ARTICLE XIII
NATURAL FEATURES CONSERVATION STANDARDS

SECTION 1300. STATEMENT OF INTENT

The standards and requirements of this article are intended to provide appropriate levels of protection to those natural features within Honey Brook Township that represent significant resource opportunities to the Township and its surrounding region or which, when subject to undue disturbance, may constitute threats to public health, safety, and welfare. The Township considers adherence to these standards a basic prerequisite to any land development or disturbance otherwise authorized under the Ordinance or other regulations, and has designed the Ordinance to work in harmony with the terms of this article. In applying the terms of this article, the Township seeks to fulfill its responsibility as a trustee of the people's right to clean air, pure water, and the preservation of the natural, scenic, historic, and aesthetic values of the environment pursuant to Article I, Section 27 of the Pennsylvania Constitution.

SECTION 1301. FH-FLOOD HAZARD DISTRICT

A. Statement of Intent.

The purposes of the FH-Flood Hazard District are:

1. Protect individuals from investing in lands and structures which are unsuitable for most uses because of flood hazards.
2. Regulate development which will cause unacceptable increases in flood heights, velocities, and frequencies.
3. Restrict or prohibit certain uses susceptible to flood damage.
4. Protect aquifer recharge areas and such other areas of the Township sensitive to pollution and contamination.
5. Require all uses which do occur in flood plains to be protected against flooding and to be provided with all necessary access and utilities, which shall also be protected from flood damage.
6. Minimize danger to public health and safety by protecting water supply, sanitary sewage disposal, and natural drainage.
7. Protect the quantity and quality of surface and subsurface water supplies adjacent to and underlying flood plain areas.
8. Contribute to: a) the protection of stream waters against sedimentation; b) the prevention of stream bank erosion; c) the maintenance of cool water temperatures; and d) the preservation of fish and wildlife habitats, through the protection of trees and other riparian vegetation.
9. Maintain the scenic and aesthetic character of the streams and stream valleys, consistent with the goals of the Township Comprehensive Plan.

B. Lands In District Defined.

The FH-Flood Hazard District shall be defined by one or more of the following methods within Honey Brook Township:

1. One hundred (100) year flood boundaries as identified in the FEMA Flood Insurance Study dated August 1, 1984, or the most recent edition thereof, prepared for Honey Brook Township by the Federal Insurance Administration.
2. Any water or drainage course or body of water, and the lowlands adjoining, which may be subject to periodic flooding or overflow. The District shall include all lands designated by the soil map symbols and mapping unit names shown in the Soil Survey Report of Chester and Delaware Counties (Soil Conservation Service, U.S. Dept. of Agriculture, 1963) or the latest revision, as follows:

Map Symbol	Mapping Unit Name
We	Wehadkee silt loam
Ch	Chewacla silt loam
WoA, WoB, WoC	Worsham silt loam

3. All areas which have flooded within the last one hundred (100) years as recorded or indicated by written or other objective records, such as the U.S. Army Corps of Engineers Survey. Where this information differs from that derived through the methods in Subsection (1) and/or (2), above, the delineation covering the broadest flood hazard area shall prevail.
4. All areas which, by hydrological stream profile analysis conducted by a registered professional engineer qualified in hydrology, are calculated to be inundated during a nominal one hundred (100) year frequency flood. If such profile analysis defines a flood plain area which conflicts with the definition contained in any portion of this section, the area defined by the stream profile analysis shall supersede. Such analysis shall be required prior to the approval of any subdivision or land development plan or the issuance of any permit if, after consultation with the Township Zoning Officer, Township Planning Commission, Township Engineer, and U.S. Natural Resources Conservation Service, as applicable, the Board of Supervisors has reason to believe that the applicant's property, or a portion thereof, is in such close proximity to a flood hazard area as to be subject to inundation by a one hundred (100) year frequency flood. If the analysis demonstrates that the property or a portion thereof will not be subject to such inundation, such permits as are required shall be considered for approval, but shall not be issued unless and until the applicant has complied with all other applicable provisions of this section and with all other applicable ordinances and regulations.

C. Boundary Disputes.

1. Should a dispute concerning any boundary of the FH-Flood Hazard District arise, the initial determination of the Zoning Officer shall be reviewed by the Township Engineer. The applicant shall bear the burden of proof and be responsible for all fees as may be set forth by resolution.

2. In the case where a dispute is based upon soils classification, the initial determination may be overruled upon the submission of a report prepared by a soil scientist or such other individual with appropriate expertise on behalf of the applicant which demonstrates that the soils are not any of those listed in Subsection B-2.
3. Any changes to the boundaries of the FH-Flood Hazard District are subject to the review and approval of the Federal Insurance Administration for compliance with the Rules and Regulations of the National Flood Insurance Program.

D. Relationship to Other Articles and Ordinances.

The provisions of the FH-Flood Hazard District create an overlay district which is applicable within all other zoning districts established by the Ordinance. To the extent the provisions of this section are applicable and more restrictive, they shall supersede conflicting provisions in any other part of the Ordinance and all other ordinances of Honey Brook Township. However, all other provisions of the Ordinance and all other ordinances of Honey Brook Township shall remain in full force.

E. Uses Permitted by Right.

The following uses are permitted by right only if conducted under and in accordance with the provisions of the Clean Streams Law of Pennsylvania, Act 394 of 1937, as amended; the Rules and Regulations of the Pennsylvania Department of Environmental Protection; the standards and requirements of the Chester County Conservation District; and all other applicable provisions of the Ordinance.

1. Agricultural, horticultural, and forestry uses, excluding any structures, and excluding any grading or filling.
2. Public and private parks and/or recreation areas, excluding swimming pools, camp grounds, and any structures. Picnic tables, park benches, fireplaces, grills, and playground equipment shall be permitted, if anchored to prevent flotation.
3. Activities related to the preservation and conservation of natural resources and amenities, excluding any structures.
4. Stream improvements, fish and farm ponds, dams, or stream relocations, as approved by the Pennsylvania Department of Environmental Protection and, as appropriate, in consultation with the Pennsylvania Fish and Boat Commission and/or the U.S. Fish and Wildlife Service.
5. Erosion and sedimentation control measures, facilities, and structures, provided no increase in flood heights or frequency, unhealthful ponding, or other unsanitary conditions shall occur.
6. Yards and open space areas.
7. One (1) and two (2) strand fences.
8. Culverts, bridges, and the approaches to such culverts and bridges, as also approved by the Pennsylvania Department of Environmental Protection and or the U.S. Army Corps of Engineers.

F. Uses Permitted by Special Exception.

The establishment and/or expansion of the following uses is permitted when a special exception is granted by the Zoning Hearing Board in conformance with Article XX, the standards in Section 1301-J of this article, and all other applicable provisions of the Ordinance.

1. Water-oriented uses and structures, such as fish hatcheries, water-monitoring devices, water wheels, and wiers.
2. Parking lots, loading areas, driveways, and any other paved at-grade surfaces.
3. Flood-proofing and flood hazard reduction structures for nonconforming uses and structures.
4. Improvements and/or additions to existing structures within the FH-Flood Hazard District.
5. Hydropower plants.
6. Fire protection facilities for the purpose of collecting and storing water for fire protection purposes.
7. Modifications or waivers of the otherwise applicable terms of Section 1305-H, regulating nonconforming uses and structures, with respect to historic structures, as provided in Section 1305-H-5.

G. Uses and Activities Specifically Prohibited in the FH-Flood Hazard District.

Any development, use or activity not authorized as a permitted use under the terms of Subsection E or F, above, shall be prohibited within the Flood Hazard District. In particular, the following activities, whether proposed in conjunction with a permitted use or otherwise, shall not occur in any portion of the Flood Hazard District:

1. Clear-cutting of trees, as defined in Section 201, or the clearing of vegetation, except where such clearing is necessary:

   a. To prepare land for a use permitted by Subsection E or F, above, or by action of the Zoning Hearing Board;
   b. As a reforestation measure; or
   c. As a means to eliminate dead, diseased, or hazardous tree stands.

   Where a clear-cutting operation is deemed permissible for one of the above reasons, it shall be consistent with the terms of a woodland management plan prepared by a professional forester and approved by the Board of Supervisors. Under no circumstances shall a clear-cutting operation be conducted within twenty-five (25) feet of a stream bank.

2. Sod farming.
3. Sanitary landfills and junkyards.

4. Private on-site sewage disposal systems.
5. Swimming pools.
6. Cemeteries.
7. The construction, enlargement, or expansion of public or private hospitals or nursing homes.
8. The construction, enlargement, or expansion of jails or prisons.
9. The construction, enlargement, expansion. or substantial improvement of a mobile home, mobile home park, mobile home subdivision, manufactured home, manufactured home park, or manufactured home subdivision.
10. Concentrated animal feeding operations or similar feed lots.
11. Wild, domestic, or farm animal enclosures which will not allow all animals to escape flood waters without human assistance.
12. Any development or use which may, whether alone or in combination with others, creates the following conditions and except where specifically authorized elsewhere in this article.

    a. Endanger human life.
    b. Obstruct, impede, retard, change, or increase the velocity, direction, or flow of flood waters.
    c. Increase the surface elevation of one hundred (100) year floods, or the frequency of one hundred (100) year floods.
    d. Catch or collect debris carried by flood waters.
    e. Be placed within the delineated FEMA floodway portion of the FH-Flood Hazard District.
    f. Degrade the water carrying capacity of any watercourse, channel, or flood plain.
    g. Increase the rate of erosion or sedimentation.
    h. Degrade the quality of surface water or the quality or quantity of ground water.
    i. Be susceptible to flotation and subsequent movement which would cause damage to other property.
    j. Create unhealthful ponding or other unsanitary condition.

13. Any surface or subsurface production or storage of any of the following dangerous materials or substances or which will be used for any activity requiring the maintenance of a supply of any of the following dangerous materials or substances:

    a. Acetone.
    b. Ammonia.
    c. Benzene.
    d. Calcium carbide.
    e. Carbon disulfide.
    f. Celluloid.
    g. Chlorine.
    h. Hydrochloric acid.

i. Hydrocyanic acid.
j. Magnesium.
k. Nitric acid and oxides of nitrogen.
l. Petroleum products (gasoline, fuel oil, etc.).
m. Phosphorus.
n. Potassium.
o. Sodium.
p. Sulphur and sulphur products.
q. Pesticides (including insecticides, fungicides, and rodenticides), fertilizers, and herbicides.
r. Radioactive substances.
s. Any other materials or substances deemed hazardous by the Township or appropriate State or Federal agency.

14. Storage of any material which, if inundated, would float, or of any flammable or toxic material or any other material which, if inundated or otherwise released to the stream, would degrade or pollute the stream or cause damage if swept downstream.
15. The placing or stripping of topsoil or fill material of any kind, exclusive of grading or filling necessary for the construction of a structure for which a building permit or other valid authorization has been issued

No special exception or variance shall be granted by the Zoning Hearing Board for any requirement pertaining to developments which may endanger human life (as described in Section 1301-G-(7), (8), (9), and (14), above) in accordance with the Pennsylvania Flood Plain Management Act, P.L. 851, No. 166 of 1978, as amended.

H. Nonconforming Uses and Structures.

1. Continuation.

All development, uses or structures existing in the FH-Flood Hazard District on the effective date of the Ordinance which are not in conformity with the provisions of this article shall be deemed nonconforming uses or structures. Such nonconforming uses or structures may be continued, maintained, repaired, and flood-proofed, except as otherwise provided for in this article. However, such nonconforming uses or structures may at any time be required to comply with existing Pennsylvania or Honey Brook Township health, sanitary, or safety code specifications which are necessary solely to assure safe living conditions.

2. Abandonment.

Nonconforming uses or structures within the FH-Flood Hazard District shall be subject to Article XVIII of the Ordinance. Additionally, the Zoning Officer, upon approval of the Board of Supervisors, may require the removal of any abandoned nonconforming use or structure upon proper notice to the owner of the

property on which an abandoned nonconforming use or structure exists. Abandonment shall be deemed to be as prescribed in Section 1803 of the Ordinance. If the owner has not completely removed the abandoned use or structure within a reasonable amount of time, not to exceed nine (9) months, the Zoning Officer shall have the authority to cause the removal to be accomplished, with the costs of such removal to be paid by the property owner.

3. Expansion and Modification.

No expansion or enlargement of an existing structure shall be allowed within any floodway area that would cause any increase in the elevation of the one hundred (100) year flood. Nothing shall be done which would otherwise violate any of the provisions of this article. No nonconforming use or structure shall be expanded, enlarged, or altered in any way which increases its nonconformity with respect to height, area, yard, and other requirements established in the Ordinance, or in any way which causes it to
occupy more space within the FH-Flood Hazard District than was occupied by it on the effective date of the Ordinance.

4. Replacement and Rebuilding.

a. A nonconforming structure may be replaced, repaired, or rebuilt if it is damaged or destroyed by any means, including floods, to the extent of less than fifty (50) percent of its fair market value at the time of its damage or destruction. In such a case, however, the nonconformity of the new structure with respect to requirements as expressed in provisions of the Ordinance shall not exceed that of the original structure which was damaged or destroyed. Nothing shall be done which would otherwise violate any of the provisions of this article.

b. A nonconforming structure which has been damaged or destroyed by any means, including floods, to the extent of fifty (50) percent or more of its fair market value at the time of its damage or destruction may not be replaced, restored, repaired, reconstructed, improved, or rebuilt in any way other than in complete conformity and full compliance with the provisions of this article, all other provisions of the Ordinance, and all other ordinances of the Township. The Zoning Hearing Board may, as a special exception, waive the requirements of this paragraph where it is demonstrated that such requirements could not be met on land owned by the applicant or where such requirements would impose undue hardship to the applicant in the efficient operation of the premises. In such a case, the Zoning Hearing Board shall be authorized to grant only the minimum relief necessary and the least modification possible of the provisions of this article.

c. The applicant shall have the responsibility of determining the percent of damage or destruction and the fair market value of the damaged or destroyed structure at the time of its damage or destruction. The Zoning Officer shall

review this information, and may call upon experts or authorities as he may deem necessary to assist in determining a fair and impartial determination. Such costs accrued in this determination shall be paid by the applicant.

5. Historic Structures.

The Zoning Hearing Board, through the granting of a special exception, shall have the right to modify or waive any of the requirements of this Section 1305-H for any structure listed in or determined eligible for listing in the National Register of Historic Places, or the Pennsylvania Inventory or Register of Historic Places, or its equivalent. In deciding upon any request for such a modification or waiver, the Board shall follow the procedures for acting on special exceptions as specified in Article XX of the Ordinance, and shall review the application for compliance with the standards in Section 1301-J. The Board may seek the opinion and guidance of persons or entities with historical expertise regarding the appropriateness of the proposed activity in relation to the quality and integrity of the historic structure and the degree to which the requested modification or waiver will be essential in preserving the structure. The Zoning Hearing Board shall weigh the preservation benefits of the proposed activity against its potential impact on flood heights and velocities and the flood hazards attendant to the structure itself.

I. Building Permits.

In addition to complying with Section 1903 of the Ordinance, the applicant shall provide the following information with any building permit application for any development or structure within the FH-Flood Hazard District.

1. The elevation (in relation to mean sea level) of the lowest floor, including basement.
2. Whether or not the structure includes a basement.
3. If the structure has been flood-proofed, the elevation (in relation to mean sea level) to which the structure was flood-proofed.
4. A document certified by a professional engineer or architect, registered in the Commonwealth of Pennsylvania, certifying that the flood-proofing methods are adequate to withstand the flood depths, pressures, velocities, impact, uplift forces, and other factors associated with the determined flood height, and indicating the specific elevation (in relation to mean sea level) to which such structure is flood-proofed.
5. Elevation of the one hundred (100) year flood.

The Zoning Officer may submit a copy of all plans and applications for proposed development, construction or other improvements within the FH-Flood Hazard District to any other appropriate agencies and/or individuals for review and comment.

J. Standards for Review of Special Exception or Variance Applications.

1. General.

   a. For any development within the FH-Flood Hazard District, the applicant shall demonstrate the effect of the development on flood heights, frequencies and velocities, the susceptibility of the development to flood damage, the availability of emergency access, and the necessity of the proposal to be located near or within the flood hazard area.

   b. No construction, development, use, activity, or encroachment of any kind shall be permitted in the floodway if the proposed development will increase the flood elevation of the one hundred (100) year flood.

   c. No use or structure shall endanger human life or be placed where the natural flow of the flood waters would carry any structure downstream to the damage or detriment of property within or adjacent to the FH-Flood Hazard District.

   d. No use or structure shall be susceptible to flotation and subsequent movement which would cause damage to other property.

   e. All uses and structures shall be designed and constructed to: (1) not increase the height or frequency of the one hundred (100) year flood waters, (2) allow the unrestricted passage of flood waters, (3) not create unhealthy or unsanitary conditions, and (4) not degrade the quality of surface water or groundwater.

   f. Where practical, structures shall be constructed with the longitudinal axis parallel to the direction of flood flow and shall be placed approximately on the same flood flow lines as those of nearby structures.

   g. No development, use or structure shall degrade the water-carrying capacity of any watercourse, channel, or floodway.

   h. Prior to any proposed alteration or relocation of any watercourse, a permit shall be obtained by the landowner from the Pennsylvania Department of Environmental Protection, Bureau of Dams and Waterways Management, and notification of any such proposal shall be given to all affected adjacent municipalities. Copies of such notifications shall be forwarded to the Federal Insurance Administration and the Pennsylvania Department of Community and Economic Development.

   i. Where applicable and unless clearly infeasible, all necessary permits or other written approvals, including but not limited to those required under Section 4.04 of the U.S. Clean Water Act, must be obtained from all other agencies before any approvals of plans, special exceptions, variances, or permits may be granted by Honey Brook Township, its agencies, officials, or employees.

   j. Where necessary permits or written approvals from other agencies cannot be obtained prior to action by Honey Brook Township, any approval of plans, special exceptions, variances, or permits by the Township, its agencies, officials, or employees shall be conditioned upon receiving such other required permits or written approval from the other agencies.

   k. Whenever a variance is granted, the Township shall notify the applicant in writing that:

[1]. the granting of the variance may result in increased premium rates for flood insurance; and
[2]. such variance may increase the risks to life and property.

l. In reviewing any request for a variance, the Zoning Hearing Board shall, at minimum, consider the following:

[1]. whether there is good and sufficient cause;
[2]. whether failure to grant the variance would result in exceptional hardship to the applicant; and
[3]. whether granting the variance will:

[a]. result in an unacceptable or prohibited increase in flood heights, additional threats to public safety, or extraordinary public expense; or
[b]. create nuisances, cause fraud on or victimize the public, or conflict with any other applicable state or local ordinance or regulation.

m. A complete record of all variance requests and related actions shall be maintained by the Township. In addition, a report of all variances granted during the year shall be included in the annual report to the Federal Insurance Administration.

n. Notwithstanding any of the above provisions of this section, any structure approved by special exception or variance shall be designed and constructed with the capability to resist the one hundred (100) year flood.

2. Improvements to Residential Structures

All improvements or additions to existing residential structures shall be elevated to one and one-half (1.5) feet above the 100-year flood elevation unless the cost of the proposed improvement or addition is less than fifty (50) percent of the market value of the structure, in which case, any portion of said improvement or addition not elevated to one and one-half (1.5) feet above the 100-year flood elevation shall be flood-proofed.

3. Improvements to Non-Residential Structures

a. All improvements or additions to existing non-residential structures shall be elevated to one and one-half (1.5) feet above the flood elevation and shall be place on pilings, columns, or fill material. Pilings or columns are preferred over fill material in order to maintain the storage capacity of the floodplain and to minimize the potential negative impacts to sensitive ecological areas.

b. If fill is utilized to elevate structures, it shall be in accordance with the following:

[1]. Fill shall be extended laterally at least fifteen (15) feet beyond the limits of the proposed structure.

[2]. The fill shall be compacted to provide the necessary permeability and resistance to erosion, scouring, or settling.

[3]. Fill shall be no steeper than one (1) vertical to two (2) horizontal unless substantiated data, justifying steeper slopes is provided by the applicant and approved by the Township Engineer.

[4]. The fill shall be provided and installed in a manner which assures that no use or structure is susceptible to flotation and subsequent movement that would cause damage to other property.

4. Construction Within the FH-Flood Hazard District

a. All proposed non-residential structures or improvements and additions to existing non-residential structures which are not adequately elevated shall be constructed so as to have the capability of resisting the hydrostatic and hydrodynamic loads and pressures and the effect of buoyancy of the flood, and shall be flood-proofed according to the standards and provisions for flood-proofing classes W-1 and W-2 contained in the publication, Flood-Proofing Regulations, by the United States Army Corps of Engineers, June 1972, as may be amended.

b. Where flood-proofing is proposed to be utilized for a particular structure, the building permit application shall be accompanied by a document signed and sealed by a professional engineer or architect registered by the Commonwealth of Pennsylvania, certifying that the flood-proofing methods proposed are adequate to withstand the flood depths, pressures, velocities, impact, and uplift forces, and other factors associated with the flood and indicating the specific elevation to which the structure is being flood-proofed.

c. All structures shall be firmly anchored to prevent flotation, movement, or collapse.

d. No materials that are buoyant, flammable, explosive, or in time of flooding, could be injurious to human, animal, or plant life, shall be stored below the flood elevation.

e. All electrical and mechanical equipment shall be permitted only at elevations above the one hundred (100) year flood elevation.

f. Electrical distribution panels shall not be permitted at an elevation of less than three (3) feet above the one hundred (100) year flood elevation. Separate electrical circuits shall serve lower levels of structures and shall be dropped from above.

g. All utilities, including gas, oil, electrical, or telephone systems shall be located below ground level and shall be flood proofed.

5. Space Below the Lowest Floor.

a. Fully enclosed space below the lowest floor (including basement) is

prohibited.

b. Partially enclosed space below the lowest floor (including basement) which will be used solely for the parking of a vehicle, building access, or incidental storage in an area other than a basement, shall be designed and constructed to allow for the automatic entry and exit of floodwaters for the purpose of equalizing hydrostatic forces on exterior walls. The term "partially enclosed space" also includes crawl spaces. Designs for meeting this requirement must either be certified by a registered professional engineer or architect, or meet or exceed the following minimum criteria:

[1]. a minimum of two openings having a net total area of not less than one (1) square inch for every square foot of enclosed space.

[2]. the bottom of all openings shall be no higher than one (1) foot above grade.

[3]. openings may be equipped with screens, louvers, etc. or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

6. Utility Facilities in the FH-Flood Hazard District.

Utility facilities not under the exclusive jurisdiction of the Pennsylvania Public Utility Commission shall comply with the following conditions:

a. Facilities including pipelines, gas lines, storm sewers, sanitary sewers, water lines, outlet installations for sewage treatment plants, sealed public and private water supply wells, pumping stations, and underground communications facilities shall, except for necessary vents, be designed and installed underground so as to be at or below the existing natural surface grade within the flood plain, and in such a manner that will prevent flotation, minimize or eliminate flood damage, and not alter the cross-sectional area of the flood plain. All new or replacement water supply facilities or sanitary sewage facilities shall be designed to minimize or eliminate infiltration of flood waters into the facilities and discharges from the facilities into flood waters. All gas lines shall have a system of shut-off valves for service within the FH-Flood Hazard District to allow positive control during flood emergencies.

b. Electrical transmission lines and supporting structures shall be installed so as to minimize or eliminate flood damage and be installed underground below the existing natural surface within the flood plain. Above ground electrical transmission lines should be designed to meet the following standards:

[1]. Above ground lines and supporting structures shall enter the FH-Flood Hazard District only to cross a watercourse, shall cross the watercourse and the District using the most direct and shortest route possible, shall make the minimum number of crossings necessary, and shall be designed and installed so as to minimize or eliminate

flood damage.

[2]. Above ground lines shall be elevated so that the lowest portions are a minimum of ten (10) feet above the one hundred (100) year flood elevation.

[3]. Supporting structures for above ground lines within the District shall be the minimum number necessary to carry the lines across the District. Supporting structures shall be designed and installed so as to be able to withstand the maximum volume, velocity, and force of flood waters which can be expected at the point where they are located.

[4]. Facilities and services in the District shall be designed so that flood damage within the District does not disrupt service outside the District.

c. Utility facilities and structures (excluding buildings) subject to the jurisdiction of the Pennsylvania Public Utility Commission are requested to comply with the above standards in the interest of achieving the purpose and intent of this Ordinance.

7. Evacuation Plan.

A plan which provides for alternative vehicular access and escape routes when normal routes are blocked or destroyed by flooding shall be submitted to the Chester County Department of Emergency Services by the owner of any building located in the FH-Flood Hazard District.

8. Existing Mobile Homes.

If any existing mobile home is replaced with another, the replacement shall be:

a. placed on a permanent foundation.
b. elevated so that the lowest floor is at least one (1) foot above the elevation of the one hundred (100) year flood.
c. anchored to resist flotation, collapse, or lateral movement.

K. Municipal Liability

The granting of a permit or the making of any other administrative decision shall not constitute a representation, guarantee, or warranty of any kind by Honey Brook Township, or by any official, agent, or employee thereof, of the practicability or safety of any structure, use, or other plan proposed with respect to damage from flood or otherwise, and shall create no liability upon, or a cause of action against, such public body, official, agent, or employee for any flood damage that may result pursuant thereto or as a result of reliance on this section. There is also no assurance that lands not included in the FH-Flood Hazard District are now or ever will be free from flooding or flood damage.

SECTION 1302. SSC-STEEP SLOPE CONSERVATION DISTRICT

A. Statement of Intent.

The purposes of this section are as follows:

1. To promote the public health, safety, and welfare by the protection of steep slope areas and by encouraging the retention of open space located and designed so as to constitute a harmonious and appropriate part of the physical development of the Township.
2. To permit only those uses of steep slope areas that are compatible with the conservation of natural conditions and that maintain stable soil conditions by: [a] minimizing disturbances to vegetative ground covers; and [b] restricting the regrading of steep slope areas.
3. To limit soil erosion and the resultant destruction of the land, siltation of streams, and property damage.
4. To protect low-lying areas from flooding by limiting the increase in stormwater runoff caused by grading of sloped areas, changes in ground cover, or the erection of structures.
5. To maintain the ecological integrity and habitat value of steeply sloped areas for indigenous vegetation and wildlife that could be adversely affected by otherwise permitted disturbances.
6. To allow the continuing replenishment of groundwater resources and the maintenance of springs.

