Honey Brook Township Zoning Ordinance of 2003

Ordinance 104-2003

Effective March 18, 2003

Honey Brook Township Zoning Ordinance of 2003
Honey Brook, Chester County, Pennsylvania

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ARTICLE I
TITLE, PURPOSE, AND INTERPRETATION

SECTION 100. TITLE

This Ordinance shall be known, and so cited, as "The Honey Brook Township Zoning Ordinance of 2003." It shall be referred to herein as "the Ordinance."

SECTION 101. PURPOSE

The Ordinance is prepared in accordance with the Community Goals and Objectives as set forth in the *Honey Brook Joint Comprehensive Plan*, the land use policies of the *Chester County Landscapes Policy Plan*, and with consideration for the character of Honey Brook Township, its various parts, and the suitability of the various parts for particular uses and structures, and with the view to conserving the value thereof and encouraging the most appropriate use of land throughout the Township. The Ordinance is enacted under and pursuant to the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended.

The purpose of the Ordinance is to provide zoning regulations:

A. To promote, protect, and facilitate:

1. public health, safety, morals, and general welfare;
2. coordinated and practical community development;
3. proper density of population;
4. provisions of adequate light and air;
5. vehicle parking and loading space;
6. safe and efficient travel by vehicles, bicycles, and pedestrians;
7. water, sewerage, schools, public grounds, and other public requirements.

B. To preserve:

1. prime agricultural land, considering topography, soil type and classification, historic use, traditional character, and present use;
2. environmentally sensitive lands and historic resources.

C. To prevent:

1. overcrowding of land, blight;
2. congestion in travel and transportation;
3. loss of health, life or property from fire, flood, panic, or other dangers.

SECTION 102. STATEMENT OF COMMUNITY DEVELOPMENT OBJECTIVES

In implementing the purposes stated in Section 101 of the Ordinance, the Board of Supervisors hereby states the policy goals of the Township as listed in the following community development

objectives:

A. Promote and protect the prime agricultural lands, farming activities, and rural landscape qualities that characterize Honey Brook Township.
B. Provide necessary protection for environmentally sensitive areas, including steep slopes, woodlands, flood plains, wetlands, groundwater, surface water, aquifer recharge, and those areas inappropriate or not designated for other types of development.
C. Insure that the varied land uses are logically located in their relationship to one another.
D. Provide opportunities for a broad choice of housing types to meet the needs of current and future residents, including individuals, farm families, newly-formed households, growing families, and senior citizens.
E. Assure a high level of quality in the design and establishment of residential and recreational areas, including ample open space, consistent with the existing character of land use and neighborhoods.
F. Provide for commercial and mixed-use areas to meet the needs of the residents and to assure safe and convenient access, attractive and healthful environments, and locations compatible with surrounding land uses and public and community facilities.
G. Provide for appropriate industrial activity at locations served by suitable transportation facilities and adequate utilities, having a location and arrangement such that external effects will not adversely influence adjacent uses and areas, and providing a physical environment appropriate for the operation of each use.
H. Insure the safe, efficient, and convenient movement of people and goods.
I. Attain maximum protection of identified historic resources.
J. Utilize flexible and innovative land use regulatory and incentive techniques where they can help achieve the purposes of the Comprehensive Plan and the Ordinance.
K. Maximize cooperation and coordination with Honey Brook Borough in land use policy and regulation, particularly in relation to the shared municipal boundary, and achieve compatibility in zoning designations with adjacent townships.

SECTION 103. APPLICATION

The provisions, regulations, limitations, and restrictions of the Ordinance shall apply to all land uses, structures, buildings, and signs in the Township.

SECTION 104. INTERPRETATION

In interpreting and applying the Ordinance, its provisions shall be held to be minimum requirements for the promotion of health, safety, morals, and general welfare of the Township and the purposes of the Ordinance. Any use permitted subject to the regulations prescribed by the provisions of the Ordinance shall conform with all regulations for the zoning district in which it is located and with all other pertinent regulations of the Ordinance. The Ordinance is not intended to interfere with, abrogate, annul, supersede, or cancel any easements, covenants, restrictions, or reservations contained in deeds or other agreements, but if the Ordinance imposes more stringent restrictions upon the use of buildings, structures, and land than are contained in such deeds or agreements, the provisions of the Ordinance shall control.

SECTION 105. CONFLICT

Where the Ordinance imposes greater restrictions on 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, the provisions of the Ordinance shall control. Where the provisions of any statute, other ordinance, or regulation impose greater restrictions than the Ordinance, the provisions of such statute, ordinance, or regulation shall control.

SECTION 106. VALIDITY

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

SECTION 107. REPEALER

The Honey Brook Township Zoning Ordinance of 1979, as amended, is hereby repealed.

SECTION 108. EFFECTIVE DATE

The effective date of the Ordinance is March 18, 2003 except that with respect to the subject matter of any amendment as it may affect or create legal nonconforming conditions, the effective date of the Ordinance shall mean the date upon which the particular amendment became or becomes effective.

ENACTED AND ORDAINED this 12th day of March, 2003, at a meeting of the Board of Supervisors on Honey Brook Township, Chester County, Pennsylvania.

Michal A. Jany
Michal A. Jany, Chairperson

Attest:
Michael J. Brown, Township Manager

Donald Johnson
Donald Johnson, Vice-chairperson

D. Weston Darby, Jr., Member

ARTICLE II
DEFINITIONS

SECTION 200. GENERAL INTERPRETATION

Unless otherwise expressly stated, the words and phrases listed in this Article shall be construed throughout the Ordinance to have the meanings indicated herein. The present tense includes the future; the singular number includes the plural, and the plural the singular; the masculine gender includes the feminine and neuter; the word "used" includes the words "designed, arranged, or intended to be used"; the word "person" includes any individual, partnership, firm, association, corporation, or organization; the word "occupied" includes the words "designed or intended to be occupied"; the word "may" is permissive; and the word "shall" or "must" is always mandatory. The word "Township" means Honey Brook Township, Chester County, Pennsylvania; the term "Board of Supervisors" or "Board" means the Board of Supervisors of Honey Brook Township unless specifically indicated otherwise; the term "Zoning Hearing Board" means the Zoning Hearing Board of Honey Brook Township; and the term "Planning Commission" means the Planning Commission of Honey Brook Township. The term "the Ordinance" means this Honey Brook Township Zoning Ordinance. When terms, phrases or words are not defined, they shall have their ordinarily accepted meanings or such as the context may imply.

SECTION 201. DEFINITIONS

ABANDONMENT: A relinquishment and cessation of a use for a period of one (1) year, after which the use shall not be resumed unless in accordance with the Ordinance.

ABUT: "Next to" or "adjacent to" and includes the words "directly across from streets, natural features and rights-of-way."

ACCESSORY DWELLING: See "Dwelling, Accessory."

ACCESSORY STRUCTURE: See "Structure, Accessory."

ACCESSORY USE: See "Use, Accessory."

ACT 247: See "Municipalities Planning Code."

ADULT LIVE ENTERTAINMENT FACILITY: A use, whether a nightclub, bar, restaurant, cabaret or similar public establishment which features live entertainment on a regular or intermittent basis by persons who perform or appear in a state of seminudity; provided, however, that entertainment by persons in a state of nudity, as herein defined, shall be excluded.

ADULT MOVIE THEATER: A use involving the presentation typically to three or more persons at one time of motion pictures, video tapes or similarly reproduced images distinguished or characterized by an emphasis on depiction of specified sexual activities for observation by patrons therein and that is related to some form of monetary compensation by the persons

viewing such matter. See "adult use."

ADULT ORIENTED BUSINESS (ADULT USE): This shall include only the following: adult store, adult movie theater, massage parlor or adult live entertainment facility.

ADULT STORE or ADULT BOOKSTORE: A use involving more than 15 square feet of total floor area, including any of the following items for sale or rent: books, films, magazines, video tapes, coin- or token-operated films or video tapes, paraphernalia, novelties or other periodicals which are distinguished or characterized by a clear emphasis on matter depicting, displaying, describing or relating to uncovered male or female genitals or specified sexual activities. This shall include, but not be limited to, materials that would be illegal to sell to persons under age 18 under state law. See "adult use."

AFTER HOURS CLUB: A commercial use or membership club that permits the consumption of alcohol and is routinely open between the hours of 2:00 a.m. to 4:00 a.m., in addition to any other hours. This use generally is prohibited under State Act 219 of 1990.

AGRICULTURAL LAND, PRIME: Land used for agricultural purposes that contains soils of the first, second, or third class, as defined by the Soil Survey of Chester and Delaware Counties.

AGRICULTURE: For purposes of the Ordinance, agriculture shall include any of the following uses:

(1) **CROP FARMING:** The raising, harvesting and selling of crops, including grains, vegetables and fruits, and all structures and activities customarily associated with the activity.

(2) **NURSERY (HORTICULTURE):** The outdoor raising of plants, shrubs and trees for transplantation and for sale off the lot where the nursery is located.

(3) **GREENHOUSE:** A structure used for the indoor raising of plants, shrubs, flowers and trees for transplantation and for sale off the lot where the greenhouse is located.

(4) **ANIMAL HUSBANDRY:** The raising and keeping of livestock, poultry, fur-bearing animals, bees, or similar activities, for any commercial purpose, and all structures associated with any of these activities. The keeping of livestock or poultry as farm pets or for domestic purposes pursuant to the regulations of the Ordinance shall not be construed as animal husbandry.

ALLEY: A minor way, which may or may not be legally dedicated, and is used primarily for vehicular service access to the rear or side of properties otherwise abutting on a street.

ALTERATIONS: "Alterations" include, but are not limited to, the following:

(1) All incidental changes or replacements in the nonstructural parts of a building or other structure; or

(2) Minor changes or replacements in the structural parts of a building or other structure, such as the following examples:

(a) Alteration of interior partitions to improve livability in nonconforming residential

buildings, provided that no additional dwelling units are created thereby;

(b) Alteration of interior partitions in all other types of buildings or other structures;

(c) Making windows or doors in exterior walls; or

(d) As applied to a building or structure, a change or rearrangement in the load-bearing and non-load-bearing structural members, resulting in the extension of any side or an increase in height.

(3) The moving of a building or structure from one location or position to another or the conversion of one use to another by virtue of interior change.

ALLUVIAL SOILS: Those soils identified as alluvial soils or soils with alluvial inclusions in the Soil Survey of Chester and Delaware Counties.

ANIMAL EQUIVALENT UNIT (AEU): One thousand (1,000) pounds of live animal weight.

ANTENNA, COMMERCIAL COMMUNICATIONS: A device used to collect and/or transmit wireless communications, radio, and television signals, including panels, microwave dishes, wires, and single poles known as "whips." This definition shall not include private residence-mounted satellite dishes or television antennae or amateur radio equipment, including without limitation ham and or citizen band radio antennae.

ANTENNA, COMMERCIAL COMMUNICATIONS, SUPPORT STRUCTURE HEIGHT: The vertical distance measured from the base of a commercial communications antenna support structure at the undisturbed grade to the highest point of the structure. If the commercial communications antenna support structure is on a sloped grade, then the average between the highest and lowest grades shall be used in calculating the commercial communications antenna support structure height.

ANTENNA, COMMERCIAL COMMUNICATIONS, SUPPORT STRUCTURE (TOWER): A monopole or a lattice-construction steel structure designed and intended solely for the support of and attachment to it of one or more commercial communications antennas and appurtenant communications equipment; a tower.

ANTENNA, SATELLITE or SATELLITE DISH: A ground-based reflector, usually parabolic in shape, that receives electronic signals from a satellite. This term shall also include any pedestal or attached structure.

ANTENNA, STANDARD: A device, partially or wholly exterior to a building, that is used for receiving and/or transmitting short-wave or citizens band radio frequencies or for receiving television, radio or similar frequencies, but not including a satellite dish antennae or a commercial communications antennae.

ANTENNA, STANDARD, HEIGHT OF: The height of a standard antenna and/or standard antenna support structure shall be measured as follows:

(1) The height of a standard antenna and/or standard antenna support structure unsupported by a separate foundation which is attached to a building shall be measured from the average level of the finished grade along the exterior of the building to which the antenna

is attached to the top of the highest point of the antenna.

(2) The height of a standard antenna and/or standard antenna support structure which has a separate foundation and is also attached to a building (not on the roof) shall be measured from the ground level at the point where the antenna is anchored to the ground to the top of the highest point of the antenna.

(3) The height of a standard antenna and/or standard antenna support structure which has a separate foundation and is detached from any building shall be measured from the average ground level of a circle with a center where the antenna is anchored to the ground and extending a radius of ten feet to the top of the highest point of the antenna.

ANTENNA, STANDARD, SUPPORT STRUCTURE: Any pole, mono pole, telescoping mast, tower, tripod, lattice construction steel structure or similar structure which supports or has attached to it a standard antenna(s).

APARTMENT: See "Dwelling Unit."

APPLICANT: The person(s), company, partnership, corporation or trust that has filed an approval or permit under the Ordinance, and his heirs, successors and assigns.

ARTERIAL STREET: See "Street."

ASSISTED CARE FACILITY: A facility licensed or not as such by the Commonwealth of Pennsylvania operated by a full-time staff in which supervised around-the-clock services and nursing care are provided for a period exceeding twenty-four (24) hours, for three or more individuals who require only intermittent care to maintain the basic needs of daily living in the areas of hygiene, cooking, cleaning, eating, nutrition, ambulatory care, recreation, community activities and mobility, general safety and similar activities of every day living.

AUTOMATIC CAR WASH FACILITY: A building, or portion thereof, where automobiles are commercially cleaned.

AUTOMOBILE/TRUCK FUEL RETAIL SALES: Buildings and land, the principal use of which is the retail dispensing or sale of vehicular fuels, and including as permissible accessory uses the sale of related automotive products and parts, the leasing of vehicles, and/or the sale of snack food and similar grocery products, and related convenience merchandise

AUTOMOBILE/TRUCK SALES, SERVICE, AND REPAIR: Buildings and land, the principal us of which is the service, repair or rebuilding of automobiles, trucks, recreational vehicles, farm equipment and similar items, and including as a permissible accessory use the leasing or renting of vehicles.

AVERAGE GROUND SLOPE: A determination made for any lot within the Steep Slope Conservation District, calculated as the maximum vertical change in elevation within a proposed building envelope divided by its respective horizontal distance. The resulting figure, multiplied by one hundred (100), yields the average ground slope of the lot.

BASE FLOOD: The flood which has been selected to serve as the basis upon which the flood plain management provisions of the Ordinance have been prepared; for purposes of the Ordinance, the one-hundred year flood.

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

BASEMENT: Any area of the building having its floor subgrade (below ground level) on all sides. A basement shall constitute a building story if more than 33 1/3% of the perimeter walls have five feet or more of the walls above-grade and if the net area of door and window openings in the exterior walls is at least equal to 10% of the enclosed floor area. See also the definition of "Story."

BED-AND-BREAKFAST ESTABLISHMENT: A residential accessory use located wholly within an owner-occupied single-family detached residential dwelling providing public lodging rooms, not meeting the definition of "dwelling unit," and facilities for serving food prepared within the building to preregistered transient guests, which meets the requirements of Section 1601.H of the Ordinance.

BERM: For the purposes of the Ordinance, a mound of earth capable of sustaining landscaping material in a livable state.

BILLBOARD: See "Off-Premises Advertising Sign" within definition of "Sign."

BLOCK: Property bounded on one side by a street and on the other three sides by a street, railroad right-of-way, public park, waterway, township line or any combination thereof.

BUFFER: A strip of required yard space adjacent to a use or facility within a property, or to the boundary of a property or district, on which is located a visual barrier of sufficient height and density to appropriately limit views of the property or use.

BUILDING: Any structure having a roof supported by columns or walls, used for the shelter, housing or enclosure of persons, animals, or property. "Building" is interpreted as including "or part thereof."

BUILDING HEIGHT: A building's vertical measurement from the mean level of the ground surrounding the building to:

(1) The highest point of the roof, in the case of a flat roof;
(2) The mean height between eaves and ridge, in the case of a pitched roof; or
(3) The highest point on any structure which rises wholly or partly above the roof line, and whose area equals or exceeds 20% of the ground floor area of the building which supports it. However, if a parapet wall is used to screen rooftop structures, and if there is a flat or relatively flat roof, the building height shall be measured from the highest point of the flat

roof, excluding the height of the parapet. The building height shall not include chimneys, spires, towers, elevator and other unoccupied utility penthouses, tanks, and similar projections.

BUILDING PERMIT: A permit issued by competent authority prior to the commencement of construction of any building or structure, or land preparation in conjunction with same.

BUILDING, PRINCIPAL: The building or buildings in which the principal use of a lot is conducted.

BUILDING SETBACK LINE: The line defining the minimum required distance between a right-of-way line or a lot line and the location of any structure.

BUSINESS OFFICE: See "Office."

BUS STATION: A principal use on a lot, and associated structures, on which the operator provides mass transit service to the public to include, ticket sales, transfers, short-term parking, and transit vehicle repair, and including accessory uses such as a food stand.

CAMP GROUND (CAMPING PARK): A parcel of land used by campers where only temporary shelters, such as tents and camping trailers, are in use throughout various seasons of the year.

CAR WASH: See "Automatic Car Wash Facility."

CELLAR: See "Basement."

CEMETERY: A burial place or graveyard, including a mausoleum, crematory, or columbarium, in which human or animal remains are buried. A cemetery may be operated, in accordance with the terms of the Ordinance, as a principal use or as a use accessory to agriculture, a church, or a dwelling. The internment or scattering of remains of properly cremated humans is not regulated by the Ordinance.

CENTER LINE OF STREET: See "Street, Center Line."

CHURCH: A building or group of buildings, including customary accessory buildings, designed or intended for public worship by 12 or more persons at a time. Places used for worship by fewer than 12 persons at a time are not regulated by the Ordinance. For the purpose of the Ordinance, "place of worship" includes churches, chapels, cathedrals, synagogues, temples, and similar designations as well as a maximum of one dwelling unit to house full-time religious leaders and their relatives.

CLEAR-CUTTING: A logging method that removes all trees, or the vast majority of all trees, from a tract of land or a portion thereof. Clear cutting shall be deemed to occur when a lot has been cleared to less than thirty (30) basil feet/acre.

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

CLUB OR LODGE FOR FRATERNAL OR SOCIAL PURPOSES: A building for use by an organization, comprised of members and their guests, intended for meetings, recreation, and administrative purposes not conducted for profit. The definition of club shall include, but not be limited to, service and political organizations, labor unions, and social and athletic clubs.

COLLECTOR STREET: See "Street."

COMMERCIAL: Intended to be for profit.

COMMERCIAL COMMUNICATIONS ANTENNA: See "Antenna, Commercial Communications."

COMMERCIAL COMMUNICATIONS EQUIPMENT BUILDING: A building or cabinet in which electronic receiving, relay, or transmitting equipment for a wireless communications facility is housed

COMMERCIAL USE OF WATER RESOURCES: See "Water Resources, Commercial Use of."

COMMON OPEN SPACE: See "Open Space, Common."

COMPREHENSIVE PLAN: The document adopted as the Comprehensive Plan, as amended, for the Township of Honey Brook by the Board of Supervisors.

CONCENTRATED ANIMAL FEEDING OPERATION (CAFO): An agricultural enterprise where animals are kept and raised in confined situations, with either: [1] more than one thousand (1,000) animal equivalent units (AEUs), or [2] three hundred one (301) to one thousand (1,000) AEUs which has the potential to discharge to surface waters.

CONDITIONAL USE: See "Use, Conditional."

CONSERVATION DESIGN DEVELOPMENT: A tract or tracts of land, controlled by one applicant, to be developed as a single entity for residential purposes, in which the otherwise applicable minimum lot size for the zoning district is reduced in exchange for the retention and permanent protection of open space.

CONSERVATION EASEMENT: See "Easement, Conservation."

CONSTRUCTION: The construction, reconstruction, renovation, repair, extension, expansion, alteration, or relocation of a building or structure, including the placement of a mobile home.

CONTINUING CARE DEVELOPMENT:

(1) A residential development designed, developed and maintained to serve the housing and personal care needs of persons aged 55 or older (provided that nothing herein shall preclude residency by any person under age 55 who is handicapped). A "continuing care development" shall consist of at least two of the following three components.
   (a) A skilled care facility licensed by the Commonwealth of Pennsylvania;
   (b) An assisted care facility licensed or not by the Commonwealth of Pennsylvania; and/or
   c) Independent living housing units requiring no state-issued license.

(2) With the exception of those of any age suffering from senile dementia and Alzheimer's disease, a continuing care development shall not include any facility providing housing, custodial, treatment, habilitative or rehabilitative services to those afflicted with drug or alcohol addiction or dependence, mental illness or emotional illness or for those detained for, charged with, or convicted of any act punishable under any state or federal penal statute or detained, adjudicated delinquent or dependent under any juvenile code.

CONVALESCENT HOME: See "Skilled Care or Nursing Care Facility."

CONVENIENCE STORE: A retail use structure and associated facilities providing convenience items and services to the general public, including but not limited to the sale of food, beverages, personal care items, automotive fuel and lubricants, and similar items, and automatic teller machine banking facility.

CORNER LOT: See "Lot, Corner."

CREMATORIUM: A use, licensed by the Commonwealth, characterized by a building or structure containing a furnace for cremating human remains. Where permitted under the terms of the Ordinance, a crematorium may be a principal use or an accessory use associated with the operation of a funeral home.

CROP FARMING: See "Agriculture."

CURATIVE AMENDMENT: A proposed zoning amendment made to the Board of Supervisors by any landowner who desires to challenge on substantive grounds the validity of an ordinance which prohibits or restricts the use or development of land in which the landowner has an interest.

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

DAY CARE FACILITY: A facility providing supervision of minors or special needs adults by individuals other than family members for which a fee may or may not be charged. A day care facility shall not provide overnight accommodations. A day care facility shall not be a school as defined by the Ordinance, except as noted herein.

(1) **ADULT DAY CARE**: A use providing supervised care and assistance primarily to persons who are mentally retarded and/or physically handicapped who need such daily assistance because

of their limited physical abilities, Alzheimer's disease or mental retardation. This use shall not include persons who need oversight because of behavior that is criminal or violent.
(2) **CHILD DAY CARE**: A use involving the supervised care of children under age 16 outside of the children's own home primarily for periods of less than 18 hours during the average day. This use may also include educational programs that are supplementary to state-required education, including a nursery school. Such use shall comply with all applicable federal and state laws. The care of children by their own relatives is permitted without regulation by the Ordinance.
(3) **FAMILY DAY CARE**: A type of day-care use that provides care for six or fewer children at one time, in addition to children who are relatives of the caregiver, when permitted by special exception as a home occupation.
(4) **DAY CARE AS A PRINCIPAL USE**: A type of day-care use that provides care for seven or more persons at any one time, in addition to persons who are relatives of the primary operator; such use or facility shall constitute the principal use of the property.
(5) **DAY CARE AS AN ACCESSORY USE**: A type of day-care use where the provision of day-care service is incidental and secondary to the principal use of a lot. (e.g. a church nursery or employee day care facility).

