one hundred year flood.

SECTION 804. HISTORIC PRESERVATION OVERLAY DISTRICT

A. Purpose

- 1. To promote the general welfare and retention of character by recognizing and protecting the integrity of historic resources in West Pikeland Township.
- 2. To establish a clear process by which proposed land use changes affecting historic resources are reviewed.
- 3. To mitigate the negative effects of proposed changes affecting historic resources.
- 4. To encourage and provide incentives for the continued use of historic resources and to facilitate their appropriate reuse.
- 5. To encourage the preservation of historic settings and landscapes.
- 6. To discourage the unnecessary demolition of historic resources.
- 7. To implement the policies of the *West Pikeland Township Comprehensive Plan* related to preserving historic resources.
- 8. 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.
- 9. To implement Sections 604(1) and 605(2)(vi) of the Pennsylvania Municipalities Planning Code to permit additional classifications within any zoning district for the regulation of uses and structures at, along, or near “places having unique historical, architectural, or patriotic interest or value.”

B. Applicability

1. Historic Resource Inventory and Classification

The provisions of the Historic Preservation Overlay District shall apply to all historic resources in West Pikeland Township included on the Historic Resource

Inventory, subject to classification as Class I and Class II Historic Resources, as established in Section 202.

2. Revisions

Based on the criteria set forth in this Section, the Historic Resource Inventory may be revised from time to time by legislative action of the Board of Supervisors following a public hearing, at which time the proposed changes shall be presented. Revisions may include additions or deletions to the Inventory or changes in classification of resources.

- a. Any proposed revision to the Historic Resource Inventory shall first be referred to or proposed by the Historical Commission, which shall submit a written recommendation to the Board of Supervisors. Routine inventory maintenance or updating of information regarding individual resources included in the Inventory shall not be considered revisions for the purposes of this Section.
- b. A resource shall be added to Class I (and to the Inventory if not already included) if it is found to meet the definitional criteria for Class I (e.g., National Register listing) set forth in Section 202.
- c. A resource shall be recommended for removal from Class I if it no longer meets the definitional criteria for Class I (e.g., National Register listing) set forth in Section 202.
- d. A resource shall be added to Class II (and to the Inventory if not already included) if it is found to meet the general definitional criteria for Historic Resource set forth in Subsection 804.B.2.h below.
- e. A resource shall be recommended for removal from the Historic Resource Inventory if it does not currently meet the general definitional criteria set forth in Subsection 804.B.2.h below or is not deemed by the Historical Commission or Board of Supervisors to be of similar significance based on documentary evidence received by the Historical Commission.
- f. Unless a resource is proposed for addition to or deletion from the Inventory or for reclassification by the owner(s) of the property upon which the resource is located, such owners(s) shall be notified upon receipt of a proposal affecting their property and shall be invited to respond to such proposal at or prior to the public hearing. The owner(s) of any property(ies) which are the subject of any such proposed legislative action shall be given written notice of the Historical Commission's recommendation to the Board of Supervisors at least ten (10) days prior to the public hearing.

- g. Amendments, as needed, shall conform to all procedural requirements for amendment to the Zoning Ordinance.
- h. The following general definitional criteria shall be considered when determining whether a resource should or should not be included on the Historic Resource Inventory or should be reclassified:
 - 1) Resources uniquely associated with events or persons that have made a significant contribution to local, state, or national history.
 - 2) Resources of significant character, interest, or value as part of the historical, archaeological, architectural, economic, social, or cultural heritage of West Pikeland Township, Chester County, Pennsylvania, or the nation.
 - 3) Resources possessing distinctive characteristics of an architectural style, type, period, method of construction, or innovation of design, or that exhibit a high degree of original architectural integrity from a recognized historical period.

C. **Special Provisions for Properties with Historic Resources**

1. **Additional Use Opportunities**

Subject to obtaining conditional use approval from the Board of Supervisors pursuant to Article XVI of this Ordinance as well as the requirements and procedures set forth in this Section, additional use opportunities may be permitted on properties with Class I and Class II historic resources. The following use opportunities may be available as a principal or accessory use in addition to, or in place of, any current use of the property or use permitted in the underlying zoning district. Where such uses are already permitted by-right or by special exception in the underlying district, they shall not be subject to the provisions of this Section, but shall meet all other applicable requirements of this Article and Ordinance. However, if the use is proposed in addition to a principal use already on the property (i.e., a second principal use), or is otherwise not permitted in the base zoning district, such use shall be subject to the provisions of this Section.

- a. Bed and Breakfast, subject to the provisions of Section 1008.
- b. Business, Administrative, or Professional Office employing not more than five (5) persons.
- c. Artist studio or craft workshop employing not more than three (3) persons. Where instructional classes are provided, the use shall be limited to one (1) class at a time with not more than five (5) students in the class and not more than two (2) instructors.

- d. Antique store of fifteen hundred (1,500) square feet or less of gross leasable floor area.
- e. Accessory Apartment/Residential Conversion or the conversion of nonresidential structure to a residential use, subject to the provisions of Section 1025.
- f. Personal service shop including beauty salon, barber, tailor, dressmaker, or similar shop, but not including dry cleaning or laundromat, and shall be limited to one (1) employee per five hundred (500) square feet of gross leasable floor area devoted to this personal service use, up to a maximum of fifteen hundred (1,500) square feet.
- g. Repair services including small scale uses such as small appliances, watches, household furnishings, shoes, bicycles, locks, but shall not include automobile, truck, motorcycle, or lawnmower repair, and shall be limited to one (1) employee per five hundred (500) square feet of gross leasable floor area devoted to this repair service use, up to a maximum of fifteen hundred (1,500) square feet.
- h. Conference and meeting facilities as a principal use in Class I historic resources only, and where located on tracts exceeding one hundred (100) acres.
- i. Customary accessory uses to any permitted principal use.

2. Modification to Area and Bulk Regulations

The Board of Supervisors, through the granting of a conditional use, may approve requested modifications to applicable lot area, lot width, or yard requirements or any other applicable area and bulk requirements or design standards otherwise applicable in the underlying zoning district for plans affecting Class I and Class II historic resources, in accordance with Article XVI of this Ordinance and requirements and procedures for conditional use Approval of this Section. In all cases, such modifications may be permitted to reduce otherwise applicable requirements to the minimum degree necessary to accommodate proposed plans, and to allow for the preservation and rehabilitation and/or reuse of the historic resource. For residential lots, where a historic resource exists on a site that is to be subdivided or developed, there shall be included a lot area of sufficient size to preserve those portions and features of the historic resource which are historically and architecturally significant.

3. Requirements for Conditional Use Approval

In addition to the conditional use standards and provisions set forth in this Section

and in Article XVI, the following requirements shall apply where additional use opportunities and/or modification to applicable area and bulk regulations for historic resources are permitted:

- a. The modification shall have the effect of encouraging the continued protection or reuse of the historic resource.
- b. The approval of the conditional use is deemed by the Board of Supervisors to be necessary to the preservation of the historic resource.
- c. The approval of the conditional use will be deemed by the Board of Supervisors to have no adverse effect on adjoining properties.
- d. Where plans involving historic resources under this Section result in all or portions of any such resource remaining unoccupied, the Township may require that such unoccupied resource shall be tightly sealed and barred off in a manner not jeopardizing historical integrity, and the utilities turned off for safety.
- e. In granting conditional use approval in accordance with this Section, the Board of Supervisors shall be satisfied that adequate water supply and sewage disposal can be provided for all permitted uses.
- f. In granting a conditional use approval in accordance with this Section, the Board of Supervisors may require as a condition of approval the establishment of a façade easement, conservation easements, or other means to guarantee permanent protection of the historical integrity of the subject resources.
- g. Except where clearly detrimental to the historical integrity and where public health, safety, and welfare are otherwise adequately provided for, all other applicable standards contained in this Ordinance shall be complied with, including, but not limited to, requirements for buffering, lighting, storage, loading, parking, and signage.
- h. The Historical Commission shall review all requests for conditional use approval regarding historic resources related to requested area and bulk modifications and evaluate whether requested modifications are necessary for the preservation, and are compatible with maintaining the historical integrity of the historic resource. Recommendations shall be in a written report to the Board of Supervisors.
- i. Plans involving any rehabilitation, alteration, or enlargement of a Historic Resource proposed as part of the conditional use application shall use as a guideline the Secretary of the Interior Standards for Rehabilitation, as follows. Such plans shall be reviewed by the Historical Commission who

shall submit a written review to the Board of Supervisors, and the plans submitted shall be in sufficient detail to allow the determination of their level of compliance with the Standards below. In approving the conditional use, the Board of Supervisors may set conditions requiring compliance with the Secretary of the Interior's Standards for Rehabilitation, as applicable.

- 1) A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
- 2) The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
- 3) Each property shall be recognized as a physical record of its time, place and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.
- 4) Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
- 5) Distinctive features, finishes and construction techniques or examples of craftsmanship that characterize an historic property shall be preserved.
- 6) Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture and other visual qualities and, where possible, shall be substantiated by documentary physical or pictorial evidence.
- 7) Chemical or physical treatments, such as sandblasting, that can cause damage to historic materials, shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
- 8) Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
- 9) New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be

compatible with the massing, size, scale and architectural features to protect the historic integrity of the property and its environment.

- 10) New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

4. Application Procedures for Conditional Use Approval regarding Historic Resources

- a. An applicant seeking conditional use approval regarding a historic resource shall submit the appropriate application to the Township under Article XVI of this Ordinance. The application shall include, in addition to that which is required under Article XVI, where relevant, the following:
 - 1) A detailed depiction of the proposed use(s).
 - 2) Any physical changes proposed for the affected historic resources(s) and their surrounding context.
 - 3) Any proposed modifications to the otherwise applicable area and bulk regulations.
- b. Upon receipt by the Township, the complete application shall be forwarded to the Historical Commission, Planning Commission, and the Board of Supervisors. Upon receipt of a complete application by the Township, the Historical Commission and Planning Commission shall, at a regular or special meeting, review the application for conditional use approval prior to the required public hearing described in Section 1612.C.2. The applicant will be notified of such meetings at least ten (10) days prior to the scheduled dates and shall have the opportunity to present reasons for filing the application. In reviewing the application the following shall be considered as well as the requirements of this Section.
 - 1) In reviewing the application, the Historical Commission shall consider:
 - a) Regarding proposed requested modification of area and bulk, the Historical Commission shall evaluate whether the proposed modifications are necessary to preserve the affected historic resources(s).
 - b) Where the application involves physical changes to historic resources and /or the surrounding context, the Historical

Commission shall review the proposed changes and make recommendations as to their appropriateness.

- 2) The Planning Commission shall review the application for its impact on the health, safety, and welfare of the Township including, but not limited to, traffic, water supply, and sewerage.
- c. Recommendations, if any, of the Historical Commission and Planning Commission shall be in a written report to the Board of Supervisors and shall include any suggestions for specific changes to proposed plans. If no recommendation is submitted to the Board of Supervisors by the date of the public hearing to consider the application, then it shall be considered that such Commission recommends the approval of the application.
- d. The Board of Supervisors shall act on the condition use application in accordance with the provision of Article XVI.

D. Demolition of Class I and II Historic Resources

1. No Class I or Class II historic resource shall be demolished, in whole or in part, whether deliberately or by neglect, including removal or stripping of any historically or architecturally significant exterior features, unless a permit is obtained from the Zoning Officer in accordance with the requirements of this Section and other applicable standards and procedures of the Township Building and Fire Codes. Temporary removal of architectural features or structural members for purposes of maintenance, repair or restoration shall not constitute demolition.
2. Demolition by Neglect
 - a. No Class I or Class II historic resource shall be demolished by neglect as defined in Section 202.
 - b. Demolition by neglect shall not be used as an automatic excuse by the applicant as justification for an active demolition application.
 - c. Demolition by neglect does not apply to ruins, such as partially roofed structures, wall remains, remaining foundations, or other structures which are clearly in ruins and missing a substantial portion of the structural mass, existing at the time of adoption of this Article or permitted to remain as ruins pursuant to this Section.
 - d. These regulations are meant to protect historic resources from parties who by ordinary negligence or willful neglect allow those resources, which are in usable condition on a property at the time of adoption of this Ordinance or at the time a new owner purchases a property, to deteriorate or become

unusable and a liability to the point of needing to be demolished for safety reasons. An example of this would a party purchasing a property containing a historic resource displayed on the Township Historic Resource Map in usable condition and/or previously being used prior to the sale of the property, and, in order to avoid having to undergo the historic review process, as outlined in this Section, said party allows that historic resource to become so deteriorated that the resource would qualify immediately for a demolition permit due to the unsafe or hazardous condition of the resource.

3. The structural integrity of both occupied and unoccupied Class I and Class II historic resources should be achieved through proper maintenance of all structural, architectural and other critical elements.
4. Application Requirements for Demolition of Historic Resources
 - a. The applicant shall submit to the Township an application for a demolition permit. All applications for demolition shall be reviewed against the Historic Resource Inventory. If the application concerns the demolition of a Class I or Class II historic resource, the Zoning Officer shall be directed not to issue the permit and shall inform the applicant to comply with the following procedures and requirements of this Section, as applicable.
 - b. In addition to the applicable requirements under the Township Building and Fire Codes, any applicant seeking a permit to demolish a historic resource shall submit the following information regarding that resource:
 - 1) Owner of record.
 - 2) Classification of historic resource on the historic resource inventory.
 - 3) Recent photographs of the resource proposed for demolition.
 - 4) A site plan showing all buildings and structures on the property.
 - 5) Reasons for demolition.
 - 6) Method of demolition.
 - 7) Proposed use for the site, timeline for implementation of proposed use for the site, and proposed disposition of materials from the demolished site.

- 8) Alternatives which the applicant has considered prior to demolition.

5. Review Process for Demolition Permits

- a. The Zoning Officer shall notify the Historical Commission of the application for demolition upon acceptance of a properly completed application, including the necessary filing fee, and shall forward such application to the Historical Commission within ten (10) days of receipt.
- b. Within thirty-five (35) days of receipt of a complete application for demolition from the Zoning Officer, at its next regular meeting or a special meeting, the Historical Commission shall review the application for demolition. The applicant will be notified of the meeting and encouraged to present evidence or testimony pertaining to the demolition. In reviewing the application, the Historical Commission shall take into account the following:
 - 1) The effect of demolition on the historical significance and architectural integrity of the historic resource in question and neighboring historic resources, and on the historic character of the neighborhood, district or vicinity in which the resource is located.
 - 2) Economic feasibility of continuing the existing use or of adaptively reusing the resource proposed for demolition.
 - 3) Alternatives to demolition of the resource.
 - 4) Whether the applicant has demonstrated that he has considered alternatives to demolition.
 - 5) Whether the retention of the resource would represent an unreasonable economic hardship.
 - 6) Whether the resource has been intentionally neglected.
- c. Recommendation of the Historical Commission

The Historical Commission shall make its written recommendation to the Board of Supervisors either recommending approval of the demolition application as submitted, recommending approval of the application with conditions, or alternatively, the Historical Commission may recommend to use the following time periods to provide adequate opportunity for documentation of the resources as set forth below, for the applicant to prepare a financial analysis as set forth below, and/or to engage in discussion about alternatives to demolition with the applicant. The

Historical Commission shall make every effort to communicate to the applicant the historical significance of the historic resource, its significance to the Township, and alternatives to its demolition.

- 1) Class I historic resources. A period not to exceed ninety-five (95) days.
- 2) Class II historic resources. A period not to exceed sixty-five (65) days.

d. Recommendation of the Board of Supervisors

Within thirty-five (35) days of receiving the recommendation from the Historical Commission, the Board of Supervisors shall consider the application at a public meeting, together with the recommendations from the Historical Commission, and vote either to approve the application as submitted, approve the application with changes, or defer their decision affording a delay of demolition for up to the periods specified above. The applicant shall be notified at least ten (10) days prior to the date of the public meeting, and shall have the opportunity to present reasons for 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, the Historical Commission, and the Zoning Officer.

e. Issuance of a Demolition Permit

Where the Board of Supervisors acts to approve the application, it shall authorize the Zoning Officer to issue the permit. Where the approval is authorized to be granted with conditions, the Zoning Officer shall be authorized to issue a permit upon receipt from the applicant of written acceptance of those conditions.

f. Documentation

Prior to the issuance of a demolition permit, the applicant may be required at the discretion of the Board of Supervisors to provide documentation of the Class I historic resource proposed for demolition. Such documentation may include:

- 1) Historical data, survey information, and other data provided by local, state, and federal historic preservation organizations and other agencies.
- 2) Photographs.
- 3) Floor plans.

- 4) Measured drawings.
- 5) Archeological survey, if appropriate.
- 6) Other available comparable form of documentation.

g. Financial Analysis

In cases where there is claim that demolition of a Class I historic resource is necessary due to financial hardship or the lack of a economically reasonable alternative for reuse, the applicant may be required at the discretion of the Board of Supervisors, during the period of the delay of demolition, to prepare a financial analysis, which may include any or all of the following information:

- 1) Amount paid for the property, date of purchase and party from whom purchased.
- 2) Assessed value of the land and improvements thereon, according to the most recent assessment.
- 3) For depreciable properties, a pro forma financial statement prepared by an accountant or broker of record.
- 4) All appraisals obtained by the owner in connection with the purchase or financing of the property, or during the ownership of the property.
- 5) Bona fide offers of the property for sale or rent, price asked, and offers received, if any.
- 6) Any consideration by the owner as to profitable, adaptive uses for the property, and any other practical uses, as well as incentives which could be offered by the Township to preserve the historic resource and any input from preservation organizations.
- 7) Where relevant, written estimates of the cost of rehabilitation from a professional restoration contractor.

h. Final Recommendation on Demolition by the Historical Commission

Prior to or at the end of the expiration of the ninety-five (95) or sixty-five (65) day review period, the Historical Commission may recommend approval of the demolition permit, or where the Historical Commission does not believe that the applicant has proven hardship, may recommend

denial of the application. In such cases, the Historical Commission shall make a written report to the Board of Supervisors setting forth reasons for its recommendation and the evidence considered.

i. Final Decision on Demolition by the Board of Supervisors

The Board of Supervisors shall act upon the application for demolition within or at the ninety-five (95) or sixty-five (65) day review period, whether or not it receives a recommendation from the Historical Commission, and shall vote either to approve the application, to approve the application with changes, or to deny the application. Within fourteen (14) days of making its decision, the Board of Supervisors shall provide written communication to the applicant, Historical Commission, and the Zoning Officer.

j. Any costs incurred by the Historical Commission, as agreed to by the applicant, to review plans or studies submitted by the Historical Commission's consultant specifically retained for this purpose, shall be reimbursed to the Township by the applicant.

6. Enforcement

a. Fines and penalties

Any person who demolishes an historic resource in violation of the provisions contained herein shall be subject to the fines and penalties imposed under this Ordinance in accordance with Article XVI as well as those fines and penalties imposed under Township Building and Fire Codes.

b. The Zoning Officer shall withhold issuing a building permit for a property that, at the date of enactment of this Article, was occupied by a Class I or Class II historic resource that was subsequently demolished in violation of this Article, until the appropriate review is completed.

c. In addition to the above remedies, the Board of Supervisors may take other appropriate legal action, which may include equitable and injunctive relief, to enforce the provisions of this Article.

d. Appeals to this process shall be made to the Zoning Hearing Board.

E. Historic Resource Impact Study

1. Intent

The intent of the Historic Resource Impact Study is to provide the Township with

enough information and data to evaluate the impact of the proposed land development on Class I and Class II historic resources in the Township and to encourage the preservation of those resources to the maximum extent possible, to minimize negative impacts on historic resources, and to provide mitigation of adverse effects of a proposed project on historic resources. Existing conditions, proposed changes, and proposed mitigation measures, if necessary, shall be described in this study.

2. Applicability

An Historic Resource Impact Study shall be required at the discretion of the Board of Supervisors when any of the following are proposed:

- a. Subdivision or land development plans which include an on-site historic resource as identified on the Township Historic Resource Inventory.
- b. Any construction, improvement, or land disturbance being undertaken in conjunction with subdivision or land development of land within three hundred (300) feet of the exterior walls of any Class I or Class II historic resource or on which historic resources are located, as identified on the Historic Resource Inventory.
- c. General bridge or road construction, or substantial repair passing within three hundred (300) feet of the exterior walls of any Class I or Class II historic resource.

3. Contents

The Historic Resource Impact Study shall contain the following information, as required by the Board of Supervisors and shall be deemed a part of any preliminary or final land development application or zoning application as applicable:

- a. Background Information
 - 1) If not otherwise provided by the applicant, a general site description, including topography, watercourses, vegetation, landscaping, existing drives, and similar features.
 - 2) General description and classification of all Class I and Class II historic resources as described in Section 804.E.2 above.
 - 3) Physical description of all Class I and Class II historic resources identified.

- 4) Narrative description of the historic and architectural significance of each Class I or Class II historic resource, relative to the Township and the region in general.
- 5) Any easements, deed restrictions, rights-of-way, or any other encumbrances upon the land, including location, size and ownership.
- 6) Sufficient number of black and white or color 4” x 6” photographs to show all elevations of all Class I and Class II historic resources identified and the resource in its setting.

b. Proposed Change

- 1) General description and site plan of the proposed project, including time table or phases.
- 2) Description of the impact of the proposed development on each identified Class I and Class II historic resource with special emphasis on the impact to architectural integrity, historic setting and future use.
- 3) General description the effect of noise and traffic generated from the proposed change on the identified Class I and Class II historic resources.

c. Mitigation Measures

- 1) Measures to be undertaken by the developer to mitigate the project’s negative impact on Class I or Class 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.
- 2) In general, mitigation measures shall be consistent with Section 804.E.3(i).

4. Review

The Historical Commission shall review the Historic Resource Impact Study and shall forward it along with written recommendations to the Board of Supervisors before the Board of Supervisors renders a decision regarding the applicable land development application and within the timeframe applicable to the subject application. In approving any applicable application, the Board of Supervisors may establish conditions of approval requiring mitigation of negative impacts on Class I or Class II historic resources.

ARTICLE X
SUPPLEMENTAL LAND USE REGULATIONS

SECTION 1001. 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 or other code or ordinance.
- B. Uses specifically regulated in this Article include the following:

- 1002 Accessory Use
- 1003 Accessory Building or Structure
- 1004 Adult Commercial Use, Off-Track Betting Establishments, and Tattoo Parlors
- 1005 Agriculture
- 1006 Animal Shelter/Veterinary Office/Kennel
- 1007 Banking or Financial Institution with drive-through service
- 1008 Bed and Breakfast
- 1009 Cemetery
- 1010 Church, Place of Worship, or Philanthropic Use
- 1011 Communications Tower or Facility
- 1012 Convenience Store
- 1013 Country Club, Lodge, or similar Private Club
- 1014 Day Care Center, Commercial
- 1015 Educational Use/Commercial School
- 1016 Gas Station/ Automobile Service Station/Car Wash
- 1017 Home Occupation
- 1018 Hotel/Motel/Inn
- 1019 Junk Yard or Salvage Yard
- 1020 Mini-Warehouse
- 1021 Mobile Home Park
- 1022 Nursing Home
- 1023 Recreation Facilities (Commercial Indoor/Outdoor)
- 1024 Recycling Center
- 1025 Residential Conversion/Accessory Apartments
- 1026 Restaurant, fast food or with drive-through service
- 1027 Age-restricted retirement community
- 1028 Temporary Structure or Use
- 1029 Timber Harvesting Operation
- 1030 Transitional Housing and Group Homes

SECTION 1002. ACCESSORY USE

Accessory uses shall be in accordance with the following standards:

A. Uses Accessory to Agriculture

The following uses shall be permitted when incidental and subordinate to an agricultural use and when located on the same lot or tract as the principal use:

1. Keeping of livestock
2. Storage of farm products and farm machinery.
3. Barns, stables, and silos sheltering livestock, poultry, and farm products.
4. Preparation for sale of agricultural products grown or raised on the premises not including processing or manufacturing except as provided under Subsection 1002.A.7.c.5.
5. Signs identifying the name of a farm in accordance with Article XIII, Signs.
6. Sale of Agricultural Products

The display and sale of agricultural products shall be permitted from a permanent building or from a temporary stand dismantled and removed at the end of the growing season provided that:

- a. At least fifty (50) percent of agricultural products displayed for sale, based on gross sales, shall be grown or raised on the agricultural land contiguous to said building. Agricultural sales shall clearly be subordinate to the principal agricultural uses. Appropriate documentation to satisfy the Zoning Officer that the fifty percent limitation is being met shall be submitted annually.
- b. Such stand or building shall be located a minimum of thirty (30) feet from any street right-of-way line.
- c. A minimum of three (3) parking spaces and a maximum of five (5) parking spaces shall be provided behind the street right-of-way line. The maximum building floor area of the stand shall be one hundred and fifty (150) square feet.
- d. Any sales, display or parking area shall be at least seventy-five (75) feet from a side or rear yard lot line.

- e. Signs associated with the sale of farm products shall conform to the sign regulations under Article XIII.

7. Secondary farm family business

- a. 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.
- b. A secondary farm family business shall only be permitted on a working farm of at least twenty (20) acres in size.
- c. Secondary farm family businesses may include, but are not limited to the following, where clearly subordinate to the principal agricultural use of the property:
 - 1) Sale of seeds;
 - 2) Facilities for the sales, repair, and service of agriculturally related equipment and supplies;
 - 3) Blacksmith or farrier shop;
 - 4) Grain mills or portable grinding mills;
 - 5) Processing of agricultural products where at least fifty (50) percent of the agricultural products processed, based on volume, are grown or raised on the subject property; appropriate documentation to satisfy the Zoning Officer that the fifty percent limitation is being met shall be submitted annually;
 - 6) Veterinary offices which primarily serve farm animals, stables, and supplies, excluding kennels;
 - 7) Manufacturing and sale of crafts;
 - 8) Manufacturing of household articles, such as chairs, cabinets, clocks, and similar carpentry type articles for use in the home;
 - 9) Other uses of similar character to those listed above.

B. Uses Accessory to Residential

The following uses shall be permitted when incidental and subordinate to an existing residential use, and when located on the same lot or tract as the principal use:

1. Private garage, off-street parking or driveway.
2. Private swimming pool, bathhouse, tennis court or other recreation facility.
3. Private greenhouse, solar collection system or other alternative energy system.
4. Home occupation, where permitted, in accordance with Section 1017.
5. Patio, deck, shed, or gazebo for passive outdoor use.
6. Keeping of livestock traditionally classified as domestic farm animals (e.g., horses, poultry, etc.), as pets on lots less than five (5) acres in size within the RC-Residential & Conservation District and the RD-Residential Development District subject to the following provisions:
 - a. The lot housing large domestic animals of six hundred (600) pounds or more shall have a minimum lot area of three (3) acres.
 - b. Where large animals are permitted, such lots shall not have more than two (2) large animals on a three (3) acre lot, with one (1) additional large animal permitted for each additional one (1) acre.
 - c. Lots housing small farm animals or poultry shall have a minimum lot area of three (3) acres; such lots shall not have more than eight (8) small animals per three (3) acres.
 - d. Stables and shelters shall be set back at least one hundred (100) feet from any property line and at least two hundred (200) feet from an existing dwelling other than that of the property owner. Manure storage shall be located at least one hundred (100) feet from any lot line, 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. All storage and handling of manure shall comply with applicable state and federal regulation.
7. Garage or yard sales subject to any applicable Township regulation.
8. Parking or Storage of Commercial Vehicles
 - a. The nightly out of doors parking or storage of commercial vehicles shall be limited to one (1) vehicle, not to exceed seventeen thousand (17,000) pounds gross vehicle weight rating (g.v.w.r). The commercial vehicle shall be parked on the lot, not on the street. (See also Section 1106.B, Residential Outdoor Storage)

- b. One (1) additional commercial vehicle shall be permitted if parked inside a garage, an enclosed structure, or a parking space screened from view at the street or property line.
- 9. Flagpole for display of flag(s) only; use for any other purpose such as telecommunications antennae shall not be considered an accessory use.
- 10. Signs associated with the occupants of a residence or home occupation, in accordance with Article XIII, Signs.
- 11. Private radio or television antennae or microwave dishes shall be considered permissible accessory uses, subject to the following standards:
 - a. The structure shall meet all yard requirements of the Zoning District in which it is located. No portion of the base of a freestanding antenna shall be located closer to any lot line than the height of the antenna.
 - b. Where applicable, structures shall comply with Federal Communications Commission (FCC) regulations and the Township Building Code.
 - c. The highest point of an antenna attached to a building shall not exceed the peak of the roof by more than fifteen (15) feet.
 - d. When mounted on a freestanding tower, the highest point of the tower and antenna shall not exceed sixty (60) feet.
 - e. No more than two (2) antennae shall be permitted per lot, nor shall more than one (1) freestanding antenna be permitted per lot.
 - f. Antennae and their associated uses shall meet the performance standards of Section 1105.I of this Ordinance relating to electrical and electromagnetic interference.
 - g. A freestanding antenna shall be dismantled and removed by the owner if the antenna is not used for a period of one (1) year.
 - h. The following standards shall apply to microwave dish antennae:
 - 1) Microwave dish antennae shall remain accessory to the principal use of the lot.
 - 2) When roof or wall mounted, the dish antenna shall be located on a portion of the wall or roof facing away from the front of the lot. No portion of a microwave dish antenna shall project above the ridge

line of the roof or be visible from the front of the lot. Mounting materials and methods shall comply with the Township Building Code.

- 3) When freestanding (not roof mounted), the following standards shall apply:
 - a) The dish antenna shall be located only in the rear yard area of a lot, and shall be set back a minimum of ten (10) feet from any property line.
 - b) The total height of the microwave antenna and supports shall not exceed ten (10) feet in height.
 - c) Where the microwave antenna and supports exceeds five (5) feet in height, it shall be screened from view from neighboring properties with appropriate plantings or fencing to the extent that such screening does not interfere with reception.
 - d) Supporting materials and methods shall comply with the Township Building Code.
- 4) No more than one (1) microwave dish antenna shall be permitted on any lot.
- 5) Except in commercial or industrial districts, microwave dish antennae shall be used solely for the reception of radio and electromagnetic waves.