B. Delineation.

The SSC-Steep Slope Conservation District shall consist of any area that is delineated and defined as follows:

1. Prohibitive Slope - Prohibitive slopes are those of greater than twenty-five percent (25%) slope.
2. Precautionary Slope - Precautionary slopes are those of fifteen percent (15%) to twenty-five percent (25%) slope.

The applicable United States Geological Survey Topographic Map, or a topographic survey prepared by a registered professional licensed to perform such surveys when required as part of a subdivision or land development plan application, shall determine the lands contained within the SSC-Steep Slope Conservation District.

C. Steep Slope Delineation Procedure.

1. Each application for construction, land disturbance or subdivision containing land within the SSC-Steep Slope Conservation District shall be submitted in accordance with

such other provisions of the ordinances of Honey Brook Township as are applicable thereto. Any area of Prohibitive Slope or Precautionary Slope that falls within the subject lot or lots shall be shown on the site plan through shading of such area or areas.

2. Any party seeking land development and/or subdivision approval in what might be the SSC-Steep Slope Conservation District shall have the burden to present evidence to the reviewing body of the boundaries of the District in the area in question. This presentation must include applicable topographic data with respect to the property and any other pertinent documentation for consideration.
3. Where the exact location of the boundaries of the District in relation to a given parcel is in question, the Township Engineer shall evaluate all material submitted by the applicant and any other pertinent information. He shall make a written report of the results of his determination, a copy of which shall be provided to the Board of Supervisors.
4. Any party aggrieved by any such determination by the Township Engineer may appeal to the Zoning Hearing Board. The party contesting the location of the district boundary shall have the burden of proof in any such appeal proceeding.

D. Relationship to Other Articles and Ordinances.

The provisions of the SSC-Steep Slope Conservation District create an overlay district which is applicable within all other zoning districts established by the Ordinance. To the extent the provisions of this section are applicable and are more restrictive, they shall supersede conflicting provisions in any other part of the Ordinance and all other ordinances of Honey Brook Township. However, all other provisions of the Ordinance and all other ordinances of Honey Brook Township shall remain in full force.

E. General Criteria within both Prohibitive and Precautionary Slopes.

1. All grading shall be minimized, and no grading shall be undertaken within any area of the SSC-Steep Slope Conservation District except where approved in conjunction with a use permitted under the terms of this section.
2. Finished slopes of all cuts and fills shall be stabilized and shall not exceed a thirty-three percent (33%) slope, unless the applicant can demonstrate that steeper slopes can be stabilized and maintained adequately.

F. Permitted Uses in Areas of Prohibitive Slope.

The following are the only uses permitted by right in areas of Prohibitive Slope. Such uses also shall be in compliance with the base zoning district, and shall not involve the erection of buildings, construction of streets, installation of sewage disposal systems, or permanent removal of topsoil.

1. Parks and outdoor recreational uses, consistent with the goals of watershed protection.
2. Logging and woodcutting, where such activity is limited to highly selective removal of trees and is performed in accordance with a woodland management plan prepared by a

professional forester and approved by the Board of Supervisors. Maximum precautions shall be taken to avoid destruction of or injury to under-story brush and trees.

3. Grading for the minimum portion of a driveway necessary to access a single-family dwelling when it can be demonstrated that no other routing which avoids slopes exceeding twenty-five percent (25%) is feasible.
4. Yard areas of a building that is permitted under the terms of the Ordinance

G. Permitted Uses in Areas of Precautionary Slope.

1. The following are the only uses permitted by right in areas of Precautionary Slope, provided they also are in compliance with the base zoning district and all other provisions of the Ordinance:

   a. Any use permitted in an area of Prohibitive Slope.
   b. Tree farming, forestry, and other agricultural uses when conducted in conformance with conservation practices, including minimum tillage methods, approved by the Natural Resources Conservation Service or the Chester County Conservation District.
   c. Single-family detached dwelling, where permitted in the underlying district.
   d. Sealed public water supply wells, where approved by all regulatory agencies.
   e. Sanitary or storm sewers, where approved by all regulatory agencies.

2. The average ground slope, as defined by the Ordinance, shall be determined for each lot proposed within the SSC-Steep Slope Conservation District. For areas having the following average ground slope (as certified by a Registered Professional Engineer), the following restrictions shall apply:

FR, R, and MR Residential Districts: Average Ground Slope	Maximum Percent of Ground Surface Which May Be Disturbed For Driveways or Structures	Required Adjustment to Minimum Lot Area
15-18%	10%	15% increase
19-22%	9%	25% increase
23-25%	8%	50% increase
A - Agricultural, RC - Resource Conservation, C - Commercial, and I - Industrial Districts: Average Ground Slope		
15-18%	5%	15% increase
19-22%	4%	25% increase
23-25%	3%	50% increase

H. Application Procedures.

Before a permit is issued for any construction or land disturbance activity on land within or affecting areas of the SSC-Steep Slope Conservation District, the following material, in full or in pertinent parts, shall be submitted for review by the Township:

1. An engineered site plan of the property, indicating existing grades with contour lines of five (5) foot intervals and proposed grades within the area of the proposed construction. All areas of Prohibitive and/or Precautionary Slope, as defined above, shall be shaded accordingly.
2. Landscaping plan indicating proposed impervious surfaces, storm drainage facilities, retaining walls, and ground cover, as well as trees and ornamental shrub locations.
3. Architectural plans, elevations, and sections.
4. A statement, signed and sealed by a registered architect, landscape architect, or engineer, explaining the building methods to be used in overcoming foundation and other structural problems created by any slope conditions, how the natural slopes and watershed will be protected, the type of vegetation which will be installed in disturbed areas, and the method of getting construction and other materials to the site without damage to existing trees and other nearby vegetation.
5. Location and slopes of sides of all proposed cuts and fills.
6. Plan, profile, and typical cross-sections of any proposed driveway, with the seal of a registered professional engineer thereon.
7. Plan for on-site sewage disposal facilities unless the Township or Municipal Authority determines that the property is within a public sanitary sewer service area.
8. If a Prohibitive Slope area extends to the boundary of a proposed site, the slopes on adjacent properties for a distance of two hundred (200) feet in all directions from the boundaries of the site in question shall be additionally presented.

I. Existing Uses and/or Structures within the SSC-Slope Conservation District.

Following the effective date of the Ordinance, any use or structure situated within an area of Prohibitive Slope or Precautionary Slope that does not conform to the uses permitted in this section shall become a nonconforming use or structure, regardless of its conformance to the terms of the district in which it is located. The expansion or continuance of said nonconforming use or structure shall be governed by the requirements of Article XVIII of the Ordinance. However, the Zoning Hearing Board shall also ensure that the standards contained in this section are applied to the expansion or continuance of said nonconforming use or structure.

SECTION 1303. RCC-RIPARIAN CORRIDOR CONSERVATION DISTRICT

A. Statement of Intent.

In expansion of Section 101, Purpose, and Section 102, Statement of Community Development Objectives, of the Ordinance, the purposes of this section, among others, are as follows:

1. Reduce the amount of nutrients, sediment, organic matter, pesticides, and other harmful substances that reach watercourses, wetlands, subsurface, and surface water bodies by using scientifically- proven processes including filtration, deposition, absorption, adsorption, plant uptake, and denitrification, and by improving infiltration, encouraging sheet flow, and stabilizing concentrated flows.
2. Improve and maintain the safety, reliability, and adequacy of the water supply for domestic, agricultural, commercial, industrial, and recreational uses along with sustaining diverse populations of aquatic flora and fauna.
3. Regulate the land use, siting, and engineering of all development to be consistent with the intent and objectives of the Ordinance, accepted conservation practices, and to work within the carrying capacity of existing natural resources.
4. Assist in the implementation of pertinent state laws concerning erosion and sediment control practices, including the Pennsylvania Clean Streams Law, Act 394, P.L. 1987, Chapter 102 of the Administrative Code (as amended October 10, 1980 Act 157 P.L.), Title 25, and any subsequent amendments thereto, as administered by the Pennsylvania Department of Environmental Protection and the Chester County Conservation District.
5. Conserve the natural features important to land or water resources (e.g., headwater areas, groundwater recharge zones, floodways, flood plains, springs, streams, wetlands, woodlands, prime wildlife habitats) and other features constituting high recreational value or containing amenities that exist on developed and undeveloped land.
6. Complement the provisions of the Flood Hazard District and the SSC-Steep Slope Conservation District in this article, and any other ordinances or regulations that protect environmentally sensitive areas in order to minimize hazards to life, property, and riparian features.
7. Recognize that natural features contribute to the welfare and quality of life of the Township's residents.
8. Conserve natural, scenic, and recreation areas within and adjacent to riparian areas for the community's benefit.

B. Overlay Concept, Establishment, and Width Determination of the District.

1. Overlay Concept. The provisions of the RCC-Riparian Corridor Conservation District create an overlay district which is applicable within all other zoning districts established by the Ordinance. To the extent the provisions of this section are applicable and more restrictive, they shall supersede conflicting provisions in any other part of the Ordinance and all other ordinances of Honey Brook Township. However, all other provisions of the Ordinance and all other ordinances of Honey Brook Township shall remain in full force.

2. Establishment

Regulated Watercourses	Zone One Required	Zone Two Required	Measurement
Perennial Streams (Soil Survey and U.S.G.S.)	Yes	Yes	Measured from Top of Bank
Intermittent Streams (Soil Survey)	Yes	Yes	Measured from Centerline
Bordered by Alluvial Soils	Yes	Yes	Measured from Centerline
Local Alluvium in Conjunction with Alluvial Soils	Yes	Yes	Measured from Centerline
Wetlands and Ponds >5,000 square feet	Yes	No	Measured from edge

a. The RCC-Riparian Corridor Conservation District applies to the following watercourses and water bodies and the land adjacent to them:

[1]. All naturally occurring watercourses that normally contain flowing water during all times of the year, including streams that may dry up during periods of extended drought. These shall include, but not be limited to:

[a]. Perennial streams identified in the most recent Soil Survey of Chester County.

[b]. Perennial streams identified on United States Geological Survey maps.

[2]. All intermittent watercourses otherwise identified in the most recent Soil Survey of Chester County, or identified on plans submitted by applicants.

[3]. All watercourses bordered by the following alluvial soils, and/or local alluvium soils, as mapped in the most recent Soil Survey of Chester County, provided the local alluvium soil is connected to a listed alluvial soil:

We – Wehadkee Silt Loam
Ch – Chewacla Silt Loam
WoA, WoB, WoC – Worsham Silt Loam

[4]. Lands at the margins of wetlands and ponds greater than 5,000 square feet in area.

[a]. A wetlands delineation shall be required when the applicant proposes disturbance within an area of hydric soils as defined by the Chester County Conservation District.

[b]. In the absence of a wetlands delineation, the wetlands boundary shall be assumed to be the hydric soil boundary as mapped in the most recent Soil Survey of Chester County.

b. The District will consist of two distinct zones designated as:

[1]. Zone One: This zone will occupy a margin of land with a minimum width of twenty-five (25) feet measured horizontally on a line perpendicular to the top of bank or centerline of the watercourse, as appropriate, and/or the edge of the wetland or pond.

[a]. Where slopes in excess of twenty-five percent (25%) are located within twenty-five (25) feet of a watercourse, Zone One shall extend the entire distance of this sloped area or seventy-five (75) feet, whichever is less.

[b]. Where the width of Zone One has been adjusted to a width of less than seventy-five (75) feet, the width of Zone Two will be adjusted so that the total corridor width (Zone One and Zone Two) will be a maximum of seventy-five (75) feet.

[2]. Zone Two: This zone will begin at the outer edge of Zone One and occupy a minimum width of fifty (50) feet in addition to Zone One. Where Zone One has been adjusted to a width greater than twenty-five (25) feet, the width of Zone Two will be adjusted so that the total corridor width (Zone One and Zone Two) will be a maximum of seventy-five (75) feet.

[a]. Where the 100-year flood plain extends greater than seventy-five (75) feet from the waterway, Zone One shall remain a minimum of twenty-five (25) feet wide, and Zone Two shall extend from the outer edge of Zone One to the outer edge of the 100-year flood plain.

[b]. The 100-year flood plain shall be determined by the FEMA Flood Insurance Study for Honey Brook Township or by a hydrological stream profile analysis, in accordance with the terms of Section 1301-B of this article.

c. The width and applicable regulations of the RCC-Riparian Corridor Conservation District shall be as follows, consistent with the standards for Zone One and Zone Two.

[1]. For watercourses identified in Subsection B-2-a-1, 2, and 3, herein, both Zone One and Zone Two shall apply.

[2]. For wetlands and ponds identified in Subsection B-2-a-4, herein, only Zone One shall apply.

d. The measurement of the RCC-Riparian Corridor Conservation District shall be as follows:

[1]. For watercourses identified in Subsection B-2-a-1: A minimum of seventy-five (75) feet from each defined edge of the watercourse at bank full flow, or the area contained within the 100-year flood plain, whichever is greater.

[2]. For watercourses identified in Subsection B-2-a-2 and 3: A minimum of seventy-five (75) feet from the centerline of the watercourse, or the area contained within the 100-year flood plain, whichever is greater.

[3]. For wetlands and ponds identified in Subsection B-2-a-4: A minimum of twenty-five (25) feet from the edge of the wetland or pond. For wetlands at the edge of a pond, the measurement shall be made from the wetland edge.

C. Uses Permitted in the RCC-Riparian Corridor Conservation District.

The following uses are permitted either by right or as a conditional use in the RCC-Riparian Corridor Conservation District.

1. Zone One

a. Uses Permitted by Right. Open space uses that are primarily passive in character shall be permitted to extend into the area defined as Zone One, including:

[1]. Wildlife sanctuaries, nature preserves, forest preserves, fishing areas, passive areas of public and private parklands, and reforestation.

[2]. Streambank stabilization.

[3]. Driveways serving single-family detached dwellings, provided the requirements of Subsection H, herein, are satisfied.

[4]. Agricultural uses existing at the time of adoption of this ordinance, so long as they are conducted in compliance with methods prescribed in the Department of Environmental Protection's Erosion and Sediment Pollution Control Program Manual, 1990, as amended.

[5]. Corridor crossings by farm vehicles and livestock.

b. Uses Permitted by Conditional Use.

[1]. Sustained yield harvesting of trees when removal is consistent with a woodland management plan prepared by a professional forester and approved by the Board following review by the Township Engineer.

[2]. Corridor crossings by recreational trails, roads, railroads, centralized sewer and/or water lines, and public utility transmission lines, when in compliance with the applicable requirements of the Pennsylvania Department of Environmental Protection and/or the Chester County Conservation District, and provided that disturbance is offset by identified corridor improvements.

2. Zone Two

a. Uses Permitted By Right. The following uses which are primarily passive in character, shall be permitted by right to extend into the area defined as Zone Two:

[1]. Open space uses including wildlife sanctuaries, nature preserves, forest preserves, passive areas of public and private parklands, and recreational trails conducted in compliance with methods prescribed in the Department of Environmental Protection's Erosion and Sediment Pollution Control Program Manual, 1990, as amended.

[2]. Reforestation when done in compliance with a woodland management plan prepared by a professional forester and approved by the Board following review by the Township Engineer.

[3]. No more than one half (1/2) the depth of any minimum required front, side, and/or rear yards on private lots. The result of this requirement is that one half of the minimum required yard depth shall act as a setback from the Zone Two boundary, and the other half may extend into Zone Two to complete the minimum required yard area. However, the portion of the setback within Zone Two shall be subject to the regulations of Zone Two.

[4]. Agricultural uses existing at the time of adoption of this ordinance, so long as they are conducted in compliance with methods prescribed in the Department of Environmental Protection's Erosion and Sediment Pollution Control Program Manual, 1990, as amended.

[5]. Driveways serving single-family detached dwellings, provided the requirements of Subsection H, herein, are satisfied.

[6]. Corridor crossings by farm vehicles and livestock.

b. Uses Permitted by Conditional Use.

[1]. New agricultural uses in compliance with methods prescribed in the Department of Environmental Protection's Erosion and Sediment Pollution Control Program Manual, 1990, as amended.

[2]. Corridor crossings by recreational trails, roads, railroads, centralized sewer and/or water lines, and public utility transmission lines, when in compliance with the applicable requirements of the

Pennsylvania Department of Environmental Protection and/or the Chester County Conservation District, and provided that disturbance is offset by identified corridor improvements.

[3]. Centralized sewer and/or water lines and public utility transmission lines running along the corridor, provided that any disturbance is, at a minimum, offset by identified corridor improvements. These lines shall be located as far from Zone One as practical.

[4]. Sustained yield harvesting of trees when removal is consistent with a woodland management plan prepared by a professional forester and approved by the Board following review by the Township Engineer.Passive use areas such as camps, camp grounds, picnic areas, and golf courses. Active recreation areas such as ball fields, playgrounds, and courts provided these uses are designed in a manner that will not permit concentrated flow.

[5]. Naturalized stormwater basins, provided the basin is located a minimum of fifty (50) feet from the defined edge of identified watercourses.

D. Uses Specifically Prohibited in the RCC-Riparian Corridor Conservation District.

Any use or activity not authorized within Subsection C, herein, shall be prohibited within the RCC-Riparian Corridor Conservation District and the following activities and facilities are specifically prohibited:

1. Storage of any hazardous or noxious materials, including conformance with Section 1301-G-13.
2. Use of fertilizers, pesticides, herbicides, and/or other chemicals in excess of prescribed industry standards or the recommendations of the Chester County Conservation District.
3. Motor or wheeled vehicle traffic in any area not designed to accommodate adequately the type and volume.
4. Parking lots.
5. Any type of permanent structure, except structures needed for a use permitted in Subsection C, herein.
6. Subsurface sewage disposal areas.
7. Sod farming.

E. Nonconforming Structures and Uses.

Nonconforming structures and uses of land within the RCC-Riparian Corridor Conservation District shall be regulated in accordance with the following provisions:

1. Existing nonconforming uses or structures within Zones One and/or Two that are not permitted under Section 1303-C of this article may be continued but shall not have the existing building footprint or uses expanded or enlarged within or into Zone One or Two.
2. In all other respects, existing nonconforming uses and structures shall comply with the requirements of Section 1301-H of this article.

F. Boundary Interpretation and Appeals Procedure.

1. When an applicant disputes the Zone One and/or Two boundaries of the RCC-Riparian Corridor Conservation District or the defined edge of a watercourse, surface water body, or wetland, the applicant shall submit evidence to the Township that shows the applicant's proposed boundary, and provides justification for the proposed boundary change.
2. The Township Engineer and/or other advisors selected by the Board of Supervisors shall evaluate all material submitted and provide a written determination within forty-five (45) days to the Board of Supervisors, Township Planning Commission, and landowner or applicant.
3. Any party aggrieved by any such determination or other decision or determination under this section may appeal to the Zoning Hearing Board under the provisions of Article XX of the Ordinance. The party contesting the location of the district boundary shall have the burden of proof in case of any such appeal.

G. Inspection and Application of RCC-Riparian Corridor Conservation District.

1. Lands within or adjacent to the RCC-Riparian Corridor Conservation District will be inspected by the Zoning Officer when:

   a. A subdivision or land development plan is submitted.
   b. A building permit is requested.
   c. A change or resumption of a nonconforming use is proposed.

2. The district may also be inspected periodically by the Zoning Officer and/or other representatives designated by the Board of Supervisors for compliance with an approved restoration plan, excessive or potentially problematic erosion, hazardous trees, or at any time when the presence of an unauthorized activity or structure is brought to the attention of township officials.

H. Management of the RCC-Riparian Corridor Conservation District.

1. Corridor Management Plan. A corridor management plan shall be developed when required by the Honey Brook Township Subdivision and Land Development Ordinance, consistent with the requirements therein.
2. Mitigation Measures. Uses permitted in Subsections C-1-a-5, C-2-a-6, and C-2-b-2 that involve disturbance of vegetation within the riparian corridor shall be mitigated by one of the following measures:

   a. Increasing the width of the corridor. The width of the riparian corridor, measured from the defined edge of the water body, is increased so that the average width of the corridor's full length is equal to that required by Subsection B-2-c.
   b. Increasing the effectiveness of the corridor. In existing degraded wooded areas or proposed new wooded areas, an area equal to twice the area of disturbance shall be planted with three distinct layers of vegetation: (1) canopy trees, such as oak, hickory, maple, gum, beech, sycamore, spruce,

hemlock, pine, and fir, (2) shrubs that provide an understory, such as elderberry, viburnum, azalea, rhododendron, holly, laurel, and alders, and (3) herbaceous plants that serve as ground cover, including ferns, sorrel, trillium, violet, Virginia creeper, nettle, phlox, aster, and worts. All three layers shall be planted at a density sufficient to create a fully functioning, naturalized riparian corridor.

c. Converting to a more effective landscape. An area equal to three times the area of disturbance is converted to a more effective landscape. The following landscapes are listed in order of effectiveness, from most effective to least effective: Woodland, Meadow, Shrub, Old Field, Lawn, and Pasture.

3. Restoration and Conversion of Landscapes.

a. Landscapes shall be restored by removing invasive vines, removing invasive trees, cleaning out trash, correcting soil erosion problems, planting appropriate plants, and properly maintaining all new plantings.

b. Landscapes shall be converted to a more effective landscape by removing existing, incompatible vegetation, planting plants that are appropriate for the proposed landscape type and the site, and maintaining and protecting the plantings from invasive plants, deer, and other long-term problems.

4. Vegetation Selection. To function properly, dominant vegetation proposed as part of a mitigation measure shall be selected from a list of plants most suited to the riparian corridor. Plants not included on the lists may be permitted by the Board, in consultation with the Township Engineer, when evidence is provided from qualified sources certifying their suitability. The Township may require species suitability to be verified by qualified experts in the Chester County Conservation District, Natural Resources Conservation Service, Pennsylvania Fish and Boat Commission, the U.S. Fish and Wildlife Service, or state and federal forestry agencies.

a. In Zone One, dominant vegetation shall be composed of a variety of native riparian tree and shrub species and appropriate plantings necessary for stream bank stabilization.

b. In Zone Two, dominant vegetation shall be composed of riparian trees and shrubs, with an emphasis on native species and appropriate plantings necessary to stabilize the soil.

ARTICLE XIV
SIGNS

SECTION 1400. STATEMENT OF INTENT

The intent of this article is to provide for the regulation of signs in Honey Brook Township, as a proper exercise of the municipal police power, to protect the public health, safety, and general welfare in accordance with the following objectives:

A. To control the size, location, and illumination of signs in the Township to reduce hazards to pedestrian and vehicular traffic.

B. To encourage signs which are well-designed and pleasing in appearance, and to provide latitude for variety, in order to enhance the economic value as well as the visual character of properties within the Township.

C. To establish standards designed to encourage signs that are compatible with their surroundings, appropriate to the type of activity to which they pertain, expressive of the identity of individual proprietors, and legible in the circumstances in which they are seen; and to prohibit the erection of signs that do not meet these criteria and which are incompatible with the agricultural landscape and rural character of the Township.

D. To prohibit the construction of and require the removal of signs which constitute a hazard or a blighting influence.

SECTION 1401. GENERAL

A. Scope and applicability

1. Permit required. A permit shall be required for all signs allowed in any zoning district except for signs listed in Sections 1402 and 1405-A-1 . All signs shall comply with the regulations of this article. All permit applications shall contain the written consent of the owner on whose property the sign is to be erected.

2. Residential developments and land developments. Signs proposed, authorized, and erected as a result of a residential development of land or a use requiring land development approval, under the terms of the Township Subdivision and Land Development Ordinance, shall be submitted with the application and plans for such development and shall be approved in accordance with this article and the standard approval process for such development.

B. Nonconforming signs

1. Signs legally existing at the time of enactment of the Ordinance or subsequent

relevant amendments and which do not conform to the requirements of the Ordinance shall be considered nonconforming signs.

2. Any nonconforming sign which is damaged in excess of twenty-five (25%) percent of its cost of replacement, or is removed for any reason other than normal repair and maintenance, shall be replaced only with a conforming sign. Legal nonconforming signs may be repainted or repaired (including lighting), provided that such repainted or repaired sign does not exceed the dimensions of the existing sign. Wording may also be changed. Illumination shall not be added or increased.
3. Signs advertising a use no longer in existence shall be removed or changed to advertise the new use within thirty (30) days of the cessation of the original use. Signs, once removed, shall be replaced only by signs in conformance with this article.
4. Any nonconforming sign deemed by the Zoning Officer to be unsafe, as stipulated in Section 1407-A, shall be made safe or removed in accordance with the terms of that section.
5. Signs which, at the effective date of this article or subsequent amendment thereto, are maintained in connection with and upon the same lot as a lawful nonconforming use may be maintained, repaired, or replaced with signs similar in size and character so long as such lawful nonconforming use continues, but may not be enlarged or otherwise substantially altered (nor may illumination be increased or newly installed) except in accordance with the applicable regulations of this article.
6. It is the responsibility of the owner of the sign to provide evidence that a sign is lawfully nonconforming and to register such sign with the Zoning Officer.

C. Construction of signs.

Every sign permitted in this article shall be constructed of durable materials and shall be kept in good condition and repair. Any sign which is allowed to become dilapidated may be repaired or removed by the Township at the expense of the owner or lessee of the property on which it is located, in accordance with the terms of Section 1407-A.

D. Location of signs.

The location for signs shall be governed by the following location requirements:

1. No sign except official signs, name plate signs, public service signs (such as telephone), and directional signs shall be erected within or project over a street right-of-way.
2. No sign shall be so located or arranged so that it interferes with the sight distance requirements of the Township Subdivision and Land Development Ordinance.
3. No sign except an official sign, political sign, public service sign, off-premises sign permitted by Sections 1404 and 1405-A-2-e, or billboard as permitted by the Ordinance shall be erected on a property to which it does not relate.
4. No sign except a removable political sign or a yard or garage sale sign shall be

placed on any tree, rock or other natural feature.