DIAMETER BREAST HEIGHT (DBH): The diameter of a tree at breast height, usually measured three and one-half (3 1/2) feet from the ground surface.

DEMOLITION: The razing or destruction, whether entirely or in significant part, of a building, structure, site, or object. Demolition includes the removal of any building, structure, or object from its site, or the removal or destruction of the facade or surface.

DETACHED: Used to describe a freestanding structure which has yards on all sides.

DEVELOPER: Any landowner, agent of such landowner, or tenant with the permission from a landowner, who makes or causes to be made the improvements associated with a subdivision or land development.

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

DRIVEWAY: A privately owned, constructed and maintained vehicular access from a street or access drive to only one or two dwelling units or commercial, institutional, agricultural, or industrial principal uses.

DUPLEX: See "Dwelling Unit."

DWELLING, ACCESSORY: A self-contained dwelling unit, resulting from the conversion of or addition to an existing single-family detached dwelling into two units and, where permitted under

the terms of the Ordinance, the creation of an additional detached dwelling on eligible properties. An accessory dwelling shall be complete with kitchen and bath facilities, have direct access to the outdoors or to a hall from which there is direct access to the outdoors, and be physically subordinate to and restricted to 90% or less of the habitable floor area of the principal single-family dwelling unit which exists on the property.

DWELLING UNIT: A single habitable living unit occupied by only one family, as defined in this article. Each dwelling unit shall have its own toilet, bath or shower, sink, sleeping area, stove, oven, and refrigerator, and separate access to the outside or to a common hallway or balcony that connects to outside access at ground level. No dwelling unit shall include: [i] a separate living area that is completely separated by interior walls so as to prevent interior access from the remainder of the living area, or [ii] a second kitchen, unless specifically permitted by the Ordinance.

(1) **SINGLE-FAMILY DETACHED DWELLING**: One dwelling unit occupied by one family and which has yards on all sides, is not attached to any other principal building and which is located on one lot.

(a) The term "single-family detached dwelling" shall be deemed to include a "sectional or modular home" which is designed for transportation after fabrication in one or more units and constructed so that it must be assembled on a permanent perimeter foundation and which complies with the Township Building Code.

(b) **MOBILE (MANUFACTURED) HOME:**

[1] A type of single-family detached dwelling intended for permanent occupancy and contained in one unit or in two units designed to be joined into one integral unit, which is transportable and 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 is constructed so as to be used without a conventional perimeter foundation. The terms "mobile home" and "manufactured home" have the same meaning.

[2] As opposed to a "sectional home," a "mobile/manufactured home" does not rest on a permanent perimeter foundation and under federal law is not required to meet the Township Building Code.

[3] The following definition of "mobile/manufactured home" shall apply for the purposes of the flood hazard regulations of Article XIII: A transportable, single-family detached dwelling intended for permanent occupancy, office or place of assembly, contained in one or more sections, built on a permanent chassis, which arrives at a site completed and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used with or without a permanent foundation. The term includes park trailer, travel trailers, and recreational and other similar vehicles which are placed on a site for more than 180 consecutive days.

(c) A 'group home,' as defined by the Ordinance, shall be deemed a single-family detached dwelling.

(2) **TWO-FAMILY DWELLING**: A building containing two (2) dwelling units (detached or semi-detached), including but not limited to twin or duplex:

(a) **TWIN**: A building containing two (2) dwelling units, separated by a party wall, each having independent outside access and open space on three (3) sides.

(b) **DUPLEX**: A building containing two (2) dwelling units from ground to roof, each of which has independent outside access and open space on all sides.

(3) **MULTI-FAMILY**: A building containing three (3) or more dwelling units, including but not limited to four (4)-family dwelling (fourplex/quadraplex), townhouse (single-family attached), and apartment buildings:

(a) **FOUR-FAMILY DWELLING (FOURPLEX/QUADRAPLEX)**: A building containing four (4) dwelling units, each of which has independent outside access, two (2) non-parallel walls in common with adjacent dwelling units, and open space on two (2) non-parallel sides.

(b) **TOWNHOUSE DWELLING**: A single-family attached dwelling unit with one dwelling unit from ground to roof, two points of independent outside access, at least two other dwellings built in conjunction herewith and any portion of one or two unpierced vertical fire-resistant party walls common with an adjoining dwelling, and having yards on at least two sides. Townhouses may be attached back-to-back or side-by-side.

(c) **APARTMENT DWELLING**: A building or group of buildings with common ownership on a lot with four or more dwelling units used specifically for residential purposes and originally constructed as such.

EASEMENT: A permanent right-of-way granted for limited use of private land, for a private, public or quasi-public purpose (e.g., utility, drainage, public access, conservation). The owner of the property shall have the right to make any other use of the land which is not inconsistent with the rights of the grantee.

EASEMENT, CONSERVATION: A legal agreement between a property owner and an appropriate conservation organization or governmental entity, through which the property owner establishes certain use restrictions over all or portions of the property for conservation purposes.

ELDER COTTAGE HOUSING OPPORTUNITY (ECHO) DWELLING: An accessory dwelling unit placed on a property for temporary occupancy by an elderly, handicapped, or disabled individual (or caregiver to same) related to the occupants of the principal dwelling by blood, marriage, or adoption. See also 'Dwelling, Accessory.'

ELECTRIC SUBSTATION: An assemblage of equipment for transforming electric power rather than for its generation or utilization.

EMERGENCY SERVICES STATION: A building for the housing of emergency medical, fire or police equipment and for related activities. A membership club may be included. This may include housing for emergency personnel while on call.

EMPLOYEES: The highest number of persons (including both part-time and full-time, both compensated and volunteer, and both employees, independent contractors and persons who are partners) present on a lot at any one time, other than clearly temporary and occasional persons working on physical improvements to the site.

ENGINEER: A professional engineer, registered in Pennsylvania.

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

EQUESTRIAN CENTER: A facility for the care, training, exercising, boarding, and riding of horses.

ESSENTIAL UTILITIES: Includes sewerage, water, gas and electric lines, and related appurtenances used to serve development within the Township, but not including cross-country transmission lines or other utilities not required to serve the Township.

EXTERIOR ALTERATION: The alteration of exterior features which can be seen from a public street or way.

FAMILY: A single person occupying a dwelling unit and maintaining a household; two or more persons related by blood, marriage, formal foster relationship, or adoption occupying a dwelling unit, living together and maintaining a common household, including not more than three boarders, roomers, or lodgers; or not more than five unrelated persons occupying a dwelling unit, living together and maintaining a common household.

FARM BUILDING or STRUCTURE: Any building or structure used for agriculture, including the storing of agricultural equipment or farm produce or products, the housing of livestock or poultry, or the processing of dairy products. The term "farm building or structure" shall not include a dwelling, but shall include a barn, silo, accessory building or structure, or any customary farm accessory structure.

FARM LABORER: Any person employed by the owner of a tract twenty (20) acres or larger, as farm help, and who may reside thereon.

FENCE: A man-made barrier placed or arranged as a line of demarcation, enclosure, or visual barrier that is constructed of wood, chain link metal, wire, wire mesh, vinyl or aluminum and/or plastic inserts, two and one half (2.5) feet or higher.

FLAG POLE: 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 flag pole 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.

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

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 HAZARD: The highest level of flooding that, on the average, is likely to occur every one hundred (100) years, i.e., that has a one percent (1%) chance of occurring each year, as delineated by maps and related materials developed by the Federal Emergency Management Agency for the National Flood Insurance Program.

FLOOD PLAIN: A relatively flat or low land area adjoining, a river, stream, or watercourse which is subject to partial or complete inundation; an area subject to the unusual and rapid accumulation of runoff of surface waters from any source.

FLOODPROOFING: Any combination of structural and non-structural additions, changes, or adjustments to properties and structures which reduces or eliminates flood damage to lands, water and sanitary facilities, structures, and contents of buildings.

FLOODWAY: The designated area of a flood plain required to carry and discharge flood waters of a given magnitude. For purposes of the ordinance, the floodway shall be capable of carrying and discharging the waters of the one hundred (100) year flood.

FLOOR AREA: The sum of the area of the several floors of a building or buildings measured from the face of the exterior walls or from center lines of walls separating two (2) buildings. In particular, floor area includes, but is not limited to, the following:

(1) Basement space, if it meets the requirement of a building story.
(2) Elevator shafts, stairwells, and attic space (but only where a floor has been laid) providing structural headroom of eight (8) feet or more.
(3) Roofed terraces, exterior balconies, breezeways, or porches, provided that over fifty percent (50%) of the perimeter of these is enclosed.
(4) Any other floor space used for dwelling purposes, no matter where located within the building.

FLOOR AREA RATIO: The total floor area of a building on a given lot, divided by the area of that lot. (For example, a building containing 15,000 square feet of floor area on a given lot of 10,000 square feet of lot area has a floor area ratio of 1.5).

FILTERED VIEW: The ability to see a given object from a designated location, where twenty to eighty percent (20-80%) of the object is visible.

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.

FRONT YARD: See "Yard, Front."

FRONT YARD LINE: See "Yard Line."

FUNERAL HOME: An establishment approved by the Pennsylvania Board of Funeral Directors wherein a licensed funeral director conducts the professional practice of funeral directing, including the preparation, care, viewing, and funeral services for deceased humans. A funeral home shall not include a cemetery, columbarium, mausoleum, or entombment.

GAME PRESERVE: A use of a lot for the maintenance of fish and/or game for the purpose of regulated fishing or hunting. Game preserves may have accessory buildings or structures for the purpose of storing equipment, parking, and/or maintaining game stock. A building designed or used for human habitation shall meet the requirements of a single-family detached dwelling and be subject to the regulations thereof.

GARAGE, PRIVATE: An accessory building or part of a principal building used for the storage of motor vehicles owned and used by the owner or tenant of the premises.

GARAGE, PARKING: A building or portion thereof which is available to the general public, designed or used for the storage of motor vehicles, but which is not used for the repair or maintenance of motor vehicles.

GARAGE SALE: A residential accessory use for the occasional sale or auction of only common household goods and furniture and items of a similar character.

GARBAGE: Solid waste resulting from animal, grain, fruit, or vegetable matter used or intended for use as food.

GASOLINE STATION, NON-RETAIL/MEMBERSHIP-ONLY: An unattended facility established to dispense gasoline and related fuels for motor vehicles, accessible only to card-holding members or subscribers. Such a facility shall not include such accessory uses as vehicle repair or leasing or the sale of parts and accessories, groceries, or general merchandise

GLARE: A sensation of brightness within the visual field which causes annoyance, discomfort, or loss in visual performance, visibility, and/or the ability to focus.

GOLF COURSE: Either a publicly or privately owned and operated course which shall have a minimum of nine holes of golf. Neither a commercial driving range nor a commercial miniature golf area shall be considered a golf course for purposes of the Ordinance.

GRADE: The elevation of finished ground or paving which adjoins a building.

GREENHOUSE: See "Greenhouse" within the definition of "Agriculture."

GROUP HOME: A dwelling unit occupied by a maximum of five (5) unrelated individuals, suffering a medically recognized mental or physical impairment or disability not currently requiring hospitalization, residing together as a single housekeeping unit and using cooking facilities and certain household rooms in common as though they were a family unit.
(1) The term "group home" shall not include any use meeting the definition of a "treatment

center" or "personal care home."

(2) The term "group home" shall not involve the housing or treatment of persons who could reasonably be considered a threat to the physical safety of others.

(3) A group home shall be subject to the regulations applicable to a single-family detached dwelling in the zoning district in which it is located.

HABITABLE SPACE: A space in a building designed for living, sleeping, eating, and/or cooking.

HAZARDOUS WASTE: Garbage, refuse, or sludge from an industrial or other waste water treatment plant; sludge from a water supply treatment plant or air pollution control facility; and other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from municipal, commercial, industrial, institutional, mining, or agricultural operations, and from community activities; or a combination of the above; which, because of its quantity, concentration, or physical, chemical, or infectious characteristics may do one of the following:

(1) Cause or significantly contribute to an increase in mortality or increase in morbidity in either an individual or the total population.

(2) Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

HELIPAD or HELIPORT: An area used for the takeoff and landing of helicopters, together with any related support facilities such as for maintenance, refueling, and storage. The Ordinance is not intended to regulate the nonroutine emergency landing and takeoff of aircraft to pick up seriously injured or ill persons or the use of helicopters in occasional on-site construction projects.

HOME OCCUPATION: An accessory use constituting entirely or partly the livelihood of person(s) living in a single-family dwelling unit, when in compliance with the terms the Ordinance.

HOME OCCUPATION, NO-IMPACT: 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:

(1) customer, client, or patient traffic, whether vehicular or pedestrian; or

(2) pickup, delivery, or removal functions to or from the premises in excess of those normally associated with residential use.

HOTEL, MOTEL, INN: A building or group of two or more buildings located on a lot held in single and separate ownership, designed, intended, and used principally for providing sleeping accommodations to the transient public in rooms or suites which may include a kitchen facility, and which are provided with a daily maid service. The following ancillary facilities may be provided as an integral part of a hotel, motel, or inn, provided, however, that no gambling or electronic gambling devices shall be permitted: restaurant, meeting rooms, banquet facilities, and shops for the sale of books, papers, magazines, clothing and sundries to guests; recreation facilities for use only by registered guests, such as a swimming pool, exercise area or room; and similar ancillary facilities commonly accessory to a hotel, motel, or inn.

HYDRIC SOILS: Those soils identified as hydric soils or soils with hydric inclusions in the Soil Survey of Chester and Delaware Counties.

IMPERVIOUS SURFACE: Material which is impenetrable and unable to absorb water, including but not limited to buildings, structures, and paved areas. "Impervious surfaces" shall include areas covered by roofs, concrete, asphalt, or other man-made cover which has a coefficient of runoff of 0.7 or higher. The Township Engineer shall decide any dispute over whether an area is impervious.

IMPROVEMENT: An appurtenance developed by human design, including but not limited to buildings, structures, objects, landscape features, and manufactured units, including by way of example mobile homes, boats, docks, carports, storage buildings, utilities, and driveways.

INDEPENDENT DEWELLING UNIT, INDEPENDENT LIVING APARTMENT UNIT: A dwelling unit, developed as an integral component of a continuing care development designed for occupants who do not need skilled, nursing, or assisted care.

INDUSTRIAL USE: See "Use, Industrial."

INN: See "Hotel."

JUNK: Junk shall include but shall not be limited to dilapidated or non-operable automobiles, trucks, tractor and other such vehicles and parts thereof, dilapidated wagons, trailers and other kinds of vehicles and parts thereof, scrap building materials, scrap contractors' equipment, tanks, casks, cans, barrels, boxes, drum, piping bottles, glass, old iron, machinery of any type, rags, paper excelsior, hair, mattresses, beds or bedding material, and any other kind of scrap or waste material not otherwise prohibited herein which is stored, kept, handled or displayed.

JUNK DEALER: A junk dealer shall include any person, corporation, partnership, or any other entity who or which shall engage in the business of selling, buying, salvaging and dealing in junk, and who maintains and operates a junk yard.

JUNKYARD:

(1) An area of land, with or without buildings, used for the outside storage (i.e., outside a completely enclosed building) of used and discarded material of any type, including those materials defined as junk contained herein, junk or vehicles, or parts thereof, with or without the dismantling, processing, salvage, sale or other use or disposition of the same.

(2) Vehicles. The keeping, storage and/or parking outside of an enclosed building, on a lot, of two or more motor vehicles that are wrecked or disabled or do not display current state registration or current state safety inspection stickers shall be deemed to be a "junk yard." An area of land used for the storage of vehicles. Agricultural vehicles such as tractors, mowers and other typical farm equipment which are utilized as part of an active farming operation and contractor's construction equipment (when legally permitted by the Ordinance) shall be exempt from this definition. This term shall not include automobile

and vehicular sales lots managed by licensed automobile dealers and storage areas for operable automobiles displaying a valid registration as an antique, classic or collectable vehicle issued by the Pennsylvania Department of Transportation.

KENNEL: A place for the keeping, breeding, and/or boarding of more than four (4) dogs for commercial purposes. A nonprofit animal shelter is a type of kennel.

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

LAKE, POND: A natural or manmade body of water, containing a permanent pool of water a minimum of six (6) feet in depth, with side slopes no less steep than 10:1. A lake or pond may be utilized for stormwater management purposes.

LAND DEVELOPMENT: Any of the following activities:

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

(2) A subdivision of land. Those activities described in Section 503(1.1) of the Municipalities Planning Code shall not be considered land developments for purposes of the Ordinance.

LANDOWNER: The legal or beneficial owner or owners of land, including for purposes of the Ordinance 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.

LIVESTOCK: Horses, cattle, sheep, or other large domestic animals kept or raised for agricultural purposes.

LOCAL STREET: See "Street."

LOT: A parcel of land held in single and separate ownership, undivided by any street or dedicated future street right-of-way. Such parcel shall be separately described by metes and bounds, the description of which is recorded in the office of the Recorder of Deeds of Chester County by deed description or is described by an approved subdivision plan recorded in the office of the Recorder of Deeds of Chester County.

LOT AREA, GROSS: The area of land contained within the property lines of a lot as defined in the deed or as shown on an approved subdivision plan. Any portion of a lot included in an existing or proposed street right-of-way shall not be included in calculating gross lot area.

LOT AREA: The gross area of the lot, but excluding all of the following conditions or features:

(1) Any area within an easement established for gas, oil, natural gas, electric, or communications transmission facilities, whether below or above ground, that do not exclusively serve the lot traversed;

(2) Any area within an easement or right-of-way established for a driveway that does not serve the lot traversed;

(3) Any area within an easement established for water supply or wastewater facilities that do not serve the lot;

(4) Any area comprising a stormwater management basin and above ground stormwater conveyances, a lake, or a pond, but not including on-lot berms;

(5) Any area overlaid by the Steep Slope Conservation District as regulated by Section 1302;

(6) Any area overlaid by the Flood Hazard District as regulated by Section 1301;

(7) Any area overlaid by the Riparian Corridor Conservation District, as regulated by Section 1303.

(8) Any area designated as wetland, except where such area already is excluded under Subsection (6) above; and

(9) Any accessway or right-of-way connecting a flag lot to a street, except where the access strip is of sufficient size to comply with the area and bulk requirements for a separate lot in the applicable zoning district.

In addition, the lot area shall be contiguous and shall not be divided completely by any of the above-cited features, with the exception of easements described in Subsections (1) and (4) that are for underground facilities.

LOT, CORNER: A lot at the junction of and abutting two (2) or more intersecting streets, where the interior angle of intersection does not exceed one hundred thirty-five (135) degrees. A lot abutting a curved street shall be deemed a corner lot if the tangents to the curve at the points of intersection of the lot lines with the street intersect at an interior angle of less than one hundred thirty-five (135) degrees. Each yard abutting a street shall be considered a front yard. Any lot line intersecting a front lot line shall be considered a side lot line; any remaining lot line shall be considered a rear lot line.

LOT DEPTH: The distance along a straight line drawn from the midpoint of the front lot line to the midpoint of the rear lot line.

LOT, FLAG or FLAG-SHAPED: An irregularly-shaped lot characterized by an elongated extension providing access from a street to the principal part of the lot. Such lot is typically the shape of a flag on a flag pole.

LOT, INTERIOR: A lot which is connected to a street by an easement that assures access to the street, across an adjacent access strip. Minimum lot area and other dimensional requirements shall be calculated and measured on that portion of the lot exclusive of the easement area.

LOT, LANDLOCKED: A lot which is surrounded on all sides by one or more lots and does not

have a street connection or does not abut a street.

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

LOT LINE, FRONT: The lot line abutting any street and coinciding with any street line. In the case of a corner lot, each of the two (2) (or more) street-abutting lot lines shall be considered a front lot line. In the case of an interior lot or flag lot, the front lot line shall be the line most parallel and closest to the street line at the end of the access strip; all other lines shall be side or rear lot lines.

LOT LINE, REAR: A lot line opposite and most distant from the front lot line; if the rear lot line is less than ten (10) feet in length, or if the lot forms a point at the rear, the rear lot line shall be deemed to be a line ten (10) feet in length within the lot, parallel to and at the maximum distance from the front lot line. In the case of a corner lot, any lot line that is not a front lot line nor a side lot line.

LOT LINE, SIDE: Any lot line not a front or rear lot line; in the case of a corner lot, any lot line that intersects a front lot line shall be considered a side lot line.

LOT, NONCONFORMING: A lot which does not conform to the minimum width, depth, or area dimensions specified for the district where such lot is situated but was lawfully in existence at the time of enactment of the Ordinance or a prior zoning ordinance, or is legally established through the granting of a variance by the Zoning Hearing Board.

LOT, PARENT: A lot of record that exists at the time of application for approval of a particular subdivision and from which one or more new lots are proposed to be created.

LOT, REVERSE FRONTAGE: A lot extending between and having frontage on an arterial or collector street and a local street, with vehicular access solely from the local street.

LOT WIDTH: The horizontal distance between the side lot lines, measured at right angles to the lot depth.

LOWEST FLOOR: The lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access, or storage in an area other than a basement area is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of the Ordinance.

MANURE STORAGE FACILITY: A well or pit approved by the Chester County Conservation District and/or the Department of Environmental Protection for the temporary storage of animal waste in conjunction with an agricultural use.

MASSAGE PARLOR:

(1) An establishment that meets all of the following criteria:

(a) Manipulative exercises are performed using the hands and/or a mechanical or bathing device on a person's skin other than the face or neck by another person that is related to certain monetary compensation.

(b) The person conducting the massage is not licensed as a health care professional or a licensed massage therapist by the state, nor related to the person receiving the massage by blood, adoption, marriage or official guardianship.

(c) The massages are not conducted within a licensed hospital or nursing home or an office of a medical doctor or chiropractor.

(d) The massages are conducted within private or semiprivate rooms.

(e) The use is not clearly a customary and incidental accessory use to a permitted exercise club or to a high school or college athletic program.

(2) See standards under "Adult-Oriented Business" in Section 1603-B.

MINERALS: Any aggregate or mass of mineral matter, whether or not coherent. The terms includes, but is not limited to, limestone and dolomite, sand and gravel, rock and stone, earth, fill, iron ore, zinc ore, vermiculite, and clay, but does not include anthracite or bituminous coal or coal refuse, except, as provided in Section 4 of the Noncoal Surface Mining Conservation and Reclamation Act, #1984-219, as amended.

MINING: See "Quarrying."

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, soil, waste, vent or similar piping, electric wiring, or mechanical or other work affecting public health or general safety.

MOBILE (MANUFACTURED) HOME: See "Dwelling Unit."

MOBILE (MANUFACTURED) HOME PARK: A parcel (or contiguous parcels) of land in single ownership which has been planned and improved for the placement of two (2) or more mobile homes or manufactured homes.

MOBILE (MANUFACTURED) HOME SUBDIVISION: A parcel (or contiguous parcels) of land divided into two (2) or more lots, for rent or sale, for the placement thereon of mobile homes or manufactured homes.

MOTEL: See "Hotel."