C. **Uses Accessory to Commercial and Industrial**

The following uses shall be permitted when incidental and subordinate to an existing commercial or industrial use, and when located on the same lot or tract as the principal use:

1. Off-street parking facilities, in accordance with Article XII, Off-Street Parking.
2. Storage of materials, in accordance with Section 1106, Outdoor Storage.
3. Signs in accordance with Article XIII, Signs.
4. Day care may be permitted in conjunction with a commercial, office, or industrial use if the applicable requirements of Section 1014 are met.

SECTION 1003. ACCESSORY BUILDING OR STRUCTURE

Accessory buildings or structures shall be in accordance with the following standards except as otherwise set forth herein:

- A. Except for structures necessary for stormwater management, sewage disposal, utility or other public services, accessory buildings and structures shall be located, erected and maintained in side or rear yard areas only. Minimum setbacks for buildings and structures shall be dependent upon the type of activity proposed as follows:

1. Structures to Serve Active Uses

Greenhouses, sheds or other similar structures with a floor area of one hundred and fifty (150) square feet or greater and any structure(s) serving such active uses as swimming, tennis, and riding rings shall not be located within twenty-five (25) feet from side or rear property lines. Fences serving or enclosing such uses shall comply with the provisions set forth in Section 1104.

2. Structures to Serve Passive Uses

Those structures serving such passive uses as storage sheds and greenhouses with a floor area of less than one hundred and fifty (150) square feet, small pet shelters (except as otherwise regulated in Section 1006), and playground equipment shall be set back a minimum of ten (10) feet from side or rear property lines.

3. Structures housing large animals shall comply with the standards of Section 1002.B.6 and shall, in no case, be located within the required yard areas of the applicable district.

- B. Neither the side nor rear yard shall have more than twenty (20) percent of its area covered by accessory buildings and structures.

SECTION 1004. ADULT COMMERCIAL USE, OFF-TRACK BETTING ESTABLISHMENTS, AND TATTOO PARLORS

Where permitted, adult commercial uses, off-track betting establishments, and tattoo parlors shall comply with the following standards:

- A. Signs and visible messages shall comply with the provisions set forth in Article XIII, subject to the following further provisions:

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.
- B. Adult commercial uses, off-track betting establishments, and tattoo parlors shall require application for a conditional use permit from the Board of Supervisors prior to commencement of operation. Application for such a conditional use permit shall consist of:
1. Information as required by Section 1612, Conditional Uses.
 2. A description of the premises for which the permit is sought.
 3. A statement of the intended use(s).
 4. Hours of operation.
 5. Type, size and location of proposed sign(s).
- C. Should any adult commercial use, off-track betting establishment, or tattoo parlor cease or discontinue operation for a period of ninety (90) or more consecutive days, it shall not resume, nor may it be replaced by another adult commercial use unless said use complies with all the requirements of this Section.
- E. Nothing in this Ordinance shall be deemed to allow any uses that are "obscene" as that term has been interpreted from time to time by the courts of the United States or the Commonwealth of Pennsylvania.

SECTION 1005. AGRICULTURE

A. General Requirements

1. Except for a residential dwelling or as otherwise required for intensive agricultural uses in subsection C.1 below, no barn or other agricultural-related structure shall be constructed closer than one hundred (100) feet to any lot boundary or closer than two hundred (200) feet to any existing dwelling other than that of the property owner.
2. Lots shall be graded so that animal wastes are confined, stored or disposed of within the lot on which they originate, and are not directed to the Flood Plain Conservation District, stream, or other body of water.

3. All pasture areas where animals are kept shall be fenced.

B. Non-Intensive Agricultural Uses

Non-intensive agricultural uses and customary buildings associated with non-intensive agricultural uses shall be in accordance with the following standards:

1. The minimum lot area for non-intensive agricultural uses shall be three (3) acres in the RD-Residential Development District and five (5) acres in the RC-Residential & Conservation District.
2. The keeping of farm animals, exclusive of customary household pets and except as otherwise permitted in Section 1002.B.6 for the keeping of livestock accessory to a residential use, shall not be permitted on lots of less than five (5) acres in size.
3. No slaughtering operations for commercial purposes shall be permitted.
4. Commercial piggeries shall not be permitted as part of a non-intensive agricultural use.

C. Intensive Agricultural Uses

Intensive agricultural uses and customary buildings associated with intensive agricultural activities shall be in accordance with the following standards:

1. The minimum lot area for intensive agricultural uses shall be twenty (20) acres.
2. 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 set back a minimum of two hundred (200) feet from any lot boundary or stream.
3. Land area used for feed lots shall be fenced and shall be graded so that animal wastes and surface run-off are confined to the lot on which they originate, and are not directed to the Floodplain Conservation District, streams, wetlands, or other bodies of water.

SECTION 1006. ANIMAL SHELTER, VETERINARY OFFICE, OR KENNEL

An animal shelter, veterinary office, or kennel shall be in accordance with the following standards:

- A. The minimum lot area shall be two (2) acres for each veterinary office and five (5) acres for each animal shelter or kennel. Any veterinary office that also offers a boarding service with outdoor kennels or runs shall have a minimum lot area of five (5) acres.

- B. Outdoor exercise yards shall be entirely fenced to prevent animals from leaving the property.
- C. Kennel buildings and outdoor runs associated with any of the above uses shall be set back a minimum of four hundred (400) feet from front, side, and rear lot lines. Accessory buildings and structures not housing animals shall be set back a minimum of twenty-five (25) feet from rear and side property lines. A Class B buffer, consistent with the requirements of Section 1109 shall be provided.
- D. Buildings or structures used for the kennel or boarding facility shall be sound insulated.
- E. The sale of related products shall remain accessory to the principal use and shall occupy no more than twenty-five (25) percent of the floor area of the principal building.
- F. There shall be no outdoor storage of materials unless screened from adjoining properties in accordance with Section 1106, Outdoor Storage.

SECTION 1007. **BANKING OR OTHER FINANCIAL INSTITUTION WITH DRIVE-THROUGH SERVICE**

Such uses, when proposed in conjunction with a drive-through service window, including a drive-through automated teller, shall be in accordance with the following standards:

- A. The use shall have direct access to a collector or arterial street as defined by the Township Comprehensive Plan.
- B. There shall be no more than one (1) point of ingress and one (1) point of egress to each street on which the lot abuts.
- C. The access shall be set back at least forty (40) feet from street intersections. The distance shall be measured from the street right-of-way to the edge of the access driveway.
- D. Drive-through windows or automated tellers shall have a vehicle stacking lane which can accommodate a minimum of six (6) cars or as provided in the most current version of the I.T.E. manual. The stacking lane shall not be used for parking lot circulation aisles nor shall it conflict in any way with circulation or parking patterns.

SECTION 1008. **BED AND BREAKFAST**

A bed and breakfast shall be in accordance with the following standards:

- A. A bed and breakfast shall only be permitted within a detached structure in any of the following situations:

1. Any structure defined as a Class I or Class II Historic Resource;
 2. Any structure located in a V-1, V-2, or V-3 Village Preservation District.
 3. Any structure having direct access to a principal or minor arterial or collector street as defined in Section 202.
- B. A bed and breakfast shall remain incidental and secondary to the principal residential use of the property on which it is located. Non-resident employees shall be restricted to two (2) in addition to any resident operators or employees.
- C. A maximum of six (6) guest bedrooms shall be devoted to the bed and breakfast use.
- D. Exterior and interior alterations shall be limited to those customarily associated with residential use or those which may be required in compliance with the Township Building Code, by the Pennsylvania Department of Labor and Industry or for safety reasons, or as may otherwise be required by any governmental agency. To the extent practicable, all fire escapes, external stairways, or additional external doors as may be required shall be located either to the side or rear of the residence.
- E. There shall be no separate cooking facilities in any guest room. Food served to guests on the premises shall be limited to breakfast and afternoon tea and eating facilities shall be open only to guests.
- F. Active outdoor recreation amenities, such as a swimming pool or tennis court, shall not be lit and the use of such amenities shall be limited to the hours of 9:00 a.m. to dusk.
- G. 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.
- H. Adequate lighting and off-street parking shall be provided in accordance with Article XI, Common Regulations, and Article XII, Off-Street Parking and Loading. Off-street parking spaces with six (6) or more spaces shall be landscaped or screened from abutting residential uses with a Class B buffer consistent with the requirements of Section 1109 of this Ordinance.
- I. Signs associated with the bed and breakfast facility shall be in accordance with Article XIII, Signs.
- J. Bed and breakfast facilities shall provide overnight lodging accommodations not to exceed fourteen (14) consecutive nights per patron.

SECTION 1009. CEMETERY

A cemetery shall be in accordance with the following standards:

- A. The minimum lot area for a cemetery shall be ten (10) acres except that pet cemeteries shall have a minimum lot area of five (5) acres.
- B. Individual plots shall be set back a minimum of fifty (50) feet from all tract boundaries and public rights-of-way.
- C. The following standards shall apply to the placement of all burial vaults with burial ground areas:
 - 1. Multiple burial vaults may be placed in a single plot (i.e., one atop the other) subject to conformance with all design criteria herein.
 - 2. No vault shall be located less than three (3) feet beneath the ground surface after development, except where completely enclosed within a mausoleum.
 - 3. No vault shall be located where, at its greatest depth below the ground surface, it may intrude upon the seasonal high water table.
 - 4. In order to provide for adequate percolation of groundwater, all burial vaults shall be placed such that the minimum horizontal separation between vaults is no less than two (2) feet. The provision shall not apply to burial vaults completely enclosed within a mausoleum.
- D. Retention of natural buffer areas to the greatest degree feasible, along with introduction of landscape material, shall be used to mitigate impacts to scenic landscapes and water recharge capacity.
- E. The applicant shall demonstrate that recharge of the groundwater is not adversely impacted by the cemetery design. The layout of burial grounds, structures, and other impervious surfaces, and the design of stormwater management facilities shall optimize opportunities for natural recharge. To the greatest extent feasible, the existing soil profile and its natural groundwater recharge capacity shall remain undisturbed in buffer areas, perimeter setback areas, and retained natural areas.
- F. The applicant shall provide sufficient hydrologic and other information to satisfy the Township that the potential for groundwater contamination from the development of burial grounds shall not be hazardous to any neighboring water supply wells.
- G. An application for a cemetery use shall include the following:

1. A master plan identifying the overall layout of plots, internal road network, buildings, a landscape plan, and other improvements which demonstrate compliance with the above requirements.
 2. Sufficient information for the Township Engineer to determine compliance with the requirements of subsections E. and F., above.
 3. A valid permit issued from the Pennsylvania Department of Health, when applicable.
 4. A narrative of how the cemetery will be developed and maintained.
- H. Individual headstones shall not exceed five (5) feet in height.

SECTION 1010. **CHURCH, PLACE OF WORSHIP, OR PHILANTHROPIC USE**

A church, place of worship, or philanthropic use shall be in accordance with the following standards and all other applicable requirements of this Ordinance.

- A. A church, place of worship, or philanthropic use shall only be permitted where it has direct access to a principal or minor arterial or collector street as defined in Section 202.
- B. Accessory uses shall be limited to those directly associated with the principal use. Additional proposed principal uses, such as a school or day care, shall only be allowed if permitted in the applicable zoning district and if such use can meet all applicable standards of this ordinance.

SECTION 1011. **COMMUNICATIONS TOWER OR FACILITY**

Any communication tower or facility shall comply with the provisions of Ordinance # 99-03, the West Pikeland Township Telecommunication Facilities Ordinance.

SECTION 1012. **CONVENIENCE STORE**

A convenience store shall be in accordance with the following standards:

- A. Access shall be controlled and defined by the use of concrete curbing. There shall be no more than one (1) point of ingress and one (1) point of egress onto each street on which the lot abuts. Access points shall otherwise be designed in accordance with the access and traffic control provisions of Section 1111.
- B. Sales and storage of merchandise shall be limited to inside the convenience store and items placed immediately adjacent to the front of the store. Outdoor sales of seasonal items, as

described in Section 1030.A.7, may be allowed if a permit has been obtained consistent with the requirements of Section 1030, Temporary Structure or Use.

- C. Parking shall be provided in conformance with the parking standards of Article XII for a convenience store, plus the parking and stacking requirements for an automobile service station where fuel pumps are also proposed.
- D. All outdoor lighting shall conform with the provisions of Ordinance #2000-02, the West Pikeland Township Outdoor Lighting Ordinance.

SECTION 1013. **PRIVATE CLUB OR LODGE**

A private club or lodge shall be in accordance with the following standards:

- A. The minimum lot area for a club or lodge shall be two (2) acres.
- B. When abutting a residential use or a property zoned for residential use, the said club or lodge shall provide an effective visual screen in accordance with the provisions of Section 630 of the West Pikeland Township Subdivision & Land Development Ordinance. All buildings, parking and facilities for outdoor activities shall be so screened.
- C. Recreation areas or facilities shall comply with all applicable requirements of Section 1023, Recreation Facilities.
- D. All outdoor lighting shall conform with the provisions of Ordinance #2000-02, the West Pikeland Township Outdoor Lighting Ordinance.
- E. The permitted hours of operation shall be established by the Zoning Hearing Board during the special exception review process.

SECTION 1014. **DAY CARE CENTER, COMMERCIAL**

- A. A commercial child day care center shall be in accordance with the following standards:
 - 1. Indoor play areas shall provide a minimum of fifty (50) square feet per child. Outdoor play areas shall be designed to provide a minimum outdoor play area of two thousand (2,000) square feet, or one hundred (100) square feet per child, whichever is greater.
 - 2. Outdoor play areas shall be entirely enclosed by a fence a minimum of five (5) feet in height, and shall not include driveways, parking areas or land unsuited for active recreation due to slope or wet soil conditions.

3. Outdoor play areas adjacent to a residential use or district shall be set back a minimum of seventy-five (75) feet from side and rear property lines and shall be sufficiently screened to minimize disturbance of residential areas. Outdoor play areas adjacent to non-residential uses or districts shall be set back a minimum of fifty (50) feet from side and rear property lines.
 4. Off-street parking and passenger loading and unloading spaces shall be provided in accordance with Article XII, Off-Street Parking and Loading, and shall be so designed to prevent interference with traffic flow on any adjacent street or road.
 5. Prior to issuing of a permit by the Zoning Officer, the applicant shall have received and hold all pertinent approvals and licenses from appropriate state or county agencies as a condition of permit approval and continuation.
- B. A commercial adult day care center shall be in accordance with the following standards:
1. A minimum indoor recreation area of five hundred (500) total square feet or seventy-five (75) square feet per adult, whichever is greater, shall be provided.
 2. Off-street parking and passenger loading and unloading spaces shall be provided in accordance with Article XII and shall be so designed to prevent interference with traffic flow on any adjacent street or road.
 3. Prior to issuing of a permit by the Zoning Officer, the applicant shall have received and hold all pertinent approvals and licenses from appropriate state and county agencies as a condition of permit approval and continuation. Where applicable, prior to the issuance of the permit, the applicant shall also provide evidence that all conditions set by the Zoning Hearing Board during the special exception approval process or the Board of Supervisors during the conditional use approval process have been met.

SECTION 1015. **EDUCATIONAL USE (Public, Non-Profit Private, and Commercial)**

Any permitted educational uses shall be in accordance with the following standards:

- A. Access shall be taken a principal or minor arterial or collector street as defined in Section 202.
- B. The minimum required tract size shall be five (5) acres in the RD-Residential Development District and RC-Residential & Conservation District and two (2) acres in any V-1, V-2, or V-3 Village Preservation District.
- 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. Outdoor play or recreation areas adjacent to a

non-residential use or district shall be a minimum of fifty (50) feet from side and rear property lines. Outdoor recreational lighting designed to allow for after-dark use of recreational areas or facilities shall not be permitted.

SECTION 1016. **GAS STATION/ AUTOMOBILE SERVICE STATION/CAR WASH**

Such uses shall be in accordance with the following standards:

- A. A minimum lot width of not less than two-hundred (200) feet shall be provided along each street on which access is proposed. This requirement shall not apply to facilities solely providing repair services, in which case the required lot width of the underlying district shall apply.
- B. Access shall be set back at least forty (40) feet from the intersection of any street, measured from the right-of-way.
- C. Fuel pumps shall be at least twenty-five (25) feet from any street right-of-way. Where fuel pumps are situated under a canopy structure, applicable yard area setbacks shall apply.
- D. All automotive parts, refuse, and similar articles shall be stored within a building or enclosed area.
- E. All automotive repair or service activities, except those performed at fuel pumps, shall take place within a completely enclosed building.
- F. Vehicles waiting for repairs shall not be stored outdoors for more than ten (10) days. Junk vehicles may not be stored in the open at any time.
- G. Parking and stacking spaces shall be provided in accordance with the requirements of Article XII, Off-Street Parking and Loading Provisions.

SECTION 1017. **HOME OCCUPATION**

Where permitted, any home occupation shall be in accordance with the following standards:

A. **Prohibited Home Occupations**

The following uses are prohibited as home occupations and shall be classified as commercial uses:

- 1. Animal Shelter or Veterinary Office
- 2. Commercial Kennel or Commercial Stable

3. Rooming or Boarding Home
4. Funeral Parlor or Undertaking Establishment
5. Restaurant
6. Medical or Dental Clinic (two or more doctors or dentists)
7. Gift or Antique Shop
8. Rental Business
9. Furniture Stripping
10. Auto or Small Engine Repair
11. Painting of Vehicles, Trailers, or Boats
12. Private School with organized classes
13. Welding shop
14. Wood Chipping Operations
15. Other uses of similar character to those listed above

B. General Standards Applicable to Home Occupations

The following standards shall apply to all home occupations:

1. A home occupation shall be conducted within a dwelling which is the residence of and under the ownership of the principal practitioner or in an accessory building which is normally associated with the residential use. The home occupation shall be carried on wholly indoors.
2. The total area used for a home occupation shall not exceed one thousand (1,000) square feet or fifty (50) percent of the total floor area of the principal residential structure and any applicable accessory structure(s), whichever is less.
3. No more than two (2) persons, other than resident members of the immediate family may be employed or subcontracted at the residence. Use of non-resident employees shall require approval from the Zoning Hearing Board as a special exception.
4. The appearance of the residential structure or accessory structure shall not be altered or the occupation be conducted in such 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 Ordinance. No interior display of goods shall be visible from the outside.

5. The storage of commercial vehicles shall comply with Section 1002.B.8 of this Ordinance.
6. There shall be no exterior storage of materials or refuse resulting from the operation of the home occupation.
7. No equipment or process shall be used in a home occupation which creates noise, vibration, glare, fumes, odors, dust, smoke, or electrical interference detectable to normal senses beyond the property line in excess of levels customarily generated by a residential use.
8. There shall be no storage or use upon the premises of toxic, explosive, polluting, dangerous, or other substances defined as hazardous by the Pennsylvania Department of Environmental Protection.
9. No articles shall be sold or offered for sale on-site except those produced on the premises. Such sales must have prior approval by the Zoning Hearing Board.
10. No more than one (1) sign shall be permitted per property providing that it is no larger than two (2) square feet per face. It shall not be illuminated, animated, or placed in a window.
11. Where employees or customer visits are anticipated, off-street parking shall be provided in sufficient capacity to prevent interference with normal residential parking in the neighborhood. Off-street parking, inclusive of required residential parking, shall not exceed five (5) spaces.
12. Beauty parlors and barber shops may be permitted as a home occupation where approved by the Zoning Hearing Board as a special exception and provided that no more than two (2) stylist or barber chairs are provided and all other provisions of this Ordinance are met.
13. Instructional services may be permitted as a home occupation where approved by the Zoning Hearing Board as a special exception and provided that a maximum of two (2) musical students may be instructed at any one time. Non-music instruction shall be limited to no more four (4) students at any one time and no more than two (2) trips per hour.

14. Home Day Care

Home day care, as defined in Section 202, shall be permitted as a home occupation where approved by the Zoning Hearing Board as a special exception and when in compliance with the provisions outlined below and all other applicable requirements:

- a. The minimum lot area for this use shall be one (1) acre.
- b. Home day care uses shall only be permitted in a single family detached dwelling and in conformance with the Township Building Code.
- c. There shall be no alterations to exterior facades of residential structures to accommodate home 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.
- d. For home day care intended for children, a minimum outdoor play area of one hundred (100) square feet of contiguous play area shall be provided for each child. The outdoor play area shall be located to the side or rear of the property. Setbacks for this play area shall meet the side and rear setback requirements for the applicable district.
- e. The outdoor play area shall be enclosed by a suitable fence with a minimum height of five (5) feet or other barrier suitable to prevent children from crossing. This requirement shall also apply to adult home day care where outdoor sitting areas are provided for the use of clients.
- f. In addition to the off-street parking required for a single-family home, at least one (1) additional space is required for each non-resident employee. There shall be sufficient area on the lot to accommodate the pick-up and drop-off of children without interference with local traffic.
- g. Prior to approval of the use and issuing of a zoning permit by the Zoning Officer, the applicant shall secure all pertinent approvals and registration certificates from appropriate state or county agencies as a condition of permit approval and continuation. Prior to the issuance of the permit, the applicant shall also provide evidence that all conditions set by the Zoning Hearing Board during the special exception approval process have been met.

SECTION 1018. **HOTEL, MOTEL, INN**

A hotel, motel, or inn shall be in accordance with the following standards:

- A. The minimum lot area per use shall be in accordance with the following table or as provided for non-residential uses in the applicable zoning district, whichever is greater, and provided that there is a minimum of two thousand (2,000) square feet of lot area per rental unit:

Use	Minimum Lot Area Per Use
Hotel or Inn	2 acres
Motel	4 acres

- B. A minimum of thirty (30) percent of the tract shall be permanently retained in landscaping.
- C. The principal access to a hotel, motel, or inn shall be directly from a principal or minor arterial, collector, or distributor street as defined in Section 202.
- D. Access points shall be limited to two (2).
- E. The following uses are permitted in conjunction with the proposed use when designed as an integral part of a hotel, motel or inn; however, parking requirements shall be adjusted accordingly to accommodate the needs of the additional uses and shall be consistent with the requirements of Article XII, Off-Street Parking and Loading:
1. Lodging facilities.
 2. Dining facilities.
 3. Conference and meeting facilities.
 4. Recreation facilities.
 5. Gift shop.
 6. Accessory maintenance facilities.

SECTION 1019. JUNK YARD OR SALVAGE YARD

A junk yard or salvage yard operation shall comply with the following standards:

- A. The tract serving as a junk yard shall contain a minimum of ten (10) contiguous acres undivided by streets, streams, or rights-of-way. No part of the operation shall be located within the Floodplain Conservation Overlay District or located such that contaminants from the operation can seep or flow into a stream or other body of water.

- B. Where a junk yard is located on a property which is adjacent to a residential district or use, there shall be a setback from the district boundary of at least one hundred (100) feet.
- C. The tract serving as a junk yard shall be located on lands with less than fifteen (15) percent slope.
- D. The maximum lot coverage including storage, buildings, and structures shall not exceed seventy (70) percent.
- E. 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 and which is designed and constructed so as to be at least ninety (90) percent solid or opaque. An effective year-round visual screen shall be provided consistent with the standards set forth in Section 630 of the West Pikeland Township Subdivision & Land Development Ordinance.
- F. Storage piles shall not exceed eight (8) feet in height within fifty (50) feet of the screening or fence line. Junk shall be permitted to be piled not exceeding ten (10) feet in the remaining area of the junk yard. No more than two (2) adjoining rows of junked cars shall be stored together.
- G. 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.
- H. Waste generated by the salvage or junk yard operation shall be managed in accordance with all applicable township Ordinances and 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. 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.
- I. No junk or other material shall be burned on the premises. Each junk yard shall have available in proper working condition equipment that will control, contain, and suppress fires or other hazards.

- J. Tire storage piles shall not exceed two-hundred (200) tires. In addition, when whole or processed tires are stored outdoors, each waste tire pile shall meet the following requirements:¹
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.
- K. No garbage or other organic waste liable to give off a foul odor or to attract vermin or insects shall be kept on the premises.
- L. 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.
- M. 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.
- N. A stormwater management plan and erosion and sedimentation control plan shall be submitted as part of the land development application for a junk yard in accordance with the Township Subdivision and Land Development Ordinance.
- O. The permittee shall allow inspection of the business premises by the Township or its appointed representative at any reasonable time.

SECTION 1020. **MINI-WAREHOUSE (Self-Storage)**

Mini-warehouses shall be in accordance with the following standards:

- A. The minimum required tract area for a mini-warehouse use shall be four (4) acres.

¹ Please note that PA DEP regulations do not apply to scrap tires of less than 500 stored outdoors or less than 1,500 stored indoors. The standards proposed here are closely modeled on the DEP requirements for scrap tire storage. Also, neither the county nor state specifically regulates junkyards. Certain state laws that would most affect these operations are referred to in the ordinance. Additional regulations have also been added consistent with the recommendations of the DEP Fact Sheet entitled "Management of Materials and Wastes from Salvage Yard Operations."

- B. Access shall be from a principal or minor arterial or collector street as defined in Section 202.
- C. The minimum aisle width between buildings shall be twenty (20) feet.
- D. The use shall be subject to review by Township police and fire officials regarding security and fire protection. All outdoor lighting shall conform with the provisions of Ordinance #2000-02, the West Pikeland Township Outdoor Lighting Ordinance.
- E. Storage of explosive, radioactive, toxic, highly flammable, or otherwise hazardous materials shall be prohibited. No motor vehicles shall be stored indoors.
- F. No business activity other than leasing of storage units shall be conducted on the premises.
- G. Except as noted in subsection H. below, all storage shall be within closed buildings built on a permanent foundation of durable materials. Trailers, box cars or similar impermanent or movable structures shall not be used for storage.
- H. Outdoor storage shall comply with the following requirements:
 - 1. Outdoor storage of automobiles, boats, and recreation vehicles is permitted provided they are screened so as not to be visible from adjacent streets, residential uses or residentially zoned land.
 - 2. A maximum of twenty (20) percent of the total site area may be used for such outdoor storage.
 - 3. Stored vehicles shall not interfere with traffic movement through the complex.
- I. The storage facilities complex shall be surrounded by a fence at least eight (8) feet in height. An effective visual screen shall be provided along the street line and where the use is adjacent to any residential use or residentially zoned district consistent with the standards set forth in Section 630 of the West Pikeland Township Subdivision & Land Development Ordinance.
- J. Mini-warehouses and outdoor storage areas shall not be located within the Floodplain Conservation Overlay District as defined in Article VIII of this Ordinance.

SECTION 1021. **MOBILE HOME PARK**

- A. Mobile home parks shall be subject to conditional use approval in accordance with Section 1612 of this Ordinance.
- B. The minimum tract size shall be ten (10) acres and the minimum lot size as specified in Article VIII of the Subdivision and Land Development Ordinance

- C. The maximum gross density shall be three (3.0) units per acre. Density of the mobile home park may be increased up to a maximum of fifty (50) percent or four and one-half (4.5) units per acre through receipt of transferable development rights accounting for each unit in excess of 3.0 per acre, as provided for in Article XVII, Transfer of Development Rights.
- D. A minimum of thirty-five (35) percent of the gross tract area shall be retained in permanent open space. Minimum required open space may be adjusted downward to no less than thirty (30) percent in conjunction with the use of TDRs as provided for in Article XVII, Transfer of Development Rights. Design, use, ownership and maintenance of required open space shall comply with all applicable criteria set forth in Article IX.
- E. In addition to the requirements of Article VIII, Mobile Home Parks, of the Subdivision and Land Development Ordinance, mobile home parks shall comply with applicable standards of this Ordinance and all other applicable federal state, and township regulations.

SECTION 1022. **NURSING HOME**

Where permitted, a nursing or convalescent home or assisted-living residence shall be in accordance with the following standards:

- A. The minimum tract size shall be four (4) acres.
- B. In addition to the minimum tract area required above, an additional one-thousand (1,000) square feet of tract area shall be required for each resident patient above a total of forty (40).
- C. Each nursing home facility shall provide an outdoor sitting facility. The sitting area shall be landscaped and shall not be located adjacent to parking lots, detention basins, or collector or arterial streets unless adequate screening is provided. Sitting areas shall not be located on slopes of over five (5) percent grade.
- D. The tract of land on which the use is conducted shall, in its entirety, be owned and operated as a single or common management and maintenance unit.
- E. The proposed use shall obtain all applicable state and federal permits, licenses, and certificate of need, as applicable to the proposed use, as well as conditional use approval, prior to the issuance of a Zoning Permit.

SECTION 1023. **RECREATION FACILITIES (COMMERCIAL INDOOR/OUTDOOR)**

Except for recreational facilities accessory to permitted residential uses, all recreational facilities shall be in accordance with the following standards:

A. **General Development Standards**

1. Impervious coverage for the proposed use shall not exceed the maximum lot coverage standard of the applicable zoning district.
2. Buildings or structures shall be located no closer than one hundred fifty (150) feet to any lot boundary.

B. **Commercial Recreational Uses**

The standards under this subsection shall apply to such privately established recreational uses as golf, swim, and tennis clubs, ice skating rinks, campgrounds, or commercial riding stables:

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

Use	Minimum Site Area
Golf Course (per nine holes)	50 acres
Commercial Riding Stable	20 acres
Campground	20 acres
Outdoor Swim or Tennis Clubs	15 acres
Indoor Tennis, Racquetball, Ice Rink, Gym	5 acres

2. Any structure, building, parking, storage, loading or paved areas, excluding foot and bicycle paths, and necessary access ways to a public street, shall be located no closer than one hundred fifty (150) feet from any lot line, and shall be screened from dwellings with a Class B buffer in accordance with Section 1109 when located within or abutting a residential use or district.
3. Any permanent outdoor facility including tennis courts and swimming pools which concentrates activities shall be set back a minimum of one hundred fifty (150) feet from any property line and shall be screened from any residential district or use with a Class B buffer in accordance with Section 1109.
4. Where access can be provided from two (2) or more streets, vehicular access for the use shall not be provided from a local street in a residential district or residential development if possible.
5. Auxiliary uses, such as a restaurant, banquet facilities, or snack bar shall be restricted in their use to employees, patrons, members and guests of the principal

use. Such establishments shall present no visible evidence from any public street of their commercial character which would attract persons other than employees, patrons, members and guests.