E. Illuminated Signs.

1. The lighting of signs shall be arranged so that a bare light bulb, spotlight bulb, or fluorescent bulb is not visible off the lot. Illumination shall only be of an even intensity at all times and shall not be more than fifteen (15) watts per square foot. Illumination may be direct (giving forth light from the interior of the sign through translucent material) or indirect, provided that the light source is directed upon the sign. Lighting shall not shine directly on abutting properties, nor within the normal line of vision of the public when using streets or sidewalks.
2. No sign in the A, RC, FR, MR, or R zoning districts shall be indirectly and or internally illuminated unless specifically permitted by another provision of this article.
3. Illumination of signs shall comply with all applicable standards in Section 1709 of the Ordinance

F. Vehicle signs.

Any vehicle or structure to which a sign is affixed in such a manner that the carrying of such sign or signs no longer is incidental to the primary purpose of the vehicle or structure but becomes a primary purpose in itself shall be considered a freestanding sign, and as such be subject to the provisions of freestanding signs in the district in which such vehicle or structure is located. All vehicles associated with a commercial establishment shall be parked in a location that precludes the vehicle from being used as a freestanding sign.

G. Menu boards, bills of fare, or price lists.

A menu board shall not be considered a sign within the meaning of this chapter, provided that all the following conditions are met:

1. Such sign shall have an area of three (3) square feet or less.
2. The letters and/or numbers on such sign shall be a maximum of three (3) inches in height.
3. Such sign is located on the building next to the entrance to the establishment or in the window next to the entrance to the establishment.
4. Such sign shall only be permitted for use in conjunction with a restaurant.

H. Double-faced sign.

In computing the area of a double-face sign, only one (1) side shall be considered, provided that the faces are identical. In "v"-type structures, the interior angle of which exceeds forty-five (45) degrees, both sides shall be considered in measuring the sign area.

SECTION 1402. EXEMPT SIGNS

The following signs are exempt from the permit requirements of the Ordinance. Such signs are deemed not to create nuisance situations that would threaten the health, safety, or welfare of persons in the Township. All owners of such signs, however, must still comply with all applicable standards of the Ordinance, including the responsibility for maintenance of signs in good and safe repair.

A. An official highway route number sign, street name sign, directional or other traffic sign. These may be erected and maintained on public roads and highways in the interest of public safety or for the regulation of traffic.

B. A sign indicating the prohibition or control of fishing, hunting or trespassing; or signs indicating the private nature of a road, provided the area of any such sign does not exceed four (4) square feet.

C. A sign, with an area not exceeding one (1) square foot, bearing only a property number, street address, post box numbers, or the names of the occupants in residential districts, provided the characters do not exceed three inches in height.

D. A legal notice.

E. A holiday display, or window display of merchandise, except as specifically prohibited herein, and provided its duration is limited to the immediate period or season to which it relates.

F. Public service and information signs advertising the availability of rest rooms, telephones, or similar public convenience.

G. A vending machine sign with an area not exceeding two (2) square feet, bearing the brand name of a product or the price of such product, when displayed on a vending machine selling such product.

H. Signs giving notice of the sale or rental of the lot on which the sign is located, in accordance with the regulations of the zoning district in which the lot is located.

I. Political signs, provided that each does not exceed nine (9) square feet in area and are removed within five (5) days after the date of the election or referendum.

J. Signs erected by a United States Internal Revenue Service recognized nonprofit or charitable entity recognized by the Zoning Officer denoting a special event, provided that they are erected no more than fifteen (15) days before the event and removed within five (5) days after the event and do not exceed thirty two (32) square feet in sign area.

K. Noncommercial signs and decorations for an official or religious holiday, provided that

they do not create traffic or fire hazards and are removed within five (5) days following the event. Such sign shall not exceed thirty two (32) square feet in sign area.

L. Signs announcing work actively being performed on the premises by contractors, mechanics, painters, artisans or other craftsmen, not to exceed eight (8) square feet in area, provided that they removed within five (5) days after such work is no longer actively and continuously being pursued.

M. Signs advertising the temporary sale of products or goods such as Christmas trees, provided that such signs shall not exceed a total sign area of twelve (12) square feet, are only posted for a maximum of thirty (30) days and are removed within five (5) days after the completion of sales.

N. One or more signs applied to a windowpane, giving store hours or the name or names of credit or charge institutions when the total area of any such sign or all signs together does not exceed two (2) square feet.

O. A sign which is a permanent architecturally feature of a building or structure, such as a corner stone or identifying letter carved into or embossed on a building, provided the letters are not made of a reflective material nor contrast in color with the building.

P. Yard or garage sale signs, provide such signs do not exceed four (4) square feet in area and shall be erected no sooner than seven (7) days prior to the sale and shall be removed within twenty-four (24) hours of the conclusion of such sale.

SECTION 1403. PROHIBITED SIGNS

The following signs, because their inherent characteristics could threaten the health, safety, or welfare of persons in the Township, are unlawful and prohibited:

A. Signs which use the words "Stop," "Look," "Danger," or any other word, place symbol, or character which attempts or appears to attempt to direct the movement of traffic or which interferes with, imitates, or resembles any official traffic sign, signal, or device within seventy-five (75) feet of a public right-of-way or within two hundred (200) feet of a traffic control device, whichever is greater.

B. Any banner sign or sign of any other type across a public street or on any private property, except as permitted under Section 1405-A-2-f, below.

C. Any suspended sign which is either a pennant that blows in the wind or a spinner that spins in the wind, except, when located inside a stadium, arena, or temporary fairground in conjunction with a special event.

D. Except for traffic control signals, red or green lights within seventy-five (75) feet of a

public right-of-way or two hundred (200) feet of a traffic control signal, whichever is greater.

E. Any sign erected or maintained on a tree or utility pole, or painted or drawn on a rock or other natural feature.

F. Any sign with flashing, revolving, moving, sound-producing, or animated parts, including any sign that has the capability of motion in whole or in part, with the exception of signs that display time and/or temperature exclusively.

G. Any vulgar, indecent, or obscene advertising matter displayed in any manner.

H. Any sign which obscures or interferes with the line of sight at any street intersection or traffic signal, or at any other point of vehicular access to a street.

I. Any sign erected or maintained so as to prevent free ingress or egress from any door, window, or fire escape. No sign of any kind shall be attached to a standpipe or fire escape.

J. Any sign on a mobile stand, wagon or wheels which can be moved from place to place and thereby is not permanently affixed to the ground, except for signs permitted in Section 1405-A-2.

K. Any sign, or any portion thereof, which extends above the roof line of the building to which it is attached.

L. Any off-premises or off-site sign, i.e., a sign unrelated to the property on which it is situated, with the exception of: (i) temporary political campaign signs permitted in accordance with the terms of Section 1405-A-1-d; and (ii) off-site directional signs permitted in accordance with the terms of Section 1404 or 1405-A-2-e.

M. Any hot air, helium-filled, or other balloon or similar device with a circumference greater than ten (10) feet that is placed on or above a property and intended to draw attention to the property for advertising purposes.

SECTION 1404. COMMUNITY OFF-PREMISES DIRECTIONAL SIGNS

In the interest of furthering the objectives set forth in section 1400, the Township may, upon direction of the Board of Supervisors, establish uniform off-premises signs on road intersections to direct the traveling public to lawful business activities (except real estate sales and adult uses), home occupations, rural occupations and agricultural retail sales stands. Uses involving season sales of nursery and agriculture products may also participate. Eligible entities shall require a permit to participate.

A. Design standards.

1. Any such sign shall be a freestanding sign, consisting of a wooden pole or post, with individual identification plates affixed to the pole. Only permitted identification plates shall be permitted on the pole.
2. The height of the sign shall be no greater than twelve (12) feet to the top of the pole.
3. The individual identification plates shall be three (3) feet in width and one (1) foot in height.
4. The individual identification plates may be two-sided and shall contain only the name of the entity, a directional arrow and a logo if desired.
5. Individual identification plates are permanent fixtures, and shall only be removed by Township authorized personnel upon cessation of a particular use.

B. Eligibility and application for permits.

1. Any eligible entity desiring to erect an individual identification plate shall make application to the zoning officer. The application shall include the name of the entity, the direction of the arrow and a copy of the desired logo. The application shall include an indemnity waiver approved by the Township Solicitor. The Zoning Officer may request additional information to determine eligibility.
2. Upon issuance of the permit by the zoning officer, the applicant shall provide a copy of the approved permit a accompanying information to a Township approved vendor for manufacture.
3. The applicant shall provide the plate and a copy of the invoice to the Township. Only identification plates manufactured by an authorized vendor shall be affixed to the sign post.
4. The Township shall affix identification plates to the sign post at the Township's convenience, but in no case any longer than two (2) weeks after the applicant has provided the plate.

SECTION 1405. PERMITTED SIGNS BY ZONING DISTRICT

Signs shall be permitted in the respective zoning districts of the Township only in accordance with the terms of this section. Where applicable, the requirements of Sections 1401 and 1406 of this article shall be complied with, as well.

A. Signs permitted in the A, RC, FR, R, and MR Districts

1. The following signs, not qualified as exempt under Section 1402, shall be permitted within the A, RC, FR, R, and MR Districts of the Township. The requirements of Section 1408 regarding sign permits shall be waived for these signs; compliance with all other provisions of this article shall be required.

    a. A temporary sign of a contractor, architect, mechanic, artisan or craftsman placed on the property where the contracted work is occurring.

[1]. Any such sign shall be removed within five (5) days of completion of the work.

[2]. Maximum dimensions for such a sign shall be:

[a]. Area:	Freestanding sign	6 square feet
	Wall sign	10 square feet
[b]. Height:	Freestanding sign	3.5 feet
	Wall sign	12 feet

b. Temporary real estate sale-sold-rent-development signs placed on the property to be sold, rented, or developed.

[1]. Such sign shall be removed within five (5) days following completion of final transactions.

[2]. Only one such sign per road frontage shall be permitted on any property.

[3]. Maximum dimensions for such a sign shall be as specified in Section 1405-A-1-a-2.

c. Directional signs less than two (2) square feet in area located within a tract undergoing development, indicating the route to the sales office, model home, construction trailer, or similar structure.

d. Temporary political campaign signs placed on any property within the Township.

[1]. Maximum size of any such sign shall be nine (9) square feet.

[2]. No sign shall be placed earlier than sixty (60) days prior to the relevant election, and all such signs shall be removed no later than five (5) days following such election.

[3]. Signs may be placed within the street right-of way, but shall not be located so as to obstruct visibility from or impede the use of any street, driveway, sidewalk, bikeway, parking area, path or trail.

[4]. As provided in Section 1403-E, no such sign shall be erected or maintained on a tree or utility pole.

2. The following signs, unless prohibited under Section 1403, shall be permitted in the A, RC, FR, R, and MR Districts, provided they conform with all other provisions of this article, including the requirements for a permit as specified in Section 1408:

a. Signs advertising the sale of nursery or agriculture products.

[1]. Any such sign may be a freestanding sign or wall sign, but not both.

[2]. The maximum dimensions of such a sign shall be twelve (12) square feet in area, and a height of five (5) feet for a freestanding sign or ten (10) feet for a wall sign.

[3]. Such sign shall no project more than three (3) inches from the building wall to which it is attached.

b. Signs advertising a rural occupation.

[1]. Any such sign may be a freestanding sign or a wall sign, but not both.
[2]. The maximum dimensions of such a sign shall be eight (8) square feet in area, and a height of five (5) feet for a freestanding sign or ten (10) feet for a wall sign.
[3]. Such sign shall no project more than three (3) inches from the building wall to which it is attached.

c. Professional, accessory use, home occupation, or name plate signs, indicating the name, profession, or activity of the occupant of a dwelling.

[1]. Any such sign may be a freestanding sign or wall sign, but not both.
[2]. The maximum dimensions of such a sign shall be two (2) square feet in area and not more than four (4) feet in height in the case of a freestanding sign, and not more than ten (10) feet in height for a wall sign.
[3]. Such sign shall not project more than three inches from the building wall to which it is attached.

d. Identification signs of a permanent, non-temporary nature identifying schools, churches, hospitals, or similar institutions, and clubs, lodges, farms, estates, residential developments, or similar uses.

[1]. There shall be not more than one such sign per organization or use, regardless of construction type.

[2]. The maximum dimensions for such a sign shall be as follows:

[a]. Area:	Freestanding sign:	fifteen (15) square feet
	Projecting/wall sign:	ten (10) square feet
[b]. Height:	Freestanding sign:	three and one-half (3.5) feet
	Projecting/wall sign:	twelve (12) feet

e. Off-premises directional signs: as temporary signs indicating the name, location, and sponsoring entity of an event of public interest, such as a state or county fair, local or general election, horse show, or auction.

[1]. No advertising shall be contained on such signs.
[2]. No more than four (4) such signs may be placed within the Township by any one establishment or for any single event, and no more than one at any single intersection.
[3]. No such sign may be erected, placed, installed, or maintained without the written permission of the owner of the real property on which the sign is to be situated.

[4]. Any sign for a special event shall be considered temporary. It shall be permitted for a maximum period of seven (7) days, but in every case shall be removed within (24) twenty-four hours following conclusion of said event.

[5]. Such signs shall have a maximum area of four (4) square feet and a maximum height of (3.5) three and one-half feet.

f. On-site signs for special events, including banners, that identify a grand opening, parade, festival, fund drive, tent/sidewalk sale, auction or similar occasion.

[1]. Any such sign shall be permitted for a maximum period of thirty (30) days, but in every case shall be removed within five (5) days following conclusion of said event.

[2]. Where such a sign is of a ground, wall, or window type the maximum permissible dimensions shall be as follows:

[a]	Area:		32 square feet
[b]	Height:	Freestanding sign:	5 feet
		Wall or window sign:	10 feet

[3]. The maximum area for any banner sign shall be one hundred (100) square feet.

g. Temporary signs, located on tracts approved for or undergoing development, which announce the future uses, names, and/or occupants of such tracts, provided such signs shall be limited to one (1) per tract, and shall comply with the dimensional standards as stipulated in Section 1405-A-2-d of this article.

B. Signs permitted in the C Commercial and I Industrial Districts

1. Any sign permitted under the terms of Section 1405-A of this article shall be permitted in the C and I Districts.

2. Business, commercial, or industrial signs identifying the written name and/or the type of business and/or any trademark of an article for sale or rent on the premises or otherwise calling attention to a use conducted on the premises.

a. Where such business or use is seasonal and temporary (e.g., sale of Christmas trees, flea market, etc.), any sign shall be removed within five (5) days of completion of the event.

b. For an individual, freestanding principal use of a commercial or industrial lot, there shall be not more than one sign (regardless of construction type) for each public street on which the property fronts, exclusive of window signs and except as stipulated in Section 1405-B-2-h, below.

c. The total area of any freestanding, projecting, or wall signs for an individual freestanding use shall not exceed an area equal to ten percent (10%) of the total square footage of the building wall parallel to, and facing, any particular street or a total of twenty-five (25) square feet, whichever is less. The sign area for each street frontage shall be computed separately, and any allowable sign area not used on one frontage may not be used on another street frontage. The total permissible area for window signs shall be as specified in Section 1405-D of this article.

d. The maximum height of any such sign shall be fifteen (15) feet.

e. For a multi-tenant building or property, directory signs shall be permitted under the terms of Section 1405-B-3 of this article. In addition, such building or property shall be entitled to wall signs in accordance with the terms of Section 1406-B.

f. Three or more contiguous individual uses may choose to utilize the directory sign option, as provided in Section 1405-B-2-e, in lieu of the requirements of Section 1405-B-2-b that otherwise would apply to each individual use.

g. Freestanding signs for a gasoline service station or automobile sales and/or service establishment may be built to the dimensions allowable for a directory sign, as prescribed by Section 1405-B-3.

h. In addition to the otherwise applicable provisions of this article, gasoline service stations and automobile sales and/or service establishments may erect and maintain four accessory signs, provided that each such sign does not exceed four (4) square feet in area.

3. Where permitted under the terms of Sections 1405-B-2-e and 1405-B-2-f of this article, directory signs identifying two or more persons, agencies, or establishments and erected primarily as a service to motoring or pedestrian traffic.

a. Such signs shall be freestanding signs only, and shall be limited in number as prescribed in Section 1406-A-1.

b. Such signs may list only a name, address, logo, and primary product or service of each firm or business, and may contain a graphic directory or map to assist in locating destinations.

c. The maximum permitted total sign area for a directory sign shall not exceed fifty (50) square feet.

d. The maximum height of a directory sign shall be fifteen (15) feet.

e. Such signs shall be located a minimum of fifteen (15) feet from the street line and a minimum of twenty (20) feet from the nearest street access driveway, and shall be situated to provide unimpeded visibility from the access driveway to the intersecting street.

4. Billboards, as defined in Article II, in accordance with the terms in Section 1601.I of the Ordinance.

SECTION 1406. STANDARDS FOR PERMITTED SIGNS BASED ON TYPE OF

CONSTRUCTION

In addition to all other applicable standards of this Article, the following standards shall apply to the respective types of sign construction specified:

A. Freestanding Signs

1. Except as otherwise specified, one freestanding sign is permitted per street upon which the property has direct frontage, provided that a maximum of two (2) such signs shall be permitted as of right on any tract.
2. No freestanding sign shall project to a point nearer than five feet from the street right-of-way line; where compliance with this standard would nonetheless create an obstruction of view, further setback may be required.
3. Freestanding signs shall be located no closer to any adjacent public park, church, school, or public playground than the minimum setback or separation distance required for any other adjacent structure or building, as regulated by the Ordinance.
4. No freestanding sign related to a commercial use may be located nearer to a residential lot line than the minimum setback distance required for other business or commercial structures. If located nearer than fifty (50) feet and facing into a residential lot line, such sign shall be designed so as not to shine or reflect light into adjacent residences.
5. All poles or columns that support ground signs shall be made of metal or pressure-treated timbers. All such poles or columns shall be embedded in the ground at least three feet six inches (3'6"), unless the Zoning Officer directs otherwise.
6. The maximum height of any freestanding sign erected without the use of a pole, pylon or standard shall be three feet six inches (3'6"). For a sign erected on a pole, pylon or standard, unless otherwise regulated by this Article, the maximum height shall be fifteen (15') feet and the minimum distance between the ground surface and the bottom of the sign face shall be four (4') feet.

B. Flat Wall Signs

1. Flat wall signs shall not project more than twelve (12") inches from the building wall and must be so located that the lower edge is a minimum of ten (10') feet above grade in any case where projection from the wall is greater than three (3") inches.
2. For a planned village commercial center, shopping center, or other multi-tenant building or property, more than one (1) sign shall be permitted per wall, except that the total area of all signs on one (1) wall shall not exceed ten (10%) percent of the facade, and shall further comply with the requirements of Section 1405-B-2-c of this article.
3. Flat wall signs may be erected upon a canopy or marquee if the structural strength of such canopy or marquee is sufficient to safely carry the additional load, and provided that such signs may not extend beyond the edges of said canopy or marquee or extend within otherwise prohibited areas.
4. No wall sign shall extend above the top of the wall upon which it is mounted or beyond the edges of same.

C. Projecting Signs

1. Projecting signs shall be permitted only within the C Commercial and I Industrial Districts.
2. A projecting sign shall be so located upon the building that the lower edge is a minimum of ten (10) feet above grade. Projecting signs may project a maximum of four (4') feet from the building wall; provided, however, that no sign shall project to a point nearer than five (5') feet from the edge of the paved roadway.
3. No projecting sign shall extend above the top of the wall upon which it is mounted.
4. No more than one (1) projecting sign shall be permitted per premises.

D. Window Signs

1. More than one (1) window sign shall be permitted per building, provided that all window signs are temporary and at any one (1) time shall not exceed twenty-five (25) percent of the total glass area on the side of the building where they are placed.
2. For grocery stores, food markets, and pharmacies, the total glass area covered by window signs shall not exceed thirty-five (35%) percent.

SECTION 1407. REMOVAL OF SIGNS

A. Unsafe Signs

1. Whenever a sign becomes structurally unsafe and/or poses a potential threat to the safety of a building or premises or endangers the public safety, and such condition becomes known to the Zoning Officer, he shall give written notice to the owner of the premises on which the sign is located that such sign must be made safe or removed within five (5) days, unless the Zoning Officer shall deem appropriate a more extended period for compliance.
2. Where, in the opinion of the Zoning Officer upon careful inspection, any sign as described in Section 1407-A-1, above, constitutes an imminent hazard to public safety necessitating immediate action, he shall be empowered to take those measures he deems appropriate to secure, stabilize, or remove such sign without the written notice to the owner of the premises otherwise required by that Section. In such cases, a lien shall be placed against the property on which such sign was situated in the amount of the costs incurred by the Township in removing the sign.
3. Failure of the Zoning Officer to remove, or require the removal of, any unsafe sign as described in this Section shall create no liability upon, nor any cause of action against the Zoning Officer or any other Township official or employee for damage or injury that may occur as a result of such sign.

B. Abandoned Signs

1. Any sign which was erected for an occupant or business unrelated to the present occupant or business, or any sign which relates to a time or event inconsistent with the time limits established by this article, shall be deemed to have been abandoned.

An abandoned sign shall be removed by the owner of the sign or owner of the property within thirty (30) days of written notification from the Zoning Officer.

2. The Township shall have the right to remove any temporary political campaign sign located on public property which is not removed within the time limit prescribed in Section 1405-A-1-d or where, in the opinion of the Zoning Officer, its continued presence would constitute a safety or visibility hazard to the public.

C. Illegal Signs

Any sign installed or placed on public property or within any public right-of-way that is not in conformance with the requirements of this section shall be forfeited to the public and subject to confiscation. In addition to other authorized remedies, the Township shall have the right to recover from the owner or person placing such a sign the full cost of removal and disposal of such sign.

SECTION 1408. PERMITS AND INSPECTIONS

A. Any sign to be erected in the Township that is not exempt under Section 1402 or Section 1405-A-1 shall require a permit. No such sign shall hereafter be erected, altered, or the content changed (except on a directory sign) until a permit is issued by the Zoning Officer.

B. No permit to erect a sign shall be issued until the required fee has been paid to the Zoning Officer, which fee shall be established from time to time by resolution of the Board of Supervisors.

C. Application for a sign permit shall be made in writing to the Zoning Officer and shall contain all information necessary for the Zoning Officer to determine whether the proposed sign, or the proposed alterations, conform to all the requirements of the Ordinance. All applications for sign permits shall be accompanied by plans or diagrams in duplicate and to scale, showing the following:

1. Exact dimensions of the lot, including any right-of-way lines, or building upon which the sign is proposed to be erected.
2. Exact size, content, dimensions, and location of the said sign on the lot or building together with its type, construction, materials to be used, and the manner of installation.
3. Any other lawful information which may be required of the applicant by the Zoning Officer.

D. Permits shall be granted or refused within fifteen (15) days from the date of application.

E. No sign permit shall be issued unless there is conformance with the regulations of the Ordinance, except upon order of the Zoning Hearing Board, granted pursuant to the procedures established for the issuance of a variance.

F. After installation, the Zoning Officer shall inspect the sign to insure that the installation has

conformed to the regulations set forth in this article. All signs shall henceforth be subject to annual inspection.

ARTICLE XV
OFF-STREET PARKING AND LOADING

SECTION 1500. STATEMENT OF INTENT

It is the intent of this article to establish appropriate standards for the amount, location, and design of off-street parking and loading areas associated with the various land uses permitted by the Ordinance. These standards are further intended to increase public safety and diminish the potential for on-street traffic congestion through requirements designed to achieve safe access and traffic circulation patterns for vehicles and pedestrians. The standards also seek to prevent the creation of excessive amounts of impervious surface.

SECTION 1501. GENERAL REQUIREMENTS

A. Applicability. Off-street parking facilities shall be provided whenever:

1. A building is constructed or a new use is established.
2. The use of an existing building is changed to a use requiring more parking facilities, as determined by this article.
3. An existing building is altered so as to increase the amount of parking space required, as determined by this article.

B. Increased Parking Demand.

When any building or structure undergoes a change of use or any increase in the number of dwelling units, employees, gross floor area, seating capacity, or other unit of measurement specified hereinafter as a means for determining required off-street parking or loading facilities, and when such a change or increase would, through application of the provisions of these standards, result in a requirement for greater total off-street parking or loading spaces, such off-street parking or loading facilities shall be increased to equal or exceed the off-street parking or loading requirements resulting from application of the provisions of these standards to the entire building or structure, as modified in use or capacity.

C. Use of Residential Parking Facilities.

1. Parking on residential lots in any district shall be solely for passenger vehicles and not more than one (1) commercial vehicle having not more than two (2) axles, utilized by occupants of the dwelling to which such facilities are accessory or by guests of such occupants. In addition, outdoor parking of a boat, camper, recreation vehicle, trailer, or similar vehicle shall be limited to one (1) vehicle of this type, but in no case shall such vehicle be parked in the front yard.
2. No area within an attached or detached garage accessory to an individual dwelling unit shall be included in calculating the area needed to meet the minimum off-street

parking requirements of the Ordinance.

D. Repair, Service, or Sales Use of Parking Facilities.

It shall be unlawful to utilize any required off-street parking or loading facilities for motor vehicle repair work, service, display, or sales of any kind, except as expressly permitted elsewhere in this article.

E. All required off-street parking facilities shall be provided and maintained for as long as the use which they are designed to serve remains in existence.

SECTION 1502. LOCATION

A. All parking spaces shall be on the same lot or tract as the principal building which they serve.

B. No parking or paved area, except for permitted driveways or accessways, shall directly abut a street. Each such area shall be separated from the street by a curb, planting strip, wall, or other suitable barrier against vehicles.

C. A garage may be located wholly or partly inside the walls of the principal building, attached to the outer walls, or detached. A detached garage shall conform to the requirements in Section 1601-C-1 of the Ordinance.

D. Parking areas may occupy no more than fifty percent (50%) of any front yard.

SECTION 1503. SIZE

A. The size of a parking space for one vehicle shall be not less than ten (10) feet by twenty (20) feet.

B. If continuous curbs are used as wheel stops, the size of parking spaces may be measured as two (2') feet less in length than otherwise required. In such instances, the parking layout should allow for the vehicle to overhang the curb by two (2') feet; such overhang area must be clear of all obstructions (signs, trees, sidewalks, paths, etc.) and may not be regarded as required landscaped area or pedestrian circulation space.

SECTION 1504. DESIGN AND MAINTENANCE STANDARDS

Compliance with the following standards shall be required by the Township for any off-street parking area serving a multi-family residential or non-residential use (excluding rural occupations) with a minimum required capacity of five (5) spaces:

A. General On-Site Circulation Design Standards.

1. Landscaped, paved, and properly graded pedestrian walks, appropriate also for use

by wheel chairs, shall be provided along the paths of the most intense use, particularly from building entrances to parking areas and adjacent buildings. Such walks shall have a minimum width of four (4') feet.