MUNICIPAL USE: See "Use, Municipal."

MUNICIPALITIES PLANNING CODE: The Pennsylvania Municipalities Planning Code, 53 P.S. § 10101 et seq., as amended. Also known as Act 247.

NEW CONSTRUCTION: Any structure for which the start of construction commenced on or after August 18, 1975, and including any subsequent improvements thereto.

NONCONFORMING LOT: See "Lot, Nonconforming."

NONCONFORMING STRUCTURE: See "Structure, Nonconforming."

NONCONFORMING USE: See "Use, Nonconforming."

NOXIOUS VEGETATION: Plant material that is undesirable or offensive due to unsightliness, threats to health, or prolific and uncontrollable growth. For purposes of the Ordinance, noxious vegetation shall include, but not be limited to, ragweed, multiflora rose, Canada thistle, Japanese honeysuckle, oriental bittersweet, and other such vegetation as shall be determined by the Pennsylvania Department of Agriculture.

NUDITY: The showing of the human male or female genital, pubic area or buttocks with less than a fully opaque covering; the showing of the female breast with less than a fully opaque covering of any part of the nipple; the exposure of any device, costume or covering which gives the appearance of or stimulates the genitals, perineum anal region or pubic hair region; or the exposure of any device worn as a cover over the nipples and/or areola of the female breast which device stimulates and gives the realistic appearance of nipples and/or areola.

OBJECT: A material thing of functional, aesthetic, cultural, historic, or scientific value that may, by nature or design, be movable yet related to a specific culture, setting or environment. An example would be an Indian totem.

OBSTRUCTION: Any wall, dam, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel, rectification, culvert, building, fence, stockpile, refuse, fill, structure, or matter in, along, across, or projecting into any channel, watercourse, or flood-prone area, which may impede, retard, or change the direction of the flow of water either in itself or by catching or collecting debris carried by such water, or which is placed where the flow of the water might carry the same downstream to the damage of life and property.

OCCUPATION, HOME: See "Home Occupation."

OCCUPATION, RURAL: See "Rural Occupation."

OFFICE: A use that involves administrative, clerical, financial, governmental, or professional operations and operations of a similar character. This use shall include neither retail nor industrial uses, but may include business offices, medical or dental offices, clinics or laboratories, photographic studios, and/or television or radio broadcasting studios.

OFFICE, BUSINESS: A business establishment which does not offer, on the premises, a product or merchandise for sale to the public but offers a service to the public. Personal services, such as barber and beauty shops and repair services, are not to be included within the definition of "business offices."

ONE-HUNDRED YEAR FLOOD: See "Flood Hazard."

OPEN SPACE, COMMON: See "Open Space, Protected."

OPEN SPACE, NATURAL: Open space designated and reserved to remain or be restored to a natural habitat to support wildlife.

OPEN SPACE, PROTECTED: Land or an area of water or a combination of land and water legally preserved in perpetuity and intended for the use and enjoyment of the residents of a development and/or the general public, and which consists of landscaped or natural terrain (including lakes and streams).

(1) Protected open space shall be free of buildings, except for recreational and utility buildings specifically approved by the Board of Supervisors as part of an initial development plan.

(2) Protected open space shall not include street rights-of-way, private streets, any yard or other area required to meet a requirement for an individual building lot or off-street parking areas except for parking areas clearly needed to serve the permitted uses within the protected open space.

(3) Protected open space may include recreational uses such as tennis courts, squash courts, playgrounds, golf courses, swimming pools or other similar uses that do not primarily involve buildings.

PADOT: The Pennsylvania Department of Transportation, also known as PennDOT, or its successor, and its subparts.

PARENT LOT: See "Lot, Parent."

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

PERMITTED BY-RIGHT USE: See "Use, Permitted By-Right."

PERSON: Includes a firm, company, corporation, partnership, trust, organization, or association, as well as an individual. When used in a penalty provision, "person" shall include the members of such partnership, the officers of such organization, association, or corporation, and the trustees of such trust.

PERSONAL CARE HOME: A residential use providing residential and support services primarily to persons who are over age sixty (60), physically handicapped and/or developmentally disabled, and that is licensed as a personal care home by the Commonwealth of Pennsylvania.

Not more than eight (8) residents, together with the operator and any required support staff, shall occupy a personal care home.

PERSONAL SERVICE: An establishment that provides a service oriented to personal needs of the general public and which does not involve primarily retail or wholesale sales or services to businesses. Personal services include barber and beauty shops, photography studios, shoe repair shops, household appliance repair shops, and other similar establishments, but shall not include any adult uses.

PHASE: A geographical area or portion of a tract that is proposed for residential development and which is to be developed in accordance with a timetable for development that is included as part of the applicant's development plan.

PLACE OF WORSHIP: See "Church."

PLANNED VILLAGE COMMERCIAL CENTER: A type of shopping center, designed for three (3) or more commercial uses permitted in the C Commercial district, in which the scale, design and type of uses are intended to maximize compatibility with village and neighborhood commercial settings, and which can be accessed by pedestrians and vehicles.

PLANNING COMMISSION: The Planning Commission of Honey Brook Township.

POND: See "Lake."

PORTABLE TOILET: A non-flushing toilet that retains and chemically treats sewage in a retaining tank and is constructed to facilitate ultimate disposal of the sewage at another site.

PRINCIPAL BUILDING: See "Building, Principal."

PRINCIPALLY ABOVE GROUND: Where at least 51% of the actual cash value of a structure, less land value, is above ground.

PRINCIPAL USE: See "Use, Principal."

PUBLIC ESTABLISHMENT: Includes all outdoor places owned by or open to the general public and all buildings and enclosed places owned by or open to the general public, including such places of entertainment, taverns, restaurants, clubs, theaters, dance halls, banquet halls, party rooms or halls limited to specific members, whether open to the public or to patrons invited to attend, whether or not an admission charge is levied.

PUBLIC NOTICE: Notice published once each week for two (2) successive weeks in a newspaper of general circulation in the Township. Such notice shall state the time and place of any hearing or meeting and the particular nature of the matter to be considered at the hearing or meeting. The first publication shall not be more than thirty (30) days and the second publication shall not be less than seven (7) days prior to the date of the hearing or meeting.

PUBLIC STREET OR WAY: Any land dedicated to public use or passage, including but not limited to streets, alleys, parks, and pedestrian rights-of-way, whether constructed, dedicated, or proposed.

PUBLIC UTILITY BUILDING: A building owned and operated by any utility authorized to operate a public utility facility as that term is defined herein.

PUBLIC UTILITY FACILITY: A facility owned and operated by an electric company, water company, sewage disposal company, telephone company, cable television company, gas company, pipe line company or similar legal entity owning or operating equipment or facilities for transmitting, distributing or conveying natural gas, electricity or steam for the production of light, heat or power through and outside the Township to or for the public for compensation; pumping, distributing or furnishing water to or for the public for compensation; transporting passengers or property as a common carrier; transporting or conveying natural gas, crude oil, gasoline or petroleum products, materials for refrigeration, oxygen or nitrogen or other fluid substance, by underground pipeline or conduit, for the public for compensation; conveying or transmitting messages or communications by telephone or telegraph for the public for compensation, except as herein otherwise excluded; and sewage collection, treatment or disposal for the public for compensation; provided, however, that such facility shall not include a sewage treatment plant, power generation plant for the production of natural gas, electricity, steam or any similar facilities, buildings or structures designed and intended to produce or generate any such products or services, or administrative offices of such entity, whether publicly or privately owned. The term also does not include any facility of a person, corporation or other legal entity not otherwise a public utility, who or which furnishes service only to himself or itself; any facility of a person, corporation or other legal entity who or which furnishes mobile domestic cellular radio telecommunications service; any cooperative association which furnishes service only to its stockholders or members on a nonprofit basis; any producer of natural gas not engaged in distributing such gas directly to the public for compensation; any building or facility owner/operators who hold ownership over and manage the internal distribution system serving such building or facility and who supply electric power and other related electric power services to occupants of the building or facility. Provided, however, that in any instance where the use regulations of a particular zoning district do not permit a public utility building, the provisions of 53 P.S. § 10619 of the Pennsylvania Municipalities Planning Code shall apply. Provided, further, that "essential utilities," as defined in this section, shall be permitted in all zoning districts.

QUADRAPLEX: See "Dwelling Unit."

QUARRYING: The removal from the earth, at or below its surface, of any mineral deposit, as defined by the Ordinance, for use or disposal off the premises through consumption, commerce, or distribution. Excluded from the definition are grading and earthmoving incident to normal construction activities and normal farming operations.

REAR YARD: See "Yard, Rear."

REAR YARD LINE: See "Yard Line."

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

RECREATION FACILITY, INCLUDING HEALTH CLUB: A gainful activity or business, open to the public for the purpose of public recreation or entertainment, including but not limited to bowling alleys, motion picture theaters, health clubs, driving ranges, and miniature golf courses.

RECREATION, PASSIVE: Recreational pursuits which can be carried out with little alteration or disruption in the area in which they are performed. Such uses include, but are not limited to, hiking, biking, and picnicking.

RECREATION, PUBLICLY OWNED: Land and/or facilities that are owned by a government agency or the township and are available for use by the general public for noncommercial leisure and recreation.

RECREATIONAL VEHICLE: A vehicle, boat, boat trailer, or other piece of equipment, whether self-powered or designed to be pulled or carried, intended only for leisure time or recreational use and which is (i) built on a single chassis; (ii) not more than four hundred (400) square feet, measured at the largest horizontal projections; (iii) designed to be self-propelled or permanently towable by a light-duty truck; and (iv) not designed for use as a permanent dwelling, storage facility, animal shelter, or accessory building but as temporary living quarters for recreational, camping, travel, or seasonal use. Recreational vehicles or units include snowmobiles, minibikes, all-terrain vehicles, go-carts, boat trailers, travel trailers, truck-mounted campers, motor homes, folding tent campers, boats, autos, buses or trucks adapted for vacation use, and other vehicles not suitable for daily conventional family transportation.

RECYCLING DROP-OFF/COLLECTION CENTER: A facility established for the collection and/or processing of recyclable materials such as glass, paper, aluminum, or plastic; such facility may accept recyclables by donation, redemption, or purchase, and may separate or process such materials for reuse or for sale as raw material for use in the manufacture of a new product.

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

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

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

RESIDENTIAL PROPERTY: A lot containing an existing dwelling unit and with a gross lot area of less than ten (10) acres, or any undeveloped lot within the RC, FR, R, or MR zoning districts.

RESTAURANT: The following types of restaurants are addressed by the Ordinance:

(1) **RESTAURANT**: An establishment that sells ready-to-eat meals to the public which are clearly primarily consumed within the building or the place of business, and where waiters and/or waitresses serve the clear majority of nonbuffet food and beverages to patrons while the customers are seated. Unless otherwise stated, such restaurant shall not include a drive-through lane.

(2) **RESTAURANT WITH TAKE-OUT SERVICE**: A restaurant that also involves accessory service to customers who consume the food off-premises. Unless otherwise stated, such restaurant shall not include drive-through service.

(3) **FAST-FOOD RESTAURANT**: A restaurant that sells ready-to-eat meals to the public and which does not meet the definition of a "restaurant" in Subsection (1), above. This use typically involves customers making orders at an inside window or service area or cafeteria line, with the food consumed either at seating areas within the building or off the premises, and which typically involves customers eating the food outside of the building relatively frequently.

(4) **RESTAURANT WITH DRIVE-THROUGH SERVICE**: A restaurant that includes service to customers remaining seated in automobiles, either through an exterior window or service area or through service to parked automobiles.

(5) **FOOD STAND**: A place (such as a snack bar, dairy bar, or hamburger or hot dog stand) where customers are served ready-to-eat food at an exterior window or service area and where no inside seating facilities are provided and/or which primarily involves the off-site delivery of meals to the homes or businesses of customers.

RETAIL STORE: A use in which merchandise is sold or rented to the general public, but not including the following: adult movie theater; adult bookstore; manufacturing; tavern; car wash; auto/truck fuel sales; auto/truck/boat or other motor vehicle sales, service, or repair; convenience store; or any restaurant.

RIDING STABLE: See "Equestrian Center."

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

RIPARIAN CORRIDOR: Areas surrounding surface water bodies, including creeks, lakes, intermittent watercourses, and wetlands that intercept surface water runoff, wastewater, subsurface flow, and/or deep groundwater flows from upland sources and function to remove or buffer the effects of associated nutrients, sediment, organic matter, pesticides, or other pollutants prior to entry into surface waters. These areas may also provide wildlife habitat, control water temperature, attenuate flood flow, and provide opportunities for passive recreation. These corridor areas may or may not contain trees and other native vegetation.

ROOFTOP STRUCTURES: All objects, materials, equipment, and/or structures extending

more than twelve inches above the roofline of a building, including but not limited to the following: vent stacks, heat pumps, cooling towers, heating, ventilation, and air-conditioning units, and other mechanical equipment. Rooftop structures shall specifically not include the following: vent stacks that extend twelve (12) inches or less above the roofline, chimneys, parapet walls, and antennae. "Rooftop structures" shall be interpreted as including the words "or part thereof." For a pitched roof, for the purposes of this definition, the word "roofline" shall mean "the mean height between the eaves and ridge."

RURAL OCCUPATION: An occupation carried on by a property owner or his/her immediate family that is accessory and secondary to the principal residential and/or agricultural use and that meets the criteria of Section 1601-U, but excluding occupations under Section 1601-U-5.

SCHOOL, FARM-RELATED: A private, non-profit educational facility for academic instruction, located as an accessory use on a property of at least twenty (20) acres that is actively involved in agriculture; no boarding of students shall be permitted.

SCHOOL, PUBLIC: An educational use primarily for persons between the ages of five (5) and nineteen (19), operated by the Twin Valley School District or its lawful successors, including: public elementary/middle or secondary school; or similar educational facility for academic instruction, but excluding: (i). private vocational or similar adult trade school or training center; (ii) therapeutic, rehabilitative, or correctional institution; and (iii) any residential facility or use.

SCHOOL, PRIVATE: An educational use primarily for persons between the ages of five (5) and nineteen (19), properly certified by the Commonwealth of Pennsylvania, including: college; public elementary/middle or secondary school; or similar educational facility for academic instruction, but excluding: (i). private vocational or similar adult trade school or training center; (ii) therapeutic, rehabilitative, or correctional institution; and (iii) any residential facility or use.

SCHOOL, TRADE: A facility that is primarily intended for education of a work-related skill or craft or a hobby, and that does not primarily provide state-required education to persons under age 18; may include, e.g., dancing school, martial arts school, or ceramics school.

SCREEN: see "Buffer."

SELECTIVE CUTTING: The felling of certain, but not all, trees in an area for the purposes of: (i) removing dead, diseased, damaged, mature, or marketable timber; (ii) improving the quality of a tree stand or species; or (iii) meeting personal domestic needs.

SELF-SERVICE STORAGE WAREHOUSE: See "Warehouse, Self-Service Storage."

SEWAGE SYSTEM, COMMUNITY: A sanitary sewage system, privately built and operated, in which sewage is carried from individual dischargers by a system of pipes to one or more common treatment and disposal facilities. Treatment and disposal may occur either on-site or off-site, and shall be approved by the Pennsylvania Department of Environmental Protection and/or the Chester County Health Department.

SEWER SYSTEM, PUBLIC: Any system designed and operated by the Northwestern Chester County Municipal Authority for the treatment and disposal of sewage in which sewage is conveyed by a system of pipes to an off-site, publicly-operated treatment facility and disposed of through means approved by the Pennsylvania Department of Environmental Protection.

SHOPPING CENTER: A group of three (3) or more stores planned and designed for the site on which they are built, functioning as a unit with off-street parking provided on the property as an integral part of the unit.

SIDE YARD: See "Yard, Side."

SIDE YARD LINE: See "Yard Line."

SIGN: Any object, device display, or structure or part thereof, including a vehicle or vehicle trailer, which is used to advertise identify, display, direct, illustrate, impart information, or attract attention to an object, person, institution, organization, business, product, service, event, or location by any means, including words, letters, figures, graphic design, symbols, fixtures, colors, illumination, or projected images, and is visible outside of a building. Signs shall be further divided into the following classifications:

(1) **DIRECTIONAL SIGN**: An informational sign indicating direction, entry or exit, loading or service area, fire lanes, parking, no trespassing, or similar information incidental to the primary use and not itself advertising that use.

(2) **DIRECTORY SIGN**: A sign identifying two or more persons, agencies or establishments located in a place or location common to them all.

(3) **FREESTANDING SIGN**: A sign and supporting structure which is self-supporting upon the ground or which is supported by means of poles, pylons or standards in the ground. A freestanding sign is not attached to a building except by secondary supports such as guy wires.

(4) **IDENTIFICATION SIGN**: A sign identifying a rural occupation, home occupation or identifying the use of a property with a name and/or logo, but one that has no advertisement.

(5) **ILLUMINATED SIGN, DIRECT**: A sign which is designed to be illuminated by artificial light from a source adjacent to or outside of the sign in such a manner that the source of the light is not directly visible from the street or any other intended vantage point of the sign.

(6) **ILLUMINATED SIGN, INDIRECT**: A sign which is designed to be illuminated by light from within the sign rather than a source adjacent to or outside of the sign.

(7) **MENU BOARD**: A sign that (only) lists types and prices of food and beverage offered for sale. Such sign includes but is not limited to a bill of fare or a price list.

(8) **MOVABLE SIGN**: A sign which is not secured or attached to a structure or to the ground.

(9) **NAMEPLATE SIGN**: A sign indicating only the name and/or address of persons or person residing on or legally occupying the premises.

(10) **OFFICIAL SIGN**: A sign erected by the state, county, township or other legally

constituted governmental body.

(11) **OFF-PREMISES ADVERTISING SIGN (BILLBOARD)**: A sign which directs attention to a business, commodity, service, or entertainment conducted, sold, or offered at a location other than the premises on which the sign is located and which meets the standards in Section 1601-I of the Ordinance.

(12) **OFF-PREMISES DIRECTIONAL SIGN, COMMUNITY**: A Township established and operated sign which directs attention to an object, product, service, place, activity, person, institution, organization, or business that is primarily offered or located at a location other than the lot upon which the sign is located and as allowed under Section 1404 of the Ordinance.

(13) **POLITICAL SIGN**: A temporary sign which indicates the name, cause or affiliation of a person seeking public office or on which reference is made to an issue for which a referendum is scheduled to be held.

(14) **PUBLIC SERVICES SIGN**: A sign which advertises availability of rest rooms, telephone, meeting times of service organizations or other similar public conveniences.

(15) **TEMPORARY SIGN**: A sign constructed of paper, cloth, canvas, wood, metal or any lightweight material intended to be displayed for a short period of time, as stipulated in Article XIV, but normally less than thirty (30) days.

(16) **VEHICULAR SIGN**: A sign affixed or painted on a vehicle, trailer, wagon, or similar device.

(17) **WALL SIGN, FLAT**: A sign posted on, painted on, suspended from, or otherwise affixed to a wall or vertical surface of a building which does not project more than twelve (12) inches from the wall or vertical surface to which it is attached.

(18) **WALL SIGN, PROJECTING**: A sign mounted upon a building so that its principal face is at an angle of one hundred thirty five (135) degrees or less with the building wall, not having more than two (2) faces visible.

(19) **WALL-SIGNABLE AREA**: A continuous rectangular area on the wall of a building.

(20) **WINDOW SIGN**: A temporary sign attached to or affixed to the interior of a window or door, or a sign which is readily visible and can be read from the exterior through a window or door from a distance of 20 feet therefrom. Such sign shall not be internally illuminated.

SIGN, AREA OF: The sign facing, including any border, framing, or decorative attachments. In the case of freestanding letters, it shall be the area contained between the highest and lowest points of any letters, and the extremity points of the first and last letters.

SIGN, HEIGHT OF: The vertical distance measured from the average ground level immediately below a sign to the highest point of the sign and its supporting structure.

SILO: A tall cylindrical structure that is located on a farm and is used to store crops for animal feed.

SINGLE AND SEPARATE OWNERSHIP: The ownership of property by any person, which ownership is separate and distinct from that of any adjoining property.

SITE ALTERATION: Includes regrading the existing topography; filling lakes, ponds, marshes, or floodplains; clearing vegetation; or altering watercourses.

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

SKILLED CARE OR NURSING CARE FACILITY: A facility licensed as such by the Commonwealth of Pennsylvania operated by a full-time staff in which nursing care and related medical or other health services are provided for a period exceeding 24 hours, for three or more individuals who are not acutely ill and not in need of hospitalization, but who, because of age, illness, disease, injury, convalescence, or physical or medical infirmity, need around-the-clock supervised care and supervision; a nursing home.

SOIL SURVEY: A scientific survey of soil conditions and characteristics prepared by the former United States Soil Conservation Service or current Natural Resources Conservation Service; in particular, Soil Survey of Chester and Delaware Counties (1963), as it may be updated or amended.

SOLAR ENERGY COLLECTOR: A structure used to collect energy from the sun that is used to produce heat or electricity.

SOLAR ENERGY SYSTEM: Any structure attached to a building or erected as a structure and attached to the ground and used for the purpose of generating solar energy.

SOLID WASTE TRANSFER FACILITY: A type of solid waste disposal facility which receives and temporarily stores solid waste at a location other than the generation site and which facilitates the bulk transfer of accumulated solid waste to a facility for further processing or disposal, and which may or may not involve the separation of recyclables from solid waste.

SPECIAL EXCEPTION USE: See "Use, Special Exception."

SPECIFIED SEXUAL ACTIVITIES: One or more of the following:

(1) Human male genitals in a visible state of sexual stimulation.
(2) Acts of human masturbation, sexual intercourse, oral sex, or sodomy.
(3) Fondling or other erotic touching of human genitals.

START OF CONSTRUCTION (including "Substantial Improvement"): The date of issuance of a building permit, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within one hundred eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the state of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part

of the main structure.

STEEPLE: A tall tapering structure narrowing to a point at the top that is located on the roof of or is a part of the superstructure of a church or other place of worship.

STOCKYARD: An enclosure utilizing fences, structures or buildings to temporarily house livestock prior to sale, shipment, or slaughter.

STORAGE SHED: A self-contained accessory structure to be used solely for the purpose of enclosing, protecting and/or securing objects used in the normal operation and/or maintenance associated with the principal use of the property. No vehicle or previously functioning vehicle, including but not limited to a recreational vehicle, camping trailer, truck trailer, mobile home, or bus, and no part of a vehicle body shall be used as a storage shed.

STORMWATER MANAGEMENT BASIN: A man-made, relatively shallow depression installed for the purpose of collecting and controlling the flow of stormwater runoff. Such basins shall be designed for one hundred (100)-year storm volumes and rates, and shall have earthen side slopes no greater than 3:1or concrete/gabion side slopes no greater than 2:1.

STORY and HALF STORY: That portion of a building, included between the surface of any floor and the ceiling next above it that is routinely accessible by humans and has an internal height of not less than 6.5 feet shall be considered a full story. Any such portion of a floor of a building having an internal height of less than 6.5 feet shall be considered a half story. In addition, if more than 33% of the perimeter walls around the ground level are below grade, then such ground level shall not be considered to be a story. See also the definition of "basement."