6. Outdoor recreational lighting designed to allow for after-dark use of recreational areas or facilities shall not be permitted.
7. As a condition of approval during the special exception review process, the Township may apply restrictions on the hours of operation for outdoor recreational uses.
8. Dormitories or other residential facilities, other than those typically associated with a campground, shall not be permitted in conjunction with a recreational facility except for the campground use.
9. 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, and shall be consistent with the criteria of Section 1511 and include the information required by Section 1612.B.

SECTION 1024. **RECYCLING CENTER**

A recycling center shall be in accordance with the following standards:

- A. Operation of a recycling facility shall at all times be in full compliance with the statutes of the Commonwealth of Pennsylvania, the Rules and Regulations of the Pennsylvania Department of Environmental Protection (PaDEP), and the provisions of this Ordinance. In the event that any of the provisions of this Ordinance are less restrictive than any present or future Rules or Regulations of PaDEP, the more restrictive regulations shall supersede and control.
- B. Storage of recycled material shall:
 1. Be within containers that prevent the material from being carried from the work area by wind or water;
 2. Prevent the inhabitation of vectors;
 3. Be set back a minimum of one hundred (100) feet from a property line and street line.
 4. In addition to the buffering requirements of subsection E. below, any materials stored outdoors shall be properly screened so as not to be visible from any adjacent

streets or property. The storage of paper shall be within a fully enclosed building or trailer.

- C. Access to the site shall be limited to those posted times when an attendant is on duty. In order to protect against indiscriminate and unauthorized dumping, every recycling center shall be protected by locked barricades, fences, gates, or other means designed to deny access to the area at unauthorized times or locations. Such barricades shall be kept in good repair and maintained in a uniform color.
- D. Litter control shall be exercised to confine blowing litter to the work area and a working plan for clean up of litter shall be submitted to the Township. To control blowing paper, a fence shall be erected with a minimum height of six (6) feet, with openings not more than three (3) inches by three (3) inches, along all boundaries.
- E. An effective visual screen shall be required between the fence and the street line and along any edge of the property adjacent to a residential use or district, and shall conform with the standards set forth in Section 630 of the West Pikeland Township Subdivision & Land Development Ordinance
- F. Unloading of materials shall be continuously supervised by a facility operator.
- G. Hazardous waste included on the list of hazardous waste maintained by the Department of Environmental Protection shall not be disposed of at a recycling center. No municipal or solid waste or hazardous waste shall be processed or stored at a recycling center.
- H. The principal access to the site shall be from a principal or minor arterial or collector street as defined in Section 202
- I. A zoning permit shall be obtained and renewed on an annual basis.

SECTION 1025. **RESIDENTIAL CONVERSIONS/ACCESSORY APARTMENTS**

Residential conversions or accessory apartments shall be in accordance with the following standards:

- A. The minimum lot area and bulk regulations for the applicable Zoning District shall be met. Residential conversions or accessory apartments shall not be permitted on a nonconforming lot or in a nonconforming structure, except where provided for a Class I or Class II Historic Resource as set forth in Section 804.
- B. An existing detached dwelling converted to two (2) or more dwelling units shall maintain the facade and appearance of a detached dwelling with a single front entrance. The resulting dwelling units may share a single front entrance.

- C. Additional entrances, when required, shall be placed on the side or rear of the building. Exterior stairways and fire escapes shall be located on the rear wall in preference to either side wall, and shall in no case be located on a wall facing a street.
- D. With the exception of improvements relating to safety and access as identified in subsections B. and C., above, there shall be no major structural change to the exterior of the building in connection with the conversion. Additions of up to fifteen (15) percent of the gross floor area of the existing dwelling may be permitted if the addition will facilitate the creation of an otherwise allowed residential conversion in a more logical manner, considering design, layout, or safety factors. Such additions shall not be permitted in conjunction with the creation of an accessory apartment.
- E. Site and architectural plans shall be included with the application for conversion indicating both exterior and interior modifications. A plan shall also be included in the application which identifies off-street parking and other lot improvements as required by Section 1511, granting of special exceptions.
- F. The following maximum new units and densities shall be met by the proposed conversion, except where further modification is permitted to provide for viable re-use of a Class I or Class II Historic Resource as set forth in Section 804.

District	Maximum Dwelling Units per Converted Structure (including original unit)	Maximum Density (Dwelling Units Per Acre After Conversion)
RD	2 units	1.0 units/acre
RC	2 units	0.5 units/acre
V-1, V-2, V-3	4 units	2.0 units/acre

- G. The minimum floor area for an individual dwelling unit shall be in accordance with the West Pikeland Township Building Code.
- H. Each dwelling unit shall be provided with separate cooking and sanitary facilities in accordance with the Township Building Code and Chester County Health Department requirements. Approval by all applicable agencies, including the Chester County Health Department where on-lot sewage facilities are to be utilized, is required prior to the issuance of a zoning permit.
- I. In the RD-Residential Development and RC-Residential & Conservation Districts except where provided for a Class I or Class II Historic Resource as set forth in Section 804,

conversions shall only be permitted to take place in the form of an accessory apartment unit subject to the following provisions.

1. The accessory apartment shall be clearly subordinate to the primary dwelling in terms of size and function and shall not exceed thirty-five (35) percent of the habitable floor area contained in the existing dwelling prior to conversion.
2. One (1) of the two (2) dwelling units shall be owner-occupied.

J. **Parking Requirements**

1. The number of off-street parking spaces shall be as required in Article XII, Off-Street Parking and Loading.
2. Off-street parking lots with five (5) or more spaces shall be landscaped or screened from abutting lots with dwellings, in accordance with Section 1109 of this Ordinance.
3. Off-street parking shall be located to the side or rear of the converted structure.
4. Unrestricted egress and ingress between parking areas and the street shall be provided.
5. Required off-street parking shall be surfaced with an all-weather material such as macadam, gravel, pervious parking, or other similar material approved by the Township Engineer.
6. Lighting, screening, and landscaping shall be provided in accordance with Sections 1107, 1109, and 1110.

SECTION 1026. FAST FOOD RESTAURANT or RESTAURANT WITH DRIVE-THROUGH SERVICE

A fast food restaurant or a restaurant with drive-through service shall be in accordance with the following standards:

- A. Provisions Applicable to Fast Food Restaurants, with or without Drive-through service.
1. The use shall have access to an arterial street as defined by the Township Comprehensive Plan and shall be designed in accordance with the access and traffic control provisions of Section 1111.
 2. Trash receptacles shall be provided outside of the restaurant for patron use, but shall not be located near any adjacent residential properties.

3. A trash storage area shall be provided which is designed to be screened from the street and adjacent properties to prevent trash from blowing from the area and to permit safe and easy trash removal.
 4. When the use is adjacent to or on the same lot with other commercial facilities, it shall use the common access with the other establishments and not have a separate access to the street.
 5. Access shall be a minimum of forty (40) feet from street intersections. The distance shall be measured from the street right-of-way to the edge of the access driveway.
 6. Lighting, screening, and landscaping shall be provided in accordance with Sections 1107, 1109, and 1110.
- B. The following additional provisions are applicable to any restaurant (fast food or otherwise) with drive-through service.
1. Drive-through service windows shall have a vehicle stacking lane which can accommodate a minimum of eight (8) cars or as provided in the most current version of the I.T.E. manual. The stacking lane shall not be used for parking lot circulation aisles nor shall it conflict in any way with circulation or parking.
 2. Where feasible, the drive-through window shall not be located adjacent to a residential use or a residential district or in direct view from a public street. Where such a configuration is not feasible, an effective visual screen shall be provided consistent with the standards set forth in Section 630 of the West Pikeland Township Subdivision & Land Development Ordinance

SECTION 1027. **AGE-RESTRICTED RETIREMENT COMMUNITY**

An age-restricted retirement community shall be in accordance with the following standards:

- A. Where permitted subject to use of the Open Space Design Option, an age-restricted retirement community may provide a combination of individual dwelling units in any combination of single-family, two-family, townhouse or multi-family buildings and may include a community center consisting of one or more buildings in which the following accessory uses may be permitted:
1. Auditoriums, activity rooms, craft rooms, libraries, lounges, and similar recreational facilities for members of the age-restricted retirement community.
 2. Dining facilities.
 3. Office and retail service facilities designed and adequate to serve only the members of the community, such as, but not necessarily limited to the following uses:

medical offices, pharmacy, gift shop, coffee shop, bank, beauty shop and barber shop.

4. Accessory medical treatment, nursing and convalescent facilities limited to residents of the community.
- B. Except where otherwise specifically provided in this section, an age-restricted retirement community shall conform to the density, area and bulk, and open space requirements and applicable design standards set forth in Article IX for development under the Open Space Design Option.
- C. An age-restricted retirement community shall have a minimum tract size of ten (10) acres.
- D. An age-restricted retirement community shall be developed and operated under the direction and control of a single owner or agent for the owner.
- E. Wheelchair access to all dwelling units and community facilities, in accordance with the Americans with Disabilities Act of 1990 (U.S.C. 42 §§ 12101 et. seq.), shall be provided in the design of structures, pedestrian walkways and parking lots. Where practical and desirable, buildings shall be interconnected by means of covered or enclosed walkways.
- F. Location, design and layout of buildings containing dwelling units shall be so designed to ensure open space and privacy between units.
- G. A minimum building setback from the entire tract perimeter of seventy-five (75) feet shall be provided.
- H. All outdoor lighting shall conform with the provisions of Ordinance #2000-02, the West Pikeland Township Outdoor Lighting Ordinance.
- I. Landscaping shall be provided consistent with the standards set forth in Section 630 of the West Pikeland Township Subdivision & Land Development Ordinance.
- J. Where a nursing or convalescent home or assisted-living residence is proposed as a principal residential component of the age-restricted retirement community, other than that described in subsection A.4 above, the requirements of Section 1022 shall apply.

SECTION 1028. **TEMPORARY STRUCTURE OR USE**

A temporary structure or use shall be permitted in accordance with the following standards:

A. Permitted Uses

1. Bloodmobile, mobile medical testing facility, and similar activities related to the promotion of public health.

2. Headquarters for political campaigns.
3. Offices for contractors on the site and during the period of construction only.
4. Mobile office of the armed forces of the United States for public education or recruitment.
5. 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.
6. 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.
7. Seasonal sale of plants and flowers (e.g., Christmas trees, Easter and Mother's Day flowers).
8. Tents or other temporary structures used in conjunction with a permitted special event and exceeding six hundred (600) square feet in total area. Where not exceeding six hundred (600) square feet in total area, such temporary structures shall not be subject to the provisions of this Section.

B. Standards

1. A temporary use and occupancy permit shall not exceed the lengths of time stated below. Said permits may be renewed for a specified time limit when approved by the Board of Supervisors.
 - a. A temporary use and occupancy permit shall not be required for those uses listed under subsections A.1 and A.4 above unless such uses remain in the same location for more than two (2) consecutive days in which case the temporary use and occupancy permit shall be required and shall be limited to a period of not more than one (1) week.
 - b. A temporary use and occupancy permit for political campaign headquarters (subsection A.2) shall not exceed three (3) months.
 - c. In the case of the temporary structures in subsections A.3, 5, and 6 above, the temporary structure shall only remain in place until the principal structure(s) has been repaired or constructed. The initial permit shall not exceed six (6) months in length and may be renewed for three (3) month periods provided that the applicant can demonstrate reasonable progress towards the completion of the project necessitating the temporary structure.

- d. In the case of uses permitted under subsection A.7, the permit shall be limited to a length of not more than three (3) weeks, except for Christmas trees in which case the permit shall be limited to a period of not more than eight (8) weeks.
2. It shall be the responsibility of the applicant to demonstrate the need for a temporary use and occupancy permit.
3. Temporary structures shall be removed completely within fifteen (15) days of the expiration of the permit without cost to the Township.

SECTION 1029. **TIMBER HARVESTING OPERATION**

A proposed timber harvesting operation shall be in compliance with all applicable provisions of Section 802, Natural Resource Protection Overlay District, stormwater management and erosion control standards of the Subdivision and Land Development Ordinance, and any other applicable township, county, or state regulations.

SECTION 1030. **TRANSITIONAL HOUSING AND GROUP HOMES**

- A. Group homes, as defined by this Ordinance, shall be in accordance with the following standards:
 1. Group homes shall comply with the applicable provisions of the Building Code of West Pikeland Township.
 2. 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.
 3. Group homes shall specifically not include alcoholism or drug treatment centers, work release facilities for convicts or ex-convicts, or other housing facilities serving as an alternative to incarceration.
- B. Transitional housing, as defined by this Ordinance, shall be in accordance with the following standards:
 1. 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 and to prevent negative impacts on residential areas.
 2. Transitional housing shall not exceed a maximum of five (5) individuals. Support staff not residing at the facility shall be excluded from this maximum number.

3. Transitional housing shall only be permitted in single-family detached dwellings and shall comply with the applicable provisions of the Building Code of West Pikeland Township.
4. The dwelling used for a 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 if the transitional housing ceases operation.
5. Transitional housing shall be provided with around-the-clock live-in supervision to ensure clients receive proper, professional care.
6. 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 Zoning Officer prior to the granting of a zoning permit.
7. Upon the closing of a transitional housing facility, the dwelling shall be brought back to its original status as a single-family dwelling.

ARTICLE XI COMMON REGULATIONS

SECTION 1101. APPLICABILITY

The provisions of this Article represent regulations and standards which are common to all zoning districts. Unless exempted by applicable provisions or specified limitations, the following Common Regulations shall apply to all uses. In the event that the provisions of this Article conflict with other provisions of this Ordinance, the more restrictive provisions shall apply.

SECTION 1102. FEDERAL AND STATE OWNED PROPERTY

Federal and state owned property shall be subject to the provisions of this Ordinance only insofar as permitted by the Constitution and laws of the United States of America and of the Commonwealth of Pennsylvania.

SECTION 1103. LOT AREA, YARD, AND HEIGHT REQUIREMENTS

A. Reduction of Lot Area

No lot shall be so reduced through subdivision that the area of the lot or the dimensions of the required yard setbacks and open spaces shall be smaller than herein prescribed.

B. Modification of Front Yard setback Requirements

The front yard setback of a proposed building in any district may be decreased in depth to the average alignment or setback of existing buildings within one hundred (100) feet on each side of the proposed building, provided such calculation is limited to the same block. Such reduction may occur when the alignment of the existing building is less than the front yard setback requirement for the applicable district. However, in no case shall said front yard setback encroach within the legal right-of-way of a street.

C. Projections into Required Yard setbacks

No building and no part of a building shall be erected within or shall project into any required yard setback in any district, except:

1. A buttress, chimney, cornice, pier or pilaster of a building may project not more than eighteen (18) inches into a required yard setback provided that, in no individual situation, shall the area of encroachment into the required yard setback exceed eight (8) square feet.

2. Open, unenclosed fire escapes, steps rising a total of not more than thirty-six (36) inches, bay windows and balconies may project not more than three (3) feet into a required yard setback.
3. A pump, light standard, air tower, water outlet, or similar installation of a gasoline service station, where permitted, may be placed within a required front yard setback, but in no case closer to a right-of-way line than fifteen (15) feet.
4. Accessory uses, as specified in Article X and fences, as specified in Section 1104.
5. In no case shall a building or part of a building be closer than three (3) feet from a property line.

D. **Corner and Reverse Frontage Lots**

1. Corner Lots – A front yard setback, as provided for in the lot area, bulk, and coverage requirements for the various districts shall be required along each street on which a corner lot abuts. Accessory buildings shall be located behind the setback lines of both streets.
2. Reverse Frontage Lots – For reverse frontage lots, the minimum front yard setback shall be met along the street for which the United States Postal District mailing address is assigned. Accessory buildings shall nevertheless comply with the minimum front yard setback measured from both streets.

E. **Height Limitations**

No building or structure shall exceed the height limitations of this Ordinance, except for church spires, belfries, cupolas, monuments, observation towers, transmission towers, water towers, silos, chimneys, smoke stacks, flagpoles, masts, windmills, solar panels, silos, 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 Ordinance. In addition, the height of these excepted structures shall not exceed sixty-five (65) feet unless otherwise provided for in this Ordinance.

SECTION 1104. FENCES, HEDGES AND WALLS

- A. No fence or wall shall be erected and no hedge, tree, shrub, or other vegetative growth shall be maintained which may obstruct required sight distance at street intersections, public streets, private roads, or driveways, in accordance with the Township Subdivision and Land Development Ordinance, or Section 1111.D of this Ordinance.
- B. Unless otherwise required in this Ordinance, no fence or wall, except a retaining wall, or a wall of a building permitted under the terms of this Ordinance over six (6) feet in

height, shall be erected within any of the yard setbacks required by this Ordinance, unless that portion of the fence or wall which exceeds six (6) feet in height has a ratio of open area to solid area of at least four to one (4:1). In no case shall a fence or wall exceed six (6) feet in height in the front yard setback or eight (8) feet in height within twenty-five (25) feet of any side or rear lot line.

- C. Fences or walls that are in conformance with all of the provisions of this and other applicable ordinances may be permitted within required setbacks.
- D. Fences or walls shall not be located in drainage easements or drainage swales that are part of an approved stormwater management plan in a manner that would impede the flow of water in such easements or swales.
- E. Where the foregoing provisions conflict with landscaping, buffer area, planting or screening requirements, the Zoning Officer shall resolve the differences.

SECTION 1105. **PERFORMANCE STANDARDS**

The following performance standards shall apply to all 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 the Standards for Contaminants and the Ambient Air Quality Standards, and Pennsylvania Department of Environmental Protection, Rules and Regulations, as amended.
- 2. Visible air contaminants shall not be emitted in such a manner that the opacity of the emissions is equal or greater than twenty (20) percent for a period or periods aggregating more than three (3) minutes in any one (1) hour, or equal to or greater than sixty (60) percent in any one time and shall comply with the Pennsylvania Department of Environmental Protection, Rules and Regulations, as amended.
- 3. No user shall operate or maintain or be permitted to operate or maintain any equipment, installation or device which, by reason of its operation or maintenance, will discharge contaminants to the air in excess of the limits prescribed herein unless he shall install and maintain in conjunction therewith such control as will prevent the emission into the open air of any air contaminant in a quantity that will violate any provision of this Ordinance.

B. **Fire and Explosive Hazards**

- 1. 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

explosion, and adequate fire fighting and fire suppression equipment, and devices as detailed and specified by the laws of the Commonwealth of Pennsylvania.

2. All buildings and structures and activities within such buildings and structures shall conform to the Building Code, and other applicable Township codes and ordinances. Any explosive material shall conform to the requirements of Pennsylvania Department of Environmental Protection, Rules and Regulations, as amended, for storing, handling and use of explosives.

C. **Glare and Heat**

1. No direct or sky-reflected glare from high temperature processes, such as combustion, welding or otherwise, shall be permitted so as to be visible at the lot line. These regulations shall not apply to signs or floodlighting of parking areas otherwise in compliance with Section 1107 of this Ordinance.
2. There shall be no emission or transmission of heat or heated air so as to be discernible at the lot line.

D. **Liquid and Solid Waste**

There shall be no discharge at any point into any public or private sewage system, or watercourses, or into the ground, of any liquid and solid waste materials in such a way or of such a nature, as will contaminate or otherwise cause the emission of hazardous materials in violation of the laws of West Pikeland Township and Pennsylvania Department of Environmental Protection, Rules and Regulations, as amended.

E. **Noise**

Noise standards shall be as set forth in the Noise Ordinance of West Pikeland Township. Noise standards of that Ordinance shall also apply to all new and proposed subdivisions and land developments.

F. **Odor**

No uses, except agricultural operations, shall emit odorous gases, or other odorous matter in such quantities to be offensive at any point on or beyond its lot lines.

G. **Vibration**

No vibration shall be produced which is transmitted through the ground and is discernible without the aid of instruments at or at any point beyond the lot lines, nor shall any vibration produced exceed 0.002g peak measured at or beyond the lot line using either seismic or electronic vibration measuring equipment.

H. Radioactivity

1. There shall be no activities which emit dangerous levels of radioactivity at any point.
2. No operation involving radiation hazards shall be conducted which violates the regulations and standards established in the Code of Federal Regulations, “Standards for Protection Against Radiation,” in its latest revised form.
3. 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, as amended.

I. Electrical, Radio, and Electromagnetic Interference

1. There shall be no radio, electrical or similar disturbance adversely affecting the operation of equipment other than the equipment belonging to the creator of the disturbance.
2. No use, activity, or process shall be conducted which produces electromagnetic or other interference with normal radio, telephone, or television reception from off the premises where the activity is conducted.

J. Public Health and Safety

No use shall create any other objectionable condition in an adjoining area which will endanger public health and safety, or be detrimental to the proper use of the surrounding area.

SECTION 1106. OUTDOOR STORAGE**A. General Requirements**

1. Outdoor storage of man-made products shall be screened from view of public rights-of-way and adjacent residential uses. Screening shall be in accordance with Section 1109.
2. Outdoor storage facilities for fuel (with the exception of firewood) and raw materials shall be enclosed with an approved safety fence compatible with the architectural and landscaping style employed on the lot. In addition to a fence, bulk storage tanks shall be enclosed by a moat or berm to contain potential spillage.
3. All organic refuse or garbage shall be stored in tight, vermin-proof containers. In multiple family, commercial and industrial developments, garbage storage shall

be centralized to expedite collection and enclosed on three (3) sides by an architectural screen or plantings.

4. No highly flammable or explosive liquids, solids, or gases shall be stored in bulk above ground, except the following:
 - a. Tanks or drums of fuel connected directly with and located and operated on the same lot as the energy devices or heating appliances they serve.
 - b. Tanks or drums for storage of not more than three hundred (300) gallons of fuel oil (other than that used for home heating) or gasoline or diesel fuel, provided such tanks are located no closer than twenty-five (25) feet to any building or lot line or fifty (50) feet from any right-of-way line.
5. No materials or wastes shall be deposited upon a lot in such form or manner that they may be transported off the lot by natural causes or forces, nor shall any substance which can contaminate a stream or watercourse, or otherwise render such stream or watercourse undesirable as a source of water supply or recreation, or which will destroy aquatic life, be allowed to enter any stream or watercourse.
6. Unless otherwise permitted by this Ordinance, no more than one (1) vehicle without a license or without proof of inspection shall be stored outside per lot, and no vehicle without a license or without proof of inspection may be stored outside on any lot for more than six (6) months.

B. Residential Outdoor Storage

1. Major Recreational Equipment
 - a. Major recreational equipment shall not be parked or stored on any lot in any residential district, except in a carport or enclosed building or to the rear of the rear-most wall of the dwelling, provided, however, that such equipment may be parked anywhere on residential premises for a period not to exceed forty- eight (48) hours during loading and unloading. For the purposes of this Section, if the rear yard setback of the premises is adjoining the side yard setback of an adjacent residential lot, it shall be considered to be the side yard setback, rather than the rear yard setback. (See also Section 1002.B, Residential Accessory Uses, in Article X, Supplemental Regulations.)
 - b. No such equipment shall be used for dwelling purposes on a residential lot.
2. Storage of trailers, when left in place and used as an extension to the building, are not permitted in Residential Districts.

3. No storage shall be permitted within the front yard of any residential lot. In the case of a reverse-frontage or corner lot where more than one yard is considered a front yard, storage may be permitted beyond the minimum front yard setback in no more than one such front yard.

C. **Industrial and Commercial Outdoor Storage**

For all industrial or commercial uses or districts where such uses are permitted, storage of materials, equipment or vehicles, but not including parking and similar activities, shall be carried on within a building, except that outdoor storage 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 (e.g., lumber yard).
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 standards described in Section 1111, Access and Traffic Control, herein, shall be met.
5. The storage shall comply with all applicable setback requirements and shall cover only that percentage of total lot area which is deemed practical and feasible in the opinion of the Zoning Officer. Outdoor storage shall be located to the side or rear of the property.
6. The storage area shall be screened from view from any public right-of-way or any Residential District by buildings, walls or an effective screen, as defined in Article II and as required by Section 1109 of this Ordinance.
7. 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 six (6) inches higher than the parking area surface, and shall be clearly marked for storage of shopping carts. All shopping carts shall be stored indoors, or otherwise secured during non-operating hours.
8. 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 eight (8) feet in height.

SECTION 1107. OUTDOOR LIGHTING REQUIREMENTS

All outdoor lighting shall conform with the provisions of Ordinance #2000-02, the West Pikeland Township Outdoor Lighting Ordinance.

SECTION 1108. UTILITIES, SEWER AND WATER SUPPLY**A. Utilities**

1. When practicable, utilities shall be placed underground.
2. Any proposed building or extension used or to be used by a public utility corporation shall conform with the applicable lot area and bulk regulations of this Ordinance, except where upon petition of the corporation, the Pennsylvania Public Utility Commission (PUC) shall decide that the non-conforming situation of the building in question is necessary for the welfare of the general public.

B. Sewage Facilities

All uses shall be served by a sewage system consistent with the policies and recommendations of the 1970 Chester County Sewage Facilities Plan or current West Pikeland Township Act 537 Wastewater Facilities Plan, as may be amended, and the requirements of the Subdivision and Land Development Ordinance, as amended. Proposed sewage systems shall be reviewed and approved by the Pennsylvania Department of Environmental Protection and the Chester County Department of Health, as applicable. For purposes of reference, an ordered list of preferred alternatives for community wastewater disposal systems in West Pikeland Township is included as an appendix to this Zoning Ordinance.

C. Water Supply

Where available within the RD-Residential Development District and the V-1, V-2, and V-3 Village Preservation Districts, and where extension of service is reasonably feasible, proposed uses shall connect with public water service, in accordance with applicable Township building codes. Community water systems may be acceptable for development in accordance with the Open Space Design Option, including locations within the RC-Residential & Conservation District.

D. Stormwater Management and Erosion Control

All uses shall meet the regulations of the West Pikeland Township Subdivision & Land Development Ordinance and applicable provisions of this and other Township ordinances, as well as federal, state and county provisions or requirements, to control stormwater runoff and mitigate sedimentation and erosion problems.

SECTION 1109. BUFFERING AND SCREENING

The Township shall require that an effective visual screen be established and maintained as provided in Section 630 of the West Pikeland Township Subdivision & Land Development Ordinance to buffer incompatible uses, including but not limited to locations where any commercial use, office use, active recreational use, industrial use, intensive agricultural use, private club or lodge, educational use, church or similar place of worship, commercial day care center, junkyard, recycling center, mobile home park, or any development consisting of ten (10) or more multi-family or single-family attached dwelling units (townhouses) adjoins any residentially zoned district or existing residential use.

SECTION 1110. LANDSCAPING**A. Applicability.**

1. Except for individual lots existing at the time of adoption of this section and occupied or intended to be occupied by single-family detached dwellings, the provisions of Section 630 of the West Pikeland Township Subdivision & Land Development Ordinance shall apply to all uses and to any change in use in West Pikeland Township, such standards incorporated herein by this reference. Where any such use requires approval of any building or zoning permit, Zoning Variance, Special Exception or Conditional Use, such approval or permit shall be conditioned upon compliance with the provisions of said Section 630, including submission of a Landscaping Plan as set forth in Section 630(2). Plans accompanying conditional use application may be conceptual in nature but shall demonstrate the ability to achieve the objectives of Sections 630.
2. It is the intention of this Section that the provisions of said Section 630 shall apply independently under this West Pikeland Township Zoning Ordinance only where the Subdivision & Land Development Ordinance does not otherwise apply to the proposed use or activity. Therefore, where any use, activity, permit or approval is also subject to Subdivision or Land Development review, there shall be no requirement for additional review under this West Pikeland Zoning Ordinance. Further, where and to the extent that modification(s) of any of the provisions of said Section 630 has/have been approved by the West Pikeland Board of Supervisors in connection with any Subdivision or Land Development review, the said requirements shall not be independently enforced pursuant to this West Pikeland Zoning Ordinance.

B. Modifications.

1. For any use or activity subject to Subdivision or Land Development review, modification(s) to the provisions of Section 630 of the West Pikeland Township Subdivision & Land Development Ordinance may be requested, which

modification(s) may be granted at the discretion of the Board of Supervisors pursuant to the provisions of that Ordinance.

2. For any use or activity not subject to Subdivision or Land Development review, but where the use or activity is subject to application for approval of a Conditional Use, Special Exception, or Zoning Variance, modification(s) to the provisions of said Section 630 may be requested as part of such application.
3. For any use or activity not otherwise subject to permit or approval as provided in subsections 1 or 2 above, modification(s) to the provisions of said Section 630 may be requested in the form of an application for grant of a Special Exception by the West Pikeland Township Zoning Hearing Board. Such applications shall be submitted to the West Pikeland Township Planning Commission for review and comment prior to formal Special Exception application to the Zoning Hearing Board.
4. In approving any application pursuant to subsections 2 or 3 above, the Zoning Hearing Board or Board of Supervisors, as applicable, as a condition of approval of such application, may permit specific modification(s) to the provisions of said Section 630 subject to the following:
 - a. The Zoning Hearing Board or Board of Supervisors, as applicable, shall determine that the specific nature of the lawful use or activity, existing site conditions, or safety considerations warrant such modification(s); and
 - b. Permitted modifications shall be consistent with the purposes of said Section 630.

SECTION 1111. ACCESS AND TRAFFIC CONTROL

To minimize traffic congestion and hazards, control street access and encourage orderly development of street highway frontage, the following regulations shall apply:

A. **Lots Abutting Two or More Streets**

Unless clearly impractical or inappropriate due to physical conditions or traffic access management considerations, lots which abut two (2) or more public streets shall have direct access only to the street of lesser functional classification.

B. **Vehicular Ingress and Egress to Major Highways**

1. Where lots are created having frontage on an expressway, principal or minor arterial, or collector street, as classified by the Township Comprehensive Plan, any proposed development street pattern shall provide reverse frontage to local streets within the subdivision, unless clearly impractical due to lot configuration or topography.