2. Accessways, parking areas, and loading areas shall have clearly defined parking bays and traffic circulation lanes designated by markings, curbs, barriers, and/or landscaped islands. To assist in traffic channelization, raised islands shall be placed at the ends of parking bays so that the end of the bay adjacent to a driving aisle or ring road is clearly delineated. Such islands shall be designed and landscaped so as not to impair visibility needed for traffic flow and turning movements.
3. The design of access and traffic control and of interior circulation shall, in all other respects, comply with the requirements of Sections 1707 and 1708, respectively, of the Ordinance.

B. General On-Site Parking Design Standards.

1. Parking spaces shall have a dust-free, all-weather surface; this requirement shall be met by paving unless otherwise approved by the Board of Supervisors. Pervious surfaces such as porous paving, concrete lattice blocks, or gravel may be substituted if approved by the Board, e.g., for reserve or overflow parking. Parking areas shall have a minimum slope of one (1%) percent in any direction to provide for drainage, and a maximum slope of five (5%) percent in any direction for safety, user convenience, and stormwater management.
2. All parking spaces shall be marked by durable painted lines at least four (4) inches wide and extending the length of the space, or by curbs or other means, to indicate individual spaces. Signs or markers located on the surface within a parking lot shall be used as necessary to assure efficient and safe traffic operation.
3. Lighting shall be provided to illuminate any off-street parking spaces to be used at night. Lighting facilities shall comply in all applicable respects with the standards in Section 1709 of the Ordinance.
4. Parking area landscaping and screening shall be accomplished in accordance with Section 1713 of the Ordinance.

SECTION 1505. HANDICAPPED PARKING

The provision of handicapped parking facilities shall be in compliance with the applicable standards of the Americans with Disabilities Act of 1990 (ADA) and any subsequent amendment thereto.

SECTION 1506. SCHEDULE OF REQUIRED PARKING

The following shall be the minimum number of off-street parking spaces required for each land use, activity, building, or structure permitted by the Ordinance, except that, where parking requirements are specified under the standards for a particular use in Article XVI, those requirements shall

prevail. When the determination of the number of off-street parking spaces results in a requirement of a fractional space, the number of spaces required shall be the next highest whole number. Parking spaces required on the basis of building floor area shall apply to gross leasable area as defined by the Ordinance, unless otherwise specified. Parking spaces required on an employee basis shall be based on the projected maximum number of employees on duty or residing, or both, on the premises at any one (1) time, which would include any overlap of employees at a change of shift. Proposed parking areas which are greatly in excess of those required hereunder shall be discouraged.

A. Residential and Lodging Uses.

1. Single-Family and Two (2)-Family Dwellings; Quadraplex Dwellings: Two (2) parking spaces for each dwelling unit.
2. Townhouse and Apartment Dwellings; Mobile Home Park:

    a. Two and one quarter (2.25) parking spaces for each dwelling unit.
    b. The required parking for apartments designed for and exclusively occupied by individuals over the age of sixty (60) may be reduced to one (1) parking space per dwelling unit with the specific approval of the Board of Supervisors.

3. Hotel, Motel, Inn: One and two-tenths (1.2) parking spaces for each sleeping room or suite offered for tourist accommodation. Additional parking spaces shall be provided, equal to sixty (60%) percent of that which is required by this section, for restaurants or places of assembly which are available for use by the general public but are located within the hotel or inn.
4. Bed-and-Breakfast Establishment: One (1) space for each guest room, in addition to the required spaces for the existing dwelling.
5. Personal Care Home: One and one half (1.5) parking spaces for every two (2) resident clients, plus one (1) space for each staff member during the most heavily staffed shift.
6. Continuing Care Development:

    a. Independent Dwelling Units: One and one-half (1 ½) spaces for each independent dwelling to be used primarily by the residents of such units, plus one (1) space for every five (5) independent dwelling units to be used primarily by visitors to such units. For the purposes of calculating parking requirements for single-family units, a garage shall not be considered a parking space.
    b. Apartment Housing Units: One and one-half (1 ½) spaces for each dwelling unit in apartment housing to be used primarily by the residents of such units and their visitors.
    c. Assisted Care and Skilled Care Facilities and Personal Care Facilities: One (1) space for every four (4) beds in skilled care and personal care facilities.

d. Staff Parking: One (1) space for each staff doctor.
e. Employee Parking: One (1) space for each employee working on the largest shift.

7. Treatment Center. One (1) space per three (3) patient beds, plus one (1) space per employee
8. Elder Cottage Housing Opportunity (ECHO): One (1) space for each ECHO unit.
9. Accessory Dwelling: Two (2) spaces per dwelling unit.

B. Retail and Service Uses.

1. Indoor Retail Businesses, including Planned Village Commercial Center:

a. Parking or storage spaces for all vehicles used directly in the conduct of such business, plus six (6) parking spaces for each one thousand (1,000) square feet of gross leasable area and one (1) space for the equivalent of every two (2) full-time employees.
b. Where a shopping center or other single retail use will provide over twenty-five thousand (25,000) square feet of gross leasable area, exclusive of uses otherwise separately scheduled herein such as restaurants, supermarkets, or offices, five (5) parking spaces per one thousand (1,000) square feet of gross leasable area, plus parking for vehicles used directly in the business and one (1) space for the equivalent of every two (2) full-time employees.
c. For a convenience store, automobile/truck fuel retail sales establishment, or non-retail/membership only gasoline station one (1) parking space per one hundred (100) square feet of gross leasable area, plus one (1) space per employee.

2. Recreation Centers, Swimming Pools, Skating Rinks, and Other Public or Private Recreation and Amusement Facilities: One (1) parking space for every three (3) customers (or patrons), computed on the basis of maximum servicing capacity at any one (1) time, as shall be determined by the Township, plus one (1) additional space for every two (2) persons regularly employed on the premises at a peak period of use. Specific provisions over and above this standard may be required for uses, such as movie theaters, involving successive changes of patrons with a corresponding overlap in parking required.
3. Banks and Related Retail Financial Service Organizations: One (1) parking space per seventy-five (75) square feet of floor area devoted to customer service and related circulation, plus parking for the balance of the facility used for office purposes at a ratio of one (1) parking space per two hundred twenty-five (225) square feet of gross leasable area.
4. Restaurant, Tavern, or Similar Use: One (1) space per two (2) seats or one (1) space per one hundred (100) square feet of total floor area, whichever is greater.

5. Fast Food Restaurant or Food Stand: Twenty-four (24) parking spaces for every one thousand (1,000) square feet of gross leasable area, plus two (2) parking spaces for every three (3) employees. Fast food restaurants providing drive-through window service shall be sited in such a manner that at least ten (10) vehicles can stand in line awaiting such service without blocking access to otherwise required parking spaces.
6. Automobile and other Vehicle Service and Repair Facility: Parking or storage space for all vehicles used directly in the conduct of the business, plus three (3) spaces for each service bay or similar facility, and one (1) space for every two (2) persons employed on the premises.
7. Grocery Store or Supermarket: Seven (7) spaces per one thousand (1,000) square feet of gross leasable area, unless part of a shopping center containing an additional twenty-five thousand (25,000) square feet or more of retail space, in which case this requirement shall be considered to be met through compliance with the overall shopping center requirements, as stipulated in Section 1505-B-1-b.
8. Funeral Home: One (1) space for every four (4) seats available for persons attending memorial services or one (1) space for every fifty (50) square feet of gross leasable floor area, whichever is greater.
9. Day Care Facility: One (1) space per employee, plus one (1) unloading space per ten (10) children or adult clients.
10 Kennel: One (1) space per employee, plus one (1) space per ten (10) animals of holding capacity.
11. Laundromat: One (1) space per one hundred (100) square feet of gross leasable area.
12. Veterinary Office or Clinic: Four (4) spaces per veterinarian on duty, plus one (1) space per employee.
13. Car Wash: Three (3) stacking spaces per bay, plus two (2) drying spaces per bay.
14. Self-Service Storage Warehouse: One (1) space per employee and an additional one (1) space for each twenty thousand (20,000) square feet of enclosed storage area.
15. Crematorium: One (1) space per employee, plus two (2) visitor spaces

C. Offices.

1. General Offices: One (1) parking space per two hundred fifty (250) square feet of gross leasable area for business (including contractor shop), professional, governmental, or institutional offices, including associated storage areas for files, equipment, or office supplies, but excluding medical or dental offices.
2. Medical or Dental Offices or Clinics: One (1) parking space per one hundred fifty (150) square feet of gross leasable floor area, including associated storage areas for files, equipment, or medical supplies.

D. Industrial and warehouse uses, including but not limited to wholesale distribution, wholesale agricultural produce sales and stockyard, quarry, junk yard, municipal landfill, commercial use of water resources, concentrated animal feeding operation, and public utility building.

One (1) parking space for each employee on the shift of greatest employment, or one (1) space for every five hundred (500) square feet of gross floor area, whichever is greater.

E. General Places of Assembly.

All theaters, auditoriums, churches, and other similar places of assembly, including those associated with public or private educational institutions, shall provide at least two (2) parking spaces per five (5) seats of the assembly or meeting space at maximum capacity. The maximum capacity shall be determined as allowed by applicable Fire Code or Building Code standards.

F. Schools.

1. Private vocational or similar adult trade school or training center: one (1) space per student.
2. Elementary school, nursery school, day care center: one (1) space per fifteen (15) students.
3. Middle or junior high school: one (1) space per ten (10) students, plus one (1) space per ten (10) fixed seats in an auditorium.
4. High school: one (1) space per four (4) students plus one (1) space per ten (10) fixed seats in an auditorium.

G. Miscellaneous Uses.

1. Libraries, Museums, and Similar Uses: Parking or storage space for all vehicles used directly in the operation of such establishment, plus four (4) parking spaces for each one thousand (1,000) square feet of total floor area.
2. Private Clubs, Lodges, or Other Organizations of a Fraternal, Civic, Union-Related, Religious, or Similar Nature: One (1) parking space for each four (4) members, or one (1) space per fifty (50) square feet used for assembly, dining, meetings, or other specific use of the club facilities, whichever is greater, plus one (1) additional parking space for every two (2) persons regularly employed on the premises.
3. Research and Development Facility: One (1) parking space per three hundred fifty (350) square feet of gross leasable area occupied by research and development uses such as laboratories and testing facilities.
4. Golf Course. Four (4) spaces per tee, plus one (1) space per employee
5. Bus Station, Airport, or Heliport. As deemed appropriate by the Board of Supervisors during review and approval of a land development application
6. Emergency Services Station.

    a. Without community room: four (4) spaces per emergency vehicle
    b. With community room: two (2) spaces per emergency vehicle, plus two (2) spaces per one hundred (100) square feet of floor area in the community room.

7. Equestrian Center. One (1) space per two stalls available for boarding horses, plus one (1) space per non-resident employee
8. Cemetery. One (1) space per four (4) visitors, based on maximum projected visitation, plus one (1) space per employee
9. Home Occupation: One (1) space for any home occupation, plus one (1) space for each non-resident employee where approved by the Zoning Hearing Board, in addition to parking required to serve the dwelling unit.
10. Rural Occupation: One (1) space per non-resident employee, plus one (1) space for every two hundred (200) square feet of retail space.

H. Other Uses.

The Zoning Officer shall determine with which of the preceding categories of parking regulation any unlisted use shall comply.

SECTION 1507. PARKING RESERVE AREA

The number of parking spaces to be constructed may be less than the number required herein only where the following conditions are met to the satisfaction of the Township:

A. Evidence is submitted documenting that the special nature of the proposed occupancy or use of the building requires less parking area or spaces than that required by this article.

B. The land development plan submitted by the applicant indicates that the location and layout of that portion of the required parking or loading area deemed unnecessary at the time of application can and will be constructed on the surface of the site, according to the requirements of this article, in the event that the Township determines at any time that all or any additional portion of this parking or loading is necessary and in the interest of the public health, safety, and welfare.

C. In no event shall that authorized portion of the required parking area which is not to be constructed, but reserved for possible future use, be counted as open space or other non-paved area required by other provisions of the Ordinance.

D. The parking reserve area shall be designed so that any required minimum area of vegetative cover would be maintained in the event that the parking reserve area is subsequently developed.

E. The parking reserve area shall be landscaped according to an approved plan and in accordance with Section 1713 of the Ordinance.

F. The parking reserve area shall have no building, whether temporary or permanent, erected on it at any time.

SECTION 1508. OFF-STREET LOADING

Adequate space shall be provided to accommodate the loading and unloading of trucks, tractors, and trailers servicing any commercial, industrial, or large-scale institutional use. Loading berth space which is utilized for the location of trash collection or compaction units shall be provided for and shall be in addition to the loading space requirements provided in this section.

A. Siting and landscaping requirements

1. Loading areas for all uses shall be on-site and shall not occupy any street right-of-way.
2. Loading areas shall not occupy any parking area, traffic lanes within a parking area, driveways, or any public cartway. Loading areas shall have appropriate vehicular access to a street or alley in a manner which will least interfere with traffic movement.
3. Loading areas shall be located only in rear or side yard areas. Loading areas shall be expressly prohibited in any front yard.
4. Loading areas shall have perimeter landscaping in accordance with Section 1713, except for rural occupations.

B. Minimum dimensions of loading berths.

1. For structures and uses that are served by trucks or tractor trailers, the minimum size for each loading berth shall be twelve (12) feet by seventy (70) feet, exclusive of aisle and maneuvering space, with a minimum vertical clearance of fourteen (14) feet.
2. For structures and uses that are served by smaller vehicles, such as vans, with no deliveries to be made by trucks or tractor trailers, the minimum size for each loading berth shall be twelve (12) feet by thirty (30) feet, with a minimum vertical clearance of twelve (12) feet.

C. Minimum amount of loading area

1. Where a structure or property contains more than one (1) type of use requiring loading area, the number of loading berths required shall be the sum of the requirements for each separate use.
2. Every retail store, warehouse or wholesale use, industry, or manufacturing use shall have at least one (1) off-street loading area of suitable size, as provided in Section 1507-B. Where the aggregate gross floor area exceeds twenty thousand (20,000) square feet for such use, one (1) additional off-
street loading berth shall be provided for each additional twenty thousand (20,000) square feet of gross floor area or portion thereof.
3. Every community center, auditorium, funeral home, office, or restaurant use shall have at least one (1) off-street loading berth. Where the aggregate gross floor area exceeds thirty thousand (30,000) square feet for such use, one additional off-street

loading berth shall be provided for each additional thirty thousand (30,000) square feet of gross floor area or portion thereof.

D. Surface requirements

All loading areas shall have a dust free surface over the entire area used by delivery vehicles for parking and maneuvering. The surface may be asphalt, concrete, oil-sealed gravel, compacted gravel, or any other dust free surfacing material approved by the Township Engineer.

ARTICLE XVI
SPECIFIC USE STANDARDS AND REGULATIONS: USES PERMITTED BY RIGHT; SPECIAL EXCEPTIONS USES; CONDITIONAL USES

SECTION 1600. STATEMENT OF INTENT

It is the intent of this article to provide specific standards for individual uses permitted in the Ordinance by right, special exception, or conditional use, and to identify uses that are specifically prohibited in the Township. These standards should be addressed and adhered to by applicants for the uses, and utilized for guidance by Township decision-makers reviewing applications. The standards are designed to mitigate the particular impacts that may be associated with an individual use, and to supplement other applicable requirements of the Ordinance.

SECTION 1601. USES PERMITTED BY RIGHT

The following uses, where permitted by right in one or more of the zoning districts in the Ordinance, shall comply with the applicable standards presented in this section in addition to those requirements specified in the zoning district provisions.

A. All uses regulated by the terms of this section shall also be in compliance with any applicable standards in:

1. Article XVII, General Regulations, of the Ordinance, including but not limited to standards for lighting, landscaping, screening, internal circulation, and access and traffic control, storage, and noise control.
2. Article XIV, Signs.
3. Article XV, Off-Street Parking and Loading.

B. Accessory dwelling

1. One (1) accessory dwelling unit shall be permitted by right, either through conversion of or addition to a principal single-family detached dwelling on any lot or tract when in compliance with the standards of this section. Where the residential structure is to be expanded to accommodate the accessory dwelling, the expanded structure shall comply with the minimum setback and yard dimensions and the maximum impervious surface requirements applicable to a single-family detached dwelling in the zoning district where it is located.
2. A second accessory dwelling shall be permitted by right on tracts of twenty (20) acres or greater, so long as the tract is not reduced below the minimum twenty (20) acres containing the principal and accessory dwelling units. Any newly-constructed accessory single-family dwelling unit(s) must meet all area and bulk regulations for single-family detached dwellings in the zoning district where it is located. The accessory dwelling unit may be occupied by anyone listed in Subsection B-5 below.

The applicant shall enter into an agreement (such as a deed restriction) acceptable to the Township Solicitor to demonstrate compliance with the requirements in this subsection.

3. When expanding or converting a principal dwelling unit, the accessory dwelling unit shall be attached to the principal dwelling unit by a common wall(s) which encloses habitable space and gives the appearance of a single dwelling unit from the exterior view; alternatively, the accessory dwelling unit shall be wholly contained within the principal dwelling unit.
4. The habitable floor area in use for the accessory dwelling shall not exceed ninety percent (90%) of the habitable floor area of the principal dwelling.
5. The owner of the tract shall reside on the property and the accessory dwelling unit(s) may be used by and resided in only by the owner or person(s) related to such owner, who is one of the following: grandfather/grandmother, mother/father, brother/sister, daughter/son, granddaughter/grandson, and/or the spouse of one of the foregoing or a farm laborer employed thereon on a tract of twenty (20) acres or more. Use of any accessory dwelling unit under this section for rent to non-family members, with the exception of a farm laborer, is expressly prohibited.
6. Upon occupancy, the owner shall advise the Township of the person(s) in residence in any accessory unit(s). A new use and occupancy permit shall be required whenever there is a change in the use or in the person or persons residing in the accessory unit(s).
7. Approval from the Chester County Health Department shall be required for the sewer and water systems to be used at the premises; such approval shall occur prior to issuance of any building permit.
8. Sketch plans and building plans for any accessory dwelling unit(s) shall be submitted to the Zoning Officer as part of a building permit application.
9. A sketch plan shall show ingress and egress to existing and proposed buildings and compliance with applicable area and bulk regulations. It shall also demonstrate adequate and suitable parking or storage space at a safe distance from any public highway for not less than two (2) cars per dwelling unit.
10. If required for safety reasons, fire escapes and/or outside stairways shall be located to the side or rear of the dwelling.

C. Accessory use

1. Accessory buildings and structures, including detached private garage

   a. General. In all zoning districts except the A Agricultural District, when an existing or proposed dwelling is located within one hundred (100) feet of the street right-of-way line, no accessory building other than a detached private garage or a structure for the display and sale of farm and/or nursery products shall be permitted between the minimum front building setback line and the front wall of the dwelling, provided that no part of the detached private garage may be located directly between any part of the dwelling and the minimum front building setback line.
   b. Detached private garages. Detached private garages accessory to a dwelling shall be permitted in any zoning district provided the following requirements

are met:

[1]. Maximum capacity: three (3) cars.
[2]. Maximum height: twenty (20) feet.
[3]. No temporary structure shall be permitted.
[4]. No structure shall be located within ten (10) feet of the side and rear property line.

c. Other accessory buildings. These types of accessory buildings shall be permitted in any zoning district provided the following requirements are met:

[1]. Minimum distance between buildings: fifteen (15) feet.
[2]. Maximum building height: twenty (20) feet.
[3]. No structure shall be within ten (10) feet of the side or rear property line.
[4]. No structure, other than a structure for the display and sale of farm and/or nursery products, shall be permitted between the street right-of-way line and a parallel line at the front of the principal building.

d. Accessory storage sheds. The following regulations apply to unattached accessory storage sheds, provided that the shed does not exceed twelve feet by twenty-six feet (12' X 26') and a height of fifteen (15) feet.

[1]. No accessory storage shed shall be located between the street right-of-way line and a parallel line at the front of the principal building
[2]. No accessory storage shed shall be within ten (10) feet of the side or rear property line.
[3]. No more than two (2) such sheds shall be permitted on any lot. In addition, the total square footage of sheds on any lot shall not exceed six hundred twenty-five (625) square feet, and the impervious coverage requirements shall not be exceeded.

e. Portable toilets. The following regulations shall apply to portable toilets, as defined by the Ordinance:

[1]. Where portable toilets are permitted in conjunction with construction sites, temporary recreational or other special event activities, or temporary seasonal facilities; removal shall occur upon completion of the use or activity to which they are accessory.
[2]. Any temporary portable toilet shall be in compliance with Chapter 73, Sect. 73.64 of the regulations of the Pennsylvania Department of Environmental Protection.
[3]. No portable toilet shall be located less than thirty (30) feet from any lot line.
[4]. Where a portable toilet is to be used for six (6) months or more during any calendar year, it shall be visually screened, to the

satisfaction of the Township, from any adjacent property through use of vegetative and/or architectural materials.

[5]. Any portable toilet shall be routinely serviced and cleaned with a frequency based on the need for same as generated by the intensity of use of the facility.

2. Swimming pools - in-ground and above-ground

The below requirements shall not apply to man-made lakes, ponds or other impoundments unless the primary purpose for the construction thereof is for swimming.

a. Private, non-commercial swimming pools designed to contain a water depth of twenty-four (24) inches or more shall be located only in side or rear yards.
b. No permanent pool as defined above shall be permitted without an operable filtration system, including the utilization of chlorine, bromine or other acceptable anti-bacterial agent.
c. All pools shall be set back at least ten (10) feet from all side or rear yards or permanent easements.
d. No water from a pool shall be discharged onto any public street or alley or across an abutting property without the consent of the abutting property owner.
e. Any lights used in conjunction with the pool shall be shielded in such a manner to prevent glare on adjoining properties.

3. Tennis courts

a. When a tennis court is located within one hundred (100) feet of a street, driveway or abutting property line, a permanent open mesh fence ten (10) feet in height shall be provided behind each baseline. This fence shall be parallel to the baseline and at least ten (10) feet beyond the playing surface unless the entire court is enclosed.
b. Lighting fixtures, if provided, shall be directed and shielded, in a manner deemed acceptable by the Township, to prevent unnecessary light spillage or glare on abutting properties or streets.
c. Tennis court fencing shall be no closer than ten (10) feet from any lot line.

4. Satellite dish antennae

a. On residential properties, satellite dish antennae shall be used only for receiving video, audio, and digital format data in a non-commercial manner.
b. On residential properties, satellite dish antennae shall not exceed two (2) feet in diameter.
c. On non-residential properties, not more than one (1) satellite dish antenna with a diameter exceeding two (2) feet shall be located within the required front yard.

5. Garage/yard and private vehicle sales

Within any zoning district, an owner and/or occupant of any dwelling may conduct no more than three (3) garage/yard sales within a twelve (12) month period subject to the following conditions.

a. No garage or yard sale shall be conducted for a period longer than four (4) consecutive days.
b. Garage/yard sales may offer for sale only personal possessions. No importing or stocking of inventory shall be permitted.
c. Signs for garage/yard sales shall be limited to a four (4) square foot sign advertising such sale. The sign must be located upon the premises where the sale occurs and shall be removed promptly upon the completion of the sale.
d. In no case shall any aspect of the garage/yard sale be conducted within any street right-of-way. Additionally, vehicular parking at any garage/yard sale shall not occur in a manner which obstructs or hinders vehicles passing the garage/yard sale site.
e. Private vehicle sales shall include the sale of any vehicle requiring licensing by the Commonwealth of Pennsylvania. No more than one (1) private vehicle may be displayed at any given time on a residential lot and be offered for sale, and such vehicle offered for sale shall be owned by a resident of the lot.

6. Display and sale of farm and/or nursery products, as a use accessory to the principal agricultural use of the property

a. Not less than fifty (50) percent of all farm and/or nursery products sold shall have been grown, raised, or harvested on the premises.
b. Where goods oar displayed and sold from a permanent structure, that structure shall be located not less than one hundred (100) feet from any lot line and not less than sixty (60) feet from any street right-of-way line.
c. Where goods are displayed and sold from a temporary structure, such structure shall be located not less than twenty-five (25) feet from any street right-of-way line.
d. No temporary structure shall be larger than two hundred (200) square feet.
e. A mobile stand (e.g., farm wagon, pick-up truck) shall be located outside the street right-of-way line.
f. Structures and required parking areas devoted to the display and sale of farm and/or nursery products shall, in combination, occupy not more than four thousand (4,000) square feet of lot area.
g. Any accessory use for the display and sale of farm and/or nursery products shall provide two off-street parking spaces, regardless of the size of the use, plus one space for every two hundred (200) square feet of temporary or permanent display/sales space.
h. All parking spaces shall be located outside the street right-of-way.
i. Any refrigeration equipment, generators, or similar equipment and associated power sources shall be soundproofed as necessary so that the

noise created by such equipment shall not be audible beyond the lot line.

7. Manure storage facilities, as a use accessory to an existing agricultural operation

   a. Manure storage facilities shall not be used for commercial purposes.
   b. The applicant shall provide the Zoning Officer with proof of compliance with the applicable requirements for the location, construction, and operation of a manure storage facility.
   c. Any such facility shall be at least one hundred (100) feet from any lot line, except where the need to be closer to a lot line is documented by the applicant and the location is determined acceptable by the Chester County Conservation District.

8. Farm-related school

   a. A farm-related school, where permitted in one or more zoning districts, shall be deemed a use that is accessory to the principal agricultural use of the property.
   b. To be eligible for a farm-related school, a property must contain at least twenty (20) acres and be actively involved in agriculture as defined by the Ordinance.
   c. The site devoted to the farm-related school shall be limited to not more than two (2) acres within the boundary of the agricultural property.
   d. It is not required that a child of the farm family residing on the property on which the school is located be a student of the school, but in no event shall the owners of the property earn a financial profit from the school being on the property.
   e. The population of the farm-related school shall not exceed fifty (50) students.
   f. The farm-related school shall be a day school only, and in no case shall permit the boarding of pupils.

9. Day care facility

   Where a day care facility is an accessory use, as defined by the Ordinance, such facility shall comply with all applicable standards in Section 1601-K.