STREET: A right-of-way intended for general public use to provide means of approach for vehicles and pedestrians. The word "street" includes the words "road," "highway," "thoroughfare," and "way." Streets shall be further classified as:

(1) **ARTERIAL STREET**: A street serving a large volume of comparatively high-speed and long-distance traffic and providing a high degree of mobility, including all facilities classified as main and secondary highways by the Pennsylvania Department of Transportation. U.S. Rt. 322 is the only street classified as an arterial in the Township.

(2) **COLLECTOR STREET**: A street designed and located to provide means to drain traffic off local streets and to provide access for through traffic between residential neighborhoods and districts within the Township to major streets and/or a street used for access to non-residential properties, e.g., commercial, industrial, professional.

  (a) **MAJOR**: A collector serving moderate levels of traffic, providing a mix of access and mobility, and linking neighborhoods.

  (b) **MINOR:** A collector serving lower amounts of traffic, providing relatively more access than mobility, and serving as a major road through identifiable neighborhoods.

(3) **LOCAL STREET**: A street intended to serve and provide access to the properties abutting thereon and not connecting with other streets in such a manner as to encourage through traffic.

STREET LINE: The dividing line between a lot and the outside boundary or right-of-way line of a public street, road, or highway legally open or officially platted, or between a lot and a privately owned street, road, or way over which the owners or tenants of two (2) or more lots, each held in single and separate ownership, have the right of way.

STREET, CENTER LINE: The center line of a street which is at an equal distance from both right-of-way lines.

STREET TREE: A native species tree, primarily of the deciduous variety, planted to produce shade and to provide visual variety to the streetscape.

STRUCTURAL ALTERATION: 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.

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

STRUCTURE: Any man-made object having an ascertainable stationary location on land or water or on land and water, whether or not affixed to the land. The term "structure" shall include, but not be limited to: buildings, fences, flagpoles, garages, mobile (manufactured) homes, porches, sheds, signs, silos, solar energy collectors, swimming pools, tanks, towers, walls, water towers, windmills, and similar constructions. "Structure" shall be interpreted as including the words "or part thereof," and shall include any walled or roofed building, including a gas or liquid storage tank, that is principally above ground.

STRUCTURE, ACCESSORY: A structure serving a purpose customarily incidental and subordinate to the use of the principal building and located on the same lot as the principal building.

STRUCTURE, NONCONFORMING: A structure which lawfully exists on the effective date of the Ordinance or a prior zoning ordinance that could not be built under the Ordinance by reason of restrictions on area, lot coverage, height, yards, or other characteristics of the structure or its location on the lot.

SUBDIVISION: The division of a single lot, tract, or parcel of land into two (2) or more lots, tracts, or parcels of land, 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. The subdivision by lease of land for agricultural purposes into parcels of more than ten (10) acres, not involving any new street or easement of access or any residential dwelling, shall be exempted from this definition.

SUBSTANTIAL DAMAGE: Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.

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

SWIMMING POOL: A temporary or permanent structure containing a pool of water with a depth of more than two feet, which is used or intended to be used for swimming or bathing.

TAVERN: A place where alcoholic beverages are served as a primary or substantial portion of the total trade and which does not meet the definition of an "after-hours club." The sale of food may also occur. For purposes of applying the standards of the Ordinance, this use shall be considered a "restaurant."

TENT (SIDEWALK) SALE: A temporary use accessory to a lawful commercial or industrial use or a rural occupation.

TOPSOIL: Natural and friable loam containing sufficient humus and nutrients to support plant growth.

TOWNHOUSE: See "Dwelling Unit."

TOWNSHIP: The Township of Honey Brook.

TRACT: One (1) or more lots assembled and presented as a single property for purposes of subdivision or land development.

TRACT AREA, GROSS: The total acreage of a tract lying within existing property lines, as defined by the deed, prior to the initiation of subdivision or land development.

TRACT AREA, NET: The gross area of a tract, but excluding the following conditions and features:

(1) Any area within an existing right-of-way or easement for: [a] a public or private street; or [b] above-ground or underground utilities, including water supply, wastewater facilities, gas, oil, natural gas, electric, or communications transmission facilities, other than for local service;
(2) Any area comprising an existing lake or pond;
(3) Any area delineated as a wetland;

(4) Any area overlaid by the Steep Slope Conservation District, as regulated by Section 1302
(5) Any area overlaid by the Flood Hazard District, as regulated by Section 1301
(6) Any area overlaid by the Riparian Corridor Conservation District, as regulated by Section 1303.

Where a tract contains land with more than one of the above features, such area shall be excluded once in calculating the net tract area.

TRANSFERABLE DEVELOPMENT RIGHTS (TDR): The attaching of development rights to specified lands which the Township desires to be kept undeveloped, but permitting those rights to be severed from those lands and held by the purchaser or transferred so that the development potential which they represent may occur on other lands where more intensive development is deemed to be appropriate

(1) **TDR SENDING AREA**: The zoning district in which development rights may be severed from a lot and subsequently reserved, donated, or sold for use in the TDR receiving area. For the purposes of the Ordinance, the A Agricultural District.
(2) **TDR RECEIVING AREA**: The zoning districts in which an interested party may apply development rights, upon approval under the provisions of the Ordinance, to a subdivision or land development proposal. For the purposes of the Ordinance, the FR Farm Residential District, the R Residential District, the MR Mixed Residential District, the C Commercial District, and the I Industrial District.

TREATMENT CENTER: A use (other than a prison) providing housing facilities for persons who need specialized housing, treatment, and/or counseling for stays of less than one (1) year and who need such facilities because of:

(1) Criminal rehabilitation, such as a criminal halfway house or a treatment/housing center for persons convicted of driving under the influence of alcohol;
(2) Addiction to alcohol and/or a controlled substance; or
(3) A type of mental illness or other behavior that could cause a person to be a threat to the physical safety of others. (For housing of persons with other types of mental illness, see "Group Home.")

TWIN: See "Dwelling Unit."

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

USE, ACCESSORY: A use subordinate to the principal use of land or a building on a lot and customarily incidental thereto.

USE AND OCCUPANCY PERMIT: A permit issued by the Zoning Officer prior to the lawfully permitted use or change in use of any structure, building or the land thereon, in accordance with the terms of the Ordinance.

USE, CONDITIONAL: Certain specified uses which may be suitable in certain areas of a

district and are allowed or denied by the Board of Supervisors after recommendation by the Planning Commission pursuant to express standards and criteria set forth in the Ordinance.

USE, INDUSTRIAL: Manufacturing, distribution, warehousing, processing, or other operations of a similar nature.

USE, MUNICIPAL: A use conducted by Honey Brook Township or an authority of which the Township is a member; this use does not include a school.

USE, NONCONFORMING: A use which does not comply with the applicable use provisions of the Ordinance, but which was lawfully in existence prior to the enactment of the Ordinance or a prior zoning ordinance.

USE, PERMITTED BY-RIGHT: A use that does not require approval as a use by the Zoning Hearing Board or the Board of Supervisors. (A site plan review by the Planning Commission and the Board of Supervisors is required for certain permitted by-right uses to ensure that the use would comply with all Township ordinances.)

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

USE, SPECIAL EXCEPTION: A use for which the Zoning Hearing Board may grant permission following a public hearing and findings of fact consistent with the Ordinance, and provided the Zoning Hearing Board finds that the use complies with the conditions and standards required by the Ordinance.

VARIANCE: Relief granted from the terms of ther Ordinance, pursuant to the provisions of Article XX of the Ordinance and Articles VI and IX of the Municipalities Planning Code.

WALL, OUTDOOR: A man-made barrier constructed principally of masonry, concrete, cinder block, or similar materials shall be considered a wall. The term "wall" does not regulate engineering retaining walls, which are permitted uses as needed in all districts.

WAREHOUSE: A building used for the temporary storage of goods and materials, generally for subsequent distribution to other locations and not involving retail activities.

WAREHOUSE, SELF-SERVICE STORAGE: A building or group of buildings divided into individual, separate access units which are rented or leased for the storage of personal and small business property.

WATERCOURSE: A channel or conveyance of surface water having defined bed and banks, whether natural or artificial, with perennial or intermittent flow.

WATER RESOURCES, COMMERCIAL USE OF: The use of naturally occurring water when: [1] 5,000 gallons or more of such water is used on site per day; or [2] 5,000 gallons or more of such water is transported for use off site. "Naturally occurring water" shall mean any

and all water above and below the ground surface.

WATER SUPPLY:

(1) **INDIVIDUAL SYSTEM:** A safe, healthful, and adequate supply of water to a single user from a private well or spring located on the land of the user.

(2) **CENTRAL WATER SUPPLY SYSTEM:** A system for supplying water from a common source or sources to all dwellings and other buildings within a development. Such system shall comply fully with all applicable requirements of the Commonwealth. The water supply source may be located on-site and/or off-site. A central system can be further described as either of the following:

   a. **PUBLIC WATER SUPPLY SYSEM:** A system which is owned by a public utility or municipality which has at least fifteen (15) service connections or regularly serves an average of at least twenty five (25) individuals daily for at least sixty (60) days per year. The term includes: (i) any collection, treatment, storage, and distribution facilities that are under the control of the operator and used in connection with the system; (ii) collection or pretreatment storage facilities not under control of the operator but which are used in connection with the system; (iii) a system which provides water for bottling or bulk hauling for human consumption.

   b. **COMMUNITY WATER SUPPLY SYSTEM:** A system which is owned by a municipality, a public company, or a private company and which serves at least fifteen (15) service connections used by year-round residents or regularly serves at least twenty five (25) year-round residents.

WETLAND: An area of land and/or water meeting one or more definitions of a "wetland" under federal and/or Pennsylvania law and/or regulations, whichever is more inclusive.

WHOLESALE AGRICULTURAL PRODUCE SALES: The processing, treating, packaging, transporting or storing of agricultural and dairy products.

WHOLESALE DISTRIBUTION: The processing of materials so as to sort out which finished goods are to be transported to different locations and the loading and unloading of such goods. This use usually involves inventory control, material handling, order administration, packaging, and transportation; trucking terminal.

WILDLIFE SANCTUARY: A use characterized by the preservation or restoration of a lot in a natural state to promote and protect wildlife. A wildlife sanctuary may have accessory structures, to include parking areas, designed to allow accessibility to humans and to provide for incidental educational purposes. Any building erected for human habitation shall meet the requirements for a single-family detached dwelling in the zoning district in which it is located.

WOODLAND: 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. For purposes of the Ordinance, the extent of any woodland plant community or any part thereof shall be measured from the outermost drip line of all the trees in the community.

WOODLAND MANAGEMENT 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 be prepared by a person(s) with demonstrable expertise in forest management, and shall document measures to be taken: to protect water quality; to minimize impacts from skid trails and logging roads, landing areas, and the tree removal process; and to assure site restoration.

YARD: An open space on the same lot with a building or group of buildings measured from specified lot lines which restricts the locations of buildings and structures and which is required to be unoccupied and unobstructed from the ground upward, except as herein permitted.

YARD, FRONT: A yard extending the full width of the lot parallel to the front lot line and extending in depth from the front lot line to the nearest point of any part of a structure on the lot; the front yard shall contain no buildings. The minimum depth of a front yard shall be as measured from the ultimate right-of-way to any existing or proposed street.

YARD LINE: A line drawn parallel to the corresponding lot line at a distance specified for the required depth of yard in each respective case.

YARD, REAR: A yard extending the full width of the lot parallel to the rear lot line and extending in depth from the rear lot line to the nearest point of any part of a structure on the lot.

YARD, SIDE: A yard extending from the front yard to the rear yard measured parallel to each side lot line.

ZONING MAP: A map of Honey Brook Township indicating the location of boundaries for each zoning district.

ZONING OFFICER: The Township officer charged with enforcing the literal terms of the Ordinance, and the representative agent of the Zoning Hearing Board.

ZONING HEARING BOARD: The Zoning Hearing Board of Honey Brook Township.

ARTICLE III
ZONING DISTRICTS

SECTION 300. TYPES OF ZONING DISTRICTS

A. The Township shall be divided into the following base zoning districts:

A - Agricultural District
RC - Resource Conservation District
FR - Farm Residential District
R - Residential District
MR - Mixed Residential District
C - Commercial District
I - Industrial District

The locations and boundaries of such base districts shall be as shown on the Honey Brook Township Zoning Map.

B. Further, areas contained within the following zoning overlay districts:

FH - Flood Hazard District
SSC - Steep Slope Conservation District
RCC - Riparian Corridor Conservation District

are, in addition to the otherwise applicable provisions of the Ordinance, subject to the terms of Section 1301, FH - Flood Hazard District; Section 1302, SSC - Steep Slope Conservation District; and Section 1303, RCC - Riparian Corridor Conservation District, respectively.

SECTION 301. ZONING MAP

A. A Zoning Map shall be kept on file in the Township office. Said map and all notations, references, and data shown thereon are hereby incorporated by reference into the Ordinance and shall be as much a part of the Ordinance as if all were fully described herein.

B. The Zoning Map shall be so labeled, identified by the signature of the Chairman of the Board of Supervisors attested by the Secretary of the Board of Supervisors, and shall bear the seal of the Township.

SECTION 302. DISTRICT BOUNDARY LINES

A. Boundary lines of the base zoning districts are intended to coincide with lot lines, centerlines of streets and alleys, railroad rights-of-way, beds of streams existing at the time of passage of the Ordinance, the corporate boundary of the Township, or as dimensioned on the Zoning Map. If and when dimensions are shown on the Map between a street and a district boundary line, they indicate that the district boundary line runs parallel to the centerline of the street, a distance equivalent to the number of feet so indicated. Distances

not specifically indicated on the Zoning Map shall be determined by the scale of the Zoning Map.

B. In the event of dispute about the location of the boundary of any district, the Zoning Officer shall investigate and render a determination on the location of the line. Appeals from the determination of the Zoning Officer shall be made to the Zoning Hearing Board.

SECTION 303. BOUNDARY TOLERANCES

Where a district boundary line divides a lot at the effective date of the Ordinance, the use regulations applicable to the less restricted district shall extend over the portion of the lot in the more restricted district a distance of not more than fifty (50) feet beyond the district boundary line.

ARTICLE IV
A - AGRICULTURAL DISTRICT

SECTION 400. STATEMENT OF INTENT

In accordance with the objectives of the Township's Comprehensive Plan, the purpose of the A-Agricultural District is to encourage the preservation of large rural areas for agricultural, forest, and conservation purposes. In this district, which includes much of the Township's Class I, Class II, and Class III agriculturally productive soils, the purpose is to minimize incompatible land uses and manage their potential impacts on the district's agricultural and open lands. The A-Agricultural District provisions are intended to support the existing agricultural economy and to enable potential residential development to be transferred to other, more appropriate locations within the Township through the use of the Ordinance's transferable development rights provisions. Residents of the A-Agricultural District must be willing to accept the impacts associated with daily farming practices and related businesses.

SECTION 401. USE REGULATIONS

A. Uses permitted by right.

A building or other structure may be erected, altered, or used, and a lot may be used or occupied, for any one of the following principal uses, together with the permitted accessory uses, by right in accordance with the terms of the Ordinance:

1. Agricultural and forestry uses.
2. Farm buildings, provided that any building used for the keeping or raising of livestock or poultry is subject to the setback requirements stated in Section 402-D.
3. Manure storage facility, as a use accessory to agriculture, when in accordance with the standards in Section 1601-C-7.
4. Display and sale of produce or nursery products, as a use accessory to agriculture, when in accordance with the standards in Section 1601-C-6.
5. Rural occupation, when in accordance with the standards of Section 1601-U
6. Transfer of development rights, when in accordance with the terms of Article XII.
7. Split-off of an agricultural-residential lot for single-family dwelling purposes, when in accordance with the terms of Section 404.
8. Woodland or game preserve, wildlife sanctuary, or other conservation purpose.
9. Single-family detached dwelling, when developed in accordance with the terms of the conservation design option in Article XI.
10 Single-family detached dwelling on an existing lot, or single-family detached dwellings on lots proposed to be created through subdivision of a lot into not more than three (3) lots where the conservation design option is not utilized.
11. Home occupation, when in accordance with the standards in Section 1601-O.
12. Accessory dwelling, when in accordance with the standards in Section 1601-B.
13. Municipal use.
14. Bed and breakfast establishment, when in accordance with the standards in Section

1601-H.

15. Equestrian center, when in accordance with the standards in Section 1601-M.
16. Accessory buildings and uses customarily incidental to any permitted use, when in accordance with the standards in Section 1601-C and all other applicable provisions of the Ordinance.
17. Keeping of animals on residential lots, when in accordance with the standards in Section 1601-D.

B. Uses permitted by special exception.

The following uses shall be permitted when approved as a special exception by the Zoning Hearing Board in conformance with Article XX, the applicable standards contained in Section 1602, and any other applicable provisions of the Ordinance:

1. Home occupations which do not conform to the criteria in Section 1601-O, but which are in accordance with the standards in Section 1602-D.
2. Kennel, when in accordance with the standards in Section 1602-F.
3. Wholesale agricultural produce sales and stockyards, when in accordance with the standards in Section 1602-I.
4. Elder cottage housing opportunity (ECHO), when in accordance with the standards in Section 1602-C.
5. Communications antenna attached to or mounted on an existing structure, when in accordance with the standards in Section 1602-B.

C. Uses permitted as conditional uses.

The following uses shall be permitted when approved as a conditional use by the Board of Supervisors in accordance with Section 1909, the applicable standards contained in Section 1603, and any other applicable provisions of the Ordinance:

1. Single-family detached dwellings on tracts to be subdivided into more than three (3) lots and not utilizing the conservation design option or the lot split-off provisions of the Ordinance, when in accordance with the standards in Section 1603-R.
2. Cemetery, when in accordance with the standards in Section 1603-F.
3. Church and related uses, when in accordance with the standards in Section 1603-G.
4. Golf course, when in accordance with the standards in Section 1603-L.
5. Camping ground or camping park, when in accordance with the standards in Section 1603-E.
6. Electric substation, other public utility building, except as such use is specifically authorized in Section 619 of the MPC, when in accordance with the standards in Section 1603-K.
7. Concentrated animal feeding operation, when in accordance with the standards in Section 1603-I.
8. Public school, when in accordance with the standards in Section 1603-O.

SECTION 402. AREA AND BULK REGULATIONS

A. Single-family dwellings utilizing the conservation design option shall be governed by the regulations in Article XI.

B. Single-family detached dwellings not utilizing the conservation design option provisions in Article XI, and any other use permitted in Section 401 not otherwise regulated by the Ordinance:

1.	Minimum lot area:	ten (10) acres.
2.	Minimum lot width at building setback line:	one hundred fifty (150) feet.
3.	Minimum front yard:	sixty (60) feet.
4.	Minimum individual/aggregate side yards:	twenty (20) feet individual. seventy (70) feet aggregate.
5.	Minimum rear yard:	sixty (60) feet.
6.	Maximum impervious surface ratio:	five percent (5%) of the lot area.

C. Maximum height of buildings and structures:

1.	Single-family detached dwellings, other permitted uses:	thirty-five (35) ft.
2.	General farm buildings and silos:	eighty (80) feet.

D. Setback requirements for livestock and poultry structures.

Any structure used for the raising, keeping or breeding of livestock or poultry shall not be less than sixty (60) feet from any lot line; provided, however, that the setback distance shall be increased to one hundred (100) feet when the structure houses livestock in excess of ten (10) animals or poultry in excess of one hundred (100) birds.

E. Area and bulk regulations applicable to nonconforming lots.

On any lawfully nonconforming lot in existence at the date of adoption of the Ordinance, the area and bulk standards in Section 404-E-3 through and including Section 404-E-7 shall be applicable.

SECTION 403. DESIGN STANDARDS

A. Single-family dwellings utilizing the conservation design option shall be governed by the regulations in Article XI.

B. Uses in the A-Agricultural District shall be governed by the terms of Article XVII, General Regulations, as applicable.

SECTION 404. CREATION OF LOTS FROM AGRICULTURAL LOTS

A. To be eligible under the terms of this section, a lot must qualify as agricultural land. To qualify as agricultural land:

1. The lot shall be enrolled under and subject to the restrictions of Pa. Act 319 or Act 515; or
2. The lot shall be contained within the Honey Brook Township Agricultural Security Area; or
3. If not qualified under the terms of (1) or (2), above, and only where deemed acceptable by the Board of Supervisors, the lot shall be shown to be producing or potentially productive farmland on the basis of: [a] current agricultural activity on the lot, investments made, and/or loans secured by the landowner for agricultural practices on the lot; and [b] a majority of the gross lot area of the lot contains prime agricultural soil (Soil Classes I, II, or III in the Soil Survey of Chester and Delaware Counties, U.S. Natural Resources Conservation Service).

B. An eligible lot shall have a gross lot area of not less than ten (10) acres.

C. The owner of an eligible lot may create a lot through subdivision from the lot under the terms of this section. Such terms shall supercede the otherwise applicable standards of this zoning district.

D. The landowner shall be permitted to create, in any one (1) 12-month period, one (1) lot intended solely for residential use with a single-family detached dwelling unit.

E. Any such lot shall conform to the following regulations:

1.	Minimum lot area:	one (1) acre.
2.	Maximum lot area:	two (2) acres.
3.	Minimum lot width:	one hundred fifty (150) feet at the building setback line.
4.	Minimum front yard:	sixty (60) feet.
5.	Minimum individual/aggregate side yards:	twenty (20) feet individual seventy (70) feet aggregate.
6.	Minimum rear yard:	sixty (60) feet.
7.	Maximum impervious surface:	twenty percent (20%) of the lot area.

F. Starting from the date of enactment of the Ordinance, the total acreage of the lots created under the terms of this section cumulatively shall not exceed ten (10) acres of gross lot area or ten percent (10%) of the gross area of the lot at the date of enactment of the Ordinance, whichever is less.

G. When proposing to create a lot under the terms of this section, the landowner shall comply with the requirements for a minor plan under the terms of the Township

Subdivision/Land Development Ordinance. In presenting a sketch plan as required under that ordinance, the landowner shall discuss the land use and site design implications of the proposed lot with the Township Planning Commission regarding road access, driveway location, avoidance of a strip of frontage lots on existing roads, compatibility with Township objectives concerning retention of rural character, the viability of continuing or potential agricultural use of the lot, and maximum protection for prime agricultural soils on the lot. Consistent with these objectives, and unless deemed clearly infeasible or otherwise undesirable by the Township, the additional dwelling unit should be located adjacent to any existing dwellings.

H. The landowner shall demonstrate that the proposal is consistent with the applicable terms of Acts 319 or 515, the Township Agricultural Security Area, or any other program, covenant, or restriction affecting the property.

I. Upon creation of a lot under terms of this section, a note shall be placed on the final plan for recording, indicating the maximum amount of acreage and number of lots eligible to be created in the future under the terms of this section.