2. Where any Commercial District abuts a principal or minor arterial or collector road, it is the intent of this Ordinance to encourage the installation of a parallel service street, or the combination of off-street parking facilities for two (2) or more lots. Points of access to such major highway shall be spaced and designed in accordance with the street intersection and driveway standards of the Subdivision and Land Development Ordinance.
3. Where any use other than a single-family detached dwelling has vehicular access to and from a principal or minor arterial or collector street, all vehicular entrances and exits shall be provided with deceleration and acceleration lanes, as recommended or required by the Township Engineer and the Pennsylvania Department of Transportation. In no event shall vehicles be permitted to back directly into the public street from the off-street parking area.

C. **Location of Ingress and Egress**

Ingress and egress for off-street parking shall be designed and arranged so that:

1. The edge of any driveway access onto a street shall be at least forty (40) feet from any street intersection, measured from the nearest intersection of right-of-way lines, and in no case, within the curb radius, except for a cul-de-sac turnaround.
2. Each use with less than one hundred (100) feet of street frontage shall not have more than one (1) accessway to such street, and no use with one hundred (100) feet or more of street frontage shall have more than two (2) accessways to any one (1) street for each four hundred (400) feet of street frontage. A common access point for two (2) or more uses is encouraged, where practical, to minimize vehicular access points along streets other than local streets.
3. Provisions shall be made for safe and efficient ingress and egress to and from public streets without undue congestion or interference with normal traffic flow within the Township. The Township may require that the developer prepare a traffic impact study, which documents any necessary traffic control device and/or highway modifications necessary to maintain a minimum level of service 'D' at all driveways and intersections, or as otherwise required by the Township and/or the Pennsylvania Department of Transportation (PennDOT).

D. **Obstructions to Vision**

1. On any lot, no wall, fence, hedge, tree, shrub or other obstruction shall be allowed which dangerously obscures the view of approaching traffic along the street, or at intersections.

2. On a corner lot, nothing shall be erected, placed or allowed to grow which dangerously obscures the view within a clear sight triangle, defined by the following:
 - a. Above the height of two and one-half (2 ½) feet and below the height of twelve (12) feet measured from the centerline grades of the intersecting streets.
 - b. Within the area bounded by the centerline of intersecting streets and a line joining points on these centerlines seventy-five (75) feet from an intersection of the centerlines of such streets.
3. Driveway and street entrances onto public streets shall be maintained in accordance with the requirements of the Township Subdivision and Land Development Ordinance.

E. **Cul-de-Sac Streets**

1. The length of a cul-de-sac street shall be measured along the centerline from the centerline of the intersecting street to the center point of the bulb or turn-around at the terminus of the cul-de-sac.
2. A cul-de-sac street shall not exceed one thousand (1,000) feet in length, shall not be less than two hundred fifty (250) feet in length, nor shall provide access to more than twenty-four (24) dwelling units unless approved as a conditional use.
3. Except where otherwise expressly approved by the Township, all cul-de-sac streets shall be extended to abut the tract boundary. Where the length of a cul-de-sac street exceeds one thousand (1,000) feet due solely to compliance with this provision, conditional use approval shall not be required

SECTION 1112. INTERIOR CIRCULATION

Interior accessways, driveways, aisles and parking areas shall comply with the following requirements. Off-street parking areas shall further comply with all applicable standards set forth in Article XII, Off-Street Parking and Loading Provisions. Streets to be publicly dedicated or maintained shall comply with the design standards of the Township Subdivision and Land Development Ordinance.

A. **Design of Access Aisles and Drives**

1. Interior drives shall be designed to prevent blockage of vehicles entering or leaving the site. Drives may be one-way or two-way. Areas designed for loading and unloading, refuse collection, fuel delivery, and other service vehicles shall be arranged as to prevent blocking or interfering with accessways or the use of

automobile parking facilities or pedestrian ways, and shall have adequate turnaround surface so egress to the street is in a forward direction.

2. Accessways, parking areas, and loading areas shall have clearly defined parking bays and traffic circulation lanes, designated by markings, curbs, barriers and/or landscaped islands, so that operators of vehicles intending to patronize such parking areas shall not impede traffic as a result of any confusion as to location of entrances and exits and manner of reaching them.
 - a. To assist in traffic channelization, raised islands shall be placed at the ends of parking bays so that the end of the bay adjacent to a driving aisle or ring road is clearly delineated. Such islands shall be landscaped and shall be designed so as not to impair visibility needed for traffic flow and turning movements.
 - b. Traffic channelizations shall be planned in such a way that a main driving aisle, from which vehicles can flow off the street and into the site and parking bays, is remote from the primary building(s) so as to avoid traffic conflicts in front of the primary building(s).
 - c. Parking areas shall be designed so that a vehicle within a parking area shall not have to enter a public street to move from one location to any other location within the parking area or lot. Turnaround surface shall be provided so egress to the street is in a forward direction.
3. All interior drives and accessways shall be paved with an approved paved, all-weather surface, and shall be graded, properly drained and maintained in a good condition. Interior drives shall have a maximum grade of eight (8) percent, measured along the centerline, for a distance of not less than twenty-five (25) feet from the street right-of-way line. Beyond that point, interior roads and drives shall have a maximum grade of ten (10) percent.
4. Access aisles within parking areas (abutting parking spaces) shall conform to the design standards set forth in Section 1208.A.
5. Minimum interior drive cartway widths (with no abutting parking):

Use	One Lane One Way Drives	Two Lane Two Way Drive
Residential	10 feet	18 feet
Commercial/Office	11 feet	22 feet
Industrial	12 feet	24 feet

B. Shared Driveways

Common or shared access driveways to parking and loading areas is permitted and encouraged, provided landowners shall submit a site plan and recorded agreement indicating the extent of joint use and maintenance responsibility.

C. Emergency Vehicle Access**1. Criteria for Driveways and Access Roads to Structures**

A proposed driveway or access road shall be designed to allow emergency vehicle access to within one hundred (100) feet of a principal structure. Where a principal structure is located more than one hundred (100) feet from the cartway or where an emergency vehicle would otherwise be prevented from reaching this minimum distance from the structure, the following requirements shall be met by the driveway to ensure access:

- a. Minimum cleared width: Fourteen (14) feet
- b. Minimum all-weather surface width: Ten (10) feet
- c. Minimum curve radii: Thirty-five (35) feet
- d. Minimum overhead clearance: Twelve (12) feet

2. Criteria for Driveways and Access Roads to Water Sources

In order to provide adequate access to designated fire fighting water supplies, such as a river, pond, lake or hydrant, proposed driveways or access drives to such water sources shall meet the minimum criteria of subsection C.1, above, to at least within twenty (20) feet of the designated water source.

D. Pedestrian Circulation

The following standards shall apply to all uses, as applicable:

- 1. The developer shall preserve existing trails, install trails and pathways or other pedestrian facilities as necessary and desirable to achieve the following:
 - a. Logically continue, link or expand existing pedestrian facilities on, across and abutting the site.
 - b. Provide pedestrian access to existing or anticipated public transportation pick up points, public parks, community facilities and commercial areas.

- c. Provide convenient and logical walkway connections between the entrances of a principal building and its required parking spaces, preferably in conjunction with landscaped planting islands.
2. Except where a reduction to no less than four (4) feet is expressly permitted by the Township, all sidewalks and walkways shall be a minimum of six feet six inches (6'6") wide.
3. Maximum separation of pedestrian and vehicular routes shall be encouraged for safety and well-being of pedestrians. Separation can be in the form of any one or combination of the following: horizontal distance; vertical distance (level changes, such as overpass, underpasses and embankments); street trees, landscaping, sidewalks and other barriers, such as bollards and fences.

SECTION 1113. RIDGELINE PROTECTION

In order to preserve the Township's scenic vistas and rural character, the following standards for the siting of structures in relation to existing topography shall be met:

- A. To the greatest extent feasible, permitted structures, including accessory buildings, shall be sited entirely below the ground elevation at the nearest point on any adjacent ridgeline or high ground, whether on or off the site.
- B. Where the applicant contends that the siting of structures entirely below ridgelines or high ground, as provided above, is not feasible, the applicant shall include with submitted plans one or more of the following mitigative design techniques:
 1. Demonstration that existing vegetation to remain on nearby high ground forms an effective backdrop to the proposed construction that is higher than any proposed rooftop elevation, when the height of the vegetation is taken into consideration; and
 2. Siting of buildings so as to minimize prominence from the perspective of public views (for example, short side/end facing toward prominent view); and/or
 3. Submission of individual lot landscaping plans demonstrating effective screening of views from public roads. Introduced landscape screening shall be comprised primarily of native plant material designed to be compatible with the existing landscape.
- C. These standards shall apply in the following situations:
 1. The development or erection of any new principal or accessory structure for which a building permit is required.

2. The expansion, alteration, modification, or reconstruction of any existing use or structure for which a building permit or land development approval is required, where such expansion, alteration, modification, or reconstruction results in an increase in the height of any portion of the roofline of any structure above the highest existing point on the roofline of such structure.

SECTION 1114. **KEEPING OF WILD OR DANGEROUS ANIMALS**

Wild, dangerous, or poisonous animals, including, but not limited to: deer, skunks, raccoons, wolves, “wolf-dog hybrids”, constricting or venomous snakes, alligators, crocodiles, bears, bobcats, tigers, lions, or coyotes, shall not be kept within West Pikeland Township for any purpose except when adequately confined in a facility operated by a licensed veterinarian for the purposes of treatment.

SECTION 1115. **DISPLAY FOR SALE OF MOTOR VEHICLES**

A. **Display for Sale on Public Property**

No person shall park or display for any length of time a motor vehicle for the purpose of offering said vehicle for sale to the public on any public street or public property of the Township.

B. **Display for Sale on Private Property**

No person shall park or display for any length of time a motor vehicle for the purpose of offering said vehicle for sale to the public on private property in the Township except in accordance with all applicable regulation.

ARTICLE XII
OFF-STREET PARKING AND LOADING PROVISIONS

SECTION 1201. APPLICABILITY

This Article establishes specific controls for the design, location, size and layout of off-street parking and loading facilities as they relate to land use. The provisions of this Article serve as supplemental provisions to the requirements of the applicable zoning district. These provisions are established to ensure adequate parking and loading facilities are provided for each use in the Township, and that such facilities are designed to complement the intended use.

A. Applicability to New Developments

1. All land uses proposed in West Pikeland Township subsequent to the adoption of this Ordinance shall be in conformance with the specifications and requirements herein.
2. The developer of a property shall provide the number of parking spaces, surfacing and surface markings, signage, lighting, landscape elements and any other design or structural elements required by this Ordinance and amendments hereto.
3. The owner(s) or manager(s) of a developed property shall be responsible for the maintenance of the off-street parking areas serving that property. Maintenance shall include, but shall not be limited to, plowing of snow, maintenance of landscape elements and lighting, sealing of pavement, repainting of lines and other markings on the pavement, repaving as necessary, and any other work required to maintain the parking area in an attractive, safe and functional condition.

B. Applicability to Existing Development

Uses existing at the time of the adoption of this Ordinance, and subdivision or development plans granted final approval and signed by the Board of Supervisors prior to the adoption of this Ordinance shall not be bound by the requirements herein. Redesign of existing parking areas to conformance with this Ordinance shall be permitted pending the submission to and subsequent approval by the Board of Supervisors of a parking plan, following the same procedure specified for a development plan in the West Pikeland Township Subdivision and Land Development Ordinance.

SECTION 1202. ALTERATIONS TO EXISTING STRUCTURES AND USES

Parking areas serving existing uses or structures shall be brought into conformance with the requirements of this Ordinance under the following circumstances:

- A. If the use or structure served by the parking area is substantially improved, including additions to interior floor space, or other construction or restoration activity requiring a Township building permit.
- B. If the use or function of the structure is changed.

SECTION 1203. REQUIRED OFF-STREET PARKING SPACES

The following minimum number of off-street parking spaces per use shall be provided for the uses indicated below. In addition, one (1) space for each company vehicle stored on the premises shall be provided. Throughout this Section, “s.f.” shall be interpreted as “square feet” and “GLFA” shall be interpreted as “gross leasable floor area,” as defined in Article II. The term “GLFA” shall include storage areas and other areas used to keep stock and inventory, unless such storage areas are located below grade level in a basement. For any use not specifically provided herein, the parking requirements shall be as specified in the most recent edition of the I.T.E. manual or as recommended by the Township Engineer. Where the I.T.E. manual suggests a standard or standards differing from those set forth herein, the Township at its sole discretion may elect to impose any applicable I.T.E. standard.

A. Residential Uses

For each residential dwelling unit, the first garage bay serving such dwelling unit shall not count towards off-street parking requirements; however, each garage bay serving such dwelling unit in excess of one (1) may be counted as one (1) parking space. Parking space(s) in driveways also may be counted, where not blocking direct access into counted garage bays.

All residential dwelling units except as provided for retirement community	2.0 spaces per dwelling unit
Retirement community	0.85 spaces per bedroom, plus 1.0 space for each employee on the largest shift

B. Industrial Uses

Manufacturing	2.5 spaces per 1,000 s.f. GLFA
Truck terminal, warehouse	1.0 space per each employee on combined major and next largest shift

C. Office and Professional Uses

Animal hospital, veterinary office	4.0 spaces per doctor, plus 1.0 space per employee
Personal and professional services	3.5 spaces per 1,000 s.f. GLFA

(including medical offices)	
Printing and publishing services	2.0 spaces per 1,000 s.f. GLFA
Professional, administrative, and general offices	1.0 space per 150 s.f. GLFA
Research and development facilities and laboratories	2.0 spaces per 1,000 s.f. GLFA

D. Commercial Uses and Services

Automobile sales (in addition to service requirements, if applicable)	1.0 space for each 400 s.f. GLFA. Outdoor display areas for auto sales shall not be included in the required parking spaces.
Bank or other financial institution	4.0 spaces per 1,000 s.f. GLFA
Bed and breakfast	1.0 space per guest room, plus 1.0 space per employee, plus 2.0 spaces for the resident owner(s)
Car wash	3.0 stacking spaces per bay, plus 2.0 drying spaces per bay
Convenience store (in addition to gas station requirements, where applicable)	5.0 spaces per 1,000 s.f. GLFA
Personal service (e.g., barber shop, dry cleaners, beautician, shoe repair)	3.5 spaces per 1,000 s.f. GLFA
Gas station (in addition to service station requirement and convenience store requirements, where applicable)	1.0 space per pump, plus 2.0 stacking spaces for each pump
Home occupation	Minimum number required for residence, plus as required in Section 1017
Hotel/Inn	1 space per rental unit, plus 1 space per 3 employees on the largest shift
Junkyard	0.1 space per 1,000 s.f. of gross lot area, not including spaces for junked cars
Kennel, animal shelter, animal hospital, veterinary office	1.0 space per employee, plus 1.0 space per 10 of animal capacity
Lumberyard	3.0 spaces per 1,000 s.f. GLFA in sales or display area, plus 1.0 space per 1,000 s.f. GLFA of warehouse or outdoor storage
Mini-warehouse	1.0 space per rentable unit. Such spaces shall not interfere with travel lanes between structures
Restaurant without drive-through service	1.0 space per 35 s.f. of GLFA, plus 1.0 space per employee
Restaurant with drive-through service	1.0 space per 50 s.f. of GLFA
Retail store, service, or shop not covered elsewhere	4.5 spaces per 1,000 s.f. of GLFA

Service station, repair facility, auto body repair service (in addition to gas station requirements, if applicable)	4.0 spaces per garage bay
Shopping center	3.5 spaces per 1,000 s.f. of GLFA

E. **Institutional and Public Uses**

Riding school, stables	1.0 space per instructor or employee, plus 1.0 space per student at capacity
Camp ground	1.0 space per camp site
Day care center	3.0 spaces per 1,000 s.f. GLFA, plus 1.0 unloading space per 10 children
Elementary school and middle school	1.0 space per classroom, plus 2.0 spaces per 1,000 s.f. devoted to administrative use
High school	1.0 space per classroom, plus 1.0 space per 15.0 students in grades 11 and 12, plus 1.0 space per 10.0 fixed seats in the auditorium
Library	3.0 spaces per 1,000 s.f. GLFA
Place of worship	0.5 spaces per seat in any room(s) likely to be used at the same time or overlapping times, including but not limited to use for worship services, meetings, and educational programs

F. **Recreational Uses**

Theater/auditorium/assembly hall	1.0 space per 3.0 seats
Golf club	4.0 spaces per tee, plus 50% of requirements for ancillary uses, if applicable
Community or cultural recreation center	5.0 spaces per 1,000 s.f. GLFA
Private country club, hunt club	1.0 space per 5.0 members at capacity, plus 1.0 space per employee

G. **Mixed Uses**

The parking space requirements for a building or development with mixed use shall be calculated using the most stringent requirement for the total gross leasable floor area, except where reductions in parking are permitted as provided in Section 1204.

SECTION 1204. REDUCTION IN PARKING

In order to reduce unnecessary impervious surface and excessive stormwater runoff, the number of required paved parking spaces may be reduced when authorized as a conditional use by the Board of Supervisors in consideration of the following:

- A. Evidence shall be submitted documenting that the subject use(s) require(s) less parking spaces than required by Section 1203. Such documentation should be based on actual observed rates of parking for the use proposed.
- B. Where more than one use is served by the same parking area, and the applicant demonstrates to the satisfaction of the Board that peak parking usage for the subject uses are not simultaneous, the Board may approve a reduction in parking such that the greatest extent of simultaneous parking demand shall still be met.
- C. A site development plan shall be submitted indicating the location and layout of the required parking area(s), including those parking areas deemed “unnecessary” by the applicant at the time of application. To the extent approved by the Board, all or portions of such “unnecessary” area(s) may be removed from the plan or may be designated as “reserve parking area(s),” designed and constructed in accordance with subsection 1209.C.
- D. In no event shall authorized reserve parking area(s) be counted as open space or other pervious surface required by other provisions of this Ordinance. In addition, the reserve parking area shall not be used for storage or structures, whether of a temporary or permanent nature.

SECTION 1205. LOCATION OF PARKING

- A. Except as provided in subsection B., below, required off-street parking shall be located on the same lot as the uses or activities for which the parking is required.
- B. The required parking spaces may be located other than on the same lot when authorized as a special exception, provided that:
 - 1. Some portion of the common off-street parking areas lie within two hundred (200) feet of an entrance regularly used by patrons into the building served thereby, or
 - 2. The owners of two (2) or more establishments desiring a common parking area shall submit, with their application for special exception, a site plan showing joint use and location of a common off-street parking area.

SECTION 1206. OFF-STREET PARKING IN REQUIRED YARDS

The following standards shall apply except where modified subject to conditional use approval by the Board of Supervisors:

- A. Nonresidential parking areas, including access drives, shall be set back a minimum of fifteen (15) feet from any street right-of-way or any property line abutting a residential use or district.

- B. In any situation not subject to Section 1206.A, above, all parking areas and access drives, whether residential or nonresidential, shall be set back at least five (5) feet from any lot line.

SECTION 1207. SIZE AND DESIGN OF PARKING SPACES

- A. Parking spaces shall be reasonably level, sloping not more than five (5) percent in any direction, but providing for positive drainage with a slope of at least one (1) percent. A rectangular block of the following dimensions shall be provided for all off-street parking spaces, regardless of pull-in angle, and shall not be occupied by, nor intruded upon by light standards or their foundations, landscape elements, pedestrian walkways, driveways, passageways, or any other feature which results in a reduced area available for occupation by a vehicle.
- B. Parking spaces shall have the dimensions of nine (9) feet wide by eighteen (18) feet long, exclusive of passageways, driveways or other means of circulation access. Not more than two (2) feet of the parking space may overhang the outer perimeter boundaries of the parking lot, so long as such overhang does not intrude into an adjacent right-of-way or pedestrian walkway, and for those parking spaces only, the area directly below the overhang need not be paved, although the balance of said space must be paved. All such perimeter parking spaces shall be equipped with curbing.
- C. Parking areas shall be designed to permit each motor vehicle to proceed to and from the parking space without requiring the moving of any other motor vehicle.
- D. In all cases, parking areas and access drives shall be designed to provide for ingress and egress in a manner that does not require or encourage vehicles to back into a public street in order to leave the lot.
- E. Handicapped Parking
1. In any parking area where the total number of parking spaces exceeds five (5), a minimum of one (1) space for each twenty-five (25) spaces or fraction thereof shall be designed and designated for physically handicapped persons.
 2. Parking spaces for use by handicapped persons shall have minimum dimensions of fourteen (14) feet wide by eighteen (18) feet long, and shall be clearly marked as being reserved for use by handicapped persons.
 3. Parking spaces for use by handicapped drivers shall be located to minimize the distance between the vehicles and a wheelchair-accessible entrance to the facility served.

4. Handicapped parking shall be in accordance with the dictates of the Americans with Disabilities Act of 1990 (U.S.C. 42 §§ 12101 et. seq.).

SECTION 1208. TRAFFIC LANE AND DRIVEWAY DIMENSIONS

- A. Lanes designed for circulation of motor vehicles within the parking area (abutting parking spaces) shall have a minimum width, as required below:

Angle of Parking (degrees)	Lane Width	
	One-Way (feet)	Two-Way (feet)
90	21	24
60	18	22
45	16	20

- B. Access drives shall conform to the setback standards set forth in Section 1206, unless shared between adjoining properties.
- C. Access aisles and drives shall conform to the design standards set forth in Section 1112
- D. Driveways providing access to the parking area from the street shall be of adequate length to accommodate off-street stacking of vehicles waiting to enter the parking area. The stacking area shall accommodate at least one (1) vehicle, plus one (1) vehicle for every fifty (50) spaces provided in the parking area, for up to twenty (20) stacking spaces.
- E. Off-street parking areas shall have separate, marked lanes of ingress and egress. For parking areas with access solely onto a local access road and providing ten (10) or fewer off-street parking spaces, a single lane for both ingress and egress may be permitted upon the recommendation of the Township Engineer.
- F. The minimum width of entrance and exit drives shall be as follows:
 1. One-way access – Fourteen (14) feet.
 2. Two-way access – Twenty-four (24) feet.

SECTION 1209. OFF-STREET PARKING SURFACING REQUIREMENTS

- A. All parking areas shall be designed to be accessible year-round.
- B. Required parking areas shall be asphalt, except where an alternative paving material is permitted upon the recommendation of the Township Engineer.

- C. Reserve parking areas may be precast porous paver blocks (such as “grasscrete”), or with the approval of the Township, upon the recommendation of the Township Engineer, gravel, grass or other approved material, depending upon the degree of anticipated use.

SECTION 1210. STORMWATER MANAGEMENT

- A. All land development plans with off-street parking areas shall be accompanied by a stormwater management plan for the entire site meeting all applicable provisions of the West Pikeland Township Subdivision & Land Development Ordinance regarding stormwater management and erosion control.
- B. Development plans presented at the preliminary plan stage shall clearly indicate drainage patterns across all surface areas and areas altered by proposed developments.

SECTION 1211. OFF-STREET LOADING

A. **General Provisions**

1. The requirements of this Section shall apply to all new industrial, commercial and mixed-use developments, and to all expansions of such existing uses resulting in a gross floor area totaling two thousand (2,000) square feet or more, and as specified below.
2. Loading areas for all uses shall be completely on-site and shall not occupy any street right-of-way.
3. Loading areas shall be designed so as not to interfere with vehicular and pedestrian circulation, or occupy parking spaces, traffic lanes within a parking area, driveways or any public cartway.
4. Loading areas shall be located in rear or side yard areas.

B. **Required Off-Street Loading Facilities**

The following off-street loading standards shall apply, except where modified subject to conditional use approval by the Board of Supervisors:

1. **Commercial and Industrial Uses**
Loading or unloading berths shall be provided in accordance with the following table for commercial and industrial uses:

Aggregate Gross Floor Area Devoted to Each Use (square feet)	Minimum Required Number of Berths
2,000 to 7,999	1
8,000 to 19,999	2
20,000 to 39,999	3
For each additional 40,000	1 additional

2. **Office and Professional Uses, and Institutional Uses**

Loading or unloading berths shall be provided in accordance with the following table for office and professional uses, and institutional uses:

Aggregate Gross Floor Area Devoted to Each Use (square feet)	Minimum Required Number of Berths
5,000 to 9,999	1
10,000 to 24,999	2
25,000 to 49,999	3
For each additional 50,000	1 additional

3. All other uses with a total of 5,000 s.f. or more of aggregate gross floor area shall provide loading spaces adequate to accommodate normal demands of loading and unloading incidental to that type of use, to the satisfaction of the Zoning Officer.
4. The number of loading or unloading berths may be less than the number of berths required above in the event that both of the following conditions are met:
- Evidence is submitted documenting that the use of the building requires fewer loading berths than required by subsections 1. and 2., above.
 - The site development plan shall indicate where such loading berths could be located if, at a future date, they are determined to be needed. Such area shall be designated as “proposed future loading area” on the plan and no permanent structures shall be permitted within this area.

C. **Size of Loading Space**

- Minimum of twelve (12) feet by thirty (30) feet.
- All loading berths shall have a minimum vertical clearance of fourteen (14) feet.

D. **Loading Area Surfacing Requirements**

All loading areas shall be designed to be accessible year-round and shall be surfaced with asphalt, except where an alternative paving material is permitted upon the recommendation of the Township Engineer.

E. Loading Area Required Yards

1. No loading areas shall be permitted within any front yard.
2. Loading areas shall be set back a minimum of thirty-five (35) feet from a street right-of-way or any property line abutting a residential use or district.
3. Except as provided for in subsection E.1 above, all loading areas shall be set back at least fifteen (15) feet from any lot line.

SECTION 1212. REQUIRED LANDSCAPING AND SCREENING

Off-street parking areas that contain more than five (5) parking spaces shall be landscaped in accordance with the provisions of Section 630 of the West Pikeland Township Subdivision & Land Development Ordinance.

SECTION 1213. LIGHTING OF PARKING AND LOADING AREAS

Lighting standards for off-street parking and loading areas shall be in accordance with the provisions of Ordinance #2000-02, the West Pikeland Township Outdoor Lighting Ordinance.

ARTICLE XIII SIGN REGULATIONS

SECTION 1301. APPLICABILITY

Any sign hereafter erected, altered, or maintained shall conform with the provisions of this Article and any other applicable articles, ordinances, or regulations of the Township of West Pikeland.

SECTION 1302. STATEMENT OF INTENT

The intent of this Article is to provide for the regulation of signs as a proper exercise of the police power and to protect the public health, safety, and welfare in accordance with the following objectives:

- A. To regulate the size, location, illumination, alteration, and maintenance of signs and reduce hazards to pedestrian and vehicular traffic.
- B. To prohibit the construction of and require the removal of signs which are hazardous or create blight.
- C. To provide opportunities for a variety of sign types and encourage sign designs which meet local resident and business needs in a manner which is compatible with the locality, enhances the economic value and visual character of the properties, and contributes to rather than detracts from the character of the Township.
- D. To establish a process for the review and approval of sign permit applications.

SECTION 1303. GENERAL SIGN REGULATIONS

The following provisions shall apply to permitted signs in all districts:

- A. **Sign Location**
 - 1. No sign shall be erected or maintained so as to prevent free ingress or egress from any door, window or fire escape. No sign shall be attached to a standpipe or fire escape.
 - 2. No sign shall be erected at the intersection of streets so as to obstruct free and clear vision. Signs shall meet the clear sight provisions of Section 1111.D, Obstruction to Vision, of this Ordinance.
 - 3. Unless specifically authorized by this Ordinance or other ordinances and regulations of West Pikeland Township, no sign shall be erected within the legal

right-of-way of any public street or public sidewalk, nor shall any sign be located within five (5) feet of any street line.

B. **Sign Illumination**

Except as otherwise provided in this Ordinance, any permitted sign, building or structure in any district may be illuminated, provided that there shall be no illumination of a flashing, intermittent or moving type, and further provided that floodlighting shall be so shielded and aimed that the source of light shall not be visible from any point off the lot on which the sign, building or structure being illuminated is erected, and so that only the sign, building or structure is directly illuminated thereby. All signs shall be illuminated only from the top unless otherwise specifically approved by the Township. All lighting shall conform to the provisions of Ordinance #2000-02, the West Pikeland Township Outdoor Lighting Ordinance.

C. **Sign Area**

For the purposes of this Ordinance, the area of a sign shall be calculated as follows:

1. The area of the sign shall include the entire area within a single continuous perimeter enclosing the outer limits of such sign. The sign area shall not include any structural elements lying outside the limits of such sign and not forming an integral part of the display.
2. In the case of an open sign made up of individual letters, attached to or painted on a building, wall, window, canopy, or awning, the sign area shall be that of the smallest rectangle or other geometric shape which encompasses all of the letters and symbols.
3. In computing the area of a double-faced sign, only one (1) face shall be considered, provided that both faces are identical in area. In "V" type structures, if the interior angle of the sign faces exceeds forty-five (45) degrees, both faces shall be considered in computing the sign area.

D. **Sign Height**

The height of a sign shall be measured from the existing ground elevation at the base of the sign to the highest point of the sign structure. In the case where there is a sidewalk, the height shall be measured from the elevation of the sidewalk.

E. **Vehicular Signs**

A sign on a vehicle denoting a business-related activity shall be considered a business sign and shall be subject to the following regulations:

1. Vehicles containing a business sign and parked in a residential district shall be concealed (garaged) from public view or in a parking space screened from view from the street, or unless such vehicle is moved on a regular basis (i.e., at least three times per week) and except wherein the vehicle owner or repairman is actually engaged in authorized repairs or construction at that location.
2. Vehicles shall not be parked in public view in any district when their sole purpose is to serve as a sign or advertisement. (See also Section 1306.J, Prohibited Signs.)