10. Tent sale (also sidewalk sale)

   a. Where permitted by the Ordinance as an accessory use, a tent sale shall be deemed a temporary use.
   b. Tent sales may be held no more frequently than four (4) times per calendar year on any lot.
   c. The maximum duration of any tent sale event shall be seven (7) days.
   e. Signs associated with a tent sale shall be in accordance with the standards in Section 1405-A-2-f.

f. A temporary use permit shall be applied for and obtained prior to the conduct of any tent sale.

11. Cemetery

Where a cemetery is an accessory use, under the terms of the Ordinance, such use shall comply with all applicable standards in Section 1603-F.

D. Animals and animal shelters

Except as otherwise noted, the following standards shall apply to the keeping of animals on residential properties containing ten (10) acres or less, with specific terms applying to the various zoning districts as indicated herein. However, these standards shall not apply to animal hospitals or veterinary clinics.

1. Dogs and cats, applicable in all zoning districts

a. A maximum of three (3) dogs and three (3) cats is permitted without restriction.

b. Litters of puppies or kittens up to six (6) months in age as domestic animals are permitted, provided the following conditions are met:

[1]. Maintaining dogs and cats shall be on a non-commercial basis.

[2]. The area within which a shelter and/or exercise pen is maintained must be suitably enclosed and located in the rear yard, at least ten (10) feet from any lot line and not closer than fifty (50) feet to the nearest dwelling other than that of the owner.

[3]. The area within which a shelter and/or exercise pen is maintained shall be kept in suitable grass cover and shall not be allowed to degrade to an erodible condition.

[4]. The owner of the animals shall exercise suitable control over the animals and shall not allow a nuisance condition to be created in terms of excessive noise, dirt, or odor.

2. Other small domestic animals, in the following zoning districts:

a. In the A, RC, and FR Districts

It is permitted to maintain up to a total of twelve (12) small domestic animals provided the following conditions are met:

[1]. Small domestic animals shall include those animals which can be kept outdoors in pens, but which also can be kept indoors, and include animals such as rabbits, guinea pigs, domestic and exotic birds, and chinchilla, and fowl such as chickens, turkeys, geese, ducks, and pigeons.

[2]. When raised or kept outdoors, small domestic animals shall be kept

within the rear yard area.

[3]. Maintaining small domestic animals shall be on a non-commercial basis and strictly as an incidental use.

[4]. The area within which a shelter and/or exercise pen is maintained must be suitably enclosed and located in the rear yard at least ten (10) feet from any lot line, and not closer than fifty (50) feet to the nearest dwelling other than that of the owner.

[5]. The area within which small domestic animals are maintained shall be kept in a suitable grass cover and shall not be allowed to degrade to an erodible condition.

[6]. The owner of the small domestic animals shall exercise suitable control over the animals and shall not allow a nuisance condition to be created in terms of excessive noise, dirt, or odor.

b. In the R, MR, C, and I Districts

It is permitted to maintain up to a total of twelve (12) small domestic animals provided the following conditions are met:

[1]. Small domestic animals shall include only those animals that are kept exclusively indoors, such as rabbits, guinea pigs, and domestic and exotic birds. Fowl such as chickens, turkeys, geese, ducks, and pigeons shall not be permitted.

[2]. Maintaining small domestic animals shall be on a non-commercial basis and strictly as an incidental use.

[3]. The owner of the small domestic animals shall exercise suitable control over the animals and shall not allow a nuisance condition to be created in terms of excessive noise, dirt, or odor.

3. Large domestic animals, applicable in all zoning districts

a. For purposes of this subsection, large domestic animals shall include animals of the bovine, equine, swine, and sheep families, as well as llamas, emus, ostriches, deer, elk, wild boar, and the like.

b. Horses may be kept on the following basis:

[1]. One (1) horse per one-half (1/2) acre up to and including two (2) acres of lot area, with the maximum number of horses not to exceed four (4);

[2]. One (1) horse per acre for any portion of the lot area in excess of two (2) acres.

c. Large domestic animals other than horses may be kept on the basis of one (1) animal per acre of lot area.

d. Lot area may be counted only once in calculating the maximum number of animals permitted on a lot.

e. All large domestic animals shall be housed within a completely enclosed structure that serves as a satisfactory animal shelter on the lot.

f. The following standards shall apply to the keeping of large domestic animals on any property in the Township, regardless of size:

[1]. The area within which large domestic animals are kept shall be enclosed by a fence, designed for containment, which shall be located outside any street right-of-way. Any structure used for housing large animals shall be set back in accordance with the requirements of Section 402-D of the Ordinance.

[2]. The area within which large domestic animals are maintained shall be kept in a suitable grass cover and shall not be allowed to degrade to an erodible condition.

[3]. The owner of any large domestic animal shall exercise suitable control over the animal and shall not allow a nuisance condition to be created in terms of excessive noise, dirt, or odor. Where it deems necessary, the Township may require the owner to present and operate in accordance with a manure management plan prepared or approved by the Chester County Conservation District.

E. Automobile/truck fuel retail sales, including when part of a convenience store operation

1. Any building or other area of the property in which the use is conducted shall be at least three hundred (300) feet from the lot line of any parcel containing a school, day care facility, playground, or library.
2. Gasoline pump islands shall be at least thirty (30) feet from the street right-of-way line.
3. Entrances and exits shall be a minimum of thirty (30) feet in width.
4 All ventilation equipment associated with fuel storage tanks shall be at least one hundred (100) feet from any residentially-zoned property.
5. A maximum of twelve (12) fueling positions shall be permitted as part of any retail fuel sales operation.
6. No delivery tanker shall park within the public right-of-way during gasoline delivery, nor shall any hose be permitted within the public right-of-way.
7. During any hours of operation when a fuel sales site is unattended, it shall have:

a. Outdoor lighting at levels sufficient to see each fueling station from the adjoining street; and

b. An emergency cutoff mechanism, accessible to the fueling positions, that is prominently placed and immediately visible to customers at all times.

8. No temporary or seasonal sales shall be conducted outside a building.

F. Automobile, truck, farm equipment, boat, other motor vehicle, and mobile and modular home sales, service, and repair facilities

1. All service and/or repair activities shall be conducted within a single, wholly-enclosed building.
2. No outdoor storage of parts, equipment, lubricants, fuel, or other materials used or discarded as part of the service operation shall be permitted. Materials discarded as part of the service operation shall be contained within wholly-enclosed dumpster equipment.
3. All exterior vehicle storage areas shall be screened from adjoining agriculturally-zoned and residentially-zoned property.
4. All ventilation equipment associated with fuel storage tanks shall be at least one hundred (100) feet from, and oriented away from, any residentially-zoned property.
5. All vehicles shall be repaired and removed from the premises as promptly as possible. Any vehicle not receiving repair work within the preceding seven (7) days shall be removed.
6. The demolition or storage of junked vehicles and mobile homes and parts thereof is prohibited.

G. Automatic car wash facilities

1. The property shall be served by a public water system. The car wash facility shall include a system to collect and recycle the water used in the car washing operation.
2. Each car wash bay shall allow for a stacking of three (3) vehicles.
3. All structures shall have a minimum setback of one hundred (100) feet from any property not zoned C Commercial or I Industrial, and any property used for agricultural or residential purposes.
4. The site shall be kept free of debris and trash.

H. Bed-and-breakfast establishment

1. A bed-and-breakfast establishment may be operated only within a single-family detached residential structure that is in compliance with all applicable area and bulk requirements.
2. No external modifications which would alter the residential character of the dwelling, with the exception of fire escapes, are permitted.
3. All floors above ground level shall have an emergency exit providing access to ground level.
4. One off-street parking space shall be provided for each guest room, in addition to the required spaces for the existing dwelling.
5. All parking areas shall be at least twenty-five (25) feet from all property lines.
6. One (1) sign may be erected which shall be no larger than six (6) square feet in size and which shall be no less than ten (10) feet from all property lines.
7. A bed and breakfast shall not include more than five (5) rooms for rent.
8. In the absence of public sewer facilities, the applicant shall provide: [a] written notice from the Chester County Health Department that the existing sanitary sewage facilities are adequate to treat the anticipated sewage, or [b] a permit for a modified or alternative sewage disposal system.
9. At least one bathroom shall be provided for the first guest room, plus one additional

bathroom for each two additional guest rooms. The living quarters for the resident/operator shall have its own bathroom. Bathrooms shall be equipped with a toilet, washbasin, and bath and/or shower.

10. Guests shall not remain in the same bed-and-breakfast establishment for more than fourteen (14) consecutive days.
11. The bed-and-breakfast establishment shall be conducted only by the owner/occupant of the single-family dwelling. The owner/occupant's family member(s) residing on the property, and not more than two (2) non-residents, may be employed. As applied to the property, ownership shall comprise not less than a majority interest.
12. Meals shall consist of breakfast only, and only for the guests of the facility. Owners shall comply with all federal, state, and county regulations for the preparation, handling, and serving of food. There shall be no separate cooking facilities in any guest room.
13. Any amenities, such as a tennis court or swimming pool, shall be solely for the use of the residents and guests of the facility.
14. Each bed-and-breakfast establishment shall be equipped, at minimum, with smoke detectors and fire extinguishers in accordance with the requirements of the Pennsylvania Department of Labor and Industry. Guests shall be provided information regarding the floor plan of the dwelling and the location of emergency exits.

I. Billboard

1. The maximum sign panel area of any billboard shall not exceed seventy-five (75) square feet.
2. No more than one (1) sign panel having two (2) sides shall be permitted.
3. No more than one (1) billboard per property shall be permitted.
4. No billboard shall be located within two hundred (200) feet of any residentially-zoned land.
5. No billboard shall be located within twenty (20) feet of the abutting street right-of-way.
6. No billboard shall be erected to a height greater than fifteen (15) feet measured from the pre-development grade elevation.
7. A billboard may only be constructed as a ground sign, as that term is defined in Article II of the Ordinance.
8. If lighted, a hooded, directional non-glare lighting fixture designated for outdoor use shall be used.
9. Any application for approval of a billboard shall be evaluated in terms of the potential impact of the proposed billboard's location and dimensions on:

    a. sight distance or other highway safety aspects that could affect motorists, pedestrians, and other travelers;
    b. visual quality, characteristic landscape elements, natural features, or historic resources, as identified in the Honey Brook Township Comprehensive Plan.

10. Billboards shall be permitted only on properties with frontage on Route 322 or

Route 10.

11. There shall be a minimum separation distance of three hundred (300) feet between any two billboards.
12. A billboard shall contain no moving parts except where the face of the sign is designed and constructed to change intermittently to provide multiple, rotating messages.

J. Convenience store

1. The following standards shall apply to any convenience store, as defined and specifically permitted by the Ordinance. The standards in this section shall supercede similar standards that may be contained in the zoning district in which a convenience store is permitted. Standards in the base zoning district that are not addressed in this section shall be applicable to the convenience store use.
2. A gross lot area of not less than two (2) acres shall be required for any convenience store.
3. The maximum floor area of a convenience store shall be eight thousand (8.000) square feet. The minimum floor area of a convenience store that includes the retail sale of automotive fuel shall be three thousand (3,000) square feet.
4. There shall be no limit on the operating hours of a convenience store. During the hours of 10 p.m. to 6 a.m. and on Sundays and legal holidays, however,.there shall be no deliveries to the site or trash removal from the site, no operation of a vehicle in excess of 8600 pounds on the property nor the idling of any motor of such vehicle, and no operation of any powered equipment or mobile refrigeration unit.
5. Where a convenience store operation includes the retail sale of automotive fuel, the standards in Section 1601-E of this article shall be met.
6. In addition to landscaping and buffering as may be required by Section 17_, the Board may require supplemental fencing, consisting of materials and dimensions it deems appropriate, along any property line that abuts an agricultural or residential use or an agriculturally-zoned or residentially-zoned property.
7. To assure satisfactory management of the property and the mitigation of potential off-site impacts:

    a. Food and beverage shall not be consumed within the parking area or any other exterior portion of the site.
    b. Trash disposal shall be managed to prevent any problem of littering on or off the site. Dumpsters or similar large-scale outdoor trash receptacles shall be completely screened from view, and access gates shall be closed at all times when not in use
    c. Noise and lighting shall be controlled to avoid any impact on nearby residential properties.
    d Outside loud speakers shall be audible only to persons in the immediate vicinity of the fueling positions.

8. Where a convenience store offers the retail sale of automotive fuel, the maximum number of fueling positions, each containing one dispensing hose, shall be limited

to one per 500 square feet, or portion thereof, of convenience store floor area. In no case, however, shall the number of fueling positions exceed twelve (12).

9. The applicant shall demonstrate that the proposed design of the building façade and related canopy or other structural elements on the property will minimize incompatibility with the character of existing buildings on immediately adjacent properties.

K. Day care facility for children or adults

1. The provisions of this section shall apply to child or adult day care facilities providing service for all or part of a 24-hour day for children under 16 years of age, or for persons who otherwise have some form of disability. Day care facilities, as defined by the Ordinance, are subject to the applicable standards in Chapter II, Sections 8A, 8B, and 8C of DPW Social Services Manual Regulations. This section does not apply to family day care operations or child day care service furnished in places of worship during religious services.
2. The following provisions shall apply only to child day care centers:

    a. Child drop-off areas shall be designed to eliminate the need for pedestrians to cross traffic lanes within or adjacent to the site.
    b. An outdoor play area, as required by DPW regulations, shall be provided for child day care facilities and shall not be located in the front yard.
    c. Hours of outside play shall be limited to the hours of 8:00 a.m. until sunset, as defined by the National Weather Service.
    d. Play equipment shall be located at least ten (10) feet from an abutting property line.
    e. A fence with a minimum height of four (4) feet shall physically contain the children within the outdoor play area.

3. The following provisions shall apply to both child and adult day care centers:

    a. If the day care facility will be subject to DPW requirements, evidence of the ability to comply with said requirements must be presented as part of the permit application.
    b. Adequate water and sewer service shall be provided to the site in accordance with the requirements of the Pennsylvania Department of Environmental Protection and the Chester County Health Department.
    c. Fencing shall be provided to restrict occupants from hazardous areas, such as open drainage ditches, wells, holes, and arterial and major collector roads. Natural or physical barriers may be used in place of fencing so long as such barriers functionally restrict occupants from these areas.
    d. Adult and child day care facilities shall not provide medical or personal care services which extend beyond simple first aid and assistance with dressing, bathing, diet, and medication prescribed for self administration unless licensed by the DPW to provide such services.

e. The applicant shall submit a plan showing any existing or proposed outdoor play areas, outdoor play equipment, fencing, access drives, adjacent streets, adjacent hazardous land uses, on-site hazardous areas (as previously defined), merchandise delivery areas, parking spaces, and the child or adult drop-off circulation pattern.

f. If the facility has access to streets of different classifications, access shall be provided using the street of lesser functional classification.

g. All pedestrian pathways shall be adequately lit for safety if utilized during non-daylight hours. Specific areas for lighting are entrance ways, pedestrian access to the outdoor play areas, sidewalks, drop-off areas, merchandise delivery areas, and all parking lots. Such lighting shall be directed and shielded, in a manner deemed acceptable by the Township, to prevent unnecessary light spillage or glare on abutting properties or streets.

L. Dry cleaner, laundry, laundromat

1. The property shall be served by public sewer and public water facilities.
2. All activities shall be within completely enclosed buildings.
3. All windows and doors on walls facing adjoining residentially-zoned properties shall be kept closed during hours of operation and occupancy.
4. Exhaust and ventilation equipment shall discharge away from any adjoining residentially-zoned properties.

M Equestrian center

1. An equestrian center, as defined by the Ordinance, is permitted by right as a principal use in any zoning district when in compliance with the terms of this section.
2. An equestrian center may occupy a portion of the protected open space within a conservation design development, when in compliance with the terms of this section and Section 1109 and when approved as a conditional use by the Board of Supervisors.
3. The maximum number of horses occupying an equestrian center property at any given time shall be as determined under the terms of Section 1601-D-3-b.
4. Prior to initiating the operation of an equestrian center, the operator shall provide the Zoning Officer with a plan for manure storage prepared or approved by the Chester County Conservation District.
5. Any structure used for the boarding of horses shall be set back at least one hundred (100) feet from the lot line of any residential property and shall be set back at least sixty (60) feet from any other lot line.
6. All stables shall be maintained in a manner that minimizes odors perceptible at the lot line.
7. The area within which horses are kept shall be enclosed by a fence, designed for containment, which shall be located outside any street right-of-way.
8. The area within which large domestic animals are maintained shall be kept in a suitable grass cover and shall not be allowed to degrade to an erodible condition.

9. The operator of an equestrian center shall exercise suitable control over the animal and shall not allow a nuisance condition to be created in terms of excessive noise, dirt, or odor.

N. Funeral homes, crematoriums

1. The lot shall be served by public sewer and public water facilities.
2. A crematorium may be permitted as a use accessory to a funeral home in the I Industrial District. A crematorium shall not be permitted as a principal or accessory use in the C - Commercial District.

O. Home occupation (no-impact)

1. The business activity shall be compatible with the residential use of the property and surrounding residential uses.
2. No exterior evidence of the activity, including signs, lighting, or the display, inventorying, or stockpiling of goods, shall be visible.
3. No retail sales, exclusive of telephone solicitation, may be conducted.
4. Not more than one (1) commercial vehicle, not larger than two (2) axles, connected with the home occupation may be maintained on the property.
5. Only residents of the dwelling may be engaged in the activity.
6. The activity may be conducted only within the dwelling unit and may not occupy more than twenty-five percent (25%) of the habitable floor area.
7. The activity shall not require the delivery of materials and goods by trucks larger than standard panel trucks having no more than two (2) axles.
8. The activity may not use any equipment or process that creates noise, vibration, glare, fumes, odors, or electrical or electronic interference, including interference with radio or television reception that is detectable in the neighborhood.
9. The activity may not generate any solid waste or sewage discharge in volume or type that is not normally associated with residential use in the neighborhood.
10. The activity may generate no more than sixteen (16) one-way vehicle trips per day by customers, clients, salespersons, or suppliers.
11. There shall be no more than one (1) home occupation per dwelling unit.
12. Home occupations shall be limited to those occupations customarily conducted within a dwelling unit. Such uses shall include:

    a. Artists and artisans.
    b. Authors and composers.
    c. Beauticians and barbers.
    d. Office facilities, excluding medical offices and dental offices.
    e. Individual tutoring.
    f. Preparation of food or food products to be sold or served off-site.
    g. Individual musical instruction, provided that no instrument shall be amplified to be audible at the property line.
    h. Telephone solicitation.
    i. Dressmaking, sewing, and tailoring.
    j. Taxi, limousine, and hauling services, provided that there is no more than

one (1) vehicle having no more than two (2) axles used for such purpose.

k. A business activity which, as determined by the Zoning Officer, will have no greater impact on the surrounding neighborhood, when conducted as a home occupation, than those listed above

P. Industrial activities

The applicant shall demonstrate compliance with all applicable industrial performance standards stated in Section 1004 of the Ordinance.

Q. Personal care home

1. As defined and where permitted by the Ordinance, a personal care home shall be considered a single-family detached dwelling and shall be subject to the regulations applicable to such use in the respective zoning districts where permitted.
2. Requirements for sewage facilities, water supply, and maximum impervious surface shall be those applicable to a single-family detached dwelling in the zoning district where the personal care home is permitted by the Ordinance.
3. Off-street parking shall comply with the specific requirements of Section 1505-A-4 of the Ordinance.

R. Recreation facility, including health club

Food service associated with a recreation facility shall be permitted, provided that it is incidental and secondary to the primary recreation use.

S. Recycling center

1. The applicant shall provide an explanation of the scope of operation and any measures used to mitigate problems associated with noise, fumes, dust, litter, and vector control.
2. The applicant shall conduct regular maintenance of the site to assure the immediate collection of stray debris.
3. Prior to the issuance of a use and occupancy permit, the applicant shall demonstrate compliance with any and all state and federal regulations, and shall document a satisfactory plan for internal circulation and vehicle movements in relation to drop-off areas and temporary parking.

T. Restaurant, including fast-food restaurant and drive-thru service

1. The permit application shall be accompanied by a working plan for the clean-up and disposal of litter. Dumpsters or similar large-scale outdoor trash receptacles shall be completely screened from view, and access gates shall be closed at all times when not in use..
2. Exterior seating and/or play areas shall be completely enclosed by a three (3) foot high fence.
3. No part of any structure on the subject property shall be located within two hundred

(200) feet of the boundary of the A or RC District or any residential district.

4. All lighting within the subject tract shall be designed and located so as not to produce a glare or direct illumination onto abutting properties or street rights-of way.
5. Prior to the issuance of a use and occupancy permit, the applicant shall demonstrate compliance with county, state, and federal regulations.
6. For any fast-food restaurant, noise shall be controlled to avoid any impact on nearby residential properties.
7. For any restaurant with drive-thru service, outside loud speakers shall be audible only to persons in the immediate vicinity of the order-placing or pick-up areas.

U. Rural occupation

1. In providing opportunities for rural occupation uses, it is the Township's intent that any rural occupation shall be compatible with other existing and permitted uses on the property and within the surrounding neighborhood and zoning district(s).
2. The rural occupation shall be deemed accessory and secondary to the principal residential and/or agricultural use of the property.
3. A rural occupation shall be permitted by right in the A Agricultural District in accordance with the provisions of this section. A rural occupation shall be permitted in other zoning districts provided there is a minimum lot size of 20 acres and the criteria of this section are fully complied with.
4. The following rural occupation uses are permitted:

    a. Blacksmith shop, farrier, farm equipment shop, tinsmithing, tool sharpening shop.
    b. Butcher shop, bakery, candlestick maker.
    c. Processing of locally produced agricultural products.
    d. Preparation of food or food products to be sold or served off-site.
    e. Veterinary office which primarily serves farm animals.
    f. The manufacturing, assembly, warehousing, sales, repair and/or servicing of household articles, including such items as chairs, tables, clocks, cabinets and other similar carpentry-type items, as well as decorative iron work and other articles for use in the home.
    g. Sales and repair of appliances and small engines.
    h. Dry goods store.
    i. Greenhouse.
    j. Taxi, limousine, hauling services provided all vehicles are housed inside the building used for the rural occupation.
    k. Harness shop, plumbing shop, upholstery shop, shoe shop, printing shop, tailor/dressmaking/sewing/hatters shop, quilt shop.
    l. Home builder/remodeling business.

5. Prohibited uses include such businesses as grain mills; feed supply; animal rendering; fuel and fertilizer distribution; composting and other farm waste

storage facilities; recycling businesses; heavy manufacturing such as the building and repair of dumpsters; automobile, truck, boat or other motor vehicle sales, service and repair facilities; wholesale distribution of industrial products, including lumber and coal yards, building material storage yards, contractors' equipment and storage yards, and commercial warehouses; any custom or commercial hauling or spreading of solid, slurry or liquid wastes.

6. Excluding wastewater treatment, no use that requires application or permitting by the PA DEP for the handling of hazardous waste or other substances shall be permitted. The applicant shall demonstrate that the proposed rural occupation complies with all the applicable performance criteria stated in Article X of the Ordinance.
7. The party proposing to conduct the rural occupation use shall own, and either he or a member of his immediate family shall reside on, the property on which the use is to be located. Immediate family shall be defined as the parents, grandparents, children, grandchildren and great grandchildren.
8. Only one rural occupation use shall be permitted on any eligible property.
9. A use and occupancy permit is required prior to beginning a rural occupation. The issuance of a use and occupancy permit for a rural occupation shall be deemed an authorization of the Township Zoning Officer to inspect annually and reissue the use and occupancy permit, based on compliance with all requirements of the Ordinance.
10. The applicant shall set forth in his application that he will comply with all rules and regulations of all government authorities having jurisdiction over the applicant's business.
11. When there is a change in ownership or occupancy of the property where a rural occupation exists or when there is a proposed change in the type of business, the Zoning Officer shall review the proposed change to see if it conforms to the original approval or if changes shall be made.
12. A rural occupation does not require the deed restricting of a parcel of land, and further subdivision of the parcel shall be permitted only as long as the existing parcel continues to meet all criteria outlined in the Ordinance or any subsequent amendment to the Ordinance.
13. The following standards shall apply to a rural occupation:

Property Size (gross acres)	**Max. Building Coverage**	**Max. # Employees (non-family members)**	**Max. Land Area Devoted to Use**
3 to 5	2,000 sq. ft.	2	0.5 acres
>5 to 10	3,000 sq. ft.	3	0.75 acres
>10 to 15	4,000 sq. ft.	4	1.0 acres
>15 to 20	5,000 sq. ft.	5	1.25 acres
>20	6,000 sq. ft.	6	1.5 acres

14. The rural occupation shall be conducted within a completely enclosed accessory

building, and may also utilize a separate building not to exceed one thousand (1000) square feet or the fully enclosed storage of materials or to house generator equipment. The buildings may be existing, accessory buildings at least one (1) year old or newly constructed, conforming buildings. If a new building is constructed for the rural occupation, it shall be located to the side or rear of the principal residence, and shall be set back a minimum of one hundred (100) feet from all property lines and road rights-of-way. Each building shall be designed to be consistent with traditional farmsteads and residential properties and shall afford minimal external evidence of the nature of the rural occupation.

15. All off-street parking and loading spaces shall conform to Article XV. Parking lots shall be provided only at the side or to the rear of the buildings housing the rural occupation.
16. Materials, products or supplies comprising any part of the rural occupation shall be contained within an enclosed building, unless outdoor storage of such materials, products, or supplies connected with a rural occupation is permitted as a special exception by the Zoning Hearing Board. In no case shall outdoor storage be permitted in the front yard of the building housing the rural occupation, nor shall materials be stacked to a height greater than six (6) feet. If the Zoning Hearing Board approves outdoor storage as a special exception, then a vegetative screen comprised of evergreens at a height of not less than four (4) feet at the time of planting shall be provided. Screening shall be permanently maintained. One (1) commercial vehicle with no more than two (2) axles may be parked out of doors as part of the rural occupation.
17. One (1) non-illuminated sign not exceeding eight (8) square feet shall be permitted and shall be set back a distance at least equal to its height from every lot line and road right-of-way and shall not interfere with required sight triangles.
18. When a rural occupation involves retail sales, the sales and display area shall not exceed fifteen percent (15%) of the first floor area of the building in which the rural occupation is located. The 15% retail sales and display area shall not be in addition to the proposed first floor area.
19. Any outdoor facility for petroleum products shall be a double-walled tank or shall be located on impervious pavement completely enclosed by an impervious dike high enough to contain the total volume of liquid kept in the storage area, plus the accumulated rainfall of a fifty (50) year storm. Storage tanks for any petroleum products not exceeding two hundred seventy-five (275) gallons in size may be exempted from this requirement.
20. All roof-mounted storage/fuel tanks and other equipment shall be suitably screened or enclosed so as not to be visible from any property line or road, using materials compatible with the building on which they are located.
21. All driveway intersections, whether existing or proposed, shall conform to the sight distance requirements of the Township or the Pennsylvania Department of Transportation, whichever governmental body has jurisdiction. The applicant shall demonstrate that the land use provides for the safe and efficient movement of traffic.
22. Any rural occupation shall have a paved driveway apron extending thirty (30) feet

into the parcel from the roadway. In addition, access drives and parking areas shall be of sufficient length and size to accommodate the off-road stacking of delivery and customer vehicles.