SECTION 405. AGRICULTURAL NUISANCE DISCLAIMER

Lands within the A-Agricultural District are intended principally for use in commercial agricultural production, including the keeping or raising of livestock or poultry. Owners, residents, and other users of a lot may be subjected to inconvenience, discomfort, and the possibility of injury to a lot and health arising from normal and accepted agricultural practices and operations, including but not limited to: noise, odor, dust, the operation of machinery of any kind, the storage and disposal of manure, the application of fertilizers, herbicides, and pesticides. Owners, residents, and users of a lot should be prepared to accept these conditions and are hereby put on official notice that Section 4 of the Pennsylvania Act 133 of 1982, "The Right to Farm Law," may bar them from obtaining a legal judgment against such normal agricultural operations.

ARTICLE V
RC – RESOURCE CONSERVATION DISTRICT

SECTION 500. STATEMENT OF INTENT

In accordance with the objectives of the Township's Comprehensive Plan, the purposes of the RC – Resource Conservation District are to accomplish the protection of areas characterized by the presence of sensitive natural features; support agricultural, forest, and conservation uses; and provide for compatible residential uses. Density standards and use opportunities are designed to be optimally consistent with the sloped and wooded features of the Welsh Mountain and Barren Hills sectors of the Township, and to assure proper protection against potentially negative impacts from stormwater runoff and erosion/ sedimentation.

SECTION 501. USE REGULATIONS

A. Uses permitted by right.

A building or other structure may be erected, altered, or used, and a lot may be used or occupied, for any one of the following principal uses, together with the permitted accessory uses, by right in accordance with the terms of the Ordinance:

1. Agricultural and forestry uses.
2. Farm buildings, provided that any building used for the keeping or raising of livestock or poultry is subject to the setback requirements stated in Section 402-D.
3. Manure storage facility, as a use accessory to agriculture, when in accordance with the standards in Section 1601-C-7.
4. Rural occupation, on lots twenty (20) acres or greater, when in accordance with the standards in Section 1601-U.
5. Woodland or game preserve, wildlife sanctuary, or other conservation purpose.
6. Single-family detached dwelling.
7. Home occupation, when in accordance with the standards in Section 1601-O
8. Accessory dwelling, when in accordance with the standards in Section 1601-B.
9. Municipal use.
10. Bed and breakfast establishment, when in accordance with the standards in Section 1601-H.
11. Equestrian center, when in accordance with the standards in Section 1601-M
12. Accessory buildings and uses customarily incidental to any permitted use, when in accordance with the standards in Section 1601-C and all other applicable provisions of the Ordinance.
13. Keeping of animals on residential lots, when in accordance with the standards in Section 1601-D.
14. Display and sale of produce or nursery products, as a use accessory to agriculture, when in accordance with the standards in Section 1601-C-6.

B. Uses permitted by special exception

The following uses shall be permitted when approved as a special exception by the Zoning Hearing Board in conformance with Article XX, the applicable standards contained in Section 1602, and any other applicable provisions of the Ordinance:

1. Home occupations which do not conform to the criteria in Section 1601-O, but which are in accordance with the standards in Section 1602-D.
2. Kennel, when in accordance with the standards in Section 1602-F.
3. Wholesale agricultural produce sales, stockyards, when in accordance with the standards in Section 1602-I.
4. Quarry, when in accordance with the standards in Section 1602-H.
5. Elder cottage housing opportunity (ECHO), when in accordance with the standards in Section 1602-C.
6. Communications antenna attached to or mounted on an existing structure, when in accordance with the standards in Section 1602-B.

C. Uses permitted as conditional uses.

The following uses shall be permitted when approved as a conditional use by the Board or Supervisors in accordance with Section 1909, the applicable standards contained in Section 1603, and any other applicable provisions of the Ordinance:

1. Cemetery, when in accordance with the standards in Section 1603-F.
2. Church and related uses, when in accordance with the standards in Section 1603-G.
3. Golf course, when in accordance with the standards in Section 1603-L.
4. Camping ground or camping park, when in accordance with the standards in Section 1603-E.
5. Electric substation or other public utility building, except as such use is specifically authorized in Section 619 of the MPC, and when in accordance with the standards in Section 1603-K.
6. Public school, when in accordance with the standards in Section 1603-O.
7. Treatment center, when in accordance with the standards in Section 1603-S.

SECTION 502. AREA AND BULK REGULATIONS

A. Single-family detached dwellings:

1.	Minimum lot area:	sixty thousand (60,000) square feet.
2.	Minimum lot width:	one hundred seventy-five (175) feet at the building setback line.
3.	Minimum front yard:	sixty (60) feet.

4.	Minimum individual/aggregate side yards:	thirty (30) feet individual seventy (70) feet aggregate.
5.	Minimum rear yard:	sixty (60) feet.
6.	Maximum impervious surface:	fifteen percent (15%) of the lot area.

D. Other uses permitted in Section 501 and not otherwise regulated by the Ordinance:

1.	Minimum lot area:	two (2) acres.
2.	Minimum lot width:	two hundred (200) feet at the building setback line.
3.	Minimum front yard:	sixty (60) feet.
4.	Minimum side yards:	sixty (60) feet each.
5.	Minimum rear yard:	seventy-five (75) feet.
6.	Maximum impervious surface ratio:	twenty percent (20%) of the lot area.

E. Maximum height of buildings and structures:

4.	Single-family detached dwellings, other permitted uses:	thirty-five (35) ft.
5.	General farm buildings and silos:	eighty (80) feet.

SECTION 503. DESIGN STANDARDS

Uses in the RC-Resource Conservation District shall be governed by the terms of Article XVII, General Regulations, as applicable.

ARTICLE VI
FR – FARM RESIDENTIAL DISTRICT

SECTION 600. STATEMENT OF INTENT

The FR – Farm Residential District is characterized by a mixture of low density residential and agricultural uses. It seeks to promote a continuation of the rural character and agricultural economy of the area, providing for the integration of compatible low density single-family residential development. Lots in the FR - Farm Residential District also may utilize transferred development rights to achieve increased residential density.

SECTION 601. USE REGULATIONS

A. Uses permitted by right.

A building or other structure may be erected, altered, or used, and a lot may be used or occupied, for any one of the following principal uses, together with the permitted accessory uses, by right in accordance with the terms of the Ordinance:

1. Agricultural, and forestry uses. The raising, breeding, or keeping of livestock and/or poultry shall only be permitted on lots of ten (10) acres or more.
2. Farm buildings, provided that any building used for the keeping or raising of livestock or poultry is subject to the setback requirements stated in Section 402-D.
3. Manure storage facility, as a use accessory to agriculture, when in accordance with the standards in Section 1601-C-7.
4. Rural occupation, on lots twenty (20) acres or greater, when in accordance with the standards in Section 1601-U.
5. Woodland or game preserve, wildlife sanctuary, or other conservation purpose.
6. Single-family detached dwellings, when developed in accordance with the terms of the conservation design option in Article XI.
7. Single-family detached dwelling on an existing lot, or single-family detached dwellings on lots proposed to be created through subdivision of a lot into not more than three (3) lots where the conservation design option is not utilized.
8. Home occupation, when in accordance with the standards in Section 1601-O.
9. Accessory dwelling, when in accordance with the standards in Section 1601-B.
10. Municipal use.
11. Bed and breakfast establishments, when in accordance with the standards of Section 1601-H.
12. Equestrian center, when in accordance with the standards in Section 1601-M.
13. Personal care home, when in accordance with the standards in Section 1601-Q.
14. Accessory buildings and uses customarily incidental to any permitted use, when in accordance with the standards in Section 1601-C and all other applicable provisions of the Ordinance.
15. Keeping of animals on residential lots, when in accordance with the standards in Section 1601-D.
16. Display and sale of produce or nursery products, as a use accessory to agriculture, when in accordance with the standards in Section 1601-C-6.

B. Uses permitted by special exception.

The following uses shall be permitted when approved as a special exception by the Zoning Hearing Board in conformance with Article XX, the applicable standards contained in Section 1602, and any other applicable provisions of the Ordinance:

1. Home occupations which do not conform to the criteria in Section 1601-O, but which are in accordance with the standards in Section 1602-D.
2. Communications antenna attached to or mounted on an existing structure, when in accordance with the standards in Section 1602-B.
3. Elder cottage housing opportunity (ECHO), when in accordance with the standards in Section 1602-C.

C. Uses permitted as conditional uses.

The following uses shall be permitted when approved as a conditional use by the Board of Supervisors in accordance with Section 1909, the applicable standards contained in Section 1603, and any other applicable provisions of the Ordinance:

1. Single-family detached dwellings on tracts to be subdivided into more than three (3) lots and not utilizing the conservation design option provisions of the Ordinance, when in accordance with the standards in Section 1603-R.
2. Cemetery, when in accordance with the standards in Section 1603-F.
3. Church and related uses, when in accordance with the standards in Section 1603-G.
4. Communications antenna attached to or mounted on an existing structure, when in accordance with the standards in Section 1602-B.
5. Golf course, when in accordance with the standards in Section 1603-L.
6. Public or private school, when in accordance with the standards in Section 1603-O.

SECTION 602. AREA AND BULK REGULATIONS

A. Single-family detached dwellings utilizing the conservation design option shall be governed by the regulations in Article XI.

B. Single-family detached dwellings not utilizing the conservation design option provisions in Article XI shall comply with the following requirements, as applicable:

1. Dwellings not served by public sewer and without the use of transferable development rights:

a.	Minimum lot area:	sixty thousand (60,000) square feet.
b.	Minimum lot width:	one hundred seventy-five (175) feet at the building setback line.
c.	Minimum front yard:	sixty (60) feet.
d.	Minimum individual/aggregate side yards:	thirty (30) feet individual. seventy (70) feet aggregate.

e.	Minimum rear yard:	sixty (60) feet.
f.	Maximum impervious surface:	fifteen percent (15%) of the lot area.

2. Dwellings not served by public sewer but with the use of transferable development rights, in accordance with the terms of Article XII:

a.	Minimum lot area:	one (1) acre.
b.	Minimum lot width:	one hundred and fifty (150) feet at the building setback line.
c.	Minimum front yard:	sixty (60) feet.
d.	Minimum individual/aggregate side yards:	twenty (20) feet individual. seventy (70) feet aggregate.
e.	Minimum rear yard:	sixty (60) feet.
f.	Maximum impervious surface:	twenty percent (20%) of the lot area.

3. Dwellings served by public sewer but without the use of transferable development rights:

   The area and bulk standards of Section 602-B-2, above, shall apply.

4. Dwellings served by public sewer and with the use of transferable development rights, in accordance with the terms of Article XII:

a.	Minimum lot area:	three-quarters (3/4) of an acre.
b.	Minimum lot width:	one hundred twenty-five (125) feet at the building setback line.
c.	Minimum front yard:	sixty (60) feet.
d.	Minimum individual/aggregate side yards:	twenty (20) feet individual. sixty (60) feet aggregate.
e.	Minimum rear yard:	fifty (50) feet.
f.	Maximum impervious surface:	twenty percent (20%) of the lot area.

C. Any other use permitted in Section 601 not otherwise regulated by the Ordinance:

1.	Minimum lot area:	two (2) acres.
2.	Minimum lot width:	two hundred (200) feet at the building setback line.
3.	Minimum front yard:	sixty (60) feet.
4.	Minimum side yards:	sixty (60) feet each
5.	Minimum rear rard:	sixty (60) feet.
6.	Maximum impervious surface:	twenty percent (20%) of the lot area.

D. Maximum height of buildings and structures:

1.	Single-family detached dwellings and other permitted uses:	thirty-five (35) feet.
2.	General farm buildings and silos:	eighty (80) feet.

SECTION 603. DESIGN STANDARDS

A. Single-family dwellings utilizing the conservation design option shall be governed by the regulations in Article XI.

B. Uses in the FR-Farm Residential District shall be governed by the terms of Article XVII, General Regulations, as applicable.

ARTICLE VII
R- RESIDENTIAL DISTRICT

SECTION 700. STATEMENT OF INTENT

The R - Residential District provides opportunity for a variety of types and densities of residential development where public sewer and water facilities can be provided and are necessary for development. Its location, adjacent to Honey Brook Borough, is intended to allow a transition in land use pattern and intensity between the Borough and the less dense and agricultural areas of the Township. Lots in the R - Residential District also may utilize transferred development rights to achieve increased residential density.

SECTION 701. USE REGULATIONS

A. Uses permitted by right.

A building or other structure may be erected, altered, or used, and a lot may be used or occupied, for any one of the following principal uses, together with the permitted accessory uses, by right in accordance with the terms of the Ordinance:

1. Agricultural and forestry uses. The raising, breeding, or keeping of livestock and poultry shall only be permitted on lots of ten (10) acres or more.
2. Residential development in accordance with the terms of the conservation design option, as contained in Article XI.
3. Single-family detached dwelling on an existing lot, or single-family detached dwellings on lots proposed to be created through sub division of a lot into not more than three (3) lots where the conservation design option is not utilized.
4. Two-family dwelling.
5. Multiple-family dwelling.
6. Home occupation, when in compliance with the standards in Section 1601-O.
7. Municipal use.
8. Parks, recreation areas, and playgrounds not operated for private profit.
9. Bed and breakfast establishment, when in accordance with the standards in Section 1601-H.
10. Equestrian center, when in accordance with the standards in Section 1601-M.
11. Personal care home, when in accordance with the standards in Section 1601-Q.
12. Accessory buildings and uses customarily incidental to any permitted use, when in accordance with the standards in Section 1601-C and all other applicable provisions of the Ordinance.
13. Rural occupation, on lots twenty (20) acres or greater, when in accordance with the standards in Section 1601-U.
14. Keeping of animals on residential lots, when in accordance with the standards in Section 1601-D.
15. Farm buildings, provided that any building used for the keeping or raising of livestock or poultry is subject to the setback requirements of Section 402-D.
16. Accessory dwelling, when in accordance with the standards in Section 1601-B.
17. Manure storage facility, as a use accessory to agriculture, when in accordance with the standards in Section 1601-C-7.

18. Display and sale of produce or nursery products, as a use accessory to agriculture, when in accordance with the standards in Section 1601-C-6.

B. Uses permitted by special exception.

The following uses shall be permitted when approved as a special exception by the Zoning Hearing Board in conformance with Article XX, the applicable standards contained in Section 1602, and any other applicable provisions of the Ordinance:

1. Home occupations which do not conform to the criteria in Section 1601-O, but which are in accordance with the standards in Section 1602-D.
2. Communications antenna attached to or mounted on an existing structure, when in accordance with the standards in Section 1602-B.
3. Elder cottage housing opportunity (ECHO), when in accordance with the standards in Section 1602-C.

C. Uses permitted as conditional uses.

The following uses shall be permitted when approved as a conditional use by the Board of Supervisors in conformance with Section 1909, the applicable standards contained in Section 1603, and any other applicable provisions of the Ordinance:

1. Single-family detached dwellings on tracts proposed to be subdivided into more than three (3) lots and not utilizing the conservation design option provisions of the Ordinance, when in accordance with the standards in Section 1603-R.
2. Church and related uses, when in accordance with the standards in Section 1603-G.
3. Communications antenna attached to or mounted on an existing structure, when in accordance with the standards in Section 1602-B.
4. Golf course, when in accordance with the standards in Section 1603-L.
5. Continuing care development, when in accordance with the standards in Section 1603-J.
6. Public or private school, when in accordance with the standards in Section 1603-O.

SECTION 702. AREA AND BULK REGULATIONS

A. Utility requirements.

As a prerequisite for approval, any lot must demonstrate the capability to be served by public water and public sewer. Lots used for agriculture and lots with an area greater than 40,000 square feet shall be exempt from the requirement to connect to public water and public sewer service unless otherwise obligated under the applicable regulations of the authorized provider of water and/or sewer service.

B. Single-family dwellings utilizing the conservation design option shall be governed by the regulations in Article XI.

C. Single-family detached dwellings not utilizing the conservation design option provisions in

Article XI:

1. Without the use of transferable development rights:

a.	Minimum lot area:	three-quarters (3/4) of an acre.
b.	Minimum lot width:	one hundred twenty-five (125) feet at the building setback line.
c.	Minimum front yard:	sixty (60) feet.
d.	Minimum individual/aggregate side yards:	twenty (20) feet individual sixty (60) feet aggregate.
e.	Minimum rear yard:	fifty (50) feet.
f.	Maximum impervious surface:	twenty percent (20%) of the lot area.

2. With the use of transferable development rights in accordance with the terms of Article XII:

a.	Minimum lot area:	one-half (1/2) acre.
b.	Minimum lot width:	one hundred (100) feet at the building setback line.
c.	Minimum front yard:	forty (40) feet.
d.	Minimum individual/aggregate side yards:	twenty (20) feet individual forty-five (45) feet aggregate.
e.	Minimum rear yard:	forty (40) feet.
f.	Maximum impervious surface:	twenty-five percent (25%) of the lot area.

D. Two-family dwellings not utilizing the conservation design option provisions in Article XI:

1. Without the use of transferable development rights:

a.	Minimum lot area (per dwelling unit):	one-half (1/2) acre.
b.	Minimum lot width (per dwelling unit):	sixty-five (65) feet at the building setback line.
c.	Minimum front yard:	forty (40) feet.
d.	Minimum individual/aggregate side yards:	fifteen (15) feet individual forty (40) feet aggregate.
e.	Minimum rear yard:	forty (40) feet.
f.	Maximum impervious surface:	twenty percent (20%) of the lot area.

2. With the use of transferable development rights in accordance with the terms of Article XII:

a.	Minimum lot area (per dwelling unit) :	fifteen thousand (15,000) square feet.
b.	Minimum lot width (per dwelling unit):	fifty-five (55) feet at the building setback line.
c.	Minimum front yard:	forty (40) feet.

d.	Minimum individual/aggregate side yards:	fifteen (15) feet individual forty (40) feet aggregate.
e.	Minimum rear yard:	forty (40) feet.
f.	Maximum impervious surface:	twenty-five percent (25%) of the lot area.

E. Townhouses:

1.	Minimum lot size:	two (2) acres of net lot area.
2.	Maximum density:	
a.	Without the use of transferable development rights:	three (3) dwelling units per acre of net lot area.
b.	With the use of transferable development rights in accordance with the terms of Article XII:	six (6) dwelling units per acre of net lot area.
3.	Minimum width of unit:	twenty (20) feet.
4.	Minimum yard dimensions (for fee-simple units; comparable building placement shall be achieved for condominium or rental dwelling units, and the setback and separation requirements of this section shall be applicable to all townhouse units):	
a.	Minimum front yard:	thirty (30) feet.
b.	Minimum side yard (end units):	twenty (20) feet.
c.	Minimum rear yard:	thirty (30) feet.
5.	Minimum distance between townhouse structures:	forty (40) feet.
6.	Minimum setback from parking facility (unless the parking facility is a driveway to a garage attached to the dwelling):	twenty (20) feet.
7.	Minimum setback from any lot boundary:	fifty (50) feet.
8.	Minimum distance from any single-family detached dwelling:	one hundred twenty-five (125) feet.
9.	Maximum length of any structure or connected structure:	one hundred fifty (150) feet.
10.	Maximum Impervious Surface:	forty-five percent (45%) of the net lot area.
11.	Minimum amount of common open space:	thirty-five percent (35%) of the gross lot area.

F. Apartment buildings:

1.	Minimum lot size:	two (2) acres of net lot area.
2.	Maximum Density:	
a.	Without the use of transferable development rights:	four (4) dwelling units

		per acre of net lot area.
	b. With the use of transferable development rights in accordance with the terms of Article XII:	eight (8) dwelling units per acre of net lot area.
3.	Minimum setback from any lot boundary:	fifty (50) feet.
4.	Minimum distance between multi-family structures:	forty (40) feet.
5.	Minimum setback from parking facility:	twenty (20) feet.
6.	Minimum distance from any single-family detached dwelling:	one hundred twenty-five (125) feet.
7.	Maximum length of any structure or connected structure:	one hundred fifty (150) feet.
8.	Maximum impervious surface:	forty-five percent (45%) of the net lot area.
9.	Minimum amount of common open space:	forty-five percent (45%) of the gross lot area.

G. Any other use permitted in Section 701 not otherwise regulated by the Ordinance:

1.	Minimum lot area:	two (2) acres.
2.	Minimum lot width:	two hundred (200) feet at the building setback line.
3.	Minimum front yard:	sixty (60) feet.
4.	Minimum side yards:	sixty (60) feet each.
5.	Minimum rear yard:	sixty (60) feet.
6.	Maximum impervious surface:	twenty percent (20%) of the lot area.

H. Maximum height:

1.	Single-family detached dwellings and other permitted uses:	thirty-five (35) feet
2.	General farm buildings and silos:	eighty (80) feet

SECTION 703. DESIGN STANDARDS

A. Single-family dwellings utilizing the conservation design option shall be governed by the regulations in Article XI.

B. Uses in the R-Residential District shall be governed by the terms of Article XVII, General Regulations, as applicable.

ARTICLE VIII
MR - MIXED- RESIDENTIAL DISTRICT

SECTION 800. STATEMENT OF INTENT

The MR - Mixed Residential District seeks to provide for all types and densities of residential development, including various single-family and multi-family dwellings. Its location reflects suitable access, compatible existing residential development, proximity to neighborhood commercial uses, and the planned availability of public sewer and water facilities necessary for high-density development. Through these provisions, the Township's intent is to recognize and build upon the settlement patterns in the Rockville area.

SECTION 801. USE REGULATIONS

A. Uses permitted by right.

A building or other structure may be erected, altered, or used, and a lot may be used or occupied, for any one of the following principal uses, together with the permitted accessory uses, by right in accordance with the terms of the Ordinance:

1. Single-family detached dwelling.
2. Two-family dwelling.
3. Multiple-family dwelling.
4. Home occupation, when in compliance with the standards in Section 1601-O.
5. Municipal use.
6. Bed and breakfast establishment, when in accordance with the standards in Section 1601-H.
7. Equestrian center, when in accordance with the standards in Section 1601-M.
8. Personal care home, when in accordance with the standards in Section 1601-Q.
9. Forestry.
10. Accessory buildings and uses customarily incidental to any permitted use, when in accordance with the standards in Section 1601-C and all other applicable provisions of the Ordinance.
11. Rural occupation, on lots twenty (20) acres or greater, when in accordance with the standards in Section 1601-U.
12. Accessory dwelling, when in accordance with the standards in Section 1601-B.

B. Uses permitted by special exception.

The following uses shall be permitted when approved as a special exception by the Zoning Hearing Board in conformance with Article XX, the applicable standards contained in Section 1602, and any other applicable provisions of the Ordinance.

1. Elder cottage housing opportunity (ECHO), as a use accessory to a single-family detached dwelling on a lot of not less than fifteen thousand (15,000) square feet,

when in accordance with the standards in Section 1602-C.

2. Communications antenna attached to or mounted on an existing structure, when in accordance with the standards in Section 1602-B.
3. Home occupations that do not conform to the criteria in Section 1601-O, but that are in accordance with the standards in Section 1602-D.