SECTION 1304. EXEMPT SIGNS

No permit need be obtained before erecting any of the following signs in any district. (See also Section 1307.B, Temporary Signs not Requiring a Permit.) Exempt signs shall, however, conform to all other applicable regulations of this Ordinance or other codes or ordinances:

- A. Official highway route number signs, street name signs, directional, or other official federal, state, county, or township signs.
- B. Signs or emblems of a religious, civil, philanthropic, historical or educational organization not exceeding four (4) square feet in area.
- C. Directional information or public service signs, such as those advertising availability of restrooms, telephone or similar public conveniences, and signs advertising meeting times and places of nonprofit service or charitable clubs or organizations, may be erected and maintained, provided that such signs do not significantly advertise any real estate for sale or any commercial establishment, activity, organization, product, goods or services except those of public utilities. Directional and information signs provided for the safety and/or convenience of the public within commercial establishments may be erected. Signs erected under this provision shall not exceed four (4) square feet in area.
- D. Trespassing signs or signs indicating the private nature of a road, driveway or premises, signs prohibiting or otherwise controlling hunting or fishing upon particular premises, and signs indicating ownership of a property, provided sign area does not exceed two (2) square feet.
- E. Signs displaying name and address of the occupant of the premises, provided that the area of any such sign shall not exceed two (2) square feet and not more than one (1) such sign shall be erected for each property held in single and separate ownership, unless such property fronts on more than one (1) street, in which case one (1) sign may be erected on each street frontage.
- F. Governmental flags or insignias not exceeding eighty (80) square feet.
- G. Legal notices.

- H. Window signs indicating the store hours or names of credit institutions, provided that the total area of such sign or signs does not exceed two (2) square feet.
- I. Vending machine signs bearing the brand name of the product being sold or price of such product.
- J. Memorial signs or historical tablets, provided that such sign or tablet does not exceed four (4) square feet.
- K. Signs which are a permanent architectural feature of a building or structure, such as a cornerstone, or identifying letters carved into or embossed on a building, provided that the letters are not made of a reflective material nor contrast in color with the building.
- L. Revolving barbershop pole sign, provided that it does not exceed thirty-six (36) inches in height.
- M. Signs advertising the variety of crop growing in a field. Such signs shall be removed after the growing season.

SECTION 1305. **PROHIBITED SIGNS**

The following signs are unlawful and prohibited:

- A. A flashing, rotating, animated, or revolving sign, with the exception of barbershop poles, a searchlight or hot air or gas filled balloons used as a means of drawing attention to a business or other use.
- B. A sign suspended between poles and lighted by a series of lights.
- C. A sign suspended between poles consisting of either pennants or spinners, except as permitted in Section 1306.B.3 Temporary Sign Regulations.
- D. Any sign erected, painted, or drawn on a tree or rock or other natural feature.
- E. Signs shall only be attached to utility poles in conformance with state and utility regulations and the requirements of this Ordinance.
- F. Any banner sign or sign of any other type across a public street except as provided for in Section 1306.C.1, Temporary Sign Regulations.
- G. Any sign containing information which states or implies that a property may be used for any purpose not permitted under the provisions of the West Pikeland Township Zoning Ordinance.

- H. Any sign which uses the words "stop," "look," "danger," or any other word or character which attempts or appears to attempt to direct the movement of traffic or which interferes with or resembles any official traffic sign, signal, or device within seventy-five (75) feet of a public right-of-way or within two hundred (200) feet of a traffic control device, whichever is greater.
- I. Except for traffic control signals, red or green lights which may be mistaken for official traffic lights are prohibited within seventy-five (75) feet of a public right-of-way or within two hundred (200) feet of a traffic control device, whichever is greater.
- J. A truck or other vehicle not used for normal day-to-day operations of a business or not regularly moved for business related purposes shall be prohibited from use as a sign. (See also Section 1303.E, Vehicular Signs.)
- K. Roof signs as defined by this Ordinance.

SECTION 1306. TEMPORARY SIGN REGULATIONS

In addition to other applicable regulations, the following regulations for temporary signs shall be observed in all districts:

A. General Provisions

- 1. Temporary signs shall be placed so as not to obstruct access to or from any door, window, fire escape, or ventilating equipment, nor be attached to any stand-pipe or fire escape.
- 2. Such signs shall be placed so as not to obstruct vehicular or pedestrian traffic or create a safety hazard.
- 3. Unless specified otherwise, temporary signs shall be removed within three (3) days after completion of the event, situation, or circumstance for which it is used.

B. Temporary Signs Not Requiring a Permit

The following temporary signs shall not require a permit if erected in compliance with the following regulations:

- 1. Temporary signs of contractors and artisans, erected and maintained on the premises during the period of their work, one (1) such sign per trade, each having an area of not more than six (6) square feet.
- 2. Temporary yard or garage sale signs, provided they do not exceed four (4) square feet in area, are erected no more than two (2) days before the first day of the sale, and are removed within two (2) days after the sale. No more than three (3)

temporary off-premises signs shall be permitted and permission shall be obtained from the landowner or utility to post such signs.

3. A sign, bunting, or pennants announcing the opening of a new business or industry provided they are removed within seven (7) days of the opening day or first day of business.
4. Temporary window signs announcing a drive or event of civic, philanthropic, educational, or religious organization, less than four (4) square feet, placed in a store or office window. Temporary signs for such events shall be removed within three (3) days after the event. Permission shall be obtained from the landowner or utility to post said temporary signs.
5. Real estate signs shall be permitted, subject to the following standards:
 - a. Real estate signs shall not exceed six (6) square feet in area in residential districts and twenty four (24) square feet in area in all other districts.
 - b. Corner lots may have one (1) such sign for each street frontage.
 - c. Such signs shall be located on the property for which they are advertising.
 - d. Such signs shall be removed within five (5) days after a final settlement or rental agreement has been reached.
6. Construction/development signs shall be permitted, subject to the following standards:
 - a. Construction/development signs shall not exceed twelve (12) square feet in area in residential districts and twenty-four (24) square feet in area in all other districts.
 - b. Corner lots may have one (1) such sign for each street frontage.
 - c. Such signs shall be located on the property to which they relate.
 - d. Such signs shall be removed when ninety (90) percent of the properties have been developed or eighteen (18) months after the erection of the sign, whichever comes first.
7. Political signs shall be permitted as temporary signs, provided that:
 - a. Signs shall not be erected more than thirty (30) days prior to the election or referendum.
 - b. Signs shall be removed within seven (7) days after the election or referendum.

- c. Any site or building on which the sign was erected shall be restored to its original or better condition upon removal of the sign.

C. **Temporary Signs Requiring a Permit**

The following temporary signs require a permit and shall be erected in compliance with the following regulations:

1. Temporary signs announcing special events or the temporary lawful sale of products, goods, and/or services, such as the sale of Christmas trees, shall be permitted, provided that:
 - a. Permits shall run for a one (1) month period or for the length of the permit issued for a temporary use as may be specified in Section 1030. Temporary window signs, as described in subsection B.4, above, shall not require a permit.
 - b. Signs shall comply with all pertinent regulations applicable to permanent type signs. Sign permits shall be issued only when the use proposed is permitted by the underlying zoning district.
 - c. No such sign shall be posted earlier than three (3) weeks before the occurrence of the event to which it relates.
 - d. Signs shall be removed upon expiration of the permit or within one (1) week after the date of the special event or the last day of sales, whichever comes first.
 - e. Any site or building on which the sign was erected shall be restored to its original or better condition upon expiration of the permit.
 - f. Community Special Event Signs - Where such signs are in the form of banners proposed to be suspended across public roads, the following standards shall apply in addition to those noted above:
 - 1) The sign shall not exceed three (3) feet high by thirty (30) feet wide and the bottom edge of the sign shall be at least fifteen (15) feet above the road surface.
 - 2) The Township shall be notified prior to the erection of such signs.
 - 3) Where the proposed banner spans a state road, the applicant shall also comply with PennDOT's procedural requirements for the placement of signs or banners across state highways. Evidence of such compliance shall be supplied to the Township.

2. Portable signs shall be allowed only for temporary display and shall be subject to the following provisions:
 - a. Portable signs shall only be permitted in districts where commercial uses are permitted as a principal use. Portable signs shall comply with all pertinent regulations applicable to permanent type signs permitted in the underlying district, including maximum area and height requirements for ground signs.
 - b. Permits shall be issued for a one (1) month period for portable signs. Permits for portable signs shall be issued no more than twice in any one (1) calendar year.
 - c. No more than one (1) portable sign shall be allowed per premises.
 - d. Application for a portable sign permit shall be made to the Township Zoning Officer accompanied by the required permit fee and an escrow deposit, as established by the Township fee schedule, as a guarantee that the portable sign shall be removed at the end of the authorized period. If not removed within ten (10) days of the permit expiration date, the Township shall remove the sign and keep the sum necessary from the escrow amount to cover the expense incurred in removal.

SECTION 1307. **PERMITTED SIGNS**

In addition to the exempt signs in Section 1304 and the applicable temporary signs in Section 1306, the following signs may be erected in any district, subject to the following conditions:

- A. Any sign within any Act 167 Historic District (i.e., Anselma Mill and Yellow Springs) shall further comply with applicable provisions of Article VII, Act 167 Historic Districts.
- B. No permit for any sign serving or located within one hundred (100) feet of any Class I or Class II Historic Resource, where such resource is not located within an Act 167 Historic District, shall be issued until after the Historical Commission has been given the opportunity to review and comment upon the application for sign permit. Where no review or comment is received by the Zoning Officer within thirty (30) days of forwarding of any subject sign permit application to the Historical Commission, it shall be presumed that the Historical Commission recommends issuance of applicable sign permit.
- C. One (1) wall, ground, or freestanding sign not exceeding twenty (20) square feet in area for the identification of a church, school, recreational area, estate, or farm, and conforming to the requirements set forth in Section 1307.G below. Such signs shall not be illuminated except where permitted for schools or churches. Where permitted, any illumination shall be non-flashing, uncolored, diffused or indirect, and such sign shall be set back at least one-third (1/3) the distance of any required yard from any property line.

- D. Wall, ground, or freestanding signs for the identification of a residential development of twelve (12) units or more erected on the site of said development and the location of a sales or rental office, provided that the area of any such sign shall not exceed twenty (20) square feet and not more than one (1) such sign shall be placed on each street frontage of a property. All such signs shall conform to the requirements set forth in Section 1307.G below.
- E. One (1) wall, freestanding, or projecting sign for a major home occupation or bed and breakfast, provided that the area of any such sign shall not exceed two (2) square feet and all such signs shall conform to the requirements set forth in Section 1307.G below.
- F. One (1) wall, freestanding, or projecting sign for the sale of agricultural products, where permitted, provided that the area of any such sign does not exceed eight (8) square feet and all such signs shall conform to the requirements set forth in Section 1307.G below. Any such sign shall be removed at the end of each sales season.
- G. The following additional provisions shall apply to the specific sign types set forth in Sections 1307.C-F above:
 - 1. Where freestanding signs are permitted, the maximum height shall be eight (8) feet. If located in an area frequented by pedestrians, the lowest edge of the freestanding sign shall be no less than four (4) feet above the finished grade.
 - 2. Where projecting signs are permitted, the maximum height shall be twelve (12) feet and such sign shall not project more than four (4) feet from the face of the building. If located in an area frequented by pedestrians, the bottom of such sign shall not be less than seven (7) feet above the finished grade.
 - 3. Where ground signs are permitted, the maximum height of such sign shall be four (4) feet.
 - 4. Where wall signs are permitted, no portion of the wall sign shall extend above the lowest point of the roof, nor extend beyond the ends of the wall to which it is attached. Windows signs shall not be permitted except in the case of approved major home occupations and shall be limited to the area specified in subsection C. above.
- H. Off-premises signs shall be permitted, provided that:
 - 1. The off-premises sign shall only be permitted within the RD Residential Development District only where within thirty-five (35) feet of the Pennsylvania Turnpike right-of-way. Such sign shall be required to face the Turnpike.

2. The area of a sign is restricted to three hundred (300) square feet and the height of a sign is restricted to twenty (20) feet with a ground clearance of ten (10) feet measured from the grade of the site.
3. Where permitted, only one (1) off-premises sign may be erected on a single tract.
4. Off-premises signs shall not be located closer than four hundred (400) feet from another off-premises sign or from a designated historic resource as defined by this Ordinance.
5. Off-premises signs shall not be erected within thirty (30) feet of a side or rear property line.
6. Off-premises signs shall not be illuminated.

I. All Other Non-Residential Uses

For all permitted non-residential uses not specifically provided for in Sections 1307.A-H above, a sign or signs may be erected in accordance with the following provisions. Except as otherwise noted for corner lots, a business establishment shall not have more than two (2) primary signs, exclusive of exempt signs, on the premises. If a building fronts on more than one (1) street, one (1) additional primary sign may be permitted on the second street frontage.

1. Freestanding signs shall not exceed twenty (20) square feet in area and fourteen (14) feet in height. Freestanding signs identifying a more than one commercial use on a single commercial property shall not exceed thirty (30) square feet in area and eighteen (18) feet in height. The following provisions shall also apply to freestanding signs:
 - a. For pedestrian safety, the lowest edge of the freestanding sign shall be either less than four (4) feet or greater than seven (7) feet above the ground.
 - b. Freestanding signs shall be limited to one (1) such sign per structure. If more than one (1) use is carried on in a single structure, the one (1) permitted freestanding sign may indicate the presence of all uses in the structure. Individual freestanding signs for each use shall not be permitted.
 - c. Where both freestanding signs and ground signs are permitted, only one (1) of these sign types shall be erected on a premises.
2. Ground signs shall not exceed twenty (20) square feet in area and four (4) feet in height. Ground signs identifying more than one commercial use on a single commercial property shall not exceed thirty (30) square feet in area or six (6) feet in height. The following provisions shall also apply to ground signs:

- a. 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 architectural design scheme.
 - b. Ground signs shall be limited to one (1) such sign per structure. If more than one (1) use is carried on in a single structure, the one (1) permitted ground sign may indicate the presence of all uses in the structure. Individual ground signs for each use shall not be permitted.
 - c. In those districts where both ground signs and freestanding signs are permitted, only one (1) of these sign types shall be erected on a premises.
3. Projecting signs shall not exceed sixteen (16) square feet. The following provisions shall also apply to projecting signs:
 - a. No portion of a projecting sign shall be less than eight (8) feet nor more than twenty (20) feet above the proposed finished grade, and no such sign shall project more than four (4) feet from the face of the building or be closer than three (3) feet from the edge of a curb.
 - b. Projecting signs shall not extend above the top of the wall upon which it is mounted.
 - c. No projecting sign shall be attached to a building where a canopy or awning sign exists.
4. The total area of the wall sign, including permanent window signs, shall not exceed ten (10) percent of the area of the building face, including window and door area and cornices, to which it is attached. In no case shall the total area of wall signs, exclusive of permanent window signs, exceed thirty-six (36) square feet. Where a lot fronts on more than one street, the permitted sign area facing each street shall be calculated separately. The following provisions shall also apply to wall signs:
 - a. No portion of a wall sign shall extend above the lowest point of the roof, nor extend beyond the ends of the wall to which it is attached.
 - b. Wall signs which are part of the architectural design of an historic building, such as those located on the lintel above a storefront, shall be exempt from the size requirements if they are limited to the area on the building specifically designed for sign placement.
 - c. Permanent window signs shall be considered wall signs when computing the maximum permitted building coverage of wall signs. The following additional provisions shall apply to window signs:

- 1) A maximum of thirty (30) percent of the total window area may be used for permanent signs that are etched, painted, or permanently affixed to the window.
 - 2) A maximum of thirty-five (35) percent of the total window area may be covered by a combination of permanent and temporary window signs.
5. The copy area of an awning or canopy sign shall not exceed thirty (30) percent of the total background area of the awning or canopy or eighteen (18) square feet, whichever is less. Where a wall sign also exists, the above areas shall be reduced to twenty-five (25) percent and fourteen (14) square feet, respectively. Letters on the awning or canopy sign shall not exceed ten (10) inches in height.
 - a. Use of a canopy or awning sign shall be limited to not more than one (1) sign per street frontage of the establishment.
 - b. The lowest edge of the canopy or awning sign shall be at least seven (7) feet above the ground.
6. The copy area of a marquee sign shall not exceed thirty (30) percent of the face area of the side of the marquee to which it is affixed.
7. Portable signs shall be subject to the provisions of Section 1307.C.2.

SECTION 1308. **CONSTRUCTION AND MAINTENANCE**

- A. All signs permitted by this Ordinance shall be constructed of durable materials and kept in good condition and repair.
- B. All signs requiring the use of electricity shall be manufactured in accordance with Underwriter Laboratories specifications.
- C. Where permitted, floodlighting used to illuminate signs shall be aimed as required to ensure light does not spill off sign.

SECTION 1309. **REMOVAL OF UNSAFE, UNLAWFUL, OR ABANDONED SIGNS**

A. **Unsafe or Unlawful Signs**

1. Upon written notice by the Township, the owner, person, or firm maintaining a sign must remove said sign when it:

- a. Becomes unsafe, is in danger of falling, or it becomes so deteriorated that it no longer serves a useful purpose of communication;
 - b. Is determined by the Township to be a nuisance; or
 - c. Is unlawfully erected in violation of any of the provisions of this Article.
2. The Township may remove or cause to be removed said sign at the expense of the owner or lessee in the event the owner or the person or firm maintaining said sign has not complied with the terms of said notice within fourteen (14) days of the date of the notice. However, in the event of immediate danger, the Township may remove said sign immediately upon the issuance of said notice to the owner, person, or firm maintaining said sign.

B. Abandoned Signs

1. Abandoned signs, as defined by this Ordinance, shall be removed by the landowner or person controlling the property within ten (10) days of the abandonment.
2. The Township may remove or cause to be removed said sign at the expense of the owner or lessee in the event the owner or the person or firm maintaining said sign has not complied with the terms of said notice within thirty (30) days of the notice.

SECTION 1310. PERMITS AND APPLICATIONS

A. Sign Permits

1. A permit must be obtained from the Township before the erection of any sign, unless specifically exempted in this Article.
2. Exemptions for the necessity of securing a permit shall not be construed to relieve the owner of the exempted sign from responsibility for its construction and installation in a safe manner and in accordance with the provisions of this Ordinance.
3. The following changes to a sign shall not require a permit:
 - a. Changing of only the advertising message;
 - b. Regular maintenance of the sign, including electrical, repainting, or cleaning of a sign;
 - c. The repair of an existing, lawful sign.

B. Application Information

Before a sign permit is granted, a sign permit application with the following information shall be submitted in duplicate:

1. Dimensions of the lot (including any right-of-way lines) and/or building upon which the sign is proposed to be erected.
2. The proposed sign location with respect to the property lines and building.
3. A description of the size, shape, color, material, supports, anchoring, weight and height of the sign, as well as intensity of illumination.
4. Sketch elevation, drawn to scale, of the sign, indicating the proposed size, dimensions, shape, material, supports, anchoring, and height of the sign.
5. Any other lawful information which may be required of the applicant by the Zoning Officer.
6. The application shall be accompanied by the written consent of the owner or lessee of the premises upon which the sign is to be erected for Township officials to enter said premises to inspect the sign.
7. All sign permit applications shall be accompanied by the required fee as set forth in the fee schedule for signs established by the Board of Supervisors.

C. Processing and Approval of Permit

1. Except as otherwise provided for signs in regard to Historic Districts or Class I or II Historic Resources, the Zoning Officer shall process applications for sign approval permits pursuant to and within the time frame established by Pennsylvania Act 45 of 1999 as may be amended. Applicable processing time shall be measured from the date of the filing of the complete application with the required fee.
2. In determining the appropriateness of the proposed sign, the Zoning Officer shall determine the following:
 - a. That the sign meets all restrictions, standards, and sign area requirements of this Ordinance.
 - b. That the sign has a reasonable location, scale, and proportion in relation to buildings, doors, windows, and pedestrian and vehicular access.
3. The Zoning Officer shall inspect and approve the installation of the sign and shall make periodic inspections to determine conformity of signs to these regulations.

SECTION 1311. NONCONFORMING SIGNS

Nonconforming signs shall be subject to the requirements of Section 1406 of this Ordinance.

original

ORDINANCE NO. 2007-03

**West Pikeland Township
Chester County, Pennsylvania**

AN ORDINANCE OF WEST PIKELAND TOWNSHIP, CHESTER COUNTY, COMMONWEALTH OF PENNSYLVANIA AMENDING THE WEST PIKELAND TOWNSHIP ZONING ORDINANCE, ARTICLE II – DEFINITION OF TERMS, AND ARTICLE XIII – SIGN REGULATIONS, SECTION 1306 TEMPORARY SIGN REGULATIONS

BE IT ENACTED AND ORDAINED by the Board of Supervisors of West Pikeland Township as follows:

Section 1. Article II, Section 202, Definition of Terms of the West Pikeland Township Zoning Ordinance is hereby amended to add the following defined terms:

COMMUNITY SPECIAL EVENT – an event taking place in the Township designed to promote involvement in community celebrations and other activities by the residents of the Township, Township non-profit entities or other groups approved and/or sponsored by the Township.

COMMUNITY SPECIAL EVENT SIGN - a temporary sign or banner displayed only for a limited amount of time to call attention to or promote a community special event.

Section 2. Article XIII, Section 1306.A(2) of the West Pikeland Township Zoning Ordinance is hereby amended to read as follows:

2. Temporary signs shall be placed so as not to obstruct vehicular or pedestrian traffic; so as not be within the line of sight of any intersection or so as not to create a safety hazard. Temporary Signs shall not be affixed to utility poles or street/traffic signs or be placed on government property including any road right-of-way within the Township.

Section 3. Article XIII, Section 1306.C(1) of the West Pikeland Township Zoning Ordinance is hereby amended to read as follows with Subsections 1306.C(1)(a) through (e) remaining unchanged:

1. Temporary signs announcing special events or the temporary lawful sale of products, goods and/or services, such as the sale of Christmas trees, sales of art, crafts or the like shall be permitted and not larger than six (6) square feet and, provided that:

Section 4. Article XIII, Section 1306.C(1)(f) of the West Pikeland Township Zoning Ordinance is hereby amended to read as follows

- f. Community Special Event Signs

- 1) Up to eight (8) Community Special Event Signs may be erected for each such event at off-premise locations provided written authorization from the property owners on which the off-premise sign is placed are obtained. A copy of such written authorization shall be provided to the Township as part of the permit application. Off-premises Community Special Event Signs shall not exceed six (6) square feet in size except for banners.
- 2) Where a Community Special Event Sign is proposed to be suspended across a public road, the following standards shall apply in addition to those noted above:
 - a) The sign shall not exceed three (3) feet high by thirty (30) feet wide and the bottom edge of the sign shall be at least fifteen (15) feet above the road surface.
 - b) The Township shall be notified prior to the erection of such signs.
 - c) Where the proposed banner spans a state road, the applicant shall also comply with PennDOT's procedural requirements for the placement of signs or banners across state highways. Evidence of such compliance shall be supplied to the Township.

Section 5. Severability. Should any section or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of any other section or provision of this Ordinance than the one so declared.

Section 6. Repealer. All Ordinances and parts of Ordinances inconsistent herewith are hereby repealed to the extent of the said inconsistency.

Section 7. Effective Date. This Ordinance shall become effective within five (5) days of enactment.

ENACTED and ORDAINED this 20th day of August 2007.

**BOARD OF SUPERVISORS OF
WEST PIKELAND TOWNSHIP**

Harold H. Hallman, III, Chairman

Linda S. Glaum, Vice Chairman

William Cracas, Member

ATTEST:

Joan C. Matthews, Secretary

ARTICLE XIV

NONCONFORMING USE REGULATIONS

SECTION 1401. **APPLICABILITY**

The regulations of this Article shall apply to nonconforming uses, structures, lots, and signs, as defined below:

- A. Nonconforming Use – A use, whether of land or of a structure, which does not comply with the applicable use provisions of this Ordinance or amendment heretofore or hereafter enacted, where such use was lawfully in existence prior to the enactment of such ordinance or amendment, or prior to the application of such ordinance or amendment to its location by reason of annexation.
- B. Nonconforming Structure – A structure or part of a structure which does not comply with the applicable dimensional regulations, including those relating to density, impervious surfaces, building coverage, building height, and setbacks in this Ordinance or amendments hereafter enacted where such structure was lawfully in existence prior to effective date of this Ordinance. Such structures include, but are not limited to, buildings, fences, and swimming pools.
- C. Nonconforming Lot – A lot or site which does not comply with the applicable dimensional regulations, including those related to site area, lot area, and lot width, in this Ordinance or amendments hereafter enacted where such lot was lawfully in existence prior to effective date of this Ordinance or amendments.
- D. Nonconforming Sign – Any sign legally existing at the effective date of this Ordinance that does not conform in use, location, height or size to the regulations of Article XIII, Sign Regulations.

SECTION 1402. **CONTINUATION**

Any lawful building or other structure, or any lawful use of a building, land or sign legally existing at the effective date of this Ordinance, or authorized by a building permit issued prior thereto, may be continued in the form evident at the effective date of this Ordinance.

SECTION 1403. **NONCONFORMING USE**

- A. Expansion. The nonconforming use of a building or of a lot shall not be expanded so as to use other portions of the building or lot, and a nonconforming building housing a nonconforming or permitted use shall not be expanded or structurally altered, except insofar as is permitted by law to assure the structural safety of the building; unless the Zoning Hearing Board shall, by special exception as hereinafter provided, authorize the

expansion of such use or building. The Zoning Hearing Board, upon proper application, 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 to the interest of the Township.
2. The area devoted to the nonconforming use shall not be increased more than once during the life of the use. In addition, the area devoted to the nonconforming use shall not be increased more than fifty (50) percent above its original size.
3. Any expansion of the building or of a lot having a nonconforming use shall conform to all applicable area and bulk regulations of the district in which it is situated and to all regulations applicable to such a use in the district or districts.
4. Any expansion of a nonconforming use must meet the buffering and off-street parking requirements of Articles XI and XII, herein.
5. Where a nonconforming use is conducted entirely on an unenclosed premise, no structure to house or enclose such use, whether or not such structure would otherwise conform to zoning regulations, shall be permitted to be erected on the property.

B. Change of Use

1. A nonconforming use may be changed to another nonconforming use by the grant of a special exception only upon determination by the Zoning Hearing Board, after public hearing, that the proposed new use will be similar to or less detrimental to its neighborhood and abutting properties than is the use it is to replace. In evaluating relative detriment, the Zoning Hearing Board shall take into consideration, among other things: potential traffic generation; nuisance characteristics such as emission of noise, dust, odor, glare and smoke; fire hazards; and hours and manner of operation.
2. Once changed to a conforming use, no structure or land shall be permitted to revert to a nonconforming use.

C. Restoration

A structure containing a nonconforming use involuntarily destroyed by fire, explosion, flood or other natural phenomena, or legally condemned, may be reconstructed and used for the same nonconforming use, provided that:

1. 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 of the date commenced.

2. The reconstructed structure shall not exceed the area and bulk of the damaged or destroyed structure, except as provided by subsection 1403.A above.

D. **Abandonment**

If a nonconforming use of a structure or land is razed or removed or discontinued for twelve (12) or more consecutive months, such use shall be considered abandoned and subsequent use of such structure or land shall conform with the regulations of the district in which it is located. However, the same nonconforming use may be allowed by special exception, provided the request for the nonconforming use is filed within the twelve (12) month period and thereafter approved by the Zoning Hearing Board and the permit application for such approved nonconforming use is filed within thirty (30) days after the decision of the Zoning Hearing Board.

SECTION 1404. NONCONFORMING STRUCTURE

A. **Alteration, Renovation, or Enlargement**

1. Nonconforming structures may be altered, renovated, or enlarged provided that such alteration, renovation or enlargement does not increase the existing nonconformity. The dimension that is nonconforming shall not extend the nonconformity beyond the existing building line. For example, a structure that is nonconforming as to front yard setback may be expanded, so long as the expansion does not further reduce the existing setback. In the case of a nonconforming structure which is occupied by a nonconforming use, such alteration, renovation or enlargement shall also meet the requirements of Section 1403.A of this Article. In the case of a nonconforming structure which is located on a nonconforming lot, such alteration, renovation or enlargement shall also meet the requirements of Section 1405.D of this Article.
2. Except as provided for in subsection A.1 above, any structural alteration of or addition to existing buildings shall conform with all area and bulk regulations including minimum area, height, width, yard and coverage requirements for the district in which it is located as well as building code regulations currently in effect.

B. **Restoration**. Any lawful nonconforming building or other structure which has been involuntarily destroyed by fire, explosion, flood or other natural phenomena, or legally condemned may be reconstructed in the same location provided that:

1. The reconstructed building or structure shall not exceed the height, area or bulk permitted by 1403.A.
2. Reconstruction shall begin within one (1) year from the date of damage or destruction and shall be completed without interruption.

SECTION 1405. NONCONFORMING LOT

- A. A building may be constructed on a nonconforming lot of record in existence at the effective date of this Ordinance under the following circumstances.
1. A building may be constructed on a lot existing at the time of ordinance adoption which is nonconforming solely with respect to lot area requirements, when authorized by the Zoning Officer, prior to the issuance of a building permit.
 2. Where the side, rear or front yard setbacks cannot be met, a variance to construct a building on a nonconforming lot may be authorized by the Zoning Hearing Board.
- B. An owner of two or more contiguous nonconforming lots which, if combined, would create a lot of conforming size, shall be required to combine such lots prior to the issuance of a building permit. This provision shall not apply where there was a manifest intent by the property owner to maintain such lots as separate lots (e.g., improvements or construction has occurred on one lot but not on the adjacent lot, the parcels have been described separately in the deed).
- C. No lot area shall be reduced so that the area or width of the lot or the applicable area and bulk dimensions shall be smaller than herein prescribed.
- D. An existing structure located on a lot nonconforming as to the required area may be used for the use permitted in the district in which it is located, provided the structure complies within all bulk requirements of that district. If a nonconforming structure is located on a nonconforming lot, such structure may be used for a use permitted in the district in which it is located when it is determined by the Zoning Officer, or by the Zoning Hearing Board on appeal, that the proposed use is not injurious to health, safety, and general welfare of the Township in general and the surrounding property owners in particular.

SECTION 1406. NONCONFORMING SIGN

Any nonconforming sign legally existing at the effective date of this Ordinance shall be bound by following regulations:

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 a position where such sign remains nonconforming unless permitted by special exception.

B. Area

The total area of all such signs relating to a single use at the effective date of this Ordinance, or at the effective date of any amendment of this Ordinance by which any sign shall be made nonconforming, shall not be increased.

C. Repair or Replacement

Nonconforming signs, once removed or damaged more than sixty (60) percent, including structural framing or bracing, shall be replaced only with conforming signs.