23. The applicant shall furnish evidence from the Chester County Health Department and/or the Pennsylvania Department of Environmental Protection that an approved means of sewage disposal shall be utilized.
24. All trash dumpsters shall be located within a side or rear yard of the building used for the rural occupation and be completely enclosed within a masonry or fenced enclosure equipped with a self-latching door or gate.
25. Evidence shall be provided indicating that the disposal of all material and wastes shall be accomplished in a manner that complies with State and Federal regulations. No burning of waste shall be permitted, except that non-toxic wood scraps may be used for heating purposes. Proper disposal of materials and wastes shall be done on a regular basis. All solid wastes generated by a rural occupation shall be disposed of in a trash dumpster or stored inside until the wastes can be disposed of properly.
26. Rural occupations shall only be conducted between the hours of 6:00 a.m. and 9:00 p.m.

V. Scientific or industrial research, engineering, laboratory, product testing facility, and design center

All animals used in research shall be kept indoors at all times.

W. Self-service storage warehouse:

1. All storage shall be located within an enclosed building except for any boat or recreational vehicle which may be stored outside in designated areas. The storage of partially dismantled, wrecked, inoperable, unlicensed or unregistered vehicles is prohibited.
2. All self-service storage warehouse facilities shall be enclosed by an open metal fence of not less than six (6) feet in height. Said fencing may be placed outside of the building setback lines provided that all screening required by this Ordinance is between the fence and the property lines.
3. All driveways which have traffic traveling in two (2) directions shall be at least thirty (30) feet in width. Any driveway which has traffic proceeding in one (1) direction shall be at least twenty-four (24) feet in width if it services self-storage facilities on both sides of the driveway. If the driveway with traffic traveling in one (1) direction services self-storage facilities on only one (1) side, it shall be a minimum of twenty (20) feet in width. Driveway designations, locations, and interior circulation shall be set forth on the plans accompanying the land development application.
4. The storage of flammable liquids (except in the gas tanks of boats or recreational vehicles stored outside), highly combustible or explosive materials, or hazardous chemicals shall be prohibited. The use of property utilized for self-storage shall be limited to the storage of residential, commercial or professional goods or records to

which access is needed on a limited basis, i.e., general wholesale or retail distribution or sales are prohibited.

5. The exterior fencing shall be provided with a lockable gate, and said gate shall be kept locked except during such time that the premises is open to the public or lessees of the facilities. During such time that the premises are so open to the public, there shall be an on-site manager provided, or his designee, who shall remain on the premises during all hours that the facility is open. A manager's quarters shall be permitted on the facility as an accessory use.

X. Veterinary office

1. All activities shall be provided within a fully-enclosed building.
2. The owner/operator of the veterinary office shall be responsible to exercise suitable control over the animals and shall not allow a nuisance condition to be created in terms of excessive noise, dirt, or odor. The noise level at lot lines shall not exceed 55 dBA continuously for ten (10) minutes.

Y. Wholesale distribution, storage, warehouse

1. All tractor trailer parking, outdoor storage, and loading/unloading areas visible from beyond the tract boundary shall be screened in accordance with the requirements in Section 1712 of the Ordinance. Plantings also shall comply with the following standards:

   a. Trees shall be selected, in part, for resistance to diesel exhaust.
   b. Trees shall be planted on the exterior side of any required berm, any wall permitted in place of such a berm, any wall used for screening, any fence, and/or any evergreen screening.
   c. Trees may be planted on the top of any berm for purposes of effective screening.

2. Township requirements for landscaping the interior of parking areas shall not be applicable to this use.
3. Any truck entrance, loading/unloading area, outdoor storage, or truck parking area shall be a minimum of two hundred fifty (250) feet from any residential use.
4. There shall be an appropriate system to contain and properly dispose of any fuel, grease, oils, or similar pollutants that may spill or leak where such substances are stored or where vehicles are fueled, repaired, or maintained.

SECTION 1602. USES PERMITTED BY SPECIAL EXCEPTION

The following standards shall be addressed by the applicant and applied by the Zoning Hearing Board in evaluating an application for use by special exception, where such special exception is authorized in one or more of the base zoning districts of the Ordinance

A. All uses regulated by the terms of this section shall also be in compliance with any applicable

standards in:

1. Article XVII, General Regulations, of the Ordinance, including but not limited to standards for lighting, landscaping, screening, internal circulation, and access and traffic control, storage, and noise control.
2. Article XIV, Signs.
3. Article XV, Off-Street Parking and Loading.

B. Communication towers, antennas, and equipment

1. Communications antenna. A communications antenna may be attached to or mounted on an existing public utility building or structure, or an existing communications tower, water tower, silo, or other non-residential building or structure when approved as a special exception by the Zoning Hearing Board, if the height of the antenna does not exceed the height of the existing structure by more than ten (10) feet. Any such antenna shall be constructed to simulate the architectural façade and/or color of the building or object to which it is attached, and shall comply with the Honey Brook Township Building Code and all other applicable requirements. A communications antenna may not be attached to a flag pole, as that term is defined in the Ordinance.
2. Communications tower. A communications tower may be constructed on ground, the natural existing elevation of which is eight hundred fifty (850) feet or more above sea level, when approved as a special exception by the Zoning Hearing Board, in accordance with the terms of this section. Height of the communication tower shall not exceed one hundred fifty (150) feet.
3. Communications equipment building. A communications equipment building may cover no more than three hundred fifty (350) square feet of ground. The applicant shall locate as much of the associated equipment below the ground surface as feasible.
4. Notification of property owners. An applicant seeking to construct, relocate, or alter a communications tower and/or antenna shall file a written certification with the Zoning Hearing Board that all property owners within a one thousand (1,000) foot radius of the proposed site have been notified by the applicant, in writing by certified (return receipt) and regular mail at least fourteen (14) days prior to the date of the hearing, of the applicant's proposed construction, relocation, or alteration. The certification shall contain the name, address, and tax parcel number of each property owner so notified. Such notice also shall contain the date, time, and place of the public hearing at which the applicant shall appear.
5. Prohibited uses. All other uses ancillary to the tower, antenna, and/or communications equipment building (including a business office, maintenance depot, vehicle storage, etc.) are prohibited from the antenna or tower site unless otherwise permitted in the zoning district in which the site is located, in which case the area and bulk requirements for such use in that district shall be applicable.
6. Personnel and parking. Except where ancillary uses are permitted in the zoning district in which the site is proposed, the communications tower and/or antenna

shall be fully automated and require only occasional or periodic on-site attention from maintenance or operational personnel. Unless specifically required for the ancillary use, off-street parking at the site shall not exceed two spaces.

7. Site plan. A full site plan shall be required and shall accompany the application for special exception for any communications facility, showing all existing and proposed improvements, including but not limited to proposed antennas, towers, structures, fencing, buffering, and ingress and egress. The plan shall comply with the requirements for a preliminary plan under the Township Subdivision and Land Development Ordinance.

8. Standards for review of special exception requests. In addition to the applicable requirements of this section and other sections of the Ordinance, the Zoning Hearing Board shall review a special exception request to construct a communications antenna or tower and only approve same if the following standards are complied with.

   a. Subject also to the height limitation for a communications tower, as defined, the applicant shall demonstrate that the proposed communications tower and/or communications antennas proposed to be mounted thereon is/are the minimum height required to function satisfactorily. No antenna taller than this minimum height shall be approved unless the applicant proves that another provider of wireless, cellular, or personal communications services has already agreed to co-locate on the applicant's communications tower at greater height than the applicant requires.

   b. The applicant must demonstrate that the distance between the communications tower, including all supporting equipment and structures, and any property line or right-of-way shall be greater than or equal to the height of the communications tower. These setback requirements may be modified by the Zoning Hearing Board if it finds that placement of a communications tower and/or antenna in a particular location will reduce its visual impact.

   c. The applicant shall provide a plan prepared by a landscape architect showing landscaping to be installed to screen and buffer as much of the support structure as possible. Vegetative screening material shall be evergreen, balled and burlapped, and shall be a minimum of six (6) feet in height at the time of installation and capable of reaching a minimum height of thirty (30) feet at maturity. The landscape plan shall incorporate existing features where appropriate.

   d. Existing vegetation on and around the proposed site shall be preserved to the greatest extent feasible. Removal of any tree of one (1) foot dbh or greater shall require approval from the Zoning Hearing Board, and such approval shall be granted only upon demonstration by the applicant that such removal is reasonably required to clear an area for construction of the tower.

   e. In order to reduce the number of communication towers needed in the Township in the future, the applicant shall demonstrate that the proposed

communication tower shall be designed to accommodate other users, including other cellular communications companies and/or local police, fire, and emergency responders. The applicant shall produce specific documentation of contact made with the Chester County Department of Emergency Services for purposes of avoiding potential interference with emergency communications.

f. No communications tower, antenna, or equipment building may be lighted except when required by the Federal Aviation Administration (FAA).

g. The applicant shall provide for a removal bond, in an amount deemed appropriate by the Zoning Hearing Board, to assure that proper security is provided to accomplish removal of the communications tower and/or communications antennas if the permitted communications use is abandoned, as required in Subsection l3, below.

h. The applicant shall provide with its application to the Zoning Hearing Board:

[1]. a copy of its current Federal Communications Commission (FCC) license;

[2]. where a communications antenna is proposed to be mounted on a structure owned by a party other than the applicant, the current name, address, and emergency telephone number of the owner or operator of the structure;

[3]. a certification signed by a duly authorized officer of the applicant providing that, after due inquiry, the information being supplied is true and correct to the best of his knowledge, information, and belief; and

[4]. copies of all applicable federal regulations with which it is required to comply and a schedule of estimated FCC inspections.

i. The applicant shall present a certificate of insurance, issued to the owner/operator of the communications tower and/or antennas, evidencing that there is adequate current liability insurance in effect insuring against liability for personal injuries and death and property damage caused by communications facilities.

j. Communications towers and/or antennas shall either have a galvanized finish or be painted silver or other colors, such as green and blue, or a combination thereof (e.g., painted green up to the height of nearby trees and the remainder blue or blue gray to blend with the sky), as shall be required and approved by the Zoning Hearing Board. All such facilities, including associated equipment, shall be aesthetically and architecturally compatible with the surrounding environment and shall maximize the use of a like façade to blend with the existing surroundings and neighborhood buildings.

k. No sign or similar structure shall be mounted on a communications facility, except as may be required by the FCC, FAA, or other governmental agency.

l. In the event that a communications antenna is attached to an existing structure, vehicular access to the antenna and any accessory equipment shall not interfere with the parking or vehicular circulation on the site for the existing principal use.

9. Structural standards.

a. Prior to issuance by the Township of a permit authorizing construction and erection of a communication tower, a structural engineer registered in Pennsylvania shall issue to the Township a written certification of the tower's ability to meet the structural standards of either the Electronic Industries Association or the Telecommunication Industry Association, including but not limited to the ability of the tower to withstand wind gusts of one hundred (100) mph. Further, the engineer shall certify the proper construction of the foundation, adequacy of the soils relative to the design of the foundation and location of any guy wires, and the erection of the tower.

b. Where antennas are proposed to be attached to an existing structure, such engineer shall certify that both the structure and the antennas and their appurtenances meet the minimum industry standards for structural integrity.

c. The certifications required by this section shall constitute a condition of any special exception approval granted by the Zoning Hearing Board for the proposed use.

10. Maintenance and repair. All communications towers, antennas, and associated equipment shall be maintained and kept in good repair as required by federal law H.R. 6180/S.2882, the Telecommunications Authorization Act of 1992, including amendments to Sections 303(q) and 503(B)(5) of the Communications Act of 1934, all other governmental regulations as from time to time amended, and all Township ordinances consistent therewith.

11. Annual inspection and report. The applicant for approval to erect a communications tower, or the owner of the tower, shall submit annually to the Township Engineer, within sixty (60) days following inspection, a copy of the annual inspection report and antennas by a structural engineer registered in Pennsylvania as required by the ANSI/EIA/TIA-222-E Code or other applicable regulations. Based upon the results of such an inspection, the Zoning Officer may require removal or repair of the communications tower or part thereof if public safety so requires. Such removal or repair shall be completed within thirty (30) days after the Township's written notice requiring same to the owner of the facility. In the event the annual inspection referred to above is not performed and/or the required annual report is not filed with the Township Engineer in a timely manner, the owner shall be subject to the enforcement remedies of Article XXI of the Ordinance.

12. Interference with existing reception. In the event that a communications tower

and/or antenna causes interference with: [1] the radio or television reception on any property within the Township, or [2] any police, fire, or similar emergency services communication, for a period of three (3) consecutive days, the property owner or emergency service provider may notify the applicant of such interference and the applicant, at the applicant's sole expense, shall thereafter ensure that any interference problems are promptly corrected. In the event the applicant fails or refuses to take the necessary steps to correct the interference in a timely manner, the applicant shall be subject to the enforcement provisions of the Ordinance.

13. Abandonment and removal. If use of the communications facility or any part thereof is abandoned or if the facility is not in use for its originally intended purpose for a period of one (1) year or longer, the owner of the facility shall demolish and/or remove the facility from the site within six (6) months of such abandonment or non-use. Abandonment shall be presumed after one (1) year of non-use, and the owner of the facility shall have the burden of proving non-abandonment. In the event the demolition or removal is not performed in a timely manner, the owner shall be subject to the civil enforcement proceedings of Article XXI of the Ordinance.

C. Elder cottage housing opportunity (ECHO)

1. An ECHO housing unit shall be a temporary dwelling, and shall be accessory to a single-family detached dwelling.
2. The applicant shall demonstrate compliance with the requirements of this Subsection (C). In addition, as a condition of any grant of a special exception, the Zoning Hearing Board shall require that the landowner enter into an agreement with the Board of Supervisors governing the use, occupancy, and removal of the ECHO dwelling unit and establishing an escrow of sufficient amount to cover the cost of removal of said dwelling unit.
3. The proposed ECHO dwelling unit may not exceed one thousand (1,000) square feet of floor area.
4. The total combined impervious coverage for the principal dwelling, the accessory structures, and the proposed ECHO dwelling shall not exceed the maximum amount permitted in the prevailing zoning district.
5. The proposed ECHO dwelling shall be occupied by either: (a) an elderly, handicapped, or disabled individual (as those terms are defined in the Americans with Disabilities Act of 1990 and any subsequent amendment thereto) related to an occupant of the principal dwelling by blood, marriage, or adoption, or (b) the caregiver for any of the above mentioned individuals. The proposed dwelling shall not be occupied by more than two (2) people.
6. The applicant shall provide documentation that the proposed method of sewage disposal and water supply comply with the requirements of the applicable permitting authority.
7. The proposed ECHO dwelling shall be located to the side or rear of the principal dwelling and shall be subject to all side and rear yard requirements of the prevailing zoning district.
8. If the proposed dwelling is a mobile home, it shall be placed on the lot in accordance with the applicable foundation and anchoring requirements.

9. The proposed ECHO dwelling unit shall be provided with properly designed and approved utility connections.
10. Upon the proper installation of the ECHO dwelling, the Zoning Officer shall issue a temporary use and occupancy permit. This permit shall be reviewed during the month of January of each year until such time that the dwelling is to be removed. A fee, in an amount established by resolution of the Board of Supervisors, shall be paid by the landowner upon each renewal of the temporary permit.
11. Upon occupancy of the ECHO dwelling unit, the property owner shall advise the Township of the person(s) residing in the unit. A new use and occupancy permit shall be required whenever there is a change in the person or persons residing in the ECHO dwelling unit.

D. Home occupations

1. Purpose. The purpose of the standards in this section is to provide opportunity for certain home occupation uses that do not comply fully with the criteria in Section 1601-O for home occupations permitted by right, primarily due to the proposed employment of non-residents and/or the nature of the proposed use. Except as superceded by the standards herein, any applicant seeking approval of a home occupation as a special exception shall comply with the standards in Section 1601-O. It is the intent of this section to assure that any home occupation is:

   a. Compatible with other uses permitted in the respective zoning district.
   b. Incidental and secondary to the use of the property as a residential lot.
   c. Helping to maintain and preserve the character of the neighborhood.

2. To qualify for a special exception under the terms of this section, the home occupation shall be located within a single-family detached dwelling or a building accessory to the dwelling. The lot shall have frontage on and direct access to a public street.
3 Any home occupation shall be clearly incidental and secondary to the use of the property as a residence.
4. A home occupation shall not change the residential character of the property.
5. If the resident conducting the home occupation is a tenant and not the owner of the property, the owner shall be party to the application for special exception approval.
6. A home occupation may be conducted, in whole or in part, within an accessory building on the property, in which case the total floor area devoted to the home occupation shall not exceed twenty-five percent (25%) of the floor area of the dwelling or six hundred (600) square feet, whichever is less.
7. No more than two (2) non-resident employees shall be permitted. However, where a home occupation is an office in the building trades and similar fields, the business may have additional employees for off-site activities provided they are not employed on-site, they do not park on or near the property, and they do not normally visit the property during the course of business.
8. Home occupations shall be limited to those occupations customarily conducted within a dwelling unit or a building accessory to a dwelling unit. In addition to those uses listed in Section 1601-O, these uses shall include:

a. Medical or dental office.
b. Family child/adult day care involving no more than six (6) children or adults unrelated to the operator, and provided the following criteria are met:
c. Uses permitted as rural occupations as listed in Section 1601-U-4 of the Ordinance, except that the uses described in Subsections (e), (h), and (i) of Section 1601-U-4 shall not be permitted as home occupations. Any rural occupation use permitted as a home occupation by special exception shall comply with the terms of this section and with any conditions imposed by the Zoning Hearing Board.

[1]. The minimum size of the lot containing the day care facility shall be fifteen thousand (15,000) square feet.
[2]. Passenger drop-off and pick-up areas shall be provided on-site and arranged so that passengers are not required to cross traffic lanes on or adjacent to the site and vehicles are not required to back out onto the abutting street.
[3]. There shall be suitable outside activity/recreation area which shall be buffered from all adjoining properties with screening of evergreens, walls, fencing or other materials acceptable to the Zoning Hearing Board. Any wall or fence shall not be constructed of corrugated metal, corrugated fiberglass, woven chain link, or sheet metal. Screening shall be arranged to block the ground level views between grade and the height of six (6) feet. Landscape screens shall achieve this visual blockage within two (2) years following installation.

d. Uses not listed that, in the determination of the Zoning Hearing Board, are considered to be of the same general character as the home occupations listed herein.

9. The applicant shall demonstrate that adequate off-street parking shall be provided for both the home occupation and the dwelling unit. In no event shall the parking spaces provided be less than two (2) for the dwelling unit, one (1) for each non-resident employee, and such other parking spaces as required under Article XV of the Ordinance. Such parking spaces shall be screened from adjoining properties.
10. Retail sale of merchandise, supplies, or products shall not be conducted on the property except for the following:

a. The sale of items that are clearly incidental and subordinate to the conducting of the home occupation or items used in the home occupation such as the sale of beauty supplies used by the proprietor is permitted.
b. Orders previously made by telephone, appointment, or other prior contact may be filled at the site of the home occupation. There shall be no direct sales of products from display shelves or rack, but a person may pick-up an order placed earlier as described above.

11. No storage or display of goods shall be visible from outside the building.
12. Any home occupation shall be conducted in compliance with the performance

standards in Section 1004 of the Ordinance.

13. A home occupation shall not generate waste products or material of a quality or quantity not normally associated with a residential use.
14. The conduct of any home occupation shall not create problems resulting from its generation of traffic congestion.
15. The applicant shall demonstrate that sufficient water and sewage disposal service is available for the home occupation. If the property is served by public water and/or public sewer service, the applicant shall provide confirmation from the water and/or sewer service provider that capacity is available for the home occupation. If the property is served by on-lot sewage disposal, the applicant shall present evidence that the existing on-lot sewage disposal system is adequate to dispose of the anticipated sewage flows from the home occupation.
16. Unless otherwise determined by the Zoning Hearing Board, an approved home occupation may be conducted only during the hours of 7 a.m. to 9 p.m.
17. No home occupation approved under the terms of this section shall operate without issuance by the Township of a use and occupancy permit as required by Section 1904-B-5 of the Ordinance.

E. Junk Yard

1. The minimum lot area requirement shall be two (2) acres, and no junk yard shall exceed a maximum size of five (5) acres.
2. The applicant shall demonstrate compliance with all applicable industrial performance standards stated in Section 1004 of the Ordinance.
3. In all other respects, any junk yard shall comply with the requirements of Ordinance #87 of 2000, the Honey Brook Township Junk Yard Ordinance, and any amendments thereto.

F. Kennels

1. Kennels which are contained in a completely enclosed building shall be soundproofed and shall not be located closer than one hundred and fifty (150) from all lot lines and street right-of-way lines.
2. Kennels for housing more than six (6) dogs, or that are not contained in a completely enclosed building, shall be a minimum of three hundred (300) feet from any street or lot line.
3. Animal boarding buildings that are not wholly-enclosed, and any outdoor animal pens, stalls, or runways, shall be located within the rear yard.
4. Outdoor running areas shall be fenced in a manner which restricts access and provides for a full enclosure.
5. The applicant shall provide a plan for the disposal of animal wastes generated by the operation.
6. The owner/operator of the kennel shall be responsible to exercise suitable control over the animals and shall not allow a nuisance condition to be created in terms of excessive noise, dirt, or odor. The noise level at lot lines shall not exceed 55 dBA continuously for ten (10) minutes.

7. The applicant shall provide the Zoning Hearing Board with a plan, reviewed and approved by the Pennsylvania Department of Agriculture, for the disposal of animals that perish while on the lot.
8. All animals shall be housed in an enclosed all-weather protective structure between the hours of 8:00 p.m. and 7:00 a.m.
9. The applicant shall provide the appropriate Department of Agriculture license and obtain a use and occupancy permit prior to opening the operation.

G. Municipal landfill

1. Any landfill approved under the terms of this section shall be owned and operated by Honey Brook Township or by an Authority of which Honey Brook Township is an active participating member. The proposed facility shall conform to all requirements of the Pennsylvania Department of Environmental Protection.
2. All solid waste processing operations shall be conducted within a wholly-enclosed building.
3. No refuse shall be deposited or stored, and no building or structure shall be located, within three hundred (300) feet of any lot line and five hundred (500) feet of any land within a residential zone.
4. Any area used for the unloading, transfer, storage, processing, incineration, or deposition of refuse must be completely screened from ground-level view at the property line. The use of an earthen berm is recommended whenever possible. In addition, such areas must also be completely enclosed by an eight (8) foot-high fence, with no openings greater than two (2) inches in any direction.
5. The application for special exception approval must include written documentation demonstrating how the applicant will comply with all applicable State and Federal standards and regulations.
6. All driveways into the site shall be paved for a distance of at least two hundred (200) feet from the street right-of-way line. In addition, a fifty (50) foot-long gravel section of driveway should be placed beyond the preceding paved section to collect any mud that may have accumulated on the wheels of any vehicles.
7. Access to the site shall be limited to those posted times when an attendant is on duty. In order to protect against indiscriminate and unauthorized dumping, all areas of the site shall be protected by locked barricades, fences, gates, or other means to prohibit access to the area at unauthorized times or locations.
8. Hazardous waste, as identified by the Pennsylvania Department of Environmental Protection, shall not be disposed of within the subject property.
9. The application for special exception approval must include a working plan to prevent the scattering of debris and litter, as well as clean-up of the same.
10. The facility shall employ qualified facility operators responsible for supervising all activities relating to unloading, processing, transfer, and deposition of solid waste.
11. Leak-proof and vector-proof containers shall be provided for the storage of: [a] any waste that cannot be used in any disposal process, or [b] material that is to be recycled. Such containers shall be designed to prevent their being carried by wind and/or water and shall be stored within a wholly-enclosed building.
12. No more solid waste shall be stored on the property than is necessary to keep the

facility in constant operation. Under no circumstance shall such waste be stored longer than seventy-two (72) hours.

13. Any application for special exception approval shall include a contingency plan for the disposal of solid waste in the event of a facility shutdown.
14. Leachate from the solid waste shall be disposed of in a manner in compliance with all applicable State and Federal laws or regulations. If leachate is to be discharged to a municipal sewage facility, appropriate permits shall be obtained from the applicable agencies and authorities. In no event shall leachate be disposed of in a storm sewer, to the ground, or in any other manner inconsistent with Department of Environmental Protection regulations.
15. Water needs and supply

    a. Any application for special exception approval shall include an analysis of the quantity of raw water needs (groundwater or surface water) from either private or public sources. If the source is from a municipal system, the applicant shall submit documentation that the public authority will supply the water needed.
    b. A water system which does not provide an adequate supply of water for the proposed landfill, considering both quantity and quality, or does not provide for adequate groundwater recharge considering the water withdrawn by the proposed landfill, shall not be approved as a special exception.
    c. The applicant also shall submit a water feasibility study to enable the Zoning Hearing Board to evaluate the impact of the proposed landfill on the groundwater supply and on existing wells. The study shall be prepared, submitted, and evaluated in accordance with the terms of Section 1603-H that address the commercial use of water.

16. Any application for special exception approval shall provide an analysis of the physical conditions of the primary road system serving the proposed landfill. The analysis shall include information on the current traffic flows on this road system and projections of the amount and type of traffic generated by the proposed landfill. Improvements to the road or roads shall be provided by the applicant to assure safe turning movements to and from the site and safe through-movements on the existing roads.
17. A perimeter landscaped buffer area not less than one-hundred (100) foot in width shall be located along all property lines. No structures, storage, parking, or any other related activity or operation shall be permitted within this landscaped area. Any fence or other non-vegetative screening erected on the site shall not be located within this landscaped area.