C. Uses permitted as conditional uses.

The following uses shall be permitted when approved as a conditional use by the Board of Supervisors in conformance with Section 1909, the applicable standards contained in Section 1603, and any other applicable provisions of the Ordinance:

1. Mobile home parks, subject to the requirements of Section 1603-M of the Ordinance and Article VII of the Township Subdivision and Land Development Ordinance.
2. Church and related uses, when in accordance with the standards in Section 1603-G.
3. Continuing care development, when in accordance with the standards in Section 1603-J.
4. Public or private school, when in accordance with the standards in Section 1603-O.

SECTION 802. AREA AND BULK REGULATIONS

A. Utility requirements.

As a prerequisite for approval, any lot must demonstrate the capability to be served by public water and public sewer. Lots with an area greater than 40,000 square feet are exempt from the requirement to connect to public water and public sewer service unless otherwise obligated under the applicable regulations of the authorized provider of water and/or sewer service.

B. Dimensional requirements per dwelling type:

1. Single-family detached dwellings, without the use of transferable development rights:

a.	Minimum lot area:	fifteen thousand (15,000) square feet.
b.	Minimum lot width:	ninety (90) feet.
c.	Minimum front yard:	forty (40) feet.
d.	Minimum individual/aggregate side yards:	fifteen (15) feet individual thirty-five (35) feet aggregate.
e.	Minimum rear yard:	forty (40) feet.
f.	Maximum impervious surface:	thirty percent (30%) of the lot area

2. Single-family detached dwellings, with the use of transferable development rights in accordance with the terms of Article XII:

a.	Minimum lot area:	ten thousand (10,000) square feet.
b.	Minimum lot width:	seventy (70) feet at the building setback line.
c.	Minimum front yard:	twenty-five (25) feet.
d.	Minimum individual/aggregate side yards:	ten (10) feet individual twenty-five (25) feet aggregate
e.	Minimum rear yard:	thirty-five (35) feet.
f.	Maximum impervious surface:	forty percent (40%) of the lot area.

3. Two-family dwellings, without the use of transferable development rights:

a.	Minimum lot area (per dwelling unit):	ten thousand (10,000)
b.	Minimum lot width (per dwelling unit):	forty-five (45) feet.
c.	Minimum front yard:	forty (40) feet.
d.	Minimum individual/aggregate side yards:	fifteen (15) feet individual thirty-five (35) feet aggregate
e.	Minimum rear yard:	forty (40) feet.
f.	Maximum impervious surface:	thirty-five percent (35%) of the lot area.

4. Two-family dwellings, with the use of transferable development rights in accordance with the terms of Article XII:

a.	Minimum lot area (per dwelling unit):	seven thousand (7,000) square feet.
b.	Minimum lot width (per dwelling unit):	forty-five (45) feet at the building setback line.
c.	Minimum front yard:	twenty-five (25) feet.
d.	Minimum individual/aggregate side yards:	ten (10) feet individual twenty-five (25) feet aggregate.
e.	Minimum rear yard:	thirty-five (35) feet.
f.	Maximum impervious surface:	forty-five percent (45%) of the lot area.

5. Townhouses:

a.	Minimum Lot Size:	two (2) acres of net lot area.
b.	Maximum density:	
	[1]. Without the use of transferable development rights:	three (3) dwelling units per acre of net

lot area.

[2]. With the use of transferable development rights in accordance with the terms of Article XII: seven (7) dwelling units per acre of net lot area.

c. Minimum width of unit: twenty (20) feet.

d. Minimum yard dimensions (for fee-simple units; comparable building placement shall be achieved for condominium or rental dwelling units, and the setback and separation requirements of this section shall be applicable to all townhouse units).

[1]. Minimum front yard: thirty (30) feet.
[2]. Minimum side yard (end units): twenty (20) feet.
[3]. Minimum rear yard: thirty (30) feet.

e. Minimum distance between townhouse structures: forty (40) feet.

f. Minimum setback from any common parking facility: twenty (20) feet.

g. Minimum setback from any lot boundary: fifty (50) feet.

h. Minimum distance from any single-family detached dwelling: one hundred twenty-five (125) feet.

i. Maximum length of any structure or connected structure: one hundred fifty (150) feet.

j. Maximum impervious surface: forty-five percent(45%) of the net lot area.

k. Minimum amount of common open space: thirty-five percent (35%) of the gross lot area.

6. Apartment buildings:

a. Minimum lot size: two (2) acres of net lot area.

b. Maximum density:

[1]. Without the use of transferable development rights: four (4) dwelling units per acre of net lot area.

[2]. With the use of transferable development rights in accordance with the terms of Article XII: ten (10) dwelling units per acre of net lot area.

c. Minimum setback from any lot boundary: fifty (50) feet.

d. Minimum distance between multi-family structures: forty (40) feet.

e. Minimum setback from any common parking facility: twenty (20)feet.

f. Minimum distance from any single-family detached dwelling: one hundred twenty-five (125) feet.

g. Maximum length of any structure or connected structure:

one hundred fifty (150) feet.

h.	Maximum impervious surface:	forty-five percent (45%) of the net lot area.
i.	Minimum amount of common open space:	forty-five percent (45%) of the gross lot area.

C. Any other use permitted in Section 801 not otherwise regulated by the Ordinance:

1.	Minimum lot area:	two (2) acres.
2.	Minimum lot width:	two hundred (200) feet at the building setback line.
3.	Minimum front yard:	sixty (60) feet.
4.	Minimum side yards:	sixty (60) feet each.
5.	Minimum rear yard:	sixty (60) feet.
6.	Maximum impervious surface:	twenty percent (20%) of the lot area.

D. Maximum height:

The maximum height of a single-family detached dwelling or other permitted use shall be thirty-five (35) feet.

SECTION 803. DESIGN STANDARDS

A. Uses in the MR-Mixed Residential District shall be governed by the terms of Article XVII, General Regulations, as applicable.

B. Sidewalks.

1. Except as otherwise provided herein, every lot in the MR-Mixed Residential District shall contain a sidewalk along its street frontage. Sidewalk design and construction shall be consistent with the requirements in Section 618-B of the Township Subdivision/Land Development Ordinance.
2. Any lot with a front yard adjacent to Rt. 322 within the MR-Mixed Residential District shall contain a pedestrian connection, the location of which on the lot shall be approved by the Board of Supervisors. On such a lot, a front sidewalk may be provided or, at the discretion of the Board, an alternative means of pedestrian access that forms a continuous connection to the contiguous lots shall be provided within the interior of the lot.

ARTICLE IX
C - COMMERCIAL DISTRICT

SECTION 900. STATEMENT OF INTENT

The C - Commercial District provides reasonable standards for the orderly development of commercial and business uses and compatible residential uses, with the intent to assure that new or changed uses reflect and relate to the traditional, compact neighborhood commercial character and complementary residential uses adjacent to Honey Brook Borough and in the Rockville area. The C - Commercial District is not intended to accommodate highway-oriented business uses or to attract significant regional traffic, but rather to serve the local commercial needs of residents within and near the district. The district also is intended to enable the transfer of development rights by allowing increases in non-residential impervious surface or building floor area with the use of development rights. Commercial land uses within the district are subject to performance standards to protect public health and safety through controls on noise, smoke, odors, or other potentially hazardous or dangerous conditions.

SECTION 901. USE REGULATIONS

A. Uses permitted by right.

A building or other structure may be erected, altered, or used, and a lot may be used or occupied, for any one of the following principal uses, together with the permitted accessory uses, by right in accordance with the terms of the Ordinance, including applicable standards for selected uses in Section 1601:

1. The following uses, provided that no individual use shall occupy more than eight thousand (8,000) square feet of building floor area on the lot:

   a. Automobile/truck fuel retail sales.
   b. Automobile, truck, farm equipment, boat, other motor vehicle, and mobile and modular home sales, service, and repair facilities.
   c. Automatic car wash facility.
   d. Bank or similar financial institution.
   e. Business or professional office.
   f. Contractor's shop, including plumbing, heating, electrical, carpentry.
   g. Convenience store.
   h. Craftsman or artisan shop, including furniture restoration and refinishing, photography studio, artist's workshop or studio, quilting shop, glass blowing operation, and other similar uses as determined by the Zoning Officer.
   i. Personal service enterprise, including barber shop, beauty salon, shoe repair, tailor, drop-off/pick-up facility associated with off-site dry cleaning operation, licensed massage therapist or physical therapist, and other similar uses as determined by the Zoning Officer.
   j. Repair shop for home appliances, jewelry, and other household items.
   k. Retail sales.

l. Bed-and-breakfast establishment.
m. Club or lodge for fraternal or social purposes.
n. Day care facility for children or adults.
o. Greenhouse, including accessory sales of nursery stock and lawn and garden care products.
p. Dry cleaner, laundry, laundromat.
q. Funeral home.
r. Home improvement or building supply showroom and/or sales.
s. Hotel, motel, inn.
t. Medical, dental, or veterinary office, clinic.
u. Recreation facility, including health club.
v. Restaurant, including fast-food restaurant and drive-thru service.
w. Tavern.

2. Rural occupation, on lots twenty (20) acres or greater, when in accordance with the standards in Section 1601-U.
3. Equestrian center.
4. Emergency services station.
5. Municipal use.
6. Single-family detached dwelling.
7. Two-family dwellings.
8. Dwelling unit or units, when arranged to form an integral part of a building in which the ground floor, or at minimum the front portion thereof, is used principally for a non-residential use permitted in this district.
9. Home occupation, when in accordance with the standards in Section 1601-O.
10. Accessory dwelling, when in accordance with the standards in Section 1601-B.
11. Accessory buildings and uses customarily incidental to any permitted use, when in accordance with the standards in Section 1601-C and all other applicable provisions of the Ordinance.
12. Forestry.
13. Keeping of animals on residential lots, when in accordance with the standards in Section 1601-D.

B. Uses permitted by special exception.

The following uses shall be permitted when approved as a special exception by the Zoning Hearing Board in conformance with Article XX, the standards contained in Section 1602, and any other applicable provisions of the Ordinance:

1. Elder cottage housing opportunity (ECHO), when in accordance with the standards in Section 1602-C.
2. Communications antenna attached to or mounted on an existing structure, when in accordance with the standards in Section 1602-B.
3. Home occupations which do not conform to the criteria in Section 1601-O, but which are in accordance with the standards in Section 1602-D.

C. Uses permitted as conditional uses.

The following uses shall be permitted when approved as a conditional use by the Board of Supervisors in conformance with Section 1909, the standards contained in Section 1603, and any other applicable provisions of the Ordinance:

1. Bus station, when in accordance with the standards in Section 1603-D.
2. Planned village commercial center, comprising one or more buildings containing three (3) or more of the uses permitted under the terms of Section 901-A and when in accordance with the standards in Section 1603-N.
3. Church and related uses, when in accordance with the standards in Section 1603-G.
4. Public, private, or trade school, when in accordance with the standards in Section 1603-O.

SECTION 902. AREA AND BULK REGULATIONS

A. Utility requirements.

As a prerequisite for approval, any lot in the C-Commercial District must demonstrate the capability to be served by public water and public sewer. Lots with an area greater than forty thousand (40,000) square feet are exempt from the requirement to connect to public water and public sewer service unless otherwise obligated under the applicable regulations of the authorized provider of water and/or sewer service.

B. Dimensional requirements for all non-residential uses, except a planned village commercial center:

1. Minimum lot area: twenty thousand (20,000) square feet.
2. Minimum lot width: one hundred (100) feet at the building setback line.
3. Minimum front yard: fifteen (15) feet.
4. Minimum side yards:

   a. abutting a non-residential use or vacant lot zoned C-Commercial: ten (10) feet.
   b. abutting a residential use and/or residential zoning district boundary: fifty (50) feet, or the minimum side yard needed to achieve a separation of sixty-five (65) feet between principal buildings on the adjacent lots, whichever dimension is greater.

5. Minimum Rear Yard:

   a. abutting a non-residential use or vacant lot zoned C-Commercial: twenty-five (25) feet.
   b. abutting a residential use and/or residential zoning district boundary:

fifty (50) feet.

6. Maximum Impervious Surface:

   a. without the use of transferable development rights: sixty percent (60%) of the lot area.

   b. with the use of transferable development rights in accordance with the terms of Article XII: eighty-five percent (85%) of the lot area.

7. Maximum Building Height:

   a. without the use of transferable development rights: thirty-five (35) feet, but not more than two (2) stories.

   b. with the use of transferable development rights in accordance with the terms of Article XII: forty-five (45) feet, but not more than three (3) stories.

C. Dimensional requirements for residential uses:

1. The requirements for single-family detached dwellings shall be those applicable to the MR-Mixed Residential District in Sections 802-B-1 and 802-B-2 of the Ordinance.
2. The requirements for two-family dwellings shall be those applicable to the MR-Mixed Residential District in Sections 802-B-3 and 802-B-4 of the Ordinance.
3. Dwelling units contained within a principal non-residential structure, as permitted by Section 901-A-8, shall comply with the following requirements:

   a. Any dwelling unit shall have a floor area of not less than six hundred fifty (650) square feet.
   b. Total floor area devoted to dwelling units within the structure shall not exceed four (4) times the total floor area of the ground floor non-residential use or uses.
   c. Entrance to any dwelling unit may be shared with another unit or units, but shall be independent of the non-residential use or uses.
   d. Off-street parking required for each dwelling unit shall be in accordance with Article XV of the Ordinance, and shall be in addition to the parking required for the non-residential use or uses.
   e. Where two or more dwelling units are to be created above the ground floor, requisite approvals of interior layout, emergency exits, etc. shall be obtained from the Pennsylvania Department of Labor and Industry, and a copy provided to the local fire company upon receipt of such approval.

SECTION 903. DESIGN STANDARDS

A. Uses in the C-Commercial District shall be governed by the terms of Article XVII, General Regulations, as applicable.

B. Sidewalks:

1. Except as otherwise provided herein, every lot in the C-Commercial District shall contain a sidewalk along its street frontage. Sidewalk design and construction shall be consistent with the requirements in Section 618-B of the Township Subdivision/Land Development Ordinance.
2. Any lot with a front yard adjacent to Rt. 322 or Rt. 10 within the C-Commercial District shall contain a pedestrian connection, the location of which on the lot shall be approved by the Board of Supervisors. On such a lot, a front sidewalk may be provided or, at the discretion of the Board, an alternative means of pedestrian access that forms a continuous connection to the contiguous lots shall be provided within the interior of the lot.

C. For any non-residential use except a planned village commercial center, within the first twenty (20) feet of depth of the required front yard, as measured from the street right-of-way line, there shall be no parking area or other impervious surface other than that needed at points of ingress to and/or egress from the lot.

SECTION 904. COMMERCIAL USE PERFORMANCE STANDARDS

All commercial operations or activities are subject to the criteria established in Section 1004 of the Ordinance.

ARTICLE X
I - INDUSTRIAL DISTRICT

SECTION 1000. STATEMENT OF INTENT

The I - Industrial District provides adequate sites for selected industrial, highway-oriented commercial, and office uses which are designed to prevent environmental problems and assure compatibility with other permitted uses within the Township. Land uses within the I Industrial District are subject to performance standards to protect the health, safety, and welfare of Township residents, workers at such establishments, and visitors to the Township. Public health and safety shall be maintained through control of noise, vibrations, dust, and particulate emissions, sulfur oxides, smoke, odor, toxic matter, detonable materials, fire hazards, glare heat, radioactive radiation, liquid or solid wastes, and electromagnetic radiation.

The Board of Supervisors also seeks to protect public health and safety through appropriate access management and internal circulation standards. The district also is intended to enable the transfer of development rights by allowing increases in non-residential impervious surface or building floor area with the use of development rights.

SECTION 1001. USE REGULATIONS

A. Uses permitted by right.

A building or other structure may be erected, altered, or used, and a lot may be used or occupied, for any one, or any combination of the following principal uses, together with the permitted accessory uses, by right in accordance with the terms of the Ordinance, including applicable standards for selected uses in Section 1601:

1. All agricultural and forestry uses subject to the requirements of Sections 401-A-1 and 401-A-2 of the Ordinance.
2. Administrative or business office.
3. Automobile/truck fuel retail sales.
4. Automobile, truck, farm equipment, boat, other motor vehicle, and mobile and modular home sales, service, and/or repair facility.
5. Automatic car wash facility.
6. Bed-and-breakfast establishment.
7. Day care facility for children or adults.
8. Contractor's shop, including plumbing, heating, electrical, carpentry.
9. Convenience store.
10. Crematorium.
11. Funeral home.
12. Gasoline station, non-retail/membership only, when in accordance with the standards in Section 1601-E.
13. Hotel, motel, or inn, provided that individual dwelling units are not provided other than for the owner/ or operator.

14. Industrial activities involving processing, production, repair, packaging, or testing of materials, goods, and/or products by industries primarily performing conversion, assembly, or non-toxic chemical operations.
15. Recreation facility, including health club.
16. Recycling center.
17. Restaurant, including fast-food restaurant and drive-thru service.
18. Retail sales, provided the building or buildings in which the use is located covers no more than twenty-five thousand (25,000) square feet of the lot.
19. Rural occupation, on lots twenty (20) acres or greater, when in accordance with the standards in Section 1601-U.
20. Scientific or industrial research or engineering laboratory, product testing facility, and/or design center.
21. Self-service storage warehouse.
22. Municipal use.
23. Wholesale distribution of commercial or industrial products, including lumber and coal yard, building material storage yard, contractor's equipment and storage yard, and commercial warehouse.
24. Equestrian center.
25. Billboard.
26. Emergency services station.
27. Home occupation, when in accordance with the standards in Section
28. 1601-O.
29. Accessory dwelling, when in accordance with the standards in Section 1601-B.
30. Keeping of animals on residential lots, when in accordance with the standards in Section 1601-D.
31. Accessory buildings and uses customarily incidental to any permitted use, when in accordance with the standards in Section 1601-C and all other applicable provisions of the Ordinance.
32. Manure storage facility, as a use accessory to agriculture, when in accordance with the standards in Section 1601-C-7.
33. Display and sale of produce or nursery products, as a use accessory to agriculture, when in accordance with the standards in Section 1601-C-6.

B. Uses permitted by special exception.

The following uses shall be permitted when approved as a special exception by the Zoning Hearing Board in conformance with Article XX, the standards contained in Section 1602, and any other applicable provisions of the Ordinance:

1. Elder cottage housing opportunity (ECHO), when in accordance with the standards in Section 1602-C.
2. Home occupations which do not conform to the criteria in Section 1602-O, but which are in accordance with the standards in Section 1602-D.
3. Junkyard, when in accordance with the standards in Section 1602-E.
4. Municipal landfill, when in accordance with the standards in Section 1602-G.
5. Wholesale agricultural produce sales and stockyards, when in accordance with the

standards in Section 1602-I.

6. Communications antenna attached to or mounted on an existing structure, when in accordance with the standards in Section 1602-B.

C. Uses permitted as conditional uses.

The following uses shall be permitted when approved as a conditional use by the Board of Supervisors in conformance with Section 1909, the standards contained in Section 1603, and any other applicable provisions of the Ordinance:

1. Adult-oriented business, when in accordance with the standards in Section 1603-B.
2. Airport or heliport, when in accordance with the standards in Section 1603-C.
3. Bus station, when in accordance with the standards in Section 1603-D.
4. Retail store in excess of twenty-five thousand (25,000) square feet, when in accordance with the standards in Section 1603-P.
5. Shopping center, when in accordance with the standards in Section 1603-Q.
6. Commercial use of water resources, when in accordance with the standards in Section 1603-H.
7. Church and related uses, when in accordance with the standards in Section 1603-G.
8. Public or trade school, when in accordance with the standards in Section 1603-O.
9. Any use, not specifically permitted under the terms of this section, that is: [a] deemed by the Board of Supervisors to be similar in its character and potential impacts to those uses specifically permitted; or [b] required by law to be permitted in a municipality.

SECTION 1002. AREA AND BULK REGULATIONS

A. Agricultural, horticultural, animal husbandry, and forestry uses shall comply with the area and bulk regulations applicable to such uses in Section 402 of the Ordinance.

B. Dimensional requirements for all other uses permitted in the I-Industrial District shall be as follows, unless otherwise specified in the Ordinance in standards and criteria for a specific individual use:

1. Minimum lot area: two (2) acres.
2. Minimum lot width: one hundred fifty (150) feet.
3. Minimum front, side, and rear yards: fifty (50) feet.
4. Maximum impervious surface:

   a. without the use of transferable development rights: fifty percent (50%) of the lot area.

b. with the use of transferable development rights: seventy percent (70%) of the lot area.

5. Minimum Vegetative Cover Area:

a. without the use of transferable development rights: thirty-five percent (35%) of the lot area.

b. with the use of transferable development rights: fifteen percent (15%) of the lot area.

6. Maximum Building Height:

a. without the use of transferable development rights: thirty-five (35) feet, but not more than two (2) stories.

b. with the use of transferable development rights: forty-five (45) feet, but not more than three (3) stories.

c. The maximum height of agricultural structures and other industrial accessory structures or elements such as smokestacks or similar facilities not intended for human occupancy shall be eighty-five (85) feet, provided that the setback from adjacent lot lines is at least equal to the height of the structure. Such maximum height shall be permitted without the need of transferable development rights.

SECTION 1003. DESIGN STANDARDS

Uses in the I-Industrial District shall be governed by the terms of Article XVII, General Regulations, as applicable.

SECTION 1004. INDUSTRIAL AND COMMERCIAL USE PERFORMANCE STANDARDS

A. General Requirements.

1. All industrial and commercial operations shall comply with any applicable Commonwealth of Pennsylvania and/or federal regulations as may be required.
2. No building may be erected, altered, or used, and no lot or premises may be used which is noxious or offensive by reason of odor, dust, smoke, vibration,

illumination, or noise; or which constitutes a public hazard whether by fire, explosion, or otherwise in the immediately surrounding area.

3. The performance standards contained in this section shall be the minimum standards to be met and maintained by all industrial and commercial uses within the Township. Such uses shall be defined as those non-residential uses permitted in Sections 901 and 1001 of the Ordinance To the extent that the standards in Article XVII, General Regulations, impose different or stricter requirements on commercial or industrial uses, those standards shall take effect.

B. Specific performance standards.

1. Noise.

All operations, with the exception of those exempted by Section 1004-B-2-d, shall be limited by the standards listed in the table below, which describes the maximum sound pressure level permitted from any source and measured in any abutting zoning district.

Frequency Band (Cycles/Second)	Maximum Permitted Sound Pressure Level (Decibels)
0-150	67
150-300	59
300-600	52
600-1200	46
1200-2400	40
2400-4800	34
Above 4800	32

a. Noise shall be measured with a sound level meter constructed in accordance with specifications of the American National Standards Institute (A.N.S.I.). Measurements are to be made at any point in abutting zoning districts as indicated in the above table.

b. Impact noise (intermittent sounds such as from a punch press or drop forge hammer) shall be measured using the fact response of the sound level meter and are to be made at any point in abutting zoning districts as indicated in the above table.

c. If the noise is not smooth and continuous or is radiated during sleeping hours, one (1) or more of the corrections below shall be added to or subtracted from each of the decibel levels given above.