Nonconforming signs with damage of sixty (60) percent or less may be repainted or repaired, provided that such repainted or repaired sign does not exceed the dimensions of the existing sign.

D. Discontinuance

Whenever any nonconforming use of building, structure, or land, or of a combination of buildings, structures, and land is discontinued, all signs accessory to such use shall be deemed to become nonconforming and shall be removed within thirty (30) days from the date such use terminates.

SECTION 1407. NONCONFORMING LIGHTING

Nonconforming lighting fixtures and installations are subject to applicable provisions of Ordinance #2000-02, the West Pikeland Township Outdoor Lighting Ordinance.

ARTICLE XV
ZONING HEARING BOARD

SECTION 1501. ESTABLISHMENT AND MEMBERSHIP

There shall be a Zoning Hearing Board, appointed by the Board of Supervisors in accordance with Article IX of the Pennsylvania Municipalities Planning Code, as amended. Membership of the Zoning Hearing Board shall be appointed as prescribed in Section 1502, below.

SECTION 1502. MEMBERSHIP, APPOINTMENT, TERMS, REMOVAL

- A. There shall be a Zoning Hearing Board, hereinafter referred to as the “Board,” which shall consist of three (3) members who are residents of the Township appointed by resolution of the Board of Supervisors.
- B. The term of office shall be three (3) years and shall be fixed so that the term of office of one member shall expire each year.
- C. The Board shall promptly notify the Township Board of Supervisors of any vacancy. Appointments to fill vacancies shall be only for the unexpired portion of the term.
- D. Members of the Board shall hold no other offices in the Township.
- E. The Township Board of Supervisors shall appoint by resolution at least one (1) resident of the Township to serve as an alternate member of the Board. The term of the alternate member shall be three (3) years, and the alternate member shall hold no other office in the Township.
 - 1. When seated pursuant to the provisions of Section 1504.C below, an alternate shall be entitled to participate in all proceedings and discussions of the Board to the same and full extent as provided by law for Board members, including specifically the right to cast a vote as a voting member during the proceedings, and shall have all the powers and duties set forth in this Ordinance, by the Code, and as otherwise provided by law.
 - 2. Unless designated as a voting alternate member pursuant to Section 1504.C below, any alternate may participate in any proceeding or discussion of the Board but shall not be entitled to vote as a member of said Board nor be compensated pursuant to Section 1506 below.
- F. Any board member may be removed for malfeasance, misfeasance or nonfeasance in office or for other just cause by majority vote of the Board of Supervisors, taken after the member has received fifteen (15) days advance notice of the intent to take such a vote. A hearing shall be held in connection with the vote if the member shall request it in writing.

SECTION 1503. PURPOSE AND JURISDICTION

- A. The purpose of this Article is to establish regulations to govern the establishment, functions, and procedures of the Board.
- B. The Board shall have exclusive jurisdiction to hear and render final decisions in the following matters:
 - 1. Substantive challenges to the validity of this Ordinance or Zoning Map, except those brought before the Township Board of Supervisors, pursuant to Section 609.1, Curative Amendments and 916.1(a)(2), Validity of Ordinances of the Pennsylvania Municipalities Planning Code, (MPC).
 - 2. Challenges to the validity of this Ordinance or Map raising procedural questions or alleged defects in the process of enactment or adoption which challenges shall be raised by an appeal taken within thirty (30) days after the effective date of said Ordinance.
 - 3. Appeals from the determination of the Zoning Officer, including, but not limited to the granting or denial of any permit, or failure to act on the application therefor, the issuance of any cease and desist order, misinterpretation or misapplication of any provision of a valid ordinance or map, or any valid rule or regulation of the Township governing the action of the Zoning Officer.
 - 4. Appeals from a determination by the Township Engineer or the Zoning Officer with reference to the administration of any floodplain provision within Article VIII, Overlay Districts of this Ordinance.
 - 5. Applications for variances from the terms of the zoning ordinance, pursuant to Section 910.2 of the MPC, Zoning Hearing Board's Function; Variances.
 - 6. Applications for special exceptions under the zoning ordinance pursuant to Section 1511 of this Ordinance, or such provisions within a land use ordinance, pursuant to Section 912.1 of the MPC, Zoning Hearing Board's Function; Special Exceptions.
 - 7. Appeals from the Zoning Officer's determination under Section 916.2 of the MPC, Procedure to Obtain Preliminary Opinion.
 - 8. Appeals from the determination of the Zoning Officer or Township Engineer in the administration of this Ordinance or provision thereof with reference to sedimentation and erosion control and stormwater management insofar as the same relate to development.

9. Appeals from the determination of any officer or agency charged with the administration of any transfers of development rights or performance density provisions of the zoning ordinance.

SECTION 1504. ORGANIZATION OF THE BOARD

- A. The Board shall elect its members from its officers, who shall serve annual terms as such and may succeed themselves.
- B. For the conduct of any public hearing and the taking of any action, a quorum shall not be less than a majority of all the members of the Board, but the Board may appoint a Hearing Officer from its own membership to conduct any hearing on its behalf and the parties may waive further action by the Board, as provided in Section 1507.
- C. If, by reason of absence or disqualification of a member, a quorum is not reached, the chairman of the Board shall designate the alternate member to sit on the Board. The alternate member shall continue to serve on the Board in all proceedings involving the matter or case for which the alternate was initially appointed, until the Board has made a final determination of the matter or case.
- D. The Board may make, alter, and rescind rules and forms for its procedure consistent with the provisions of this Ordinance and the laws of the Commonwealth.
- E. The Board shall keep full public record of its business, which records shall be property of the Township, and shall submit a report of its activities to the Board, as requested.

SECTION 1505. APPLICATION FOR HEARINGS

- A. Applications for hearings before the Board shall be filed with the Board through the Township Secretary, together with the proper fee in accordance with Section 1506 of this Article.
- B. An application for a special exception or variance from the terms of this Ordinance shall include:
 1. The name and address of the applicant.
 2. Name and address of the owner of the property to be affected by the proposed application.
 3. A description and location of the property to be affected by such proposed change.

4. A statement of the present zoning classification, present land use, and existing improvements of the property in question.
 5. A statement of the section of this Ordinance authorizing the proposed special exception or variance and reasons why it should be granted.
 6. A description of the proposed use and improvements.
 7. A copy of the site plan indicating the location, use, arrangement, building height, and dimensional features showing compliance with applicable area, width, coverage, yard, and design standards as specified in the zoning district in which the site in question is located, of all existing and proposed improvements and facilities.
 8. A copy of the last recorded subdivision plan which includes the property .
- C. In the event that any required information is not furnished, the application shall be refused and the fee returned to the applicant.

SECTION 1506. **EXPENDITURES AND FEES**

- A. Within the limits of funds appropriated by the Township Board of Supervisors, the Zoning Hearing Board may employ or contract for secretaries, clerks, legal counsel, consultants and other technical and clerical services. The Zoning Hearing Board may employ legal counsel, but the legal counsel cannot be the Township Solicitor.
- B. Members of the Board, including the alternate member when designated in accordance with Section 1504.C of this Article, may receive compensation for the performance of their duties, as may be fixed by the Township Board of Supervisors. In no case shall the amount of compensation exceed the rate authorized to be paid to the members of the Township Board of Supervisors.
- C. The applicant before the Board shall deposit with the Township Treasurer the appropriate filing fee as set forth in the fee schedule adopted by resolution of the Township Board of Supervisors.
- D. The Township Board of Supervisors may prescribe reasonable fees with respect to hearings before the Board. Any relief from the standard filing fees shall be pursued through the Board of Supervisors. Fees for said hearings may include compensation for the secretary and members of the Board, notice and advertising costs and necessary administrative overhead connected with the hearing. The prescribed costs, however, shall not include legal expenses of the Board, expenses for engineering, architectural or other technical consultants or expert witness costs.

SECTION 1507. HEARINGS

The Zoning Hearing Board shall conduct hearings and make decisions in accordance with the following requirements as specified in Section 908 of the MPC:

- A. The Board shall fix a reasonable time and place for public hearings. Notification of said hearings shall be provided, as set forth in Section 1508 below.
- B. The first hearing shall be commenced within sixty (60) days from the filing date of the applicant's request, unless the applicant has agreed in writing to an extension. Each subsequent hearing shall be held within forty-five (45) days of the prior hearing, unless otherwise agreed to by the applicant. Any party aggrieved by the schedule or progress of the hearings may apply to the court of common pleas for judicial relief. The hearing shall be completed not later than one hundred (100) days after the completion of the applicant's case in chief, unless extended for good cause upon application to the court of common pleas.
- C. The hearing shall be conducted by the Board or the Board may appoint any member or an independent attorney as the Hearing Officer. The decision, or where no decision is called for, the findings, shall be made by the Board. However, the appellant or the applicant, as the case may be, in addition to the Township, may, prior to the decision of the hearing, waive decision or findings by the Board and accept the decision or findings of the Hearing Officer as final.
- D. The parties to the hearing shall be the Township, any person affected by the application who has made timely appearance of record before the Board, and any other person including civic or community organizations permitted to appear by the Board. The Board shall have the power to require that all persons who wish to be considered parties enter appearances in writing on forms provided by the Board for that purpose.
- E. The 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.
- F. The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence, to argue and to cross-examine adverse witnesses on all relevant issues.
- G. Formal rules of evidence shall not apply, but irrelevant, immaterial, unduly repetitious and hearsay evidence shall be excluded.
- H. The Board or the Hearing Officer, as the case may be, shall keep a stenographic record of the proceedings. The appearance fee for a stenographer shall be shared equally by the applicant and the Board. The cost of the original transcript shall be paid in full by the Board if the transcript is ordered by the Board or Hearing Officer, or shall be paid in full

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.

- I. The Board or the Hearing Officer shall not communicate, directly or indirectly, with any party or his/her representatives in connection with any issue involved, except upon notice and opportunity for all parties to participate in any communication, reports, staff memoranda, or other materials, except advice from their solicitor, unless the parties are afforded an opportunity to contest the material so noticed and shall not inspect the site or its surroundings with any party or his representative after the commencement of the hearing unless all parties are given an opportunity to be present.
- J. The Board or the Hearing Officer, as the case may be, shall render a written decision, or when no decision is called for, make written findings on the application within forty-five (45) days after the last hearing before the Board or Hearing Officer. Each decision shall be accompanied by findings and conclusions based thereon, together with the reasons therefor. Conclusions based on any provisions of this Ordinance or of any act, rule or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found. If the hearing is conducted by the Hearing Officer and there has been no stipulation that this decision or findings are final, the Board shall make his/her report and recommendations available to the parties within forty-five (45) days, and the parties shall be entitled to make written representations thereon to the Board prior to final decision or entry of findings, and the decision of the Board shall be entered no later than thirty (30) days after the report of the Hearing Officer. Where the Board fails to commence or complete the required hearing as provided for in subsection B. above, the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed or shall agree in writing to an extension of time.
- K. A copy of the final decision or findings, as the case may be, shall be delivered to the applicant personally or mailed to the applicant 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 findings may be examined.

SECTION 1508. NOTICE OF HEARINGS

The Zoning Hearing Board shall give notice of any hearing as follows:

A. **Public Notice**

- 1. The public notice herein required shall state the name of the applicant, the location of the lot or building and the general nature of the question involved, and the date, time and location of the hearing.

2. By publishing a public notice thereof in a newspaper of general circulation within the Township indicating the time, place, and nature of the public hearing. Such public notice shall be published once a week for two (2) successive weeks, not less than seven (7), nor more than thirty (30) days prior to the hearing.

B. Written Notice

1. By mailing written notice thereof to the applicant, Township Board of Supervisors, the Zoning Officer, Township Secretary, Township Planning Commission, and to any person who has made a timely request for same, or who have registered their names and addresses for this purpose with the Board.
2. Written notice of said hearing shall be conspicuously posted as designated by the Township and on the affected tract of land at least two (2) weeks prior to the hearing.
3. The Board may mail written notice thereof to the owner, if the address is known, or to the occupant of every lot within a one thousand (1,000) foot radius of the lot or building in question, and any other properties at the discretion of the Township. Failure to give this notice, either in part or in full, as stated by this paragraph, shall not invalidate any action taken by the Board.

SECTION 1509. APPEALS TO THE ZONING HEARING BOARD

- A. The landowner affected, any person aggrieved by any decision of the Board, or any taxpayer, or any officer of the Township may file an appeal under Section 1503.B.1 through Section 1503.B.4 of this Article with the Board in writing specifying the grounds thereof within the time required by the Municipalities Planning Code or as provided by the rules of the Board.
- B. Requests for a variance or special exception may be filed by any landowner, or any tenant with permission of the landowner. The appropriate fee, as established by the fee schedule adopted by resolution by the Township Board of Supervisors, shall be paid in advance for each appeal or application for a variance or special exception.

SECTION 1510. GRANTING OF VARIANCES

- A. The Board shall hear requests for variances where it is alleged that the provisions of this Ordinance inflict unnecessary hardship on the applicant.
- B. In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Ordinance.

- C. The Board may grant a variance, provided the following findings are made where relevant in a given case:
1. That there are unique physical circumstances or conditions, including irregularity, narrowness or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of the Zoning Ordinance in the district in which the property is located.
 2. That, because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Ordinance and that the authorization of a variance is, therefore, necessary to enable the reasonable use of the property.
 3. That such unnecessary hardship has not been created by the applicant.
 4. That the variance, if authorized, will neither alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.
 5. That, in the case where the property is located in part or totally within the regulatory floodway, the granting of a variance will not increase the base flood elevation.
 6. 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.
- D. In addition, the Board shall, to the full extent permitted by law, consider the factors and criteria listed in Section 1511 below when considering a request for a variance.
- E. In the case of a request for a variance, it shall be the responsibility of the applicant to present such evidence as is necessary to demonstrate that the proposed use or modification complies with the pertinent criteria or standards set forth in this Section and in Section 1511.

SECTION 1511. GRANTING OF SPECIAL EXCEPTIONS

Where the Township Board of Supervisors, in the zoning ordinance, has stated special exceptions to be granted or denied by the Board pursuant to express standards and criteria, the Board shall hear and decide requests for such special exceptions in accordance with such standards and criteria. In granting a special exception, the Board may attach such reasonable conditions and safeguards, in addition to those expressed in the ordinance, as it may deem

necessary to implement the purposes of this act and the zoning ordinance. It shall be the responsibility of the applicant requesting approval of the special exception to present such evidence as is necessary to demonstrate that the proposed use or modification complies with the pertinent criteria or standards set forth in this Section. The Board shall consider the following factors and criteria where appropriate.

- A. The size, scope, extent and character of the special exception request are consistent with the Township Comprehensive Plan and with the purpose and intent of the zoning district involved.
- B. The proposed special exception character and type of development constitutes an appropriate use in the area consistent with the character and type of development in the area surrounding the location for which the request is made and will not substantially impair, alter, or detract from the use of surrounding property or from the character of the neighborhood, the number, extent, and scope of nonconforming uses in the area, and the presence or absence in the neighborhood of conditions or uses which are the same or similar in character to the condition or use for which the applicant seeks approval.
- C. The proposed special exception serves the health, safety, welfare, and the best interest of the Township.
- D. The proposed special exception complies with the applicable provisions of the Township Subdivision and Land Development Ordinance.
- E. The effects of the proposed use with respect to the most appropriate use of the land; conserving the value of buildings; safety from fire, panic, and other dangers; adequacy of light and air; the overcrowding of land; congestion of population; and the adequacy of public and community services.
- F. The proposed use shall limit the total number of new access points, reduce the need for on-street parking, and encourage the frontage of buildings on parallel marginal roads, or on roads perpendicular to the roadways with higher functional classification.
- G. The proposed special exception is suitable with respect to traffic on the roads or highways in order to protect streets and highways from undue congestion and provides for adequate access and off-street parking arrangements in order to protect major streets and highways from undue congestion and hazard. The applicant shall establish the effect of the proposed development or use on the reserve capacity of the public roads and road intersections providing access to and in the area of the subject property.
- H. The natural features located on the proposed site and its surroundings shall not suffer unmitigated degradation, that the management of storm water, the provision of water or sewer service, and any other alterations to the site's predevelopment condition, shall be consistent with Township goals, practices and plans in these regards, and that demand for water and energy by the proposed use shall be minimized to the optimal extent.

- I. All commercial or industrial parking, loading, access or service areas shall be illuminated in accordance with the lighting standards of Section 1107.

SECTION 1512. EXPIRATION OF SPECIAL EXCEPTIONS AND VARIANCES

Unless otherwise specified by the Board, a special exception or variance shall expire if the applicant fails to obtain a building permit, a use and occupancy permit, or a subdivision and land development approval as the case may be, within six (6) months from the date of authorization thereof.

SECTION 1513. TIME LIMITATIONS

- A. No aggrieved person shall be allowed to file any proceedings with the Board later than thirty (30) days after:
 1. Any permit has been issued or refused, or any other decision made by the Zoning Officer.
 2. Any application for development, preliminary or final, has been approved by the Board of Supervisors, if such proceeding is designed to secure reversal or limits approval in any manner.
- B. The failure of anyone other than the applicant to appeal from an adverse decision by the Zoning Officer on a challenge to the validity of an ordinance or map pursuant to Section 709 of the Municipalities Planning Code, or from an adverse decision by the Zoning Officer on a challenge to the validity of an ordinance or map pursuant to Section 916.2 of the Municipalities Planning Code shall preclude an appeal from a final approval, except in the case where the final submission substantially deviates from the approved tentative approval.
- C. All appeals from determinations adverse to the applicant shall be filed by the landowner within thirty (30) days after notice of the determination is issued.

SECTION 1514. STAY OF PROCEEDINGS

Upon filing of any proceeding referred to in Section 1508 and during its pendency before the Board, all land development pursuant to any challenged zoning ordinance, order or approval of the Zoning Officer or of any agency or body, and all official action thereunder shall be stayed unless the Zoning Officer or any other appropriate agency or body certifies to the Board facts indicating that such stay would cause imminent peril to life or property. In such case, the development or official action shall not be stayed otherwise than by a restraining order, which may be granted by the Board, or by the Court having jurisdiction of zoning appeals on petition after notice to the Zoning Officer or other appropriate agency or body.

SECTION 1515. APPEALS TO COURT

Appeals to Court shall be in accordance with Article X-A of the Municipalities Planning Code, as amended.

ARTICLE XVI
ADMINISTRATION AND ENFORCEMENT

SECTION 1601. PURPOSE AND APPLICATION

- A. The purpose of this Article is to outline the procedures and regulations by which the Township Zoning Ordinance shall be administered. The procedures for obtaining and regulating permits, amending the Ordinance, enforcing this Ordinance, and the responsibilities of the Zoning Officer are included herein.
- B. Hereafter, no land shall be used or occupied, and no building or structure shall be created, altered, used or occupied, except in conformity with the regulations herein established for the district in which such land, building, or structure is located, as well as all other applicable standards.
- C. In case of mixed occupancy within the same building or on the same lot, the regulations for each use shall apply to that portion of the building or land so used.

SECTION 1602. POWERS AND RESPONSIBILITIES OF THE ZONING OFFICER

The Zoning Officer shall not hold any elective office in the Township and shall meet the qualifications established by the Board of Supervisors. Further, the Zoning Officer shall be able to demonstrate to the satisfaction of the Board of Supervisors a working knowledge of municipal zoning. The Zoning Officer shall administer the Zoning Ordinance in accordance with its literal term, and shall not have the power to permit any construction or change of use which does not conform to the Zoning Ordinance. There shall be a Zoning Officer, appointed by the Board of Supervisors and meeting the qualifications established by the Board of Supervisors. The Zoning Officer's duties shall include, but not be limited to, the following:

- A. To enforce all provisions of this Ordinance and all amendments thereto.
- B. To receive and examine all applications for building and other permits, referring applications to the Planning Commission when deemed advisable, and issue building and other permits only when there is compliance with the provision of this and other Township Ordinances.
- C. To receive applications for special exceptions or variances and refer these applications to the Zoning Hearing Board for action thereon.
- D. To issue permits for special exception or variance applications only upon written order of the Zoning Hearing Board. Permits requiring approval by the Board of Supervisors, including but not limited to Conditional Use, shall be issued only upon written authorization from the Board of Supervisors.

- E. To receive applications for appeals and variances and forward these applications to the Zoning Hearing Board for action thereon.
- F. To conduct inspections and surveys to determine compliance or noncompliance with the terms of this Article.
- G. To issue stop, cease and desist orders and to require, in writing, correction of all conditions found to be in violation of the provisions of this Ordinance. Such written orders shall be served personally or by registered mail with return receipt upon persons, firms or corporations deemed by the Zoning Officer to be violating the terms of this Ordinance. It shall be unlawful for any person to violate any such order lawfully issued by the Zoning Officer, and any person violating such order shall be guilty of a violation of this Ordinance.
- H. To keep an official record of all business and activities, including complaints of a violation of any of the provisions of this Ordinance and of the subsequent action taken on each such complaint, and to record and file all applications for permits with accompanying plans and documents.
- I. To be responsible for the administration of the National Flood Insurance Program in the Township and specifically in those areas where records must be maintained relative to the types of land use permitted and occurring within the floodplain district, variances issued, base flood elevations, elevation of lowest floor, including basement, the elevation to which the structure is flood-proofed and other administrative functions necessary for participation in the National Flood Insurance Program.
- J. To be responsible for maintaining an up-to-date copy of this Ordinance and the Zoning Map, filed with the Township Secretary and to include any amendments thereto.
- K. To issue use and occupancy permits in accordance with the terms of this Article.

SECTION 1603. NOTICE OF VIOLATION

- A. If it appears to the Township that a violation of any provision of this Ordinance or any amendment thereto, any detailed statement or a plan approved under the provisions of this Article or any amendment thereto, or any condition of a variance or special exception granted by the Zoning Hearing Board or of a conditional use granted by the Board of Supervisors has occurred or is occurring, the Board of Supervisors shall authorize the Zoning Officer to initiate enforcement proceedings by sending notice thereof as provided in this Article. By means of the enforcement notice, the Zoning Officer may order discontinuance of illegal use of the land or structures, removal and illegal structures thereto, or discontinuance of any illegal work being done.
- B. The enforcement notice shall be sent to the owner of record of the parcel by registered mail with return receipt, on which the violation has occurred, to any person who has filed

a written request to receive such a notice regarding that parcel, and to any other person requested, in writing, by the owner of record of the parcel.

C. The enforcement notice shall, at least, state the following:

1. The name of the owner of record and any other person against whom the Township intends to take action.
2. The location of the property in violation.
3. The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of the Ordinance.
4. The date before which the steps for compliance must be commenced and the date before which the steps must be completed.
5. That the recipient of the notice has the right to appeal to the Zoning Hearing Board within a prescribed period of time in accordance with the procedures set forth in this Article.
6. That failure to comply with the notice within the time specified unless extended by appeal to the Zoning Hearing Board, constitutes a violation, with possible sanctions as described in Section 1605 below.

SECTION 1604. CAUSES OF ACTION

- A. Whenever a violation of this Article occurs or is alleged to have occurred, any person may file a written complaint. Such complaint, stating fully the causes and basis thereof, shall be filed with the Zoning Officer who shall record such complaint, investigate, and take action thereon as provided by this Article and report to the Board of Supervisors regarding the complaint and the action thereon.
- B. In case any building, structure, landscaping or land is or is proposed to be erected, constructed, reconstructed, altered, converted, maintained, or used in violation of this Article, the Board of Supervisors or the Zoning Officer or any aggrieved owner or tenant of the real property who show that the property in question or a person will be substantially affected by the alleged violation, in addition to other remedies, may institute any appropriate action or proceeding to prevent, restrain, correct, or abate such a building, structure, landscaping, or land or to prevent, in or about such premises, any such action instituted by a landowner or tenant. Notice of this action shall be served upon the Township at least thirty (30) days prior to the time the action is begun by serving a copy of the complaint to the Board of Supervisors. No such action may be maintained until such notice is given.

SECTION 1605. ENFORCEMENT REMEDIES

- A. The District Justice shall have initial jurisdiction for all proceedings brought under this Section.
- B. Any person, partnership or corporation who or which has violated, or permitted the violation of the provisions of this Ordinance shall, upon being found liable thereof in a civil enforcement proceeding, pay a judgment of not more than Five Hundred Dollars (\$500.00), plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof.
 - 1. 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 fails to pay or to appeal the judgment in a timely manner, the Township may enforce the judgment pursuant to applicable rules of civil procedure.
 - 2. 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 the Ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth (5th) day following the date of the determination of a violation by the District Justice; and thereafter each day that a violation continues shall constitute a separate violation.
 - 3. All judgments, costs and reasonable attorney fees collected for violating this Ordinance shall be paid to the Township.
- C. The Court of Common Pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem fine pending a final adjudication of the violation and judgment.
- D. Nothing contained in this Section shall be construed or interpreted to grant any person or entity other than the Township the right to commence any action for enforcement pursuant to this Section.

SECTION 1606. FEES

- A. Permit Applications. Fees for application for building permits, zoning permits, use and occupancy permits, sign permits, or similar permits shall be paid in accordance with a fee schedule adopted by resolution of the Board of Supervisors. Such a schedule may be revised, as necessary, by resolution of the Board of Supervisors. The schedule of fees shall be posted in the office of the Zoning Officer or the Township Building and may be altered or amended only by the Board of Supervisors.

- B. No action shall be taken on any application for any conditional use, special exception, variance, validity challenge, curative amendment, petition for a zoning change or appeal until all application fees and charges have been paid in full. Required fees shall accompany the application.

SECTION 1607. **ISSUANCE OR REFUSAL OF PERMITS**

- A. Except as otherwise provided in regard to Historic Districts or Class I or II Historic Resources, the Zoning Officer shall review all applications for permits and shall issue or refuse such permits pursuant to and within the time frame established by Pennsylvania Act 45 of 1999 as may be amended. Applicable processing time shall be measured from the date of the filing of the complete application with the required fee.
- B. If the Zoning Officer determines that an application is in compliance with the provisions of this Ordinance, it shall be his duty to issue the appropriate permit. If he determines that an application is not in compliance with the provisions of this Ordinance, it shall be his duty to refuse the permit, in which case, he shall instruct the applicant in the method of appeal or application to the Zoning Hearing Board, as set forth in Article XV.

SECTION 1608. **ZONING PERMITS**

- A. A zoning permit shall be required prior to: a change in use of land or buildings; a change in the principal use or expansion of a nonconforming use; or development within the Floodplain Conservation District. The placing of vacant land under cultivation shall not require a zoning permit. It shall be unlawful to commence any site work or other work requiring a zoning permit until a permit has been properly issued therefor.
- B. Application for permits under this Section, along with accompanying plans and data, may be submitted by the Zoning Officer to any appropriate governmental agency, authority or representative for review and comment relative to compliance with existing statutes and the Zoning Officer shall consider those comments in action on the application. All applications shall be accompanied by:
1. Three (3) copies of the approved land development and/or plot plan, together with any other data and information required by the Zoning Officer to evaluate compliance with this Ordinance and other existing statutes.
 2. Three (3) copies of detailed architectural plans for any proposed building or structure under the application.
 3. Wherein the disturbance or movement of earth is contemplated, a soil erosion and sedimentation control plan with an accompanying narrative prepared by a qualified person for review and approval by the Township Engineer; or, when applicable, a copy of the permit issued by the Pennsylvania Department of

Environmental Protection and Chester County Conservation District approving earth moving operations.

4. Permits or certification from the appropriate agency for the provision of a healthful water supply, disposal of sewage and other wastes, and control of objectionable effects, as well as any other appropriate, lawful permits as may be required by statute.
 5. All applicable PennDOT permits.
 6. Additional copies of any information that may be required by the Zoning Officer.
- C. A temporary zoning permit may be authorized by the Zoning Officer for a nonconforming structure or use which is deemed beneficial to the public health or general welfare, or which is deemed necessary to promote the proper development of the community, provided that such nonconforming structure or use shall be completely removed upon expiration of the permit, without cost to the Township. Such a permit shall be issued for a specified period of time, not exceeding one (1) year.

SECTION 1609. **SIGN PERMITS**

- A. A sign permit shall be required prior to the erection or modification of any sign, sign structure or change in location of an existing sign, with the exception of those signs exempted in Section 1305, Exempt Signs.
- B. Application shall be made in writing on an appropriate form to the Zoning Officer and shall contain all information necessary for such officer to determine whether the proposed sign, or the proposed alteration, conform to all the requirements of this Ordinance. All applications for sign permits shall be accompanied by plans or diagrams in duplicate and approximately to scale, showing the information required. One (1) copy of said plan or diagram shall be returned to applicant after the Zoning Officer has either approved or disapproved, and attested to same.

SECTION 1610. **BUILDING PERMITS**

- A. A building permit shall be required prior to the erection or alteration of, or addition to, any building or other structure or portion thereof. It shall be unlawful for any person to commence work on the erection or alteration of, or addition to, any building or structure or portion thereof until a building permit has been duly issued therefor.
- B. All applications for building permits shall be accompanied by a plot plan drawn to scale and accurately showing the exact size and location of any buildings or other structures and natural features existing on the lot in question or upon abutting land within fifty (50) feet of the side and rear lot lines of such lot, and the lines within which the proposed building or other structure shall be erected or altered. There shall, in addition, be included with all applications, such other plans, last recorded subdivision plans,

documents and information as may be necessary to enable the Zoning Officer to ascertain compliance with this Ordinance and all other pertinent ordinances.

- C. No building permit shall be issued until the Zoning Officer has certified that the proposed building, structure or alteration complies with the provisions of this Ordinance and other applicable ordinances. Upon approval of an application and the payment of the required fee, as defined by the Board of Supervisors and as may be amended, the Zoning Officer shall issue a Building Permit which shall be visibly posted on the premises during the entire time the proposed work is being undertaken. Upon completion of the erection, addition to, or alteration of any building, structure, or portion thereof authorized by any building permit obtained in compliance with this Ordinance, and prior to use and occupancy, the holder of such permit shall notify the Zoning Officer of such completion. Use and occupancy shall not be authorized until the Zoning Officer has certified that the work has been inspected and approved as being in conformity with this and other applicable ordinances, and has issued a use and occupancy permit as provided in Section 1611. A building permit shall be subject to expiration or extension pursuant to and within the time frame established by Pennsylvania Act 45 of 1999 as may be amended.