H. Quarrying (Mining)

1. The minimum lot area for any quarry shall be five (5) acres. The lot width, yard, and impervious surface requirements of Section 502-B of the Ordinance shall be applicable to a quarry.
2. All applicable rules and regulations promulgated by the Pennsylvania Department

of Environmental Protection, 25 Pa. Code Chapter 77 and 25 Pa. Code Chapter 123, are incorporated herein by reference as though more fully set forth herein. Any violation of such regulation shall constitute a violation of the Ordinance.

3. The applicant shall file with the Township duplicate sets of applications and supporting data submitted to the Department of Environmental Protection as part of any quarrying or mining application. A copy of each permit or violation issued to the applicant by the Department of Environmental Protection shall be filed with the Township within two (2) weeks of receipt by the operator.
4. Vegetative screening shall be provided along the perimeter of the property as required by Section 1712. Such screening also shall be provided along any public road frontage.
5. A substantial fence or earthen barrier measuring at least six (6) feet in height must be placed around the area of actual quarrying to prevent unauthorized persons form entering the area.
6. Any application for use as a quarry shall meet the requirements of Section 1602-G-15 regarding water needs and supply.
7. Any application for use as a quarry shall meet the requirements of Section 1602-G-16 regarding traffic, road conditions, and road improvements.
8. Quarrying shall be undertaken only with respect to minerals occurring naturally on the property. Spoil piles, slag, solid waste, or other materials shall not be brought to the property for the extraction of minerals.
9. No quarry or other surface mining operation shall generate or emit air pollutants or noise in excess of standards established by the Commonwealth of Pennsylvania.
10. All quarries, surface mines, or other areas where minerals are extracted by the surface mining method shall comply with the requirements of the Surface Mining Conservation and Reclamation Act and its rules and regulations, and/or any other applicable state law, rules, and regulations, as presently existing or as may be hereafter enacted or promulgated, which rules and regulations are incorporated herein by reference. Any violation of such statute, rule, or regulation shall constitute a violation of the Ordinance.
11. All quarries, surface mines, or other areas where minerals are extracted by the surface mining method, excluding extraction of minerals by a landowner for his own non-commercial purposes from land owned or leased by him, but including all other extractions, shall be licensed under the Surface Mining Conservation and Reclamation Act and/or any other applicable state law.
12. Gates shall be located at all entrances and shall be locked except during business hours.
13. All explosives shall be stored in a permanent building properly located in accordance with state law, rules, and regulations.
14. All blasting operations shall conform to the latest regulations of the Pennsylvania Department of Mines and Mineral Industries and also with all applicable federal laws, rules, and regulations. Blasting shall not be permitted between 5 p.m. and 7 a.m. the following day, nor at any time on Sundays or holidays.
15. All proposed entrances and exits to the operation shall be designed and improved in a manner which does not allow mud or gravel to be deposited or

accumulate on or along abutting public streets.

16. Where the subject property is adjacent to a property containing a residence, no stockpiles, waste piles, or processing equipment shall be closer than one thousand (1000) feet to the lot line of the residential use, and no part of the quarry pit, internal private access drive, truck parking area, scales, or operational equipment shall be closer than five hundred (500) feet to the lot line of the residential use.
17. No part of a quarry pit, stockpiles, waste piles, processing equipment, scales, operational equipment, or truck parking area shall be closer than one hundred (100) feet to the right-of-way of a public street.
18. Except where other setback requirements of this section are greater, no part of a quarry pit, stockpiles, waste piles, or processing equipment shall be closer than two hundred (200) feet to a lot line.
19. Except where other setback requirements of this section are greater, no private access drive, truck parking area, scales, or operational equipment shall be closer than one hundred (100) feet to any lot line.
20. The applicant shall provide quarry rehabilitation information and include a plan which demonstrates the following:

    a. Within two (2) years after the termination of quarrying operations, the area of actual quarrying operations will be rehabilitated to a condition of reasonable physical attractiveness and, as practical, restored.
    b. The slope of earth material in any excavated pit shall not exceed the angle of slippage.
    c. When the filling of any portion of the pit is desirable and economically feasible, such fill material must be able to sustain a vegetative cover of grass, plants, and trees, and such must be provided.
    d. To prevent any silt, erosional debris, or other loose material from filling any existing drainage course or encroaching on existing public roads or private property, all surface drainage exiting or developing by or through the top soil shall be controlled by dikes, barriers, or drainage structures. All measures to control natural drainage or flood water must be approved by the Township Engineer.
    e. Within two (2) years after termination of operations, all plant and equipment shall be removed. Foundations and piers from any structure may remain in the ground if substantially covered.

I. Wholesale agricultural produce sales and stockyards

1. The subject tract shall front on and gain access from a collector or arterial road as classified in the Honey Brook Joint Comprehensive Plan, or from a street in a proposed subdivision or land development plan which conforms to prevailing arterial or collector street design and improvement requirements.
2. The use shall be of appropriate design so that vehicular and pedestrian traffic to and from the use will not create undue congestion or hazards within the general neighborhood.
3. The owner and/or operator shall be responsible for removing any mud from public

roads caused by vehicles traveling to and from the facility.

4. The Zoning Hearing Board shall establish the permissible days and hours of operation.
5. The application for a special exception shall be accompanied by a working plan for the clean-up and disposal of litter on the subject property.
6. All outdoor loudspeaker systems shall be designed, arranged, and operated to prevent a nuisance on adjoining properties.
7. No building or parking facility shall be located within one hundred (100) feet of the lot line of any adjacent residential property.
8. Stockyards shall have a manure storage plan and nutrient management plan approved by the Chester County Conservation District.

SECTION 1603. USES PERMITTED AS CONDITIONAL USES

The following standards shall be addressed by the applicant and applied by the Board of Supervisors in evaluating an application for conditional use, where such conditional use is authorized in one or more of the base zoning districts of the Ordinance

A. All uses regulated by the terms of this section shall also be in compliance with any applicable standards in:

1. Article XVII, General Regulations, of the Ordinance, including but not limited to standards for lighting, landscaping, screening, internal circulation, and access and traffic control, storage, and noise control.
2. Article XIV, Signs.
3. Article XV, Off-Street Parking and Loading.

B. Adult oriented business

1. Statement of Intent. The standards for adult-oriented businesses are intended to restrict such uses to non-residential areas of the Township and otherwise regulate their operation, thereby to avoid the potentially deleterious and harmful impacts such uses may have on the health, safety, and general welfare of the community.
2. No adult-oriented business shall be located in any zoning district except the I Industrial District. In addition, no property containing an adult-oriented business shall have frontage on or direct access to Rt. 322.
3. An adult oriented business shall not be permitted within one thousand (1000) feet of any other adult oriented business.
4. An adult oriented business shall not be permitted within one thousand (1000) feet of any public or private school, day care facility, public park or recreation facility, commercial recreation or entertainment facility, library, museum, or church or similar religious use. No adult oriented business may be established within five hundred (500) feet of any land zoned A Agricultural or any residentially-zoned land or residential property.
5. No materials, merchandise, or film offered for sale, rent, lease, loan or for view

within the premises shall be exhibited or displayed outside of a building or be visible from outside any building or structure.

6. Any building or structure used and occupied as an adult oriented business shall have an opaque covering over all windows and doors where materials, merchandise, or film are exhibited or displayed.
7. Sign messages shall be limited to verbal description of materials or services available on the premises. No sign shall be located on the premises which depicts a visual representation of the type of materials, merchandise, or film being offered therein. No adult-oriented business sign shall be located along the frontage of Route 322 or Route 10.
8. All entrances to the premises shall be posted with notices that persons under the age of eighteen (18) years are not permitted to enter and warning all other persons that they may be offended by the materials, merchandise, or film exhibited or displayed therein.
9. As a condition of approval, the Board may limit the hours of operation of an adult-oriented business as it deems appropriate.
10. No more than one (1) adult oriented business may be located within one building.

C. Airport/heliport

1. All facilities shall be designed and operated in strict compliance with all applicable state and federal laws and regulations.
2. The applicant, as part of an application for conditional use approval, shall furnish evidence that all requisite licenses have been obtained from the Pennsylvania Department of Transportation, Bureau of Aviation.
3. No part of any runway or taxiway shall be within three hundred (300) feet of any line. Additionally, no pad for any heliport shall be within one-hundred and fifty (150) feet of any lot line.
4. The applicant shall provide a traffic impact study for the proposed use. The traffic impact study shall be prepared in accordance with the requirements of the Township Subdivision and Land Development Ordinance.

D. Bus station

1. The subject property shall be at least three hundred (300) feet from the property line of any parcel containing a school, day care facility, playground, or library.
2. The applicant shall provide a traffic impact study for the proposed use. The traffic impact study shall be prepared in accordance with the requirements of the Township Subdivision and Land Development Ordinance.

E. Camp ground

1. The minimum required lot area for a camp ground shall be five (5) acres and the minimum lot width at the street line shall be two hundred fifty (250) feet.
2. No structure or individual camping site shall be located closer than sixty (60) feet from any lot line.

3. Any application for conditional use approval shall be accompanied by a plot plan for the site, showing driveways and internal roads, proposed type and location of sewage facilities and water supply, building locations and functions, and any other information required by the Ordinance or any other applicable regulations.
4. The Board of Supervisors may approve the proposed camp ground as a year-round facility, provided that no occupant other than a manager or related staff of the camp ground shall be permitted to remain in the camp ground for a period of time in excess of ninety (90) days.
5. The applicant shall submit proposed management procedures necessary to insure compliance with the above ninety (90) day time limitation.

F. Cemetery

1. The following regulations shall apply to any cemetery, whether a principal or accessory use, except as otherwise noted.
2. Where a cemetery is the principal use of a lot and is operated on a commercial basis in which the cemetery grants deeds or rights of burial to plots for a fee, a minimum lot area of ten (10) acres shall be provided.
3. Any cemetery shall comply with the following standards:

   a. No burial ground or plot or any structure related to the cemetery operation shall be located within:

      [1]. one hundred (100) feet of any property line or street line;
      [2]. two hundred (200) feet of any dwelling or existing well; or
      [3]. twenty-five (25) feet of the cartway of any private vehicular accessway within the tract or any parking area.

   b. In no case shall any structure, burial ground, or burial plot be located within a one hundred (100) year flood plain or any riparian corridor area.
   c. The maximum height of cemetery structures shall be:

      [1]. for a grave stone, monument, or statue marking an individual burial sites: six (6) feet
      [2]. for a mausoleum: fifteen (15) feet
      [3]. for any other structure: thirty-five (35) feet

   d. The placement of burial vaults within burial ground areas shall comply with the following standards:

      [1]. Multiple burial vaults may be placed in a single plot (i.e., one above the other).
      [2]. No vault shall be located less than three (3) feet beneath the ground surface after development, except where completely enclosed within a mausoleum.
      [3]. No vault shall be located where, at its greatest depth below the

ground surface, it may intrude upon the seasonal high water table.

[4]. In order to provide for adequate percolation of groundwater, all burial vaults shall be placed such that minimum horizontal separation between vaults is no less than two (2) feet. This provision shall not apply to burial vaults completely enclosed within a mausoleum.

e. Natural buffer areas shall be retained to the greatest degree feasible to mitigate impacts to scenic landscape qualities and water recharge capacity. Use of plant material in lieu of fencing is encouraged to provide privacy, screening, and access control.

4. As it deems necessary, the Board of Supervisors may require the following:

a. The application for conditional use approval shall be accompanied by an informal sketch landscape plan, including narrative, that indicates the general landscape design intended, approximate type and amount of vegetation to be installed, etc.

b. The applicant shall provide sufficient hydrologic and other information to satisfy the Board that potential for groundwater contamination from development of burial grounds shall not be hazardous to any neighboring water supply wells. As a condition of approval, the Board may require the installation of monitoring well(s) where potential hazard to neighboring well(s) is suspected."

G. Churches and related uses

1. In any zoning district in which a church is permitted, the minimum lot area shall be two (2) acres and the minimum lot width shall be two hundred (200) feet.
2. The maximum lot area for any church in the A - Agricultural District shall be four (4) acres. All activities of the church shall be limited to the subject parcel.
3. Side yard and rear yard setbacks of not less than fifty (50) feet shall be provided on any church property.
4. Off-street parking facilities shall be located not less than twenty-five (25) feet from the street right-of-way line and from the side and rear property lines. The Board may require additional screening of any parking facility, if it is determined necessary.
5. A maximum of sixty percent (60%) of the lot area may be covered by impervious surface.
6. One church-related residence, as a use accessory to the church, may be located on the same parcel as the church.
7. The applicant shall provide a traffic impact study for the proposed use. The traffic impact study shall be prepared in accordance with the requirements of the Township Subdivision and Land Development Ordinance.
8. Church-related educational or day care facilities:

a. Where educational facilities and programs are offered below the college level, the applicant shall include a plan for outdoor recreation that is acceptable to the Board. Such plan shall include appropriate screening and buffering from adjacent residential properties.
b. Student and child drop-off areas shall be designed to eliminate the need to cross traffic lanes within or adjacent to the site.
c. The applicant shall provide a parking plan which demonstrates that the proposed parking facilities are sufficient for the intended use and in compliance with the terms of the Ordinance.

H. Commercial use of water resources

1. A Detailed Water Supply Impact Plan (hereinafter Plan) shall be submitted for review and approval by the Township. Such plan shall be prepared by an independent professional geologist or a Professional Engineer with a current Certificate of Occupation as issued by the Commonwealth of Pennsylvania, Department of State, Bureau of Professional and Occupational Affairs (hereinafter Qualified Professional). Such Qualified Professional shall be approved by the Township prior to commencement of the Study described in Subsection (2), below.
2. Upon approval and execution of the Plan, a Water Supply Impact Study (hereinafter Study) shall be prepared and submitted by a Qualified Professional. The Study shall evaluate the affect of the proposed commercial use of water resources on the existing surface and subsurface water within one (1) radial mile of the site property corners.
3. Where determined necessary by the Township, any data suggesting that the proposed use will neither diminish the quantity or quality of water available to surrounding properties nor measurably reduce the flow of surface water in Honey Brook Township shall be subject to independent review and confirmation (hereinafter Confirmation Report) by a third-party Qualified Professional Selection of the Qualified Professional shall be agreed to by the Township and applicant, and the cost of the Confirmation Report shall be divided equally between the Township and applicant.
4. The proposed commercial use of water resources shall not be permitted if an interpretation of the data presented in the Study or in the Confirmation Report reasonably predicts that the proposed use will unacceptably diminish the quantity or quality of water available to surrounding properties, or will measurably reduce the flow of surface waters in Honey Brook Township.

I. Concentrated animal feeding operation (CAFO)

1. The applicant shall present to the Board of Supervisors [a] all applicable permits demonstrating that licensure has been obtained by the Pennsylvania Department of Environmental Protection and [b] all plans submitted as part of the DEP application, including but not limited to a nutrient management plan, erosion/sedimentation control plan, NPDES stormwater permit, and an engineer's

certification of the manure storage facilities

2. There shall be a distance not less than five hundred (500) feet between any lot line of a concentrated animal feeding operation and [a] any lot line of a public or private school, a church, or a camp ground; or [b] any residential use or FR, R, or MR zoning district boundary.
3. Any property containing a concentrated animal feeding operation shall have frontage on a major collector or principal arterial road, as designated in the Honey Brook Joint Comprehensive Plan or a subsequent plan amendment or revised plan, and shall locate its principal point or points of vehicular access along such frontage. Trucks transporting animals to or from the property as part of a concentrated animal feeding operation shall not use a road of lesser functional classification to enter or leave the property without specific approval of the Board of Supervisors as part of its grant of any conditional use approval.

J. Continuing care development

1. A Continuing Care Development shall be as defined by the Ordinance..
2. In a Continuing Care Development, a building or buildings may be erected, altered or used and a lot or premises may be used or occupied for any of the following individual or combination of uses:

   a. Independent Dwelling Units. Single family detached dwellings, single family semi-detached dwellings, two-family detached dwellings, and single family attached dwellings. Each Dwelling unit shall contain complete kitchen, toilet, and bathing facilities, and shall have at least one (1) outside window.
   b. Independent Living Apartment Units. Multi-family dwellings in which each group of apartment units is associated with one (1) or more common areas designated for the exclusive benefit of the group. Each apartment unit shall contain at least one (1) outside window. Each apartment unit shall provide space and facilities for cooking and related kitchen activities, bathing, and toilet functions. Common areas may also be provided for recreation, relaxation, laundry services, bulk storage, and similar activities.
   c. Assisted Care Facilities. For the purposes of a continuing care development only, premises, or a portion thereof, in which food, shelter, and licensed personal assistance or supervision are provided for residents requiring supervision and assistance in such matters as dressing, bathing, diet or medication prescribed for self-administration but not requiring hospitalization or skilled nursing care. Facilities shall include a living/sleeping area and a private powder room, although a shared bath shall be permitted.
   d. Skilled Care or Nursing Care Facilities. For the purposes of a continuing care development only, premises or a portion thereof used to house and care for persons requiring continuous, assisted, or skilled nursing care.
   e. Accessory Uses. For the purposes of a continuing care development only, offices, activity areas, craft, woodworking and hobby shops, recreation

facilities, pools, gift shops, adult day care, child day care, ancillary personal services facilities, dining facilities, ancillary health care facilities, maintenance facilities, bank, library, central kitchen and dining room, snack bar, village store, pharmacy, chapel and similar uses incidental to the main or principal uses. The total square footage of all accessory uses within the continuing care retirement community shall not exceed twenty (20%) percent of the square footage of all buildings within the continuing care retirement community. This percentage shall not be exceeded in any one (1) phase of the development. No individual retail accessory use may exceed two thousand (2,000) square feet in size.

f. Prohibited Uses. No building shall be erected, altered or used and no premises shall be used for any activity which is continuously noxious, injurious or offensive by reason of dust, smoke, odor, fumes, noise, vibration, gas, illumination or similar substances or conditions.

3. Minimum Tract Area. A continuing care development shall require a total minimum tract area of ten (10) acres, excluding any portions thereof lying within an existing public street right-of-way.

4. The residents must be at least 55 years of age, except that spouses of residents may be less than 55 years old, and except that residents of younger age may be permitted if they need such care because of physical disabilities.

5. The continuing care development shall be developed in accordance with the following standards:

a. Central Water and Sewer.

[1]. A continuing care development shall be serviced by public water where the tract is within a designated water franchise area and such service is available. Where this condition does not exist, a community water system that is in compliance with all applicable regulations may be utilized.

[2]. A continuing care development shall be served by public sewer service where the tract lies within a designated service area of the Northwestern Chester County Municipal Authority and is consistent with the Township Act 537 Plan. Where these conditions do not exist, the tract may be served by an appropriately designed, permitted and maintained on-site community sewer system.

b. Density. The maximum density of development shall not exceed the maximum density of development permitted in the base zoning district without the use of transferable development rights. Maximum density may be increased to the maximum allowable with the use of transferable development rights in accordance with the terms of the base zoning district and Article XII of the Ordinance. Equivalent density shall be calculated as

follows:

[1]. Each independent living unit/cottage: one dwelling unit
[2]. Assisted care facility: Each bed = ½ dwelling unit
[3]. Skilled care facility: Each bed = ½ dwelling unit

c. Maximum impervious coverage: Forty-five percent (45%) of the net area of the tract.

d. Maximum Building Height. The maximum height of all buildings shall be as provided under the terms of the base zoning district.

e. Building Length. The maximum horizontal length of a building shall be one hundred sixty (160) feet. At its discretion, the Board may authorize an increase in length to two hundred (200) feet where the design includes architecturally attractive offsets.

f. Setbacks. The following minimum setbacks shall be observed:

[1]. Independent living apartment buildings, skilled care facilities, assisted care facilities, and accessory uses – fifty feet (50') from any perimeter property line of the continuing care development.
[2]. Independent living cottage and accessory uses – forty feet (40') from any perimeter property line of the continuing care development.
[3]. Fifty feet (50') from any perimeter public street right-of-way.
[4]. Where the tract abuts an agricultural use or an agriculturally-zoned property, the minimum setbacks in [1] and [2], above, shall be increased to one hundred (100) feet.

g. Building Separation. The minimum yard and setback dimensions for dwelling units in the base zoning district shall be applicable to a continuing care development.

h. Common Areas and Facilities – Where facilities serving the entire development such as parking lots, pedestrian way, driveways, alleys, lighting facilities, drainage facilities, landscape planting areas, buffer open spaces, and recreation areas are provided in common areas, provisions for their perpetual ownership, maintenance and care shall be established by and be the complete responsibility of the property owner.

i. Open Space. An area of not less than thirty percent (30%) of the gross area of the gross tract area shall be retained as protected open space. Uses, dimensions, and environmental characteristics of the protected open space shall be in accordance with the terms of Section 1111 of the Ordinance.

j. Recreation Spaces. One or more recreation spaces (each with a minimum area of 1,200 square feet) shall be provided, whose total area equals at least 100 square feet per unit. All recreation spaces shall be located in areas suitable for the type of outdoor active or passive recreation being proposed. All recreation spaces shall be at least 20 feet from any building. The types

of recreation areas shall relate to the expected ages of the residents.

k. Access to Structures.

[1]. Every building erected shall be on a lot adjacent to a public street or have access to an approved internal driveway network.

[2]. All structures shall be located so as to provide safe and convenient access for servicing fire protection and off-street parking.

[3]. Sidewalks shall be provided, in locations as deemed appropriate by the Board, to assure adequate pedestrian access to buildings, parking areas, accessory uses and community services and facilities, and recreation and open space areas. Sidewalk construction shall conform to the standards in Section 618 of the Township Subdivision and Land Development Ordinance.

[4]. Wheel chair access shall be provided to all dwellings and all accessory uses.

l. Access Drives. The following minimum cartway widths shall be provided for any access drive within a continuing care retirement community:

Function	Min. Cartway Width (ft.)
One-way Traffic, no parking	9
Two-way Traffic, no parking	18
One-way Traffic, parallel parking on one side	18
Two-way Traffic, parallel parking on one side	27
One-way Traffic, parallel parking on two sides	34

m. Minimum Parking Standards. The following minimum parking standards shall apply to the development of a continuing care retirement community.

[1]. Independent Dwelling Units: One and one-half (1 ½) spaces for each independent dwelling to be used primarily by the residents of such units, plus one (1) space for every five (5) independent dwelling units to be used primarily by visitors to such units. For the purposes of calculating parking requirements for single-family units, a garage shall not be considered a parking space.

[2]. Apartment Housing Units: One and one-half (1 ½) spaces for each dwelling unit in apartment housing to be used primarily by the residents of such units and their visitors.

[3]. Assisted Care and Skilled Care Facilities and Personal Care Facilities: One (1) space for every four (4) beds in skilled care and personal care facilities.

[4]. Staff Parking: One (1) space for each staff doctor.

[5]. Employee Parking: One (1) space for each employee working on the largest shift.

n. Services/Facilities. The services and/or facilities within the development shall be for the use of the residents, service clients or invited guests of the community.

K. Electric substation, public utility building or structure

1. Where an applicant secures an exemption from zoning requirements through petition to the Pennsylvania Public Utility Commission in accordance with the terms of Section 619 of the MPC, conditional use approval as otherwise required by the Ordinance shall not be required. In such case, however, the other standards of this section, as applicable, shall be complied with.
2. The minimum lot area and lot width requirements of the base zoning district shall not be applicable.
3. Any principal building or structure shall be located no closer than one hundred (100) feet from any lot line.
4. The maximum impervious surface and maximum height limits of the base zoning district shall be applicable.
5. The Board shall give particular attention to measures proposed by the applicant to protect neighboring properties from excessive noise, light, or other visual intrusion, and may impose specific conditions to ameliorate such potential impacts.

L. Golf course

1. The minimum lot area for a golf course shall be as follows:

a.	Regulation eighteen (18) hole:	one hundred thirty (130) acres.
b.	Executive eighteen (18) hole:	ninety (90) acres.
c.	Nine (9) hole:	fifty (50) acres.
d.	Par three (3), eighteen (18) hole:	forty-five (45) acres.
e.	Par three (3), nine (9) hole:	twenty-five (25) acres.

2. No principal building shall be located within one hundred (100) feet of any lot line. No permanent structure containing rest room facilities shall be located within thirty (30) feet of any lot line.
3. As a condition of approval, the Board may specify hours of operation and may require protective mesh fencing when necessary to provide protection to abutting properties and roads.
4. The applicant shall provide a traffic impact study for the proposed use. The traffic impact study shall be prepared in accordance with the requirements of the Township Subdivision and Land Development Ordinance.
5. Water needs and supply.

a. Any application for conditional use approval shall include an analysis of the quantity of raw water needs (groundwater or surface water) from either

private or public sources. If the source is from a municipal system, the applicant shall submit documentation that the public authority will supply the water needed.

b. A water system which does not provide an adequate supply of water for the proposed golf course, considering both quantity and quality, shall not be approved as a conditional use.

c. The applicant also shall submit a water feasibility study to enable the Board to evaluate the impact of the proposed golf course on the groundwater supply and on existing wells. The study shall be prepared, submitted, and evaluated in accordance with the terms of Section 1603-H that address the commercial use of water.

6. The application for conditional use approval shall include a description of the intended means of sewage treatment and disposal. The proposed 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.

M. Mobile Home Parks

1.	Maximum density:	four (4) mobile homes per acre of net tract area
2.	Minimum lot area:	six thousand (6,000) square feet per mobile home
3.	Minimum lot width:	fifty (50) feet
4.	Minimum individual and aggregate side yards:	five (5) feet individual thirty (30) feet aggregate.
5.	Minimum distance between any two (2) mobile homes:	thirty (30) feet
6.	Minimum setback of any structure from any external tract boundary:	fifty (50) feet
7.	Minimum setback from any public or private street right-of-way:	
	a. Mobile home:	twenty-five (25) feet
	b. Mobile home park service building:	fifty (50) feet

In addition, no mobile home shall be located in such a way as to obstruct any required clear sight triangle or walkway in a mobile home park.