Type of Operation or Character of Noise	Correction (In Decibels)
Noise occurs between the hours of 10:00 p.m. and 7:00 a.m.	-3
Noise occurs less than five percent (5%) of any one (1) hour period.	+5
Noise is of periodic character (hum, scream, etc.), or is of impulsive character (hammering, etc.). In the case of impulsive noise, the correction shall apply only to the average pressure during an impulse, and impulse peaks shall not exceed the basic standards cited above.	-5

d. The following sources of noise are exempt:

[1]. Transportation vehicles not used in the ordinary cause of business and not under the control of the owner, tenant, or lessor.
[2]. Occasionally used safety signals, warning devices, and emergency pressure relief valves.
[3]. Temporary construction activity between 7:00 a.m. and 7:00 p.m.

e. Sound levels shall be measured at the lot line with a sound level meter and associated octave band filter manufactured according to standards prescribed by the American Standards Association.

2. Vibration

a. Vibration shall be measured at or beyond any adjacent lot line or zoning district line as indicated below and such measurements shall not exceed the particle velocities so designated. The instrument used for these measurements shall be a three (3) component measuring system capable of simultaneous measurement of vibration in three (3) mutually perpendicular directions.

b. The maximum vibration is given as particular velocity, which may be measured directly with suitable instrumentation or computed on the basis of displacement and frequency. When computed, the following formula shall be used:

P.V. = 6.28 F x D
P.V. = Particle velocity (inches per second)

F = Vibration frequency (hertz)
D = Single amplitude displacement of the vibration (inches)

c. The maximum peak particle velocity on or beyond an abutting zoning district boundary shall not exceed 0.02 inches per second steady state and 0.04 inches per second impact. The maximum peak particle velocity on or beyond an adjacent lot line shall not exceed 0.10 inches per second steady state and 0.20 inches per second impact. Steady-state vibrations are vibrations which are continuous, or vibrations in discrete impulses more frequent than sixty (60) per minute. Discrete impulses which do not exceed sixty (60) per minute shall be considered impact vibrations.

d. The maximum particle velocity shall be the maximum vector sum of three (3) mutually perpendicular components recorded simultaneously.

e. Between the hours of 7:00 p.m. and 7:00 a.m. all of the permissible vibration levels indicated in paragraph (c) above shall be reduced to one-half (1/2) of the indicated values.

3. Liquid or solid wastes.

No discharge shall be permitted at any point into any sewage disposal system, watercourse, or lake, or into the ground, except in accordance with standards approved by the Department of Environmental Protection or other regulating agency, of any materials of such nature or temperature as can contaminate any water supply or otherwise cause the emission of dangerous or offensive elements. There shall be no accumulation of solid wastes conducive to the breeding of rodents or insects.

4. Glare.

Any operation or activity producing glare shall be conducted so that direct or indirect light from the source shall not cause illumination in excess of 0.5 foot-candles when measured within an adjacent non-industrial or non-commercial lot.

a. Direct Glare - Direct glare, for the purpose of the Ordinance, is illumination beyond lot lines caused by direct or specularly reflected rays from incandescent, fluorescent, or arc lighting, or from such high temperature processes as welding or petroleum or metallurgical refining. No such direct glare shall be permitted, with the exceptions that parking areas and walkways maybe illuminated by luminaries so hooded or shielded that the maximum angle or the cone of direct illumination shall be sixty (60) degrees drawn perpendicular to the ground, with the exception that such angle may be increased to ninety (90) degrees if the luminary is less than four (4) feet above the ground. Such luminaries shall be placed not more than sixteen (16) feet above ground level and the maximum illumination at ground level shall not be in excess of three (3)

foot-candles.

b. Indirect Glare - Indirect glare, for the purpose of the Ordinance, is illumination beyond lot lines caused by diffuse rays reflecting from a surface such as a wall or roof of a structure. Indirect glare shall not exceed that value which is produced by an illumination of the reflecting surface not to exceed 0.3 foot-candles(maximum) and 0.1 foot-candles (average). Deliberately induced sky-reflected glare, as by casting a beam upward for advertising purposes, is specifically prohibited.

5. Odor.

a. Odor thresholds shall be measured in accordance with ASTM d1391-57 "Standard Method for Measurement of Odor in Atmospheres (Dilution Method)" or its equivalent.

b. Odorous material released from any operation or activity shall not exceed the odor threshold concentration beyond the district boundary line measured either at ground level or habitable elevation.

6. Detonable materials.

a. Activities involving the storage, utilization, or manufacture of products which decomposed by detonation shall include but not be limited to all primary explosives such as lead azide, lead styphnate, fulminates and tetracene; all high explosives such as TNT, RDX, HMX, PETN, and picric acid; propellants and components thereof, such as dry nitrocellulose, black powder, boron hydrides, hydrazine and its derivatives; pyrotechnics and fireworks such as magnesium powder, potassium chlorate and potassium nitrate; blasting explosives such as dynamite and nitroglycerine; unstable oxidizing agents such as perchloric acid, perchlorates, and hydrogen peroxide in concentration greater than thirty-five (35) percent; and nuclear fuels, fissionable materials and products, and reactor elements such as Uranium 235 and Plutonium 239.

b. The storage, utilization, or manufacture of materials or products which decompose by detonation is limited to five (5) pounds. Quantities in excess of five (5) pounds of such materials may be stored or utilized, but not manufactured.

7. Fire hazard solids.

The storage, utilization, or manufacture of solid materials which are active to intense burning shall be conducted within walls having a fire resistance no less than two (2) hours or protected by an automatic fire extinguishing system or the building wall shall be no less than seventy-five (75) feet from all lot lines. The outdoor storage of such materials shall not be closer than one hundred (100) feet from all lot lines.

8. Fire hazard liquids and gases.

   a. The storage, utilization, or manufacture of flammable liquids or gases which produce flammable or explosive vapors shall be permitted only in accordance with this section, exclusive of the storage of finished products in original sealed containers (60 gallons or less), which shall be unrestricted.

   b. The total storage capacity of flammable liquids and gases shall not exceed those quantities permitted in the table below:

Maximum Storage Capacity of Flammable Liquids

Stored Above Ground, Flash Point in degrees F	Storage Capacity
Less than 70	7,500 gallons
70-200	30,000 gallons

Stored Below Ground, Flash Point in degrees F	Storage Capacity
Less than 70	15,000 gallons
70-200	60,000 gallons

Maximum Storage Capacity of Flammable Gases

Above ground storage	225,000 SCF*
Below ground storage	450,000 SCF*
*SCF - Standard Cubic Feet at 60^0F and 29.92 inches Hg.	

9. Heat.

   Heat, for purposes of the Ordinance, is the thermal energy of a radioactive, conductive, or convective nature. Heat emitted at any or all points shall not at any time cause a temperature increase on any adjacent lot in excess of ten (10) degrees F., whether such change is in the air or in the ground, in a natural stream or lake, or in any structure on such adjacent lot.

10. Radioactive radiation.

    No activities shall be permitted which emit dangerous radioactivity at any point beyond the lot line or which produce emission injurious to humans, animals, or vegetation, or are of an intensity which interferes with the use of any other lot. The handling of radioactive materials, the discharge of such materials into air and water, and the disposal of radioactive wastes, shall be in conformance with the regulations of the Nuclear Regulatory Commission as set forth in Title 10, Chapter One, Part 20 - Standards for the Protection Against Radiation, as

amended, and all applicable regulations of the Commonwealth of Pennsylvania.

11. Electromagnetic radiation.

No activities shall be permitted which emit electromagnetic radiation at any point beyond the lot line or which produce emissions injurious to humans, animals, or vegetation, or are of an intensity which interferes with the use of any other lot. It shall be unlawful to operate, or cause to be operated, any planned or intentional source of electromagnetic radiation for such purposes as communication, experimentation, entertainment, broadcasting, heating, navigation, therapy, vehicle velocity measurement, weather survey, aircraft detection, topographical survey, personal pleasure, or any other use directly or indirectly associated with these purposes which does not comply with the ten (10) current regulations of the Federal Communications Commission regarding such sources of electromagnetic radiation, except that for all governmental communications facilities, governmental agencies and government-owned plants, the regulations of the Interdepartmental Radio Advisory Committee shall take precedence over the regulations of the Federal Communications Commission, regarding such sources of electromagnetic radiation. Further, said operation in compliance with the Federal Communications Commission or the Interdepartmental Radio Advisory Committee regulations shall be unlawful if such radiation causes an abnormal degradation in performance of other electromagnetic radiators or electromagnetic receptors of quality and proper design because of proximity, primary field, blanketing, spurious-radiation, harmonic content, modulation, or energy conducted by power or telephone lines. The determination of "abnormal degradation in performance" and "of quality and proper design" shall be made in accordance with good engineering practices as defined in the latest principles and standards of the American Institute of Electrical Engineers, the Institute of Radio Engineers, and the Electronic Industries Association. In case of any conflict between the latest standards and principles of the above groups, the following precedence in the interpretation of the standards and principles shall apply: (1) American Institute of Electrical Engineers, (2) Institute of Radio Engineers, and (3) Electronic Industries Association.

12. Dust and particulates.

a. The total emission rate of dust and particulate matter from all vents, stacks, chimneys, flues, or other openings or any process, operation, or activity within the boundaries of any lot shall not exceed the levels set forth below. Emissions of dust and particulates shall be in accordance with the Commonwealth of Pennsylvania Rules and Regulations governing air contamination and air pollution. In case of conflict, the most restrictive shall apply.

b. The emission rate of any particulate matter in pounds per hour from any single stack shall be determined by selecting a continuous four (4) hour

period which will result in the highest average emission rate.

c. Particulate matter emission from materials or products subject to becoming windborne shall be kept to a minimum by paving, oiling, wetting, covering, or other means, such as to render the surface wind resistant. Such sources include vacant lots, unpaved roads, yards and storage piles of bulk material such as coal, sand, cinders, slag, and sulfur.

d. The maximum emission rate of dust and particulate matter from all stacks shall be 2.0 pounds per hour per acre of lot area.

13. Sulfur dioxides.

Emission of oxides of sulfur (as sulfur dioxide) from combustion and other processes shall be limited in accordance with the standard of 1.0 pounds per hour per acre of lot area and may be computed from the sulfur analysis in the fuel or from known test data of sulfur oxides emission.

14. Smoke.

a. For the purpose of grading the density or equivalent opacity of smoke, the Ringelmann Chart, as published by the United States Bureau of Mines, shall be used. However, the Umbrascope readings of smoke may be used when correlated with the Ringelmann Chart.

b. The emission of smoke darker than Ringelmann No. 1 from any chimney, stack, vent, opening, or combustion process is prohibited. However, smoke of a shade not to exceed Ringelmann No 3 is permitted for up to three (3) minutes total in any one (1) eight (8) hour period.

15. Toxic matter.

a. The ambient air quality standards for the Commonwealth of Pennsylvania shall be the guide to the release of airborne toxic materials across lot lines. Where toxic materials are not listed in the ambient air quality standards of the Commonwealth of Pennsylvania, the release of such materials shall be in accordance with the tractional quantities permitted below, of those toxic materials currently listed in the Threshold Limit Values adopted by the American Conference of Governmental Industrial Hygienists. Unless otherwise stated, the measurement of toxic matter shall be at ground level or habitable elevation, and shall be the average of any twenty-four (24) hour sampling period.

b. The release of airborne toxic matter shall not exceed 1/30 of the threshold limit value beyond the district boundary line.

ARTICLE XI
CONSERVATION DESIGN OPTION

SECTION 1100 STATEMENT OF INTENT

In addition to the general goals set forth in Article I, the provisions in this article are intended to encourage the design of new residential use in such a way that a significant proportion of the buildable land within each parcel will remain as permanently protected open space through the option of reduced lot area and other dimensional requirements. Under these terms, the Township seeks to promote: [a] interconnected networks of conservation lands across the community; [b] the preservation of large contiguous areas devoted to agriculture and related supporting uses; and [c] effective buffers between housing areas and working farmland adjoining those development parcels. The terms of this article also enable the transfer of development rights by allowing increases in residential density with the use of development rights. The Conservation Design Option is intended to enable the Township and local landowners to protect the agricultural base and rural character of the Township, thereby helping achieve the land use objectives of the Honey Brook Joint Comprehensive Plan.

SECTION 1101 OVERLAY CONCEPT

The opportunity to develop under the conservation design option shall be deemed an overlay on any eligible tract in the A-Agricultural, FR-Farm Residential, R-Residential and MR-Mixed Residential Districts, offering additional choices beyond those of the applicable underlying zoning district. To utilize this overlay opportunity, a tract must comply with the standards and criteria of this article. The overlay of the conservation design option shall have no effect on the permitted uses available to such tracts through the underlying zoning districts. To the extent that the regulations and requirements within this Article XI differ from other provisions of the Ordinance, the regulations and requirements of this article shall govern.

SECTION 1102 USE REGULATIONS

The following uses are permitted by right on a tract utilizing the conservation design option, consistent with the terms authorizing this option in the underlying zoning district and the requirements and standards of this article.

A. Agricultural, horticultural, animal husbandry, and forestry uses

B. Single-family detached dwellings

C. Two-family dwellings, in the R District only

D. Protected open space

E. Uses customarily accessory to agricultural, residential, and/or open space uses, including but not limited to private clubhouses and other active and passive recreational uses as deemed appropriate by the Board of Supervisors.

SECTION 1103 TRACT AREA AND DENSITY

A. Minimum tract area. To be eligible for the conservation design option, a tract shall have a minimum gross area of five (5) acres.

B. Maximum number of dwelling units. Under the conservation design option, the maximum number of dwelling units that can be located on a tract shall be determined by establishing the net tract area, as defined by the Ordinance, and thereafter multiplying the resulting net acreage as follows:

1. In the A Agricultural District: by 0.5
2. In the FR Farm Residential District:
   a. Without the use of transferable development rights: by 1.33
   b. With the use of transferable development rights in accordance with the terms of Article XII: by 2.0
3. In the R Residential District:
   a. Single-family detached dwellings:
      1). without the use of transferable development rights: by 2.0
      2). with the use of transferable development rights in accordance with the terms of Article XII: by 3.0
   b. Two-family dwellings:
      1). without the use of transferable development rights: by 2.5
      2). with the use of transferable development rights in accordance with the terms of Article XII: by 3.5

SECTION 1104 MINIMUM LOT AND YARD REQUIREMENTS

A. A-Agricultural District

1.	Lot area	fifteen thousand (15,000) sq. ft.
2.	Lot width at street line:	thirty-five (35) ft.
3.	Lot width at building setback line:	eighty-five (85) ft.
4.	Lot depth:	one hundred (100) ft.
5.	Front yard:	twenty-five (25) ft.
6.	Side yard:	ten (10) ft. individual twenty-five (25) ft. aggregate
7.	Rear yard:	fifty (50) ft.

B. FR-Farm Residential District

1.	Lot area:	ten thousand (10,000) sq. ft.
2.	Lot width at street line:	twenty-five (25) ft.
3	Lot width at building setback line:	seventy-five (75) ft.
4.	Lot depth:	one hundred (100) ft.
5.	Front yard:	twenty-five (25) ft.
6.	Side yard:	ten (10) ft. individual twenty-five (25) ft. aggregate
7.	Rear yard:	thirty-five (35) ft.

C. R-Residential District

Conservation design development in the R District may be in the form of single-family detached dwellings, two-family dwellings, or a mix of these two dwelling types, consistent with the following minimum requirements. In all cases, the maximum number of dwelling units permitted on the tract shall be determined in accordance with Section 1103-B.

1. Single-family detached dwellings

a.	Lot area:	seven thousand five hundred (7,500) square feet.
b.	Lot width at street line:	twenty-five (25) ft.
c.	Lot width at building setback line:	sixty-five (65) feet.
d.	Lot depth:	one hundred (100) ft.
e.	Front yard:	twenty-five (25) ft.:
f.	Side yard:	ten (10) ft. individual twenty (20) ft. aggregate
g.	Rear yard:	thirty-five (35) feet.

2. Two-family dwellings

a.	Lot area (per dwelling unit):	six thousand (6,000) sq. ft.
b.	Lot width at street line (per dwelling unit):	twenty-five (25) ft.
c.	Lot width at building setback line (per dwelling unit):	forty-five (45) ft.
d.	Front yard:	twenty-five (25) ft.
e.	Side yard:	ten (10) ft. individual twenty (20) ft. aggregate
f.	Rear yard:	thirty-five (35) ft.

SECTION 1105 SETBACK FROM EXISTING AGRICULTURAL OPERATIONS

There shall be a minimum separation of 100 feet between any residential lot line within the conservation design development and any existing agricultural operation on the tract or on an

adjacent tract.

SECTION 1106 FRONT YARD SETBACK FOR GARAGES

A. Attached garages with doors facing the street shall be set back a minimum of 30 feet.

B. These setback requirements shall not apply to a side-loaded garage, the minimum front yard setback for which shall be the same as that required for the dwelling.

SECTION 1107 YARD REQUIREMENTS FOR ACCESSORY BUILDINGS

Accessory buildings, including rear-facing garages (served by back lanes or alleys) shall be set back a minimum of twelve (12) feet from the rear lot line. Accessory buildings containing less than one hundred fifty (150) square feet may be located within five (5) feet of the rear lot line or side lot line.

SECTION 1108 MAXIMUM IMPERVIOUS SURFACE RATIO

The maximum amount of impervious surface on any lot shall be:

A.	A District:	thirty-five percent (35%) of the lot area
B.	FR District:	forty percent (40%) of the lot area
C.	R District:	
	1. Single-family detached dwellings:	forty-five percent (45%) of the lot area.
	2. Two-family dwellings:	fifty percent (50%) of the lot area

SECTION 1109 TRACTS DIVIDED BY ZONING DISTRICT BOUNDARIES

Where a tract proposed for conservation design development contains land in more than one base zoning district, the development may be planned as an integrated entity without respect to the boundary lines between or among the districts, provided that the total number of dwelling units on the tract does not exceed the maximum number of dwellings calculated using the applicable base zoning terms for each portion of the tract under the terms of Section 1103-B of the Ordinance. Such calculation shall reflect the amount of net tract acreage for the respective portions of the tract within each base zoning district.

SECTION 1110 SUPPLEMENTAL DESIGN AND FACILITY REGULATIONS

A. Sewage Facilities

1. Except as provided in Subsection (3), below, any tract proposed for a conservation design development shall be served by a community sewage system, as defined by the Ordinance. Such system shall be consistent with the preferred treatment and disposal methods stipulated in the Township Act 537 Sewage Facilities Plan, and shall comply with all applicable requirements of the Township Subdivision and Land Development Ordinance, the Northwestern Chester County Municipal Authority, the Chester County Health Department, and the Pennsylvania Department of Environmental Protection.
2. Calculation of the allowable maximum number of dwelling units, as provided in Section 1103-B, shall be subject to reduction based upon the suitability of the site for a community sewage system and the ability of the system to serve the proposed number of dwellings. Soil test results and supporting information shall be provided to the Township in sufficient detail to make a determination of the site's ability to adequately service the sewage needs of the proposal. Where site characteristics make the requisite sewage treatment and disposal capacity to serve the maximum number of dwellings unavailable, the number of dwellings shall be reduced accordingly.
3. Where the tract proposed for a conservation design development falls within a public sewer service area established by the Township Act 537 Plan, the proposed dwellings shall be served by the public sewer system. No on-site soil testing shall be required. However, the applicant shall provide a letter from the Northwestern Chester County Municipal Authority confirming reservation of capacity. If adequate capacity is not available at the time of development, the requirements of Sections 1110-A-1 and 1110-A-2 shall apply.

B. Water Supply

Dwellings within a conservation design development may be served by individual water supply wells, subject to approval of the Chester County Health Department. Alternatively, the tract may be served by a public or community water supply system, subject to all applicable requirements of the Township Subdivision and Land Development Ordinance, the Chester County Health Department, the Pennsylvania Department of Environmental Protection, the Delaware River Basin Commission, and/or the Pennsylvania Public Utilities Commission.

C. Street Trees and Existing Vegetation

1. Street trees shall be planted on each side of every new street that is part of a conservation design development, in accordance with the requirements of the Township Subdivision/Land Development Ordinance and the following additional specifications:

   a. Trees shall be separated, on average, by no more than fifty (50) feet, measured parallel to the street, and no more than one hundred (100) feet measured diagonally across the proposed street.

b. All trees shall be from nursery stock and have a deep root system.
c. Species may be mixed, provided the trees grow to a height that will provide adequate shade during the summer along the entire cartway.
d. Street trees shall be continually maintained. The applicant shall be responsible for the trees for a period of eighteen (18) months after dedication of the road or eighteen (18) months after the sale of the lot on which the trees were planted. The landowner shall be responsible for maintenance or replacement following expiration of the eighteen (18) month period. All non-surviving trees shall be replaced within six (6) months, with replacement plant material of a height and dbh not less than that of the original tree.

2. No portions of existing tree masses and no existing trees with 4-inch or greater dbh shall be cleared from the tract unless clearly necessary for effectuation of the proposed conservation design development. Applicants shall make all reasonable efforts to harmonize their plans with the preservation of existing trees.

D. Screening Requirements

1. All residential uses shall be screened from adjacent parking lots and active recreation areas on the tract. Standards for screening, including plant material and maintenance, shall be those of Section 1110-F-2-b of this article.
2. Except where it is to be used for agricultural purposes, any area of protected open space to be located adjacent to an existing agricultural operation shall be physically separated from such operation through vegetative screening, fencing, or other means acceptable to the Township.

E. Sidewalks

Sidewalks shall be provided on both sides of the street within any conservation design development. Where sidewalks are constructed, they shall comply with the standards of the Township Subdivision and Land Development Ordinance. Responsibility for snow removal and maintenance of all sidewalks shall be that of the homeowners' association.

F. Orientation of Dwellings toward Existing Roads

1. Along any new street within a conservation design development that is closest to an existing Township road or non-limited access State numbered highway on the perimeter of the tract, and is parallel or roughly parallel to it, new dwellings shall be oriented so that their front façade faces the existing road.
2. The requirement for front facades to face the existing road shall not apply where either of the following conditions is applicable:

a. The proposed dwelling or dwellings will not be visible from the existing road due to screening that is provided by natural topographic conditions and/or vegetation existing on the site prior to the

application for development. Such vegetation shall be retained for screening purposes unless removal is approved by the Board where it deems the vegetation to be of poor quality, insufficient size, or otherwise incapable of contributing to the necessary screening. Where vegetation is removed, it shall be
replaced with plant material that is sufficient and appropriate to achieve the level of screening required by this section, consistent with the terms of Subsection (b), below.

b. Views of the proposed dwelling or dwellings will be filtered by a planted landscape buffer. Other visual screening methods or materials, including but not limited to berms or stone walls, may be used when deemed acceptable by the Township. A landscape buffer shall be composed of mixed evergreen and deciduous plant material of varying species. Generally, a minimum of thirty-five percent (35%) of plant material shall be evergreen and a minimum of ten percent (10%) shall be flowering material. At the time of planting, a sufficient amount of evergreen material to adequately filter views of the property shall be at least five (5) feet in height (after planting); the remainder of plantings may be of varying lesser height. The plantings shall be maintained permanently; in the event of death of any such plant material, it shall be replaced within one year.