SECTION 1611. USE AND OCCUPANCY PERMITS

- A. It shall be unlawful for the applicant, person or other entity to sell, occupy any building or other structure or parcel of land until a use and occupancy permit, if required, has been duly issued therefor. A use and occupancy permit shall be required prior to any of the following activities:
1. Use and occupancy of any parcel of land, building or other structure hereinafter erected, altered or enlarged for which a zoning permit is required.
 2. For all commercial and industrial uses.
 3. For new construction in all zoning districts prior to sale.
- B. All applications for use and occupancy permits shall be made in writing on forms furnished by the Township and shall include all information necessary to enable the Zoning Officer to ascertain compliance with this Ordinance.
- C. An as-built plan shall be filed with the Township prior to the issuance of a use and occupancy permit. No use and occupancy permit shall be issued until the Zoning Officer has certified that the proposed use complies with all the provisions of this Ordinance and any other applicable ordinance.
- D. Issuance of use and occupancy permits shall be according to the following:
1. Use and occupancy permits shall be granted or refused within ten (10) days from the date of application. No application shall be granted or refused until the

Zoning Officer has inspected the premises. Issuance of this permit by the Township official or employee designated by the Zoning Officer shall be based in conformity of the work to the requirements of this Ordinance and any other pertinent ordinance.

2. Pending completion of a building or of alterations thereto, a temporary use and occupancy permit may be issued by the Zoning Officer for temporary occupancy of part or all of the building, provided that such temporary occupancy will not adversely affect the health, safety, and welfare of the public or property, and providing further that a time limit for temporary permits not exceeding six (6) months shall be established.
3. In commercial and industrial districts in which performance standards are imposed or when required by the Zoning Officer, no use and occupancy permit shall become permanent until sixty (60) days after the facility is fully operating, when upon a reinspection by the Zoning Officer, it is determined that the facility is in compliance with all performance standards.

SECTION 1612. **CONDITIONAL USES**

A. **Intent**

This Section provides for certain uses to be permitted within the Township as conditional uses. These uses may not be appropriate at every location within a zoning district, and accordingly the Board of Supervisors has established standards and procedures by which to evaluate and decide upon conditional use applications. It is intended that these uses, which have the potential for substantial impact upon the community, shall comply with the regulations hereinafter set forth. The Board of Supervisors shall have the power to approve conditional uses.

B. **Content of Application**

1. Application for conditional use shall be filed with the Board of Supervisors, through the Township Secretary, 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 real estate to be affected by the proposed Conditional Use Application.
 - c. Description and location of the real estate on which the conditional use is proposed.

- d. Statement of the present zoning classification, present land use, and existing improvements for the real estate in question.
- e. Statement of the section of the present Zoning Ordinance authorizing the proposed conditional use.
- f. Description of the proposed use and site improvements.

2. Site Plan

The application for conditional use shall be accompanied by a proposed site plan to include the following information:

- a. Site Plan shall be drawn to a scale of one (1) inch equals one hundred (100) feet.
 - b. Location, dimensions, use, coverage, and height of proposed buildings and proposed improvements in relation to property and street lines.
 - c. Dimensional features showing compliance with the applicable area, width, coverage, yard, and design standards as specified in the Township Zoning Ordinance.
 - d. Location, dimension, and arrangements of proposed facilities including sidewalks, parking areas, site access, and interior circulation, off-street loading and unloading, and lighting for these areas.
 - e. Location, dimensions, and arrangement of all areas devoted to open space, ground cover, trees, plantings, and recreation.
 - f. Provisions for handling of stormwater drainage, treatment of disposal of sewage, and supply of water.
 - g. A copy of the last recorded subdivision plan of which the property is part.
 - h. Locations and design of all on-site and off-site improvements related to access control and traffic capacity.
3. In addition to the above information, for conditional use applications for Residential Design Options RD-2, RC-2, and RC-3, the required information for determining compliance with Section 905, Density Determination, and Section 906, Open Space Use and Design Standards, shall be provided with the application.

C. Application Review Procedures

1. Upon receipt of a complete conditional use application, the Township Secretary shall submit the application for recommendation to the Township Planning Commission, and the Planning Commission shall perform a review and provide a report to the Board of Supervisors concerning the grant of approval or disapproval of the proposed use. The Planning Commission is to submit a recommendation to the Board of Supervisors prior to the date of public hearing held by the Board of Supervisors.
2. The hearing shall be conducted by the Board of Supervisors or the Board may appoint any member or an independent attorney as a hearing officer. The decision, or where no decision is called for, the findings shall be made by the Board. However, the appellant or the applicant, as the case may be, in addition to the municipality, 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.
3. The Board of Supervisors shall schedule a hearing for public review and comment. Such hearing shall be held within sixty (60) days of filing of the application for conditional use approval, unless the applicant waives this requirements, or extends this time limit, in accordance with the following procedures:
 - a. Notice of public hearing shall be in the publication of a newspaper of general circulation in the Township in accordance with the requirements for public notice established in the Municipalities Planning Code. Notice of the hearing shall be conspicuously posted on the affected tract of land at least one (1) week prior to the date of the hearing. Proof of proper notification shall be required as a precondition before any formal action on the application.
 - b. The parties to the hearing shall be the Township, any person affected by the application who has made a timely appearance of record before the Board of Supervisors and any other persons, including civic or community organizations, permitted to appear by the Board of Supervisors. The Board of Supervisors shall have the power to require that all persons who wish to be considered parties must enter appearances in writing on forms provided by the Board of Supervisors.
 - c. The Chairman or Acting Chairman of Board of Supervisors shall have the 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 required by the parties.

- d. Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded by the Board of Supervisors.
 - e. The Board of Supervisors shall keep a stenographic record of the proceedings and copies of the graphic or written material received in evidence shall be available to any party at cost.
 - f. The Board of Supervisors shall render a written decision within forty-five (45) days after the last hearing before the Board of Supervisors. Where the application is contested or denied, the decision shall be accompanied by findings of fact and conclusions based thereon, together with the reasons for the final decision.
 - g. A copy of the final decision shall be delivered to the applicant and the parties personally or sent by registered mail with return receipt to them no later than the day following the decision.
 - h. Appeals from a determination of the Board of Supervisors pursuant to any conditional use application shall be only as prescribed within such times permitted by the applicable provisions of Act 247, the Municipalities Planning Code.
- 4. In granting a conditional use approval, the Board of Supervisors may attach such additional reasonable conditions and safeguards as it deems necessary and appropriate to ensure compliance with the provisions of this Ordinance and to protect the health, safety, and general welfare of the community. The conditions of approval may include, but are not limited to, specific modifications to area and bulk requirements as might otherwise be applicable, provisions for additional utility or traffic safety measures, securing additional easements or property to assure proper site design, or modification to the applicable design standards.
 - 5. Nothing in this Section shall be construed to relieve the applicant for a conditional use approval from obtaining other required approvals mandated by the Township Subdivision and Land Development Ordinance and any other applicable Township, county, state or federal regulations.
 - 6. If the Board of Supervisors approves the conditional use application and site plan, such approved plan shall accompany any application for subdivision of land or land development as prescribed by the Township Subdivision and Land Development Ordinance in addition to the requirements normally required and any application for a building permit.
 - 7. Any grant of conditional use approval shall be deemed null and void twelve (12) months from the date of such approval, if within that period, no application is made for a building permit, a use and occupancy permit, or a subdivision or land

development approval, as appropriate, unless the Board of Supervisors shall grant an extension.

D. General Review Conditions for Approval

1. In reviewing an application for conditional use, the Board of Supervisors shall evaluate the degree of compliance with the following conditions.
 - a. The proposed use is consistent with the purpose of the Article whereby it is permitted, the overall purpose of the zoning as contained in Article I, and with the policies articulated in the West Pikeland Township Comprehensive Plan. The proposed use will satisfy all of the relevant provisions and requirements of the Township Subdivision & Land Development Ordinance and any other applicable ordinance, code and/or regulations.
 - b. The proposed use shall be limited to those authorized as conditional uses within the zoning district in which the lot or parcel is located.
 - c. The proposed use is located in an area or areas for which the lot is suited, is consistent with the nature of land uses existing on immediately adjacent properties, and will be designed, constructed, and maintained in a manner which complements the appearance and character of the neighborhood.
 - d. If the development is to be carried out in successive stages, each stage shall be so planned that the condition and intent of this Ordinance shall be fully complied with at the completion stage.
 - e. If containing more than one (1) building, the development will consist of a harmonious grouping of buildings or other structures.
 - f. The proposed use will be in the public interest and serve the health, safety, morals and general welfare of the Township.
 - g. The proposed use is consistent with, and will have no adverse effect upon, the logical extension of public services and utilities, such as a public water, public sewer, police, fire protection, recreational opportunities, open space, and public schools.
 - h. Proposed new construction and proposed change in use of existing buildings will be compatible with and in keeping with the existing character of the neighborhood.
 - i. The proposed use reflects an environmentally sensitive approach to land planning and design, will be sited in a manner sensitive to existing site

- j. conditions including streams, vegetation, and other natural resources, and is consistent with the natural resource protection standards of Article VIII.
 - k. The proposed use will provide safe and adequate access to roads, existing or proposed, and will not result in excessive traffic volumes or will make any improvements needed to guarantee compatibility with adjacent streets and public services.
 - l. The interior traffic circulation for the proposed use shall provide safe and convenient circulation for all users including vehicular and pedestrian modes. Emergency design considerations will be addressed in the proposed plan.
 - m. The adequacy of sanitation and public safety provisions shall be adequate and a certificate of adequacy of sewage and water facilities from a governmental health agency shall be provided where required or deemed necessary.
 - n. The proposed use will be developed using stormwater management techniques and soil erosion and sedimentation control techniques deemed effective by the Township Engineer and the Chester County Soil Conservation District.
 - o. Review of conditional use applications for Residential Design Options RD-2, RC-2, and RC-3, shall specifically take into consideration the requirements of Section 906, Open Space Use and Design Standards, in determining the consistency of the proposed plan's layout of buildings and open space with the intent of this Ordinance.
 - p. In review and consideration of the issues set forth above, the Board of Supervisors may require that the applicant submit appropriate impact analyses prepared by recognized professional(s) acceptable to the Township, including, but not limited to, study of existing and future traffic conditions, environmental impact assessment, fiscal impact analyses, recreation impact assessment, and Historic Resource Impact Study.
- C. The Board of Supervisors may impose such conditions of approval, in addition to those required, 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.

SECTION 1613. AMENDMENTS

Procedures for amendments to this Ordinance shall be as set forth in Article VI of the Municipalities Planning Code.

SECTION 1614. MUNICIPAL LIABILITIES

The granting of any permit under this Ordinance by the Township or any of its designated officials for the use of land or structures or the erection, alteration or extension of any structure or the approval of any subdivision or land development plan shall not constitute a representation, guarantee, or warranty of any kind by the Township or any of its officials or employees as to any manner of injury resulting from such use, erection, alterations or extension, and shall create no liability upon, or a cause of action against such public body, officials or employees for any damages or injury that may result pursuant thereto.

WEST PIKELAND TOWNSHIP
CHESTER COUNTY, PENNSYLVANIA
ORDINANCE NO. 2011-02

AN ORDINANCE OF WEST PIKELAND TOWNSHIP, AMENDING SECTIONS 1612.D & 1203.E & F OF THE WEST PIKELAND TOWNSHIP ZONING ORDINANCE, BY RENDERING CERTAIN SUBSECTIONS INAPPLICABLE TO THE REVIEW OF CONDITIONAL USE APPLICATION FOR PLACES OF WORSHIP AND REVISING PARKING REQUIREMENTS FOR INSTITUTIONAL AND RECREATIONAL USES

PURSUANT TO THE AUTHORITY CONFERRED BY THE PENNSYLVANIA MUNICIPALITIES PLANNING CODE, AS AMENDED, 53 P.S. § 10101, ET SEQ., THE BOARD OF SUPERVISORS OF WEST PIKELAND TOWNSHIP DOES HEREBY ENACT AND ORDAIN AS FOLLOWS:

Section I. Section 1612.D of the West Pikeland Township Zoning Ordinance (“the Ordinance”) is hereby amended as follows:

A. The introductory clause of Section 1612.D.1 is amended to state, in full, as follows:

“1. In reviewing an application for conditional use, except as provided in Subsection 2, below, the Board of Supervisors shall evaluate the degree of compliance with the following conditions...”

B. Section 1612. D.1.(i) and (j) are amended to correct the letter headings thereof to reflect the consolidated text thereof as Section 1612.D.1(i), and the following existing subsections (k) through (p) are re-lettered as (j) through (o).

C. Section 1612.D of the Ordinance is hereby further amended to add the following new Subsection 2 thereof, as follows:

1612.D.2 In reviewing an application for a conditional use for a church or similar place of worship, including rectory or parish house or any other accessory or related building or structure, the Applicant will not be required to demonstrate compliance with, or introduce evidence in support of the application pertaining to the following (re-lettered) provisions of Section 1612.D: a, c, e, f, g, h, i, j, l, m, n, or o. However, in addition to establishing compliance with all other provisions of the Zoning Ordinance, the applicant must demonstrate:

- (a) that the proposed land use and related buildings and structures are authorized by the conditional uses provisions of the Zoning Ordinance applicable to the zoning district in which the land is located;
- (b) compliance with the natural resource protection standards of Article VIII;
- (c) that any improvements to existing roads on or adjacent to the land for which the application is submitted will be constructed or installed by the applicant, in order to prevent any degradation in the level of service of roads, streets and intersections within a traffic study area as determined by the Township Engineer, exercising reasonable judgment pertaining to the proper determination of the traffic study area;
- (d) that the interior vehicular and pedestrian circulation for the proposed use shall provide safe and convenient circulation, including such means of emergency access and egress as are determined to be necessary in the reasonable judgment of the Township Engineer;
- (e) the feasibility of providing safe and adequate sanitary sewage treatment capable of attaining all required permits or approvals to be thereafter issued by governmental agencies exercising proper jurisdiction, and the provision of water service for the anticipated use of the subject property;
- (f) compliance with all applicable Commonwealth and Township laws and regulations pertaining to stormwater management and erosion and sediment control, provided that the issuance of any letter of adequacy, National Pollutant Discharge Elimination System ("NPDES") permit, or any other form of governmental agency approval as may be required in order to authorize construction, grading or any other form of land disturbance may be imposed as a condition of approval of the conditional use application;
- (g) compliance with any applicable regulation relating to the preservation of historic structures or places.

Section II. Section 1612.C on page XVI-13 of the originally adopted Ordinance is amended to correct and sequentially re-letter its heading to be Section 1612.E.

Section III. Section 1203 of the West Pikeland Township Zoning Ordinance is hereby amended so as to revise Section 1203.E, Place of Worship and Section 1203.F, Theater/auditorium/assembly hall:

(a) Institutional and Public Uses

Place of worship	The greater of either: • 1.0 space per 2.5 seats in any worship, assembly, auditorium, or meeting space; or • 1.0 space for every 50 square feet of floor area in the worship, assembly, auditorium, or meeting space.

(b) Recreational Uses

Theater/auditorium/assembly hall	The greater of either: • 1.0 space per 3 seats; or • 1.0 space for every 50 square feet of floor area in the, auditorium, assembly, or meeting space plus 1.0 space for every 200 square feet of other floor area.

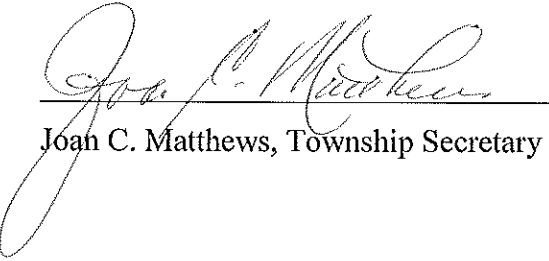
Section IV **Severability.** If any sentence, clause, section, or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or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

Section V. **Repealer.** All Ordinances or parts of Ordinances conflicting with any provision of this Ordinance are hereby repealed insofar as the same affects this Ordinance.

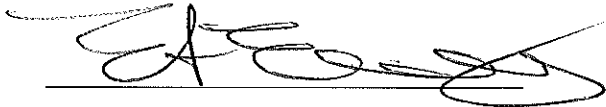
Section VI. **Effective Date.** This Ordinance shall take effect five (5) days after its adoption.

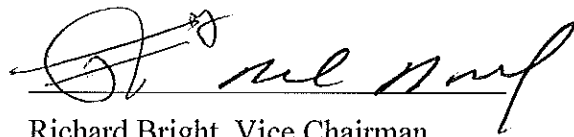
DULY ADOPTED and ENACTED this 16th day of May 2011.

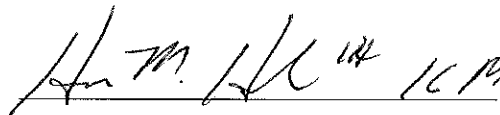
ATTEST:


Joan C. Matthews, Township Secretary

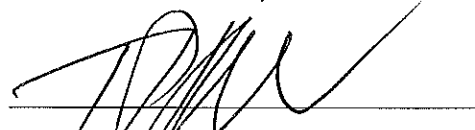
BOARD OF SUPERVISORS:


Ernest E. Holling, Chairman


Richard Bright, Vice Chairman


Harold M. Hallman, III, Supervisor


Robert Shemonsky, Supervisor


Thomas P. Tucker, Jr., Supervisor

ARTICLE XVII
TRANSFER OF DEVELOPMENT RIGHTS (TDR)

SECTION 1701. PURPOSE

The primary purpose of establishing a transferable development rights (TDR) program is to permanently preserve prime farmland, sensitive natural areas, and rural community character that would be lost if the land were developed. In addition, this Article is intended to protect property rights by allowing landowners whose land is intended for preservation to transfer their right to develop to other areas of West Pikeland Township deemed appropriate for higher density development based on the availability of community facilities and infrastructure.

SECTION 1702. BASIC CONCEPT AND AUTHORIZATION

- A. The provisions of this Zoning Ordinance which permit transferable development rights allow landowners in areas of West Pikeland Township proposed for conservation, called “sending areas,” to sell the right to develop all, or a portion of their land to landowners in areas of West Pikeland Township proposed for additional development, called “receiving areas.” The transferable development rights provisions set forth below are specifically authorized under Sections 603(c)(2.2) and 619.1 of the Pennsylvania Municipalities Planning Code, under the terms of which development rights are acknowledged to be severable and separately conveyable from a sending area to a receiving area.
- B. When landowners in the sending area sell their right to develop all or a portion of their land, they must restrict that portion of land from which development rights are sold against any future development as provided in this Ordinance, although the land may still be used for purposes that do not involve residential, commercial, industrial or institutional development, such as agriculture or forestry. When landowners in the receiving area buy the development rights from landowners in the sending area, they receive the right to build more homes on their land than they would have been allowed had they not purchased development rights.
- C. Deed restrictions imposed in the sending area will not prohibit the landowner's sale of the land after the development rights have been severed, although such land cannot thereafter be used for residential, commercial, industrial or institutional development purposes. The deed restriction on the land from which the development rights have been severed shall run in favor of the Township or an approved conservation organization.
- D. The owner of the tract in the sending area from which the development rights are severed or any subsequent purchaser or purchasers of the development rights may declare the development rights for sale, may hold the development rights or may resell the development rights. The only use which may be made of the development rights is the ultimate transfer to a developer with a tract in the receiving area. The Township shall have no obligation to purchase the development rights which have been severed from a tract in the sending area

SECTION 1703. SALE OF TDRS FROM SENDING AREA

Owners of tracts which meet the following requirements may sever and sell or transfer their development rights:

A. Sending Area Qualifications

1. The sending area tract of land shall be located within the RC-Residential & Conservation District.
2. At least eighty (80) percent of the sending area tract, or portion thereof from which development rights are being severed, must be restricted from future development in accordance with Section 1703.E, below, and may not be used to calculate compliance with any open space requirements under the Open Space Design Option.
3. The acreage to be restricted shall be contiguous and shall not extend less than seventy-five (75) feet in the narrowest dimension at any point except for such lands specifically serving as trail links.
4. The portion of the parcel which will not be restricted shall be usable under the use, area, dimensional, performance and other standards of the Ordinance.

B. Calculation of Transferable Development Rights

1. The total number of development rights available on a sending tract shall be determined by multiplying the net tract area by 0.6. For purposes of this Section, net tract area may be calculated on the basis of available generalized mapping and shall not require aerial photogrammetric or field survey, subject to review and approval by the Township Engineer.
2. Land previously restricted against development by covenant, easement or deed restriction shall not be eligible for calculation of transferable development rights unless and until such time as said covenant, restriction or easement is dissolved or rescinded with agreement of all beneficiaries of such covenant, restriction or easement.
3. Any sending tract shall retain at least one development right, unless the tract is joined in a single deed with an adjacent tract or tracts with retained or remaining development right(s). All remaining development rights may be severed from the tract.
4. Where calculations result in fractional numbers, a fraction of 0.5 or higher shall be rounded up to the next whole number and a fraction of less than 0.5 shall be rounded down to the next lowest whole number.

C. **Declaration of Transferable Development Rights and Certification by Township**

Any owner in the sending area may elect to declare the development rights that may be severed from a tract of land, based on application of the provisions of subsection 1703.B, and may request a written certification from the Township of the number of rights that may be severed, which certification shall not be unreasonably withheld.

D. **Severance of Transferable Development Rights**

1. Transferable development rights which have been severed shall be conveyed by a Deed of Transferable Development Rights duly recorded in the Office of the Chester County Recorder of Deeds. The Deed of Transferable Development Rights shall specify the tract of land to which the rights shall be permanently attached or that the rights shall be transferred to the Township, retained by the owner of the sending tract, or another person in gross.
2. The Deed of Transferable Development Rights which severs the development rights from the sending tract shall be accompanied by restrictive covenant(s) or conservation easement(s) which shall permanently restrict development of the sending tract as provided below and which shall be recorded in the Office of the Recorder of Deeds at the same time as or prior to the Deed of Transferable Development Rights.
3. All Deeds of Transferable Development Rights and restrictive covenants or conservation easements shall be endorsed by the Township prior to recording, which said endorsement shall not be unreasonably withheld.
 - a. Deeds submitted to the Township for endorsement shall be accompanied by a title search of the sending area tract(s) and a legal opinion of title affirming that the development right(s) being transferred by the Deed have not been previously severed from or prohibited upon the sending area tract.
 - b. A title report should be prepared within ten (10) days prior to submission of the Deed and the legal opinion of title must meet the reasonable approval of the Township Solicitor.
4. The severance of development rights from a sending area tract shall not affect the ability of the tract owner to develop the tract's existing historic structures under the provisions for renovation and reuse of historic structures set forth in Section 804 of this Ordinance.
5. If the agreement of sale of development rights would entail less than an entire parcel, the portion of the parcel from which the development rights are transferred shall be clearly identified on a plan of the entire parcel, drawn to scale, the

accuracy of which shall be satisfactory to the Township. Such plan shall also include a notation of:

- a. The number of development rights applicable to the entire parcel,
 - b. The number of development rights applicable to the identified portion of the parcel from which the development rights are to be transferred, and
 - c. The number of development rights which remain available to the remaining portion of the parcel.
6. If the agreement of sale of development rights would entail less than the entire number of development rights represented by a recorded Deed of Transferable Development Rights, the applicant shall indicate in the Deed the disposition of the remaining development rights.

E. **Sending Area Restrictive Covenant**

Any sending tract from which development rights have been severed must be permanently restricted from future development by a conservation easement or other restrictive covenant which meets the following requirements:

1. Except where any development rights are retained, the restrictive covenant shall permanently restrict the land from future development for any purpose other than principal or accessory agricultural uses, public park land, conservation areas and similar uses. Structural development for such permitted uses shall be permitted subject to compliance with the standards set forth in Section 1005 and the area and bulk regulations set forth in Subsection 503.C.4 of this Ordinance.
2. The restrictive covenant shall be approved by the Board of Supervisors of West Pikeland Township, in consultation with the West Pikeland Township Solicitor.
3. The restrictive covenant shall designate West Pikeland Township, and/or a bona fide conservation organization acceptable to the Township at its sole discretion, as the beneficiary/grantee, but shall also designate the following parties as having separate and independent enforcement rights with respect to the restrictive covenant(s):
 - a. All future owners of any portion of the sending parcel, and
 - b. All future owners of any portion of any parcel to which the transferable development rights shall be permanently attached.
4. The restrictive covenant shall apply to the tract of land or portion thereof from which development rights are sold (sending tract), and shall specify the number of development rights to be severed as well as any to be retained. No portion of the

tract area used to calculate the number of development rights to be severed shall be used to satisfy minimum yard setbacks or lot area requirements for any development rights which are to be retained or for any other development except as permitted under Section 1703.E.1 above.

5. On any portion of a parcel from which development rights are severed, retained development rights may not exceed one (1) dwelling unit per twenty (20) acres. Notwithstanding the foregoing, tracts within the RC-Residential & Conservation District existing at the time of adoption of this Section which are less than twenty (20) acres in gross area may retain no more than one development right.
6. On any portion of a parcel from which development rights are severed, retained development rights may be developed with traditional farm/estate building groupings including, in addition to one (1) primary residence, customary accessory agricultural structures and one (1) tenant residence which shall be less than fifty (50) percent of the total habitable square footage of the primary residence. In order to be utilized, this option must be specified in the restrictive covenants and on the Conservation Plan.
7. All owners of all legal and beneficial interest in the tract from which development rights are severed shall execute the Restrictive Covenant(s). All lienholders of the tract from which development rights are severed shall execute a joinder and/or consent to the Restrictive Covenant(s).
8. Final approval for any subdivision or land development plan utilizing transferred development rights shall not be granted prior to the recording of appropriate restrictions at the Chester County Recorder of Deeds.

SECTION 1704. RECEIVING AREA QUALIFICATIONS AND CALCULATIONS

Owners of tracts which meet the following requirements may use development rights that are purchased from sending area landowners.

A. **Receiving Area Qualifications**

Any non-prime agricultural tract in the RC-Residential & Conservation District and any parcel in the RD-Residential Development District shall be eligible as a receiving tract, subject to conditional use approval and in accordance with the provisions of this Section.

B. **Provision for Transfer of Development in Receiving Sites**

1. **Increase in Permitted Density**

Subject to conditional use approval and where otherwise permitted in the base zoning district, the maximum gross density otherwise applicable to a mobile home

park or to development under the Open Space Design Option (including age restricted retirement community) may be increased through receipt of transferable development rights up to a maximum density as follows:

Permitted Maximum Increases In Density

	<u>Without TDR</u>	<u>With TDR</u>
Open Space Design Option in the RC District	0.55 dwelling units/net acre	0.85 du/net acre
Open Space Design Option in the RD District, except Age-Restricted Retirement Community	1.5 dwelling units/net acre	2.25 du/net acre
Age-Restricted Retirement Community in the RD District only	3.0 dwelling units/net acre	4.5 du/net acre
Mobile Home Park	3.0 dwelling units/net acre	4.5 du/net acre

- a. Calculation of permitted density shall otherwise comply with the provisions of the RD-Residential Development District or the RC-Residential & Conservation District and the Open Space Design Option, as applicable. The incremental increase in density above that which otherwise may be provided must be fully accounted for through proof of severance and transfer of development rights in accordance with the provisions of this Article. Received development rights, above the applicable base density, may be developed at the following rates:

- 1) 1.1 single-family detached dwellings per development right purchased from the sending parcel(s);
- 2) 1.4 single-family attached or two-family dwellings (twins and townhouses) per development right purchased from the sending parcel(s);
- 3) 1.7 multi-family dwellings per development right purchased from the sending parcel(s); and
- 4) 2.0 mobile home units, in a mobile home park, per development right purchased from the sending parcel(s).

For example, if permitted base density for mobile home units was 100 units, and maximum density with receipt of TDRs was 150 units, the 50

unit incremental increase could be developed with proof of transfer of 25 TDRs from sending parcel(s), with two units developed for each received right as provided above.

- b. For each ten (10) percent increase in gross density over the otherwise applicable base density, the applicable minimum open space requirement may be reduced 2.5 percent, measured as a percentage of gross tract area. In no case shall the minimum required open space be reduced below fifty (50) percent of gross tract area in the RC Residential & Conservation District nor thirty (30) percent of gross tract area in the Residential Development District.

2. Design Requirements and Modification of Area and Bulk Standards

Any development using Transferable Development Rights must comply with all requirements and design standards otherwise applicable to the subject development, except as specifically provided in this Article. For any development where at least twenty (20) Transferable Development Rights are received, applicable area and bulk requirements may be modified up to twenty-five (25) percent subject to conditional use approval by the Board of Supervisors. Any conditional use approval to permit such modification(s) shall be subject to the following criteria:

- a. The design and modifications shall be consistent with the purposes and the land-use standards contained in this Ordinance.
- b. The design and modifications shall not produce lots or street systems that would be impractical in terms of layout or circulation or detract from the appearance of the development or surrounding community and shall not adversely affect emergency vehicle access.
- c. The applicant shall demonstrate to the Board that the proposed modification(s) will produce equal or better development design and open space conservation results than could be achieved without the requested modification(s) and that they represent the minimum modification necessary.
- d. If the Board determines that the applicant has met his/her burden of proof, it may grant modification(s) of the requirements herein. In granting modifications, the Board may impose such conditions as will, in its judgment, secure the objectives and purposes of this Ordinance.

SECTION 1705. PLAN SUBMITTAL PROCESS

- A. All applicants for use of transferable development rights shall submit conditional use application as provided in Section 1612 and applicable subdivision/land development plans as required under the West Pikeland Township Subdivision and Land Development Ordinance for the use to which transferable development rights will be added. Submitted subdivision or land development plans and/or conditional use applications, as applicable, shall, in addition to meeting all other applicable provisions, include submission of the following:
1. A Deed of Transferable Development Rights or an agreement of sale for all development rights proposed to be purchased from the sending area site(s). The applicant must prove ownership or equitable ownership of the appropriate number of development right(s), up to the maximum additional increment calculated as above.
 2. For residential TDR transfer, a note on the plan showing the total number of dwelling units proposed on the receiving area site, the total number that could be built not using TDR's, and the incremental difference between the two. This difference represents the number of additional dwelling units that could be constructed using received development rights.
 3. If the development rights have previously been severed from a tract in the sending area, a copy of the recorded Deed of Transferable Development Rights shall be submitted.
 4. Where the applicant proposes to purchase development rights from a sending property or properties where rights have not been previously severed, a plan of the sending site(s) shall be submitted. This plan shall show all information needed to determine the number of development rights which may be sold, as required herein. In addition, the plan shall be accompanied by a metes and bounds description of the subject property(s), as well as each tax parcel number, and owner name. If the applicant is purchasing development rights from a portion of a sending area site, this portion shall be shown on the plan and described with metes and bounds.
 5. A title search of the tract from which the transferable development rights will be transferred sufficient to determine all owners of the tract and all lienholders. If the development rights have previously been severed from the tract in the sending area, a title search of the rights set forth in the Deed of Transferable Development Rights sufficient to determine all of the owners of the development rights and all lienholders shall be furnished to the Township.
- B. In order to receive final plan approval, the applicant must provide documentation that appropriate restrictive covenants have been recorded for all sending area lands whose development rights are being used by the applicant. These restrictive covenants must meet the requirements stipulated herein. The restrictive covenant on the sending area land shall be recorded first, followed by a Deed of Transfer, in accordance with the provisions of the

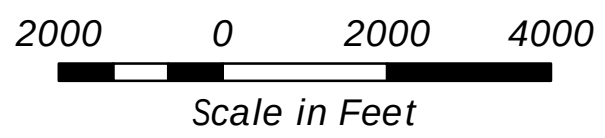
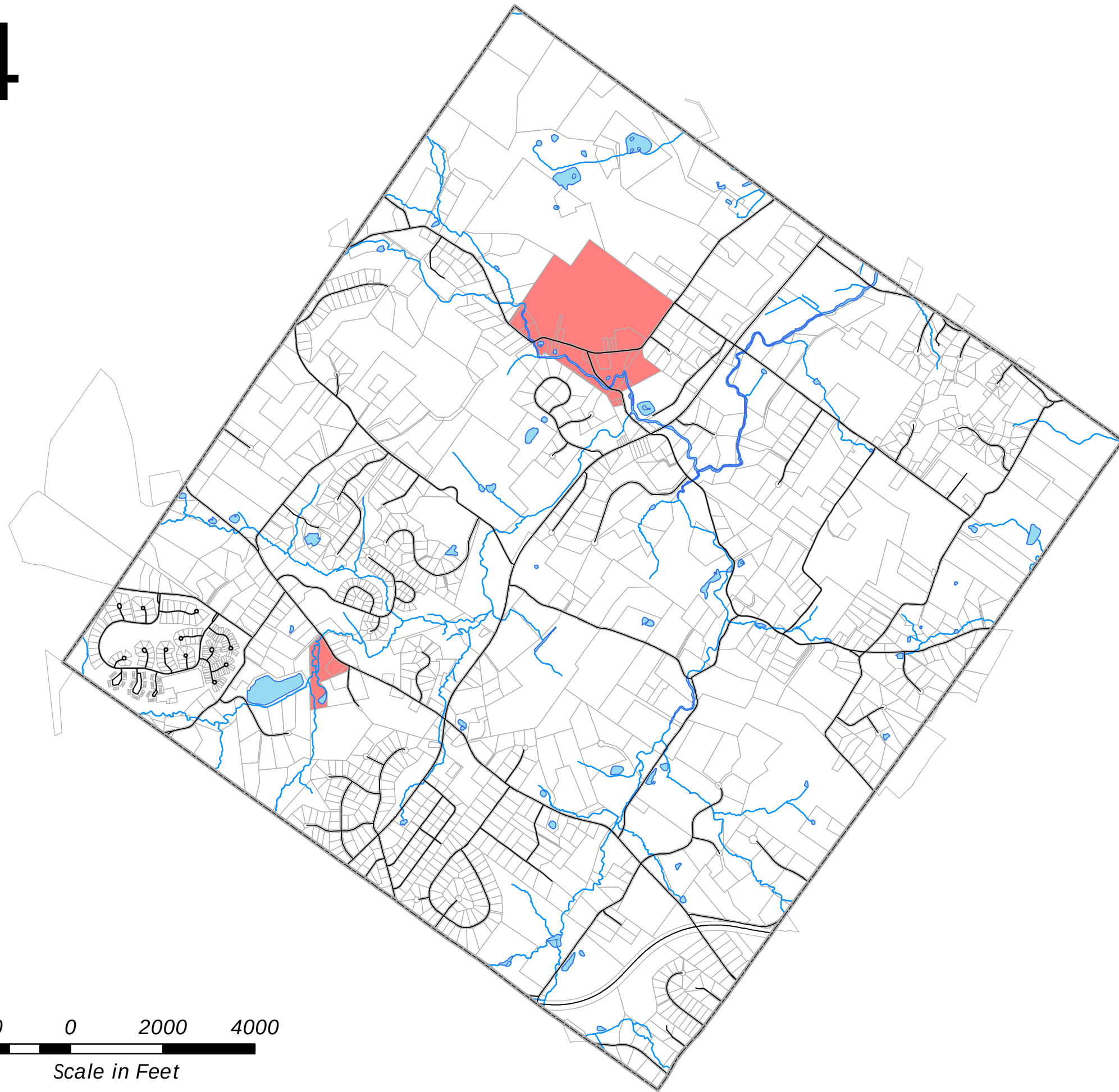
Pennsylvania Municipal Planning Code, as amended, which transfers the development rights from the sending area landowner to the receiving area landowner.

SECTION 1706. PUBLIC ACQUISITION

West Pikeland Township may purchase development rights and may accept ownership of development rights through transfer by gift. All such development rights may be held or resold by the Township. Any such purchase or gift shall be accompanied by Restrictive Covenants as specified in Section 1703.E.

SECTION 1707. AMENDMENT AND/OR EXTINGUISHMENT

The Township reserves the right to amend this Ordinance in the future, and the Township expressly reserves the right to change the manner in which the number of development rights shall be calculated for a tract in the sending area and the manner in which development rights can be conveyed. The Township further expressly reserves the right to terminate its transferable development rights program at any time. No owner of the land or owner of development rights shall have any claim against the Township for damages resulting from a change in this Ordinance relating to the regulations governing the calculation, transfer and use of development rights or the abolition of the transferable development rights program. If the transferable development rights program is abolished by the Township, no developer may attach development rights to any tract in the receiving area after the effective date of the ordinance abolishing the transferable development rights program unless an application in conformity with the provisions of this Article was filed prior to the effective date of such ordinance and thereafter is continuously processed to approval, and, following such approval, a complete subdivision and/or land development application complying such rights is thereafter filed within six (6) months from the date of such approval.



Addendum to Zoning Map Adopted April 25, 2005

*West Pikeland Township,
Chester County, PA*

Act 167 Historic Districts

LEGEND

Township boundary

Tax parcels

Roads

Streams

Water

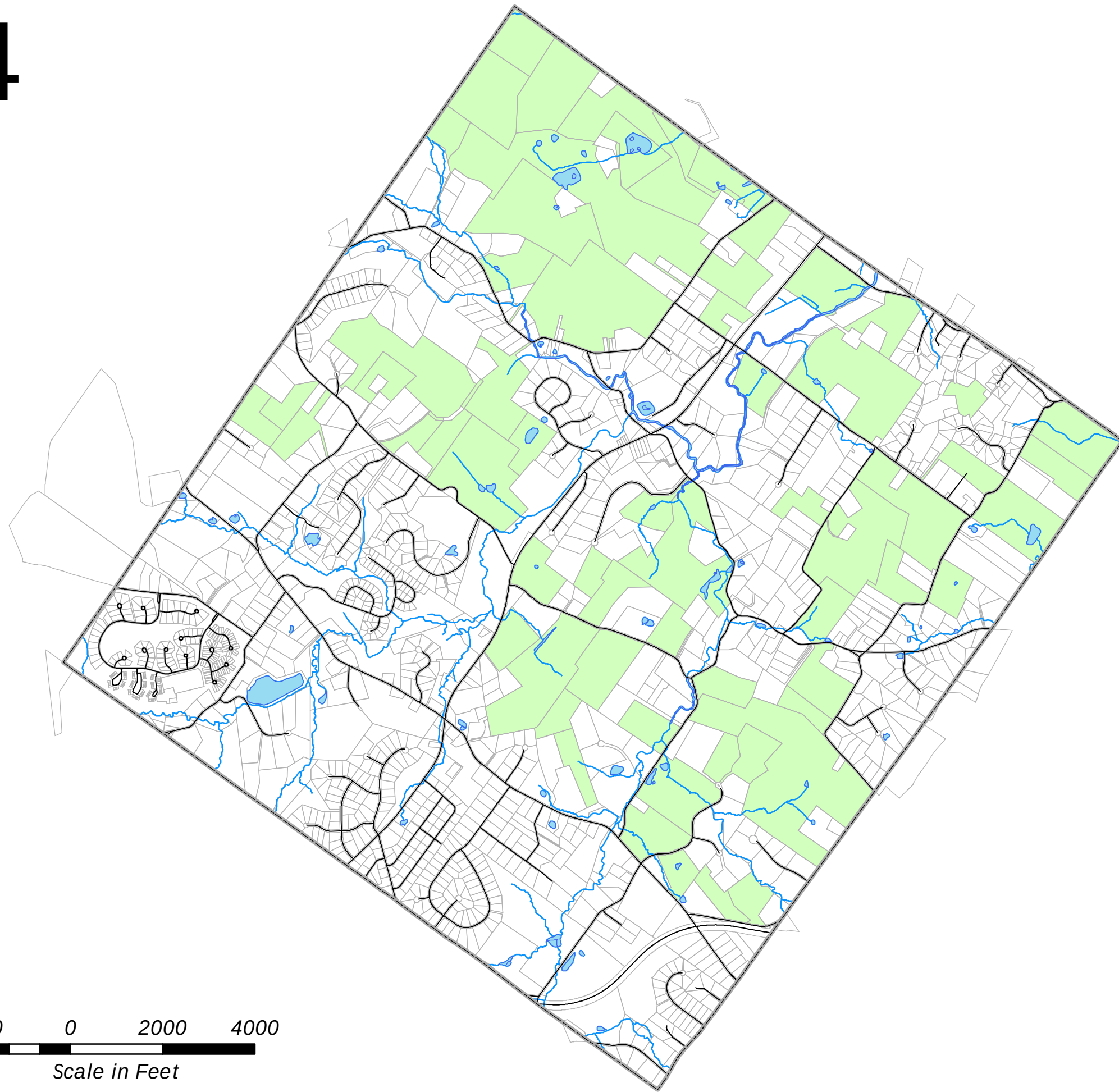
Act 167 Historic District Overlay

Source: All base data from Chester County DCIS.
Zoning digitized by Brandywine Conservancy.

Brandywine Conservancy

Environmental Management Center

Date: May 18, 2005



Addendum to Zoning Map Adopted April 25, 2005

*West Pikeland Township,
Chester County, PA*

*Prime Agricultural Properties
as defined in Section 201*

LEGEND

Township boundary

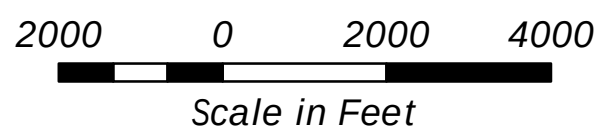
Tax parcels

Roads

Streams

Water

Properties in the RC zoning district with 10 acres or greater of Class I, II, and III agricultural soils



Source: All base data from Chester County DCIS.
Zoning digitized by Brandywine Conservancy.

Zoning Map Adopted April 25, 2005

West Pikeland Township,
Chester County, PA

LEGEND

- Township boundary
- Tax parcels
- Roads
- Streams
- Water

Zoning Districts

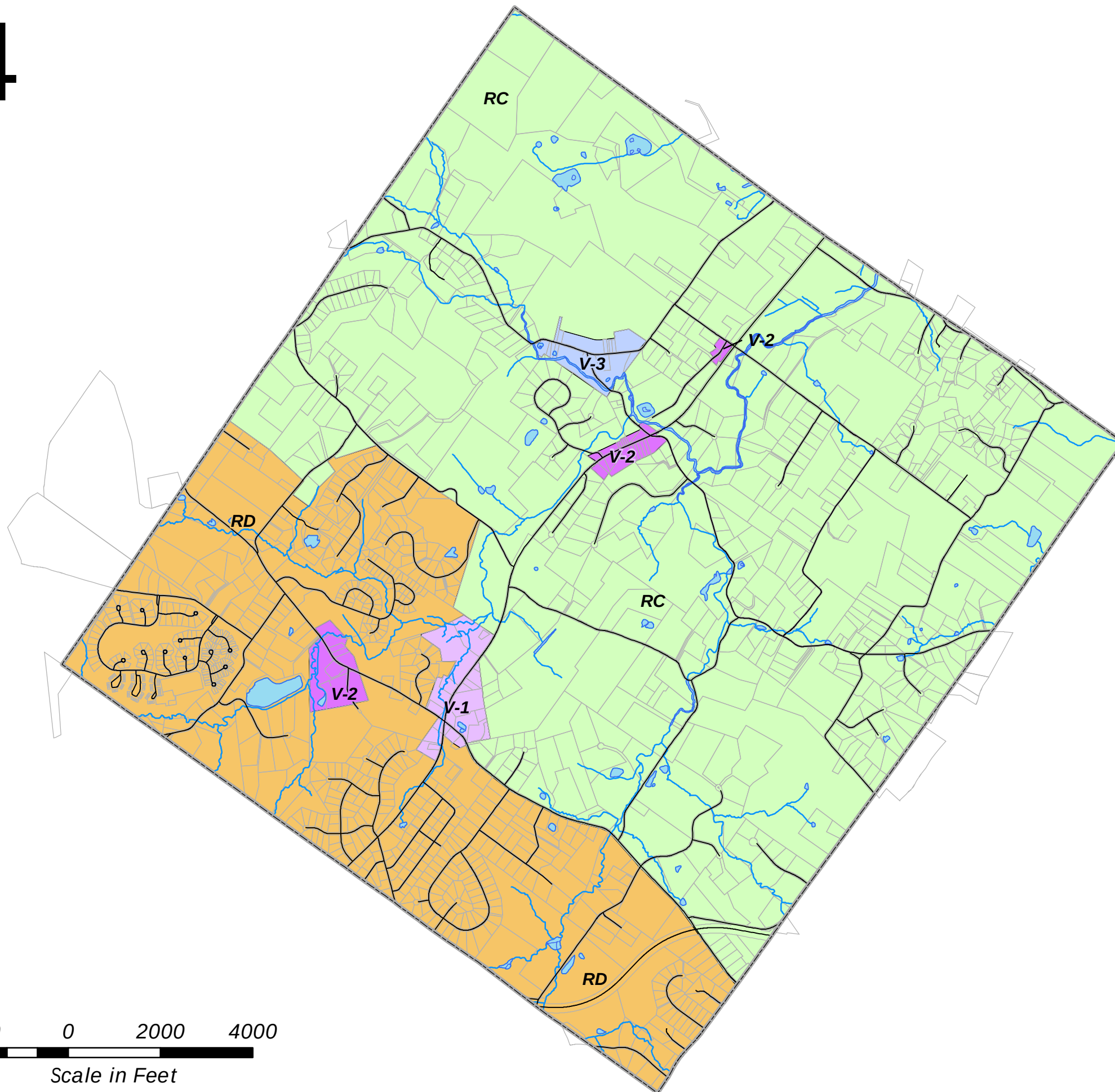
- RD - Residential Development District
- RC - Residential and Conservation District
- V-1 - Village Preservation District 1
- V-2 - Village Preservation District 2
- V-3 - Village Preservation District 3

Source: All base data from Chester County DCIS.
Zoning digitized by Brandywine Conservancy.



Date: May 18, 2005

2000 0 2000 4000
Scale in Feet



Amendments

**WEST PIKELAND TOWNSHIP
CHESTER COUNTY**

ORDINANCE NO. 2006-204

AN ORDINANCE OF WEST PIKELAND TOWNSHIP,
CHESTER COUNTY, COMMONWEALTH OF
PENNSYLVANIA AMENDING ARTICLE II – DEFINITION OF
TERMS, AND ARTICLE VIII – RESOURCE OVERLAY
DISTRICTS OF THE WEST PIKELAND TOWNSHIP ZONING
ORDINANCE, AS AMENDED, TO COMPLY WITH THE
REGULATIONS OF THE NATIONAL FLOOD INSURANCE
PROGRAM AS SET FORTH BY THE FEDERAL
EMERGENCY MANAGEMENT ADMINISTRATION

WHEREAS, the Federal Emergency Management Administration requires that West Pikeland Township amend its Zoning Ordinance as necessary to comply with the regulations of the National Flood Insurance Program, which amendments are set forth herein.

NOW, THEREFORE, be it **ORDAINED** and **ENACTED** as follows:

Section 1. The Board of Supervisors hereby amends Article VIII – Resource Overlay Districts such that all references to the Federal Insurance Administration (FIA) shall be changed to the Federal Emergency Management Agency (FEMA); all references to the Department of Community Affairs, Bureau of Community Planning shall be changed to the Department of Community and Economic Development; and all references to the Department of Environmental Resources, Bureau of Dams and Waterway Management shall be changed to the Department of Environmental Protection, Regional Office.

Section 2. The Board of Supervisors hereby amends Article VIII – Resource Overlay Districts, Section 803 Floodplain Conservation Overlay District to add new sections 803.I(16), 803.I(17), 803.I(18) and 803.I(19) to read as follows:

16. Paints and Adhesives

1. Paints and other finishes used at or below the Regulatory Flood Elevation shall be of "marine" or "water-resistant" quality.
2. Adhesives used at or below the Regulatory Flood Elevation shall be of a "marine" or "water-resistant" variety.
3. All wooden components (doors, trim, cabinets, etc.) shall be finished with a "marine" or "water-resistant" paint or other finishing material.

4. The standards and specifications contained in 34 PA Code (Chapters 401-405, as amended) the 2003 IBC (Secs. 801.1.3, 1403.7 and Appendix G) and the 2003 IRC (Secs. R323.1.7).

17. Electrical Components

1. Electrical distribution panels shall be at least three (3) feet above the one hundred (100) year flood elevation.
2. Separate electrical circuits shall serve lower levels and shall be dropped from above.
3. 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 (Sec. 1612.4), the IRC (Sec. R323.1.5), the 2000 IFGC (Secs. R301.5 and R1601.3.8) and ASCE 24 (Chapter 8) shall be utilized.

18. Equipment

1. 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.
2. 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 (Sec. 1612.4), the 2003 IRC (Secs. R323.1.5) the 2000 IFGC (Secs. R301.5 and

19. Uniform Construction Code Coordination

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

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

International Residential Building Code (IRC) 2003 or the latest edition thereof:
Secs. R104, R105, R109, R323, Appendix AE101, Appendix E and Appendix J.

Section 3. The Board of Supervisors hereby amends Article VIII – Resource Overlay Districts, Section 803 Floodplain Conservation Overlay District to add the following language to Section 803.B(2) to read as follows:

Prior to the issuance of any zoning permit, the Building Permit Officer shall review the application for the permit to determine if all other necessary government

permits required by State and Federal laws have been obtained, such as those required by the Pennsylvania Sewage Facilities Act (Act 1966-537, as amended); the Pennsylvania Dam Safety and Encroachments Act (Act 1978-325, as amended); the Pennsylvania Clean Streams Act (Act 1937-394, as amended); and the U.S. Clean Water Act, Section 404, 33, U.S.C. 1344. No permit shall be issued until this determination has been made.

Section 4. The Board of Supervisors hereby amends Article VIII – Resource Overlay Districts, Section 803 Floodplain Conservation Overlay District, Section 803.B(4) to read as follows:

The identified floodplain area shall be those areas of West Pikeland Township, Chester County, which are subject to the one hundred (100) year flood, as identified in the Flood Insurance Study (FIS) dated September 29, 2006 and the accompanying maps as prepared by the Federal Emergency Management Agency (FEMA), or the most recent revision thereof. Including all digital data developed as part of the Flood Insurance Study.

Section 5. The Board of Supervisors hereby amends Article II – Definition of Terms, Section 202 to add or replace the following defined terms to read as follows:

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.

Basement - means any area of the building having its floor below ground level on all sides.

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

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.

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

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.

Flood - a temporary inundation of normally dry land areas.

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

Floodproofing - means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Floodway - the designated area of a floodplain required to carry and discharge flood waters of a given magnitude. For the purposes of this Ordinance, the floodway shall be capable of accommodating a flood of the one hundred (100) year magnitude.

Historic structure - any structure that is:

- (i) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (ii) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (iii) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
- (iv) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - (1) By an approved state program as determined by the Secretary of the Interior or
 - (2) Directly by the Secretary of the Interior in states without approved programs.

Identified floodplain area - the floodplain area specifically identified in this Ordinance as being inundated by the one hundred (100) year flood.

Land development - Any of the following activities:

- (1) The improvement of one lot or two or more contiguous lots, tracts, or parcels of land for any purpose involving:

- (i) a group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or
- (ii) the division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.

(2) A subdivision of land.

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

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

Manufactured home park - a parcel of land under single ownership, which has been planned and improved for the placement of two or more manufactured homes for non-transient use.

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

New construction - structures for which the start of construction commenced on or after June 1, 1983, and includes any subsequent improvements thereto.

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

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

Recreational vehicle - a vehicle which is (i) built on a single chassis; (ii) not more than 400 square feet, measured at the largest horizontal projections; (iii) designed to be self-propelled or permanently towable by a light-duty truck; (iv) not designed for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Regulatory flood elevation - the one hundred (100) year flood elevation plus a freeboard safety factor of one and one-half (1 ½) feet.

Repetitive loss – flood related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on average, equals or exceeds 25 percent of the market

Special permit - a special approval which is required for hospitals, nursing homes, jails, and new manufactured home parks and subdivisions and substantial improvements to such existing parks, when such development is located in all, or a designated portion of a floodplain.

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 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 acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.

Substantial damage - damage from any cause sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 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:

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

preclude the structure's continued designation as a "historic structure."

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

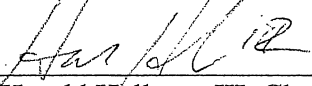
Section 6. Severability. Should any section or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of any other section or provision of this Ordinance than the one so declared.

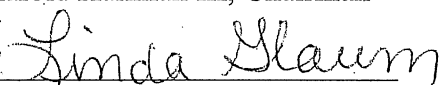
Section 7. Repealer. All Ordinances and parts of Ordinances inconsistent herewith are hereby repealed to the extent of the said inconsistency.

Section 8. Effective Date. This Ordinance shall become effective within five (5) days of enactment.

ORDAINED THIS 2nd DAY, OF OCTOBER, 2006

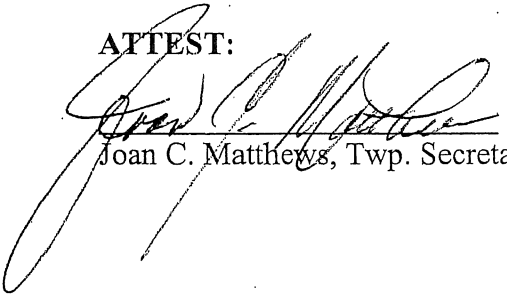
**BOARD OF SUPERVISORS
WEST PIKELAND TOWNSHIP**


Harold Hallman III, Chairman


Linda Glaum, Vice-Chairman

William Cracas, Supervisor

ATTEST:


Joan C. Matthews, Twp. Secretary

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ORDINANCE NO. 2007-03

**West Pikeland Township
Chester County, Pennsylvania**

AN ORDINANCE OF WEST PIKELAND TOWNSHIP, CHESTER COUNTY, COMMONWEALTH OF PENNSYLVANIA AMENDING THE WEST PIKELAND TOWNSHIP ZONING ORDINANCE, ARTICLE II – DEFINITION OF TERMS, AND ARTICLE XIII – SIGN REGULATIONS, SECTION 1306 TEMPORARY SIGN REGULATIONS

BE IT ENACTED AND ORDAINED by the Board of Supervisors of West Pikeland Township as follows:

Section 1. Article II, Section 202, Definition of Terms of the West Pikeland Township Zoning Ordinance is hereby amended to add the following defined terms:

COMMUNITY SPECIAL EVENT – an event taking place in the Township designed to promote involvement in community celebrations and other activities by the residents of the Township, Township non-profit entities or other groups approved and/or sponsored by the Township.

COMMUNITY SPECIAL EVENT SIGN - a temporary sign or banner displayed only for a limited amount of time to call attention to or promote a community special event.

Section 2. Article XIII, Section 1306.A(2) of the West Pikeland Township Zoning Ordinance is hereby amended to read as follows:

2. Temporary signs shall be placed so as not to obstruct vehicular or pedestrian traffic; so as not be within the line of sight of any intersection or so as not to create a safety hazard. Temporary Signs shall not be affixed to utility poles or street/traffic signs or be placed on government property including any road right-of-way within the Township.

Section 3. Article XIII, Section 1306.C(1) of the West Pikeland Township Zoning Ordinance is hereby amended to read as follows with Subsections 1306.C(1)(a) through (e) remaining unchanged:

1. Temporary signs announcing special events or the temporary lawful sale of products, goods and/or services, such as the sale of Christmas trees, sales of art, crafts or the like shall be permitted and not larger than six (6) square feet and, provided that:

Section 4. Article XIII, Section 1306.C(1)(f) of the West Pikeland Township Zoning Ordinance is hereby amended to read as follows

- f. Community Special Event Signs

- 1) Up to eight (8) Community Special Event Signs may be erected for each such event at off-premise locations provided written authorization from the property owners on which the off-premise sign is placed are obtained. A copy of such written authorization shall be provided to the Township as part of the permit application. Off-premises Community Special Event Signs shall not exceed six (6) square feet in size except for banners.
- 2) Where a Community Special Event Sign is proposed to be suspended across a public road, the following standards shall apply in addition to those noted above:
 - a) The sign shall not exceed three (3) feet high by thirty (30) feet wide and the bottom edge of the sign shall be at least fifteen (15) feet above the road surface.
 - b) The Township shall be notified prior to the erection of such signs.
 - c) Where the proposed banner spans a state road, the applicant shall also comply with PennDOT's procedural requirements for the placement of signs or banners across state highways. Evidence of such compliance shall be supplied to the Township.

Section 5. Severability. Should any section or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of any other section or provision of this Ordinance than the one so declared.

Section 6. Repealer. All Ordinances and parts of Ordinances inconsistent herewith are hereby repealed to the extent of the said inconsistency.

Section 7. Effective Date. This Ordinance shall become effective within five (5) days of enactment.

ENACTED and ORDAINED this 20th day of August 2007.

**BOARD OF SUPERVISORS OF
WEST PIKELAND TOWNSHIP**

Harold H. Hallman, III, Chairman

Linda S. Glaum, Vice Chairman

William Cracas, Member

ATTEST:

Joan C. Matthews, Secretary

Amendments

WEST PIKELAND TOWNSHIP
CHESTER COUNTY, PENNSYLVANIA
ORDINANCE NO. 2011-03

**AN ORDINANCE OF WEST PIKELAND TOWNSHIP, AMENDING SECTION 403.C.1
OF THE WEST PIKELAND TOWNSHIP ZONING ORDINANCE, REVISING
WORDING IN THE CONVENTIONAL RESIDENTIAL DESIGN OPTION OF THE
RESIDENTIAL DEVELOPMENT DISTRICT**

PURSUANT TO THE AUTHORITY CONFERRED BY THE PENNSYLVANIA MUNICIPALITIES PLANNING CODE, AS AMENDED, 53 P.S. § 10101, ET SEQ., THE BOARD OF SUPERVISORS OF WEST PIKELAND TOWNSHIP DOES HEREBY ENACT AND ORDAIN AS FOLLOWS:

Section I Section 403.C.1 of the West Pikeland Township Zoning Ordinance ("the Ordinance") is hereby amended to state, in full, as follows:

"The use of this option shall be limited to tracts less than ten (10) net acres in area existing at the time of the initial adoption of this Zoning Ordinance on April 25, 2005."

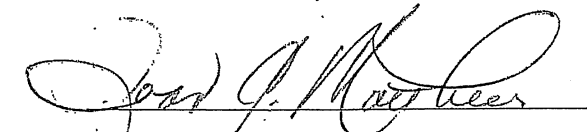
Section II **Severability.** If any sentence, clause, section, or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or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

Section III **Repealer.** All Ordinances or parts of Ordinances conflicting with any provision of this Ordinance are hereby repealed insofar as the same affects this Ordinance.

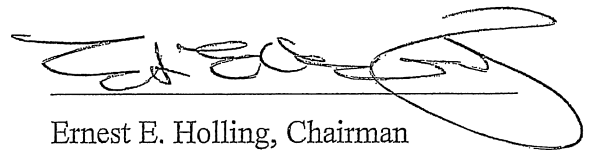
Section IV **Effective Date.** This Ordinance shall take effect five (5) days after its adoption.

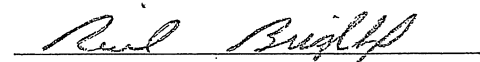
DULY ADOPTED and ENACTED this 15th day of 2011.

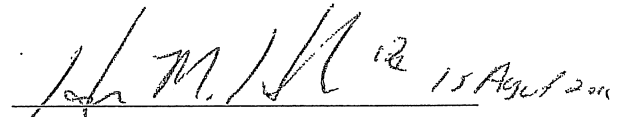
ATTEST:

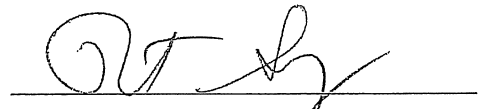

Joan C. Matthews, Township Secretary

BOARD OF SUPERVISORS:


Ernest E. Holling, Chairman


Richard Bright, Vice Chairman


Harold M. Hallman, III, Supervisor


Robert Shemonsky, Supervisor


Thomas P. Tucker, Jr., Supervisor