G. Off-Street Parking

1. Notwithstanding the requirements of Article XV of the Ordinance, the minimum required amount of residential off-street parking in a conservation design development shall be calculated on the basis of two
and one-quarter (2.25) spaces per dwelling unit. Such spaces shall, to the maximum extent feasible, be provided on the lot with the dwelling unit they are designed to serve. Congregate parking areas, located in reasonable proximity to the lots to be served, also may be created within the tract. No more than ten (10) spaces may be created in any one such area.
2. The minimum required parking area on any lot shall be exclusive of garage space, nor shall any use of .the driveway for parking encroach on any public sidewalk traversing the lot.
3. Any parking associated with a recreation area may be located within the protected open space. Off-street parking shall be provided adjacent to active or passive recreation areas, with the number of spaces being subject to approval by the Board of Supervisors and based upon the character and intensity of the active and/or passive recreation use.

H. Siting of Proposed Dwellings

1. The proposed conservation design development shall minimize potential incompatibilities with existing agricultural lands and uses on the tract and in its

immediate vicinity. Proposed residential uses on the tract shall be located and clustered so as to occupy and disturb the least amount of agricultural activity and prime agricultural soils practical. The site plan must demonstrate measures taken to accomplish this objective and to protect existing farmland and prime agricultural soils on and adjacent to the tract from the impacts of the residential development to the maximum extent feasible

2. Proposed dwellings shall be sited to provide satisfactory protection for sensitive natural features on and adjacent to the site, consistent with the requirements of Sect. 1111-C.

SECTION 1111 OPEN SPACE STANDARDS AND REQUIREMENTS

A. The minimum area required for protected open space land, expressed as a percentage of the gross tract area, shall be:

1. A Agricultural District: seventy-five percent (75%)
2. FR Farm Residential District:

   a. Single-family detached dwellings without the use of transferable development rights: sixty percent (60%)
   b. Single-family detached dwellings with the use of transferable development rights: forty percent (40%)

3. R Residential District

   a. Single-family detached dwellings
      1). without the use of transferable development rights: fifty percent (50%)
      2). with the use of transferable development rights: thirty-five percent (35%)

   b. Two-family dwellings
      1). without the use of transferable development rights: fifty-five percent (55%)
      2). with the use of transferable development rights: forty percent (40%)

B. Recreation lands and facilities, in the amount of one acre per twenty (20) dwelling units or the proportional equivalent thereof, shall be provided within the protected open space for all conservation design developments. The site plan shall include designated areas for active recreation that may include, but need not be limited to,

basketball, volleyball and tennis courts, soccer and football fields, baseball diamonds, swimming pools, golf courses, and playgrounds. Active recreation also may include agricultural activities in the form of "community gardens" for the residents of the development, provided that no more than twenty percent (20%) of the area designated for active recreation is utilized as such. The site plan shall also include an area or areas for passive recreation, such as cycling, hiking, picnics, nature study, tot lots, jogging, equestrian, and pedestrian trails; such areas should require minimal site preparation. The location, type, and design of recreation areas shall be subject to approval of the Board of Supervisors.

The Board may accept a fee in lieu of the recreation area required by this section as it deems appropriate, consistent with the terms of Section 625 of the Township Subdivision and Land Development Ordinance. Where the proposed development is to include a golf course, such use shall not occupy more than eighty percent (80%) of the environmentally unconstrained open space land (i.e., land not containing 100-year flood plain, wetland, or slopes exceeding twenty-five percent (25%)).

C. Protected open space shall be suitably improved for its intended use. However, natural features such as woodlands, steep slopes, rock outcrops, wetlands, and similar areas worthy of preservation shall remain in a natural state. All such features shall be included in the Site Inventory of Existing Features as part of the Conservation Plan required by the Township Subdivision and Land Development Ordinance, and shall be preserved and incorporated into the protected open space.

D. Protected open space land may contain and be used for:

1. land surrounding historically significant structures and sites and/or archaeological sites;
2. active and passive recreation;
3. agriculture, including the cultivation of nursery stock or orchard trees;
4. woodland, meadow, flood plain, wetland, or similar conservation purpose;
5. wastewater systems, including spray and drip irrigation or other community system components deemed acceptable by the Township;
6. stormwater management facilities;
7. trail or pathway corridor, the use of which shall be limited to pedestrian, equestrian, non-motorized vehicles, and maintenance equipment;
8. equestrian center, when approved as a conditional use by the Board of Supervisors, provided a minimum of twenty (20) acres is designated for this use and the area so designated comprises not more than eighty percent (80%) of the total amount of protected open space on the tract
9. non-common open space on a private lot, consistent with the terms of Sect. 1111-I-2.

E. Where portions of the protected open space are to be used for sewage and/or stormwater management facilities, the area devoted to such facilities shall not be eligible for

calculating the minimum required open space area for the tract that is stipulated in Section 1111-A. This exclusion shall apply to protected open space area underlaid by drip irrigation or other approved community sewage facilities or designated to receive treated wastewater through spray irrigation, where such sewage applications cause the affected open space to be unsuitable and ineligible for other open space uses provided in Section 1111-D.

F. Open Space Design Criteria

1. No individual segment of protected open space shall have an area less than one (1) acre or ten percent (10%) of the gross tract area, whichever is less, nor a width less than one hundred (100) feet at any point, except that the minimum area may be reduced to not less than fifteen thousand (15,000) square feet and/or the minimum width may be reduced to not less than fifteen (15) feet where:

   a. the land is being used solely as a trail connector between areas of open space and/or residential development; either on or adjacent to the tract, or
   b. the Board of Supervisors determines that, in specific locations, smaller and/or more narrow segments of open space better accommodate site design objectives and do not detract from the functional, recreational, and/or resource protection values of the overall open space area.

2. In determining appropriate dimensions and site design factors, the Board shall place particular emphasis on:

   a. buffering stream corridors with well-designed and located open space areas; and
   b. enabling interconnections with trails and/or open space areas on abutting properties or with potential future trail routes shown as part of a Township, County, State, and/or Federal trail network.

G. Recreation areas within the protected open space are intended to serve all residents of the development. Recreation areas shall be connected by a visibly delineated greenway trail, sidewalk, or similar linkage. Recreation areas shall be accessible to all residents of the development without the need to travel on streets or upon private property.

H. All areas designated as protected open space shall be subject to a conservation easement restricting further subdivision or development of the protected open space and setting forth the terms for use, conservation, and maintenance as established by the Board of Supervisors. Such easement shall be granted in favor of a qualified conservation organization, homeowners' association, or other party acceptable to the Board of Supervisors or, at the Board's discretion, shall be granted to the Township. Such easement shall be recorded in the office of the Recorder of Deeds of Chester County and noted on the final plan, as recorded.

I. Ownership of Protected Open Space Areas

1. Except as provided in Subsections (2) and (3), below, ownership of the protected open space shall be in accordance with the terms of the Township Subdivision and Land Development Ordinance.
2. Where the Township accepts dedication of some or all of the protected open space, it may subsequently lease or sell such land, consistent with the terms of Subsection (3), below. The lease or sale shall be for agricultural purposes and/or other uses consistent with the terms of this section and the limitations imposed by the conservation easement placed on the protected open space.
3. Where the gross tract area is twenty (20) acres or more, up to eighty percent (80%) of the protected open space area created by the conservation design may be considered non-common open space.

    a. Ownership of the non-common open space may be retained by the landowner at the time of application, the developer, another private entity acceptable to the Board of Supervisors, or the owner-occupant of one dwelling unit within the tract that is located within the area of non-common open space.
    b. Where a single dwelling unit is to be located within an area of non-common open space, it shall comply with the area and bulk and design standards for the conservation design option applicable to the tract on which it is located. The dwelling unit, whether existing or proposed, shall be permitted in addition to the maximum number of dwellings for which the tract is otherwise eligible. Land occupied by this dwelling unit may be included in the calculation of protected open space. To be eligible for this ownership option, the protected open space parcel containing the dwelling unit shall have a minimum gross area of not less than ten (10) acres.
    c. Where an area of non-common open space is proposed, a minimum of twenty percent (20%) of the total protected open space area created within the tract shall be owned and managed by a homeowners' association. The Board must be satisfied that such area is adequate in size and characteristics to accommodate minimum requirements for recreation land and trails, and that, where necessary, sufficient area exists within the open space to serve the sewage treatment and disposal needs of the development.
    At its sole discretion, the Board may accept a fee in lieu of some or all of the recreation lands and facilities otherwise required by this section; in such case, the minimum area to be owned by the homeowners' association may be reduced or eliminated.
    d. The use or uses of the non-common open space land shall be in compliance with the terms of Section 1111-D. In addition, an area of non-common open space that contains a residence and is used for agricultural purposes shall be eligible to operate a rural occupation, in accordance with the terms of Section 1601-Q of the Ordinance.

e. All such areas shall be permanently protected as open space under the terms of the conservation easement required in Section 1111-H.

J. Maintenance of Protected Open Space

1. Maintenance of any area of protected open space shall be in accordance with the terms of the Township Subdivision and Land Development Ordinance.
2. Where a portion or portions of the protected open space are proposed to be non-common open space owned by a private entity, the developer shall enter into a maintenance agreement with the Township, binding upon the private entity and providing for the maintenance of the open space and any improvements situated thereon. This agreement shall be completed prior to approval of the final subdivision plan.

ARTICLE XII
TRANSFERABLE DEVELOPMENT RIGHTS

SECTION 1200. STATEMENT OF INTENT

Honey Brook Township, in establishing a transferable development rights (TDR) program under the terms of this article, intends to offer the owners of identified lands in the primarily agricultural areas of the Township an opportunity to permanently preserve that land and the rural community character associated with it. In creating the TDR program, the Township has designated the A Agricultural zoning district as the area where farmland preservation is most critical and where alternatives to other developed uses of the land should be made available. In so doing, the Township also has determined locations that are deemed appropriate for development at higher densities and intensities through the use of transferable development rights, based on their location, existing level of development, and/or availability of road access, water supply, and sewage facilities. The TDR program is designed to enable owners of agricultural land to benefit from the development value of their land without converting the land to development use, and to enable developers of land elsewhere in the Township to achieve higher densities or intensities of land use than otherwise are available through the base zoning provisions by purchasing the requisite rights to do so.

SECTION 1201. AUTHORIZATION AND CONCEPT

A. The provisions of this article permit the severance and transfer of development rights by owners of land in the A Agricultural District of Honey Brook Township, referred to as the sending area, in accordance with the terms specified herein. Such owners may sell the right to develop all or a portion of the land. Purchasers may, at their discretion, use the development rights in areas of the Township proposed for additional development, referred to as receiving areas. The transferable development rights provisions set forth in this ordinance 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. Where a tract of land in the A Agricultural District has been allocated transferable development rights in accordance with the terms of this article, the owner of such tract may sever some or all of the development rights and thereupon offer them for sale or retain them. The only subsequent use to which the severed development rights may be put is in conjunction with the development of a tract in the receiving area. The Township may, but shall have no obligation to, purchase the development rights that have been severed from a tract in the sending area, in accordance with the terms of Section 1205

C. Where all development rights allocated to a property in the A Agricultural District are severed:

   1. That property shall be made subject to a conservation easement limiting the use of such land to agriculture, agriculturally related uses, or open space uses, consistent

with the terms of the Ordinance.

2. The conservation easement placed on the land from which development rights are severed will permit the subsequent sale of the land, subject to the terms of the conservation easement. The conservation easement shall be granted to the Township or to a public agency, conservation organization, or agricultural preservation organization approved by the Board of Supervisors.

SECTION 1202. SEVERANCE AND SALE OF TRANSFERABLE DEVELOPMENT RIGHTS

Transferable development rights may be severed from the land and may be sold in accordance with the following terms:

A. Sending Area Qualifications.

1. The sending area tract of land shall be located within the A Agricultural District, as designated under the terms of this ordinance.
2. Development rights shall be allocated only to sending area tracts with a gross tract area of five (5) acres or greater.

B. Calculation of Transferable Development Rights.

1. The total number of development rights available on a sending area tract at the time of enactment of this article shall be determined by the following sequence of steps:

   a. Determine the gross tract area.
   b. Where the tract contains any of the following features:

      [1] Flood hazard area, as depicted on the Honey Brook Township Flood Hazard Map
      [2] Slopes of 25% or greater, as depicted on the U. S. Geological Survey topographical map(s) containing the property
      [3] Wetlands, as shown in the National Wetlands Inventory
      [4] Riparian corridors, as defined by the Ordinance; and
      [5] Surface lakes or ponds.

      the area comprising such feature or features shall be deducted from the gross tract area. The Township, at its discretion, may provide and/or accept alternative sources of documentation for any of the above features.
   c. Where the tract contains a dwelling unit or units in existence at the time of calculation, deduct two acres of gross tract area for each dwelling unit.
   d. Deduct the actual area of the tract occupied by any other non-farm development use, exclusive of any permitted rural occupation use. Such area shall include the footprint of the building or activity area, as well as

any property line setback areas or separation distances that would be imposed by the Ordinance if the use were located on its own separate lot.

e. Deduct any portion of the tract that is restricted against development by covenant, easement, or deed restriction.

f. Multiply the gross tract area, as reduced by the applicable deductions in Subsections [b] - [e], above, by 0.54. This product shall be the total number of development rights allocated to the tract.

2. Where a portion, but not all, of the development rights allocated to a sending area tract are severed in accordance with the terms of this article, any future calculation of development rights to be allocated to the tract, as determined by Subsection [1], above, shall be reduced by the number of such development rights previously severed.

3. The method of calculation of development rights prescribed in this section shall be employed whenever the landowner proposes to sever development rights from the tract.

C. Certification of Available Transferable Development Rights.

1. Any owner of a sending area tract eligible for the allocation of development rights may request from the Township a determination and certification of the number of development rights available on that tract. Upon receiving such a request, the Township Planning Commission, or a subcommittee thereof, may meet with the landowner. Using the calculation methodology in Section 1202-B-1, the two parties may compute the number of development rights allocable to the subject property. The landowner may present additional information for the Planning Commission's consideration The Township may charge a fee, established by resolution of the Board of Supervisors, to cover the administrative, technical, and information costs of this process.

2. Where a landowner and the Planning Commission are in agreement on the amount of development rights allocated, the Planning Commission shall make a recommendation to the Board of Supervisors regarding the number of development rights available on the property

3. Upon receiving a recommendation from the Planning Commission, the Board of Supervisors shall make a final determination of the number of development rights available on the property and shall provide a written certification of that number to the landowner.

4. Any landowner dissatisfied with the Board's determination and certification of the amount of development rights allocated to his or her tract may appeal the action of the Board to the Township Zoning Hearing Board.

D. Severance of Transferable Development Rights.

1. Where transferable development rights are proposed to be severed from a property to which they have been allocated, such development rights 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:

a. the tract of land within the receiving area to which the rights shall be permanently attached; or
b. that the rights shall be:

[1] sold or otherwise transferred to the Township; or
[2] retained by the owner of the sending area tract; or
[3] sold or otherwise transferred in gross to another person, organization, or entity, consistent with the terms of this article.

2. Where the proposed severance will result in all development rights allocated to the tract being severed from it, the Deed of Transferable Development Rights shall be accompanied by a conservation easement that shall permanently restrict development of the sending area tract as provided in Section 1202-E, below, and that shall be recorded in the Office of the Recorder of Deeds prior to the Deed of Transferable Development Rights.
3. All Deeds of Transferable Development Rights and conservation easements shall be endorsed by the Township prior to recording.

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. The title report shall be prepared no more than ten (10) days prior to submission of the Deed. The legal opinion of title must meet the reasonable approval of the Township Solicitor.

4. If the Deed of Transferable Development Rights would entail less than the entire number of development rights then available to be severed, it shall also include a notation of:

a. The total number of development rights then available to the entire parcel, and
b. The number of development rights to be severed, and
c. The number of development rights that will remain available following the proposed transaction.

5. 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 Conservation Easement.

Any sending area tract from which all development rights are proposed to be severed must be permanently restricted from future development by a conservation easement that meets the following requirements:

1. The conservation easement shall permanently restrict the land from future development for any purpose other than agriculture, agriculturally-related uses, public parkland, conservation areas and similar open space uses permitted in the A Agricultural District. The easement shall specifically prohibit the creation of lots for non-farm dwellings on the land from which development rights are proposed to be severed.
2. The conservation easement shall be approved by the Board of Supervisors, in consultation with the Township Solicitor.
3. The conservation easement shall designate Honey Brook Township, and/or another public agency or bona fide conservation or agricultural preservation organization acceptable to the Township at its sole discretion, as the grantee, but shall also designate the following parties as having separate and independent enforcement rights with respect to the conservation easement:

    a. All future owners of any portion of the sending area parcel, and
    b. All future owners of any portion of any receiving area parcel to which the transferable development rights shall be permanently attached.

4. Any owner of a legal and beneficial interest in the tract from which development rights are severed shall be a party to the conservation easement. All lienholders of the tract from which development rights are severed shall execute a joinder and/or consent to the conservation easement.
5. Final approval for any subdivision or land development plan utilizing transferred development rights shall not be granted prior to the recording of the appropriate conservation easement in the Office of the Chester County Recorder of Deeds.

SECTION 1203. RECEIVING AREA QUALIFICATIONS AND CALCULATIONS

Owners of tracts in designated receiving areas that meet the following requirements may use development rights that have been severed and transferred from sending area properties.

A. Receiving Area Qualifications.

Otherwise applicable densities may be increased and area and bulk regulations modified through the use of transferable development rights as part of a proposed subdivision or land development plan, in accordance with the provisions of this section and the applicable zoning district, when the receiving area tract of land is located in any of the following zoning districts:

1. FR - Farm Residential District,
2. R - Residential District;

3. MR - Mixed Residential District;
4. C - Commercial District; or
5. I - Industrial District.

B. Use of Transferable Development Rights on Receiving Area Properties.

1. Increase in Permitted Density or Intensity of Development.

a. Where transferable development rights are proposed to be used as part of a subdivision or land development plan in the FR, R, MR, C, and/or I Districts, the otherwise applicable maximum number of dwelling units or maximum intensity of non-residential use on the tract, as authorized in the respective zoning districts, may be expanded or increased in accordance with the limits stipulated in the zoning districts. The expanded limits shall be based upon the number of development rights to be transferred.

b. Actual increases in the number of dwelling units or intensities of use permissible on any tract shall be determined by the number of development rights being transferred for use on the property, the type or types of uses proposed, and compliance with all other applicable standards of the Ordinance.

c. The incremental increase in density or intensity of use above that otherwise provided without the use of transferable development rights must be fully accounted for through proof of purchase and transfer of the development rights in accordance with the provisions of this article.

2. Development right/dwelling unit or intensity factor equivalency

a. Each development right proposed for residential use on a receiving area tract, under the terms of the Ordinance, shall be equivalent to the following number of dwelling units and shall entitle the developer to that number of additional dwellings on the site:

[1]. 1.1 single-family detached dwelling units per development right;
[2]. 1.25 two-family, townhouse, or quadraplex dwelling units per development right;
[3]. 1.5 apartment units per development right.

b. Each development right proposed for non-residential use on a receiving area tract, under the terms of the Ordinance, shall be equivalent to the following amount of developed area:

[1]. 2,500 square feet of impervious surface, exclusive of building coverage
[2]. 2,500 square feet of floor area, attainable through an increase in the maximum permissible building height

The developer shall be entitled to the additional development area authorized by the number of development rights transferred, up to the maximum amounts of impervious surface, floor area, and/or building height established in the applicable zoning district.

3. Design Requirements and Modification of Area and Bulk Standards.

A proposed development in the receiving area using transferable development rights shall comply with all requirements and design standards applicable in the base zoning district in which it is located, except as specifically provided in this article. For any development proposing to use at least twenty (20) transferable development rights, applicable area and bulk requirements in the base zoning district may be modified by as much as twenty-five percent (25%) when such modification is approved as a conditional use 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:

[1]. 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
[2]. shall not adversely affect emergency vehicle access.

b. The applicant shall demonstrate to the Board that the proposed modification(s):

[1]. will produce equal or better development design and/or open space conservation results than could be achieved without the requested modification(s); and
[2]. represent the minimum modification necessary.

If the Board determines that the applicant has met his/her burden of proof, it may grant modification(s) to the otherwise applicable requirements. In approving modifications through the grant of a conditional use, the Board may impose such conditions as will, in its judgment, secure the objectives and purposes of the Ordinance.

SECTION 1204. PLAN SUBMITTAL PROCESS

A. An applicant proposing the use of transferable development rights shall submit a subdivision or land development plan as required in accordance with the Honey Brook Township Subdivision and Land Development Ordinance for the development to which transferable development rights will be added. A conditional use application shall be submitted where applicable. 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 requisite number of development right(s) to enable the proposed additional density or intensity increase in the development plan, up to the maximum additional increment permitted by this article.
2. A note on the plan showing the total number of dwelling units or increased amount of impervious surface or floor area proposed on the receiving area site, the total number or amount that could be built not using TDR's, and the incremental difference between the two. This difference represents the number of additional dwelling units or square footage of impervious surface or floor area that could be constructed using transferable development rights.
3. Where the development rights proposed for use on a receiving area tract have not previously been severed from the sending area tract, the applicant shall provide a plan of the sending area tract. This plan shall show all information needed to determine the number of development rights that may be sold, in compliance with the terms of this article. In addition, the plan shall be accompanied by a metes and bounds description of the tract, as well as each tax parcel number and owner name.
4. If the development rights proposed for use in the receiving area have previously been severed from a tract in the sending area, a copy of the recorded Deed of Transferable Development Rights shall be submitted. 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 also shall be furnished to the Township.

B. As a requirement for final plan approval, the applicant shall provide documentation that appropriate conservation easements, when required by and consistent with the terms of this article, have been recorded for sending area lands from which development rights are proposed for use by the applicant. The conservation easement restricting the sending area tract must be recorded prior to recording of the Deed of Transferable Development Rights, in accordance with the provisions of the Pennsylvania Municipal Planning Code, as amended.

SECTION 1205. PUBLIC ACQUISITION

Honey Brook Township may purchase development rights and may accept ownership of development rights through transfer by gift. All such development rights may be resold or retired by the Township. Where required by the terms of this article, any such purchase or gift shall be accompanied by conservation easements as specified in Section 1202.E.

SECTION 1206. AMENDMENT AND/OR EXTINGUISHMENT

The Township reserves the right to amend the 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, the manner in which development rights can be conveyed, and the manner in which development rights can be used in the receiving area. 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 the 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 incorporating such rights is thereafter filed within six (6) months from the date of such approval. Should the Township abolish the transferable development rights program, any sending area tract from which some, but not all, development rights have been severed shall be made subject to a conservation easement reflecting the amount of land within the tract that is permanently protected from further development, based upon the number of development rights severed.