8.	Maximum impervious surface:	forty percent (40%) of the net tract area
9.	Requirements for common open space areas.	
	a. Minimum amount of common open space:	thirty percent (30%) of the gross tract area of the mobile home park, in addition to those areas designated to meet buffering requirements.
	b. Standards for location, design, and function:	Common open space areas

shall be designed to:

[1]. protect sensitive natural features on the site;
[2]. be substantially free of structures, except those designed for recreational purposes;
[3]. provide appropriate active recreation facilities and opportunities for residents of the mobile home park, as approved by the Board of Supervisors. Such recreation areas and facilities shall:

[a]. be consistent with the requirements in Sect. 1111-B of the Ordinance
[b]. comprise an area not less than 25% of the total common open space area provided within the mobile home park, unless the Board specifically approves a lesser amount of land in response to the applicant's alternative plan for the common open space. In evaluating any proposed reduction in the 25% minimum area requirement, the Board shall weigh the degree to which it meets the active recreation needs of the proposed mobile home park's intended residents and its consistency with the Township Comprehensive Plan.

[4]. be easily accessible to all lots within the mobile home park by means of sidewalk, path, trail, and/or bikeway, without the need for pedestrians to walk in the street cartway or cross private property to reach the recreation areas or facilities.

10. No accessory structure on a mobile home lot shall exceed eighty (80) square feet of building coverage, and no such structure, deck, or patio shall be located within five (5) feet of any side or rear property line or in any portion of the front yard.
11. Screening and Buffering. Any mobile home park tract that contains road frontage on any existing road in the Township shall provide shall provide visual screening and buffering measures along such frontage in accordance with the terms of Section 1712 of the Ordinance.
12. Compliance with other Township regulations

a. Mobile home parks shall be designed in accordance with the requirements of Article VII of the Honey Brook Borough and Honey Brook Township Subdivision and Land Development Ordinance, as amended.
b. The maintenance and operation of mobile home parks are subject to Honey Brook Township Ordinance No. 79 of 1998, as amended.

N. Planned village commercial center

1. Minimum net tract area: twenty-four thousand (24,000) square feet
2. Minimum net tract area per individual use: eight thousand (8,000) square feet

3. Minimum tract width at the street line: one hundred twenty-five (125) feet
4. Standards for front yards

   a. Minimum front yard depth shall be fifteen (15) feet.
   b. There shall be a frontage landscaped area provided at the street right-of-way line, extending a minimum of eight (8) feet into the front yard and extending the entire length of the tract frontage. The landscaped area shall comply with the applicable standards in Sections 1712 and 1713 of the Ordinance. No improvements other than access drives shall be permitted within the frontage landscaped area. Landscaping materials shall be selected and designed so as not to obstruct vision along the street, and shall be resistant to road salt and pollution associated with vehicular traffic.

5. Minimum side and rear yards

   a. Where the tract abuts a non-residential zoning district and/or non-residential use: fifteen (15) feet
   b. Where the tract abuts an agricultural or residential zoning district or a property used for agricultural or residential purposes: 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.

6. Minimum setback of parking areas from any side or rear property line: eight (8) feet
7. 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: eighty percent (80%) of the lot area

8. Maximum building height:

   a. without the use of transferable development rights: thirty-five (35) feet
   b. with the use of transferable development rights: forty-five (45) feet

9. There shall be a landscaped perimeter buffer along all side and rear property lines that abut an agricultural or residential zoning district or a residential use. The buffer area shall comply with the applicable terms of Sections 1712 and 1713 of the Ordinance.
10. Except as otherwise required by PennDOT or approved by the Board, the tract shall be served by a single, shared point of access. Access shall take the form of an internal road or driveway that directs traffic to a single entrance point with divided lanes.
11. The tract proposed for development shall be in one ownership, or shall be the

subject of an application filed jointly by the owners of the entire tract, and shall be under unified control. If ownership of the tract is held by more than one person or entity, the application shall identify and be filed on behalf of all the said owners. Approval of the conditional use application shall be contingent upon agreement by the applicant or applicants that the tract shall be developed under single direction in accordance with the terms of Board approval.

12. The language, terms, and conditions of any proposed covenant or restriction shall be subject to review and recommendation by the Township Solicitor.

O. Public and private schools

1. All off-street parking facilities shall be set back not less than twenty-five (25) feet and screened from adjoining lot lines.
2. All principal structures shall be set back at least one hundred (100) feet from any lot used for agricultural or residential purposes.
3. Outdoor recreation areas shall be provided for all educational facilities below the college level at a rate of one hundred (100) square feet per individual enrolled. Off-street parking areas shall not be utilized as recreation areas, and recreation areas shall not be located within the front yard and must be setback at least twenty-five (25) feet from all other lot lines. Except where separated by a minimum of three hundred (300) feet, outdoor recreation areas shall be screened from adjoining agriculturally-zoned or residentially-zoned properties and properties in agricultural or residential use by means of fences, plantings, or decorative enclosures sufficient to screen activities from adjacent lots. Fencing shall be provided at all locations where public safety is at issue. Any vegetative materials located within the recreation area shall be non-harmful (i.e., not thorny, poisonous, allergenic, etc.).
4. For any school with an enrollment of fifty (50) or more students, the applicant shall provide a traffic impact study for the proposed use. The traffic impact study shall be prepared in accordance with the requirements stated in the Township Subdivision and Land Development Ordinance.
5. Enrollment, for the purposes of this section, shall be defined as the largest number of students on the site at any one time during a seven (7) day time period.

P. Retail stores in excess of twenty-five thousand (25,000) square feet

1. The applicant shall provide a traffic impact study for the proposed use. The traffic impact study shall be prepared in accordance with the requirements of the Township Subdivision and Land Development Ordinance.
2. The minimum landscaped area shall be no less than thirty percent (30%) of the gross tract area.
3. The application shall be accompanied by a working plan for the clean-up and disposal of litter.
4. No building shall be placed closer than thirty (30) feet to any lot line. Where the property abuts an agriculturally-zoned or residentially-zoned property or an agricultural or residential use, the minimum setback shall be one hundred (100) feet.

5. Curbs and sidewalks shall be provided along all public rights-of-way. Sidewalks abutting a public right-of-way shall coordinate with an internal pedestrian circulation system which allows for safe and convenient movement of pedestrians.

6. 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, in which case the minimum landscaped area may be reduced to not less than twenty percent (20%) of the lot area

7. Maximum building height

a. without the use of transferable development rights:	thirty-five (35) feet
b. with the use of transferable development rights:	forty-five (45) feet

Q. Shopping center

1. The applicant shall provide a traffic impact study for the proposed use. The traffic impact study shall be prepared in accordance with the requirements of the Township Subdivision and Land Development Ordinance.

2. The following types of commercial and commercial-related establishments shall be permitted:

   a. Grocery store.
   b. Banks and similar financial institutions.
   c. Drugstore.
   d. Retail sale of goods.
   e. Personal services, including barber/beauty salons, music, dance, art, or photographic studios, repair of small appliances, and laundromat and dry cleaning collection stations.
   f. Professional offices.
   g. Restaurants and taverns.
   h. Commercial recreation facilities, including movie theaters and similar uses.
   i. Any other establishment that, in the opinion of the Board, is of the same general character as any of the above identified uses.

3. The minimum landscaped area shall be no less than thirty percent (30%) of the gross tract area. No building shall be placed closer than thirty (30) feet to any lot line. Where the property abuts an agriculturally-zoned or residentially-zoned property or

an agricultural or residential use, the minimum setback shall be one hundred (100) feet

4. Curbs and sidewalks shall be provided along all public rights-of-way. Sidewalks abutting a public right-of-way shall coordinate with an internal pedestrian circulation system which allows for safe and convenient movement of pedestrians.
5. The application shall be accompanied by a working plan for the clean-up and disposal of litter.
6. Maximum impervious surface:

a. without the use of transferable development rights:	fifty-five percent (55%) of the lot area
b. with the use of transferable development rights:	seventy-five percent (75%) of the lot area, in which case the minimum landscaped area may be reduced to not less than fifteen percent (15%) of the lot area.

7. Maximum building height:

a.	without the use of transferable development rights:	thirty-five (35) feet
b.	with the use of transferable development rights:	forty-five (45) feet

R. Subdivision for more than three single-family detached dwelling lots not using the conservation design option

1. Any application for conditional use approval for single-family dwelling units, as authorized in the A, FR, or R District shall be evaluated and decided upon by the Board of Supervisors in relation to the requirements of this section and the standards and procedures set forth in Sect. 1909.
2. Prior to submitting a formal application for conditional use approval, the applicant shall submit a generalized site plan to the Township Planning Commission and shall meet with the Planning Commission to discuss the proposed plan's relationship to the Township's community development objectives and to matters of recreation, open space, resource conservation, traffic and access management, agricultural preservation, and/or visual quality and rural character. In its subsequent recommendation to the Board of Supervisors concerning the formal application for conditional use approval, the Planning Commission will note any issues raised during its review of the generalized site plan and the degree to which the formal application has addressed and resolved those issues.
3. In reviewing any application for conditional use approval for single-family dwellings, the Board shall examine and weigh the degree to which it complies with the specific purposes, area and bulk regulations, and site design and development standards of the base zoning district in which it is permitted as a

conditional use.

4. The Board also shall review any such application in relation to the following factors:

   a. Protection of existing site resources and features. The applicant shall submit for the Board's review a Site Inventory of Existing Features as prescribed in Sect. 502-D-1 of the Township Subdivision/Land Development Ordinance. Based on this inventory, the applicant must demonstrate, to the Board's satisfaction, how the proposed design and development of the site using conventional lot layout and not employing the conservation design option, will protect, to the maximum extent practical, the identified site resources.
   b. Compatibility with adjacent agricultural lands. The applicant shall demonstrate how the proposed site design will produce a residential development that minimizes potential incompatibilities with existing agricultural lands and uses in the vicinity of the subject tract. The site plan will be evaluated in terms of how well the siting of new dwelling units protects existing farmland and prime agricultural soils on adjacent tracts from the impacts of development. Proposed dwellings shall be located on the least productive farmland wherever practical.
   c. Retention of visual quality and rural character. The Board shall review the site plan in terms of how the proposed retention of existing vegetation and the installation of new landscaping materials will protect traditional views of and across the proposed tract. As a condition of approval, the Board may require deeper front or side yard setback dimensions, the installation of vegetation or other screening material, or other measures to protect the visual quality of existing road frontages that it deems essential to the Township's rural character.
   d. Ability to utilize the conservation design option. The applicant shall document site characteristics that make the use of the conservation design option infeasible or inappropriate in terms of the objectives to be achieved by that option.

S. Treatment center

1. A minimum lot area of ten (10) acres shall be provided.
2. Principal buildings shall be set back a minimum of two hundred fifty (250) feet from the lot line of any existing residential use.
3. The applicant shall provide a written description of all types of residents the use is intended to serve over the life of the use and occupancy permit. Any future additions or modifications to this list shall require approval by the Board of Supervisors as a conditional use.
4. The applicant shall demonstrate, to the satisfaction of the Board, that the use will provide adequate supervision and security measures to protect public safety.
5. The Board may place conditions on the use as necessary to protect public safety,

including conditions on the types of residents and security measures.

6. The use shall provide temporary treatment which shall not routinely exceed twelve (12) months and shall not be a long-term residential use.

ARTICLE XVII
GENERAL REGULATIONS

SECTION 1700. STATEMENT OF INTENT

In setting forth general regulations in this Article, it is the intent of the Township to establish clear standards for activities and the design and impact of site development that may be associated with a variety of zoning districts or types of land use. In most instances, these regulations are to be interpreted and applied in conjunction with the requirements of one (1) or another use district of the Ordinance; they are limited with respect to the zoning map only as stipulated by the terms of this article.

SECTION 1701. EXCEPTION TO HEIGHT LIMITATIONS

A. The height limitations of the Ordinance shall not apply to church spires, belfries, cupolas and domes not intended for human occupancy, monuments, standpipes, chimneys on residential structures, or flagpoles.

B. The height limitations of the Ordinance shall not apply to any principal or accessory agricultural building or structure, including but not limited to a barn or silo.

C. Upon the granting of a special exception by the Zoning Hearing Board, the following may be erected to a maximum height of fifty (50') feet or the equivalent of the distance to the nearest property line, whichever is less: ham radio or television masts, aerials, and antennae; windmills and similar wind energy conversion systems. The Zoning Hearing Board shall consider the following factors in deciding upon a request for special exception:

1. Compatibility of the proposed facility with existing and zoned uses in the general neighborhood with respect to safety, visual impact, aesthetics, noise, and lighting.
2. Compliance of the proposed facility with all applicable state and federal licensing and permit requirements, including assurances that existing uses on surrounding properties will not be disrupted or otherwise negatively impacted by the operation of the proposed facility.
3. The relationship of the proposed site to other similar facilities within the Township or the immediate region, and the potential cumulative impacts that could result from a concentration of such facilities of excessive height.
4. The ability of the applicant to screen effectively the potentially negative visual, light, and noise impacts of the proposed facility.

SECTION 1702. MODIFICATION OF FRONT YARD REQUIREMENTS

A. Where an unimproved lot is situated between two (2) improved lots, on each of which there has existed since the effective date of the Ordinance a principal building within twenty-five (25') feet of the side boundary line of such improved lot and encroaching within the front yard otherwise required by the Ordinance, the front yard depth of such unimproved lot may

be the average depth of the front yards of the two (2) adjacent improved lots, notwithstanding the yard requirements of the district in which the unimproved lot is located.

B. Where an unimproved lot adjoins only one (1) improved lot, on which there has existed since the effective date of the Ordinance a principal building within twenty-five (25') feet of the common side lot line and encroaching within the front yard otherwise required by the Ordinance, the front yard depth of such unimproved lot may be the average depth of the front yard of such adjacent improved lot and the front yard required for the district in which such unimproved lot is located, notwithstanding the yard requirements for such district.

SECTION 1703. PROJECTIONS INTO REQUIRED YARDS

A. No principal building and no other building containing a dwelling unit or other habitable living space shall be erected within or shall project into any required yard in any district. The following components of such building, however, may project into any required side or rear yard so long as they are set back at least fifteen (15) feet from any side or rear lot line: terraces; uncovered platforms, decks, steps, and similar landings; buttresses; chimneys; cornices; piers or pilasters; unenclosed fire escapes, and access ramps for physically handicapped persons. Where the lot dimensions, configurations, or topography allow no reasonable side or rear yard location, a handicapped access ramp may project into the required front yard, provided: (i). the Zoning Officer reviews and approves the proposal; and (ii) the ramp design represents the minimum projection necessary into the front yard.

B. On non-residential properties only, an awning or movable canopy may project into any required side or rear yard not more than twenty-five (25) feet, but shall not be closer than fifteen (15 feet from any side or rear lot line. In the C Commercial District, an awning or movable canopy may project into required front yard, but shall not be closer than five (5) feet from the front lot line.

C. Arbors, trellises, and similar uninhabitable accessory structures shall be permitted within side and rear yard areas, provided they are not more than twelve (12) feet in height and are set back at least ten (10) feet from the lot line. A flag pole may be located in any front, side, or rear yard area, provided it is set back at least ten (10) feet from the lot line.

D. Structures for which the location on the lot is determined by the function being performed, e.g., driveways, sidewalks, retaining walls, and stormwater management basins, may be located within required yard areas. Such structures shall be designed and located so as to minimize disturbance to adjacent properties. Fences and walls shall be located and designed in accordance with the terms of Section 1705.

SECTION 1704. PROTECTION AGAINST VISION OBSTRUCTION

A. On any lot, no wall, fence, or other obstruction shall be erected, allowed, or maintained, and no hedge, tree, shrub, or other growth shall be planted or allowed to exist, which dangerously obscures the view of approaching traffic along a street or at intersections with

other streets or driveways.

B. On a corner lot, nothing shall be erected, placed, or allowed to grow which dangerously obscures the view within a clear sight triangle defined by the following:

1. Above the height of thirty (30) inches and below the height of ten (10) feet, measured from the centerline grades of the intersecting streets, and
2. Within the area bounded by the center lines of intersecting streets and a line joining points on these centerlines at least seventy-five (75) feet from the intersection of the centerlines of such streets.

SECTION 1705. FENCES AND WALLS

A. Fences and walls may be located within required yard areas on a lot in accordance with the terms of this section and Section 1704.

B. Except as otherwise provided in Subsection C:

1. The maximum height of any fence or wall in a front yard shall be four (4) feet, and such fence shall have a ratio of open area to solid area of at least one to one (1:1). Where the depth of the front yard of a lot is less than fifty percent (50%) of the required minimum and this dimension is legally nonconforming, a stockade or similar solid fence with a maximum height of six (6) feet shall be permitted, provided all site distance requirements of the Ordinance and any other applicable site distance requirements are met.
2. The maximum height of any fence or wall in any required side or rear yard shall be six (6) feet.

C. The following fences and walls shall be permitted to exceed the maximum height stipulated in Subsection B, above:

1. A fence meeting the requirements of Section IV-A and IV-E of the Township Junk Yard Ordinance, Ordinance #87-2000, amended.
2. A retaining wall or a wall of a building permitted under the terms of the Ordinance.
3. A fence designed specifically for the containment of deer or similar wildlife, provided the height of such fence shall not exceed twelve (12) feet.
4. A fence designed to enclose a tennis court, as provided in Section 1601-C-3, or a recreation use with a similar need.

SECTION 1706. STORAGE

The following standards shall apply to the storage of all man-made materials:

A. Storage for periods in excess of thirty (30) days shall be screened from view of any public right-of-way and any contiguous residential use. Screening shall consist of continuous evergreen plantings and/or include an architectural screen.

B. No storage shall be permitted within the front yard of a lot.

C. No merchandise, goods, articles, or equipment shall be stored, displayed, or offered for sale outside any building, except for the following:

1. Properties used for automobile/truck sales and service, recycling center, wholesale distribution, or wholesale agricultural produce sales.
2. Seasonal articles which are too large or otherwise infeasible to be stored indoors. Such articles shall be stored adjacent to the building housing the principal use, and shall be enclosed by either walls or opaque fencing designed to be architecturally compatible with the building. Such enclosure shall be at least six (6') feet high
3. As part of a tent or sidewalk sale, where permitted as a temporary accessory use under the terms of Section 1601-C.

Any outdoor display area shall be considered sales floor area for purposes of computing parking requirements.

D. Any organic refuse and garbage shall be stored in tight, vermin-proof containers. On multi-family, commercial, or industrial properties, solid waste storage shall be centralized to expedite collection. Storage containers shall be enclosed on three (3) sides by an architectural screen.

E. Flammable and combustible liquids, solids, or gases shall be stored in accordance with the Township Fire Code. There shall be no storage of hazardous waste anywhere within the Township, including temporary storage in a parked vehicle. Hazardous waste shall be as defined in Pennsylvania Act 97-1980, or any subsequent amendment or revision thereto.

SECTION 1707. ACCESS AND TRAFFIC CONTROL

To minimize traffic congestion and hazard, control street access, and encourage orderly development of street and highway frontage, the following regulations shall apply.

Every building hereafter erected or moved shall be on a lot with frontage on a public street or an improved private street, or shall have access to a public street or an improved private street. It is the purpose of the following regulations to maintain that all structures be located on lots so as to provide safe and convenient access for servicing, fire protection, and required off-street parking.

A. General requirements for all driveways.

1. The first twenty (20) feet of driveway adjacent to the cartway shall be paved with a base course of Pa. #3A modified stone compacted to six (6) inches and a wearing course of ID-2 bituminous concrete compacted to a minimum thickness of two (2) inches. In cases where common driveways are permitted, and in addition to the provisions of Subsection (3), below, the portions of the driveway in common use shall be paved to a minimum width of eighteen (18) feet for a minimum distance of twenty (20) feet from the street cartway and a minimum width of ten (10) feet to a point where common use of the driveway ends.

2. Within the legal right-of-way of the intersected street or for a distance of at least twenty-five (25) feet from the edge of the cartway, whichever is greater, the driveway shall have a grade of four percent (4%) or less. The remainder of the driveway shall have a maximum grade of fifteen percent (15%), and any portion of this remainder that exceeds eight percent (8%) shall be limited to no more than one hundred fifty (150) continuous feet.
3. A common driveway shall be of sufficient width, in the opinion of the Township Engineer, to provide safe passage of two (2) vehicles or shall have a sufficient number of pull-over areas to provide safe passage for two (2) vehicles. Sufficient land area shall be reserved on each abutting lot for the widening of such common driveway should the need arise. Maintenance responsibilities shall be established by easement or covenant.
4. The edge of any driveway shall be at least forty (40) feet from the nearest side of the paving radius at a street intersection.
5. Clear sight triangles shall be provided at all driveway entrances and shall be shown on plans. Within such triangles, there shall be no object greater than two and one-half (2½) feet in height and no other object that would obscure the vision at least one hundred (100) feet in either direction for residential driveways, and at least three hundred (300) feet for non-residential driveways, measured from a point twelve (12) feet back from the edge of the cartway of the intersecting street. Greater distances may be required if warranted by specific circumstances. Whenever a portion of the line of such triangles occurs within any proposed building setback line, such triangle shall be considered a building setback line.
6. The gutter line, wherever possible, shall be maintained as a paved swale. It shall have a maximum depth of four (4) inches and a minimum width of twenty-four (24) inches. A pipe may only be placed under a driveway entrance when approved by the Township Engineer. The acceptability of such a pipe will be governed by the gutter depth on each side of the driveway. The minimum pipe size under a driveway will be determined by the Township Engineer.
7. Driveways shall be graded so that, wherever possible, surface drainage will be discharged to the owner's property; otherwise, adequately sized pipes, inlets, and/or headwalls shall be installed and gutter improvements shall be made to direct surface drainage into the road drainage system and not onto the paving of the intersecting road.

B. Driveway requirements for a single-family detached dwelling.

1. Number per lot. The number of driveways intersecting a street shall not exceed two (2) per lot frontage.
2. Driveway intersection requirements. Driveways shall not be located within five (5) feet of a fire hydrant or adjoining lot lines. In addition, driveways shall intersect streets at angles of no less than sixty degrees (60°).
3. Road classification. Driveway access shall be provided to the street of lesser classification when there is more than one (1) street classification involved. However, the Zoning Officer may waive this requirement when strict compliance

with this section would create a questionable safety issue or if adequate sight distance along the street of lesser classification is not possible. In such case, the file shall contain appropriate documentation and justification for the approved driveway intersection.

4. Driveway width. No driveway shall result in a curb cut which exceeds a width of twenty-four (24) feet. The width of a single-family dwelling driveway within the legal right-of-way of a street or when carried by a bridge shall be a minimum of twelve (12) feet. The driveway shall be a minimum of ten (10) feet at all other points within the property line. Except where the Zoning Officer determines that limitations of lot size or lot configuration make it infeasible, adequate turnaround surface shall be provided on the property so that egress to the street is in a forward direction.
5. PennDOT permit. Any driveway intersecting a State-owned road shall require the acquisition of a Highway Occupancy Permit from the Pennsylvania Department of Transportation. A copy of the approved permit shall be provided as part of the zoning permit application.

C. Access drive requirements for uses other than single-family dwelling or agriculture.

1. Access drive intersection separation distances. Distances between access drives and street intersections and between two access drive intersections, measured from centerline to centerline shall be as follows:

   a. Intersection separation distances involving an entrance and exit at the same opening along arterial, major collector, and minor collector streets shall be two hundred (200) feet.
   b. Intersection separation distances along any other street classification shall be fifty (50) feet.

2. Distance from side and rear property lines. Access drives shall be at least fifteen (15) feet from side and rear property lines, with the exception that the requirement can be waived when a joint parking area is shared by abutting properties.
3. Clear sight triangle. Clear sight triangles shall be provided as follows:

a.	Arterial streets:	One hundred fifty (150) feet long the street centerline and fifty (50) feet along the access drive centerline.
b.	Major and minor collector streets:	One hundred (100) feet along the street centerline and twenty-five (25) feet along the access drive centerline.
c.	Local streets:	Seventy-five (75) feet along the street centerline and twenty-five (25) feet along the

access drive centerline.

4. Angle of Intersection. All driveways shall intersect the abutting street at right angles, where practicable, and in no case at an angle less than seventy-five degrees (75°).
5. Slope. An access drive shall not exceed a slope of four (4) percent within fifty (50) feet of the street right-of-way.
6. Surfacing. All access drives shall be paved with concrete or bituminous paving material or with a material deemed acceptable by the Board of Supervisors.
7. Access drive width. No driveway shall result in a curb cut which exceeds a width of thirty-six (36) feet.
8. PennDOT permit. Any driveway intersecting a State-owned road shall require the acquisition of a Highway Occupancy Permit from the Pennsylvania Department of Transportation. A copy of the approved permit shall be provided as part of the zoning permit application.

SECTION 1708. INTERIOR CIRCULATION

Unless otherwise specified, the following regulations shall apply to all uses except single-family and two (2)-family dwellings:

A. Access Aisles and Drives.

1. Interior drives shall be designed to prevent blockage of vehicles entering or leaving the site. Drives may be one (1)-way or two (2)-way. Areas designed for loading and unloading, refuse collection, fuel delivery, and other service vehicles shall be arranged to prevent blocking or interfering with accessways and the use of automobile parking facilities or pedestrian ways. Adequate turnaround surface shall be provided to permit egress to the street in a forward direction.
2. Traffic channelization shall be planned such that a main driving aisle, which vehicles can use to enter the site and parking bays, is remote from any primary building so as to avoid traffic conflicts in front of the primary building.
3. Parking areas shall be designed so that a vehicle within a parking area will not need to enter a public street to move from one (1) location to any other location within the parking area or lot.
4. All interior drives and accessways shall have an approved all-weather surface, and shall be graded, properly drained, and maintained in good condition. Interior drives shall have a maximum grade of eight (8) percent, measured along the centerline, for a distance of not less than twenty-five (25) feet from the street right-of-way line. Beyond that point, interior roads and drives shall have a maximum grade of ten (10) percent.

B. Shared Access.

Common or shared access driveways to parking and loading areas are permitted and

encouraged. Landowners proposing such an arrangement shall submit a site plan and a proposed access easement indicating the extent and location of joint use; the area subject to the access easement shall be delineated on the site plan. Terms of the access easement also shall include the extent of common ownership and the method of assessing repair and maintenance costs. The proposed site plan and access easement shall be subject to approval by the Board of Supervisors; upon approval, the plan and easement shall be recorded so as to be binding on all successors or assigns.

C. Fire Lane Easements.

1. Every use, building, or structure located on a lot shall be designed to provide safe and convenient access for emergency service vehicles. Fire lane easements may be required by the Board of Supervisors to assure access. When required, fire lane easements shall extend from a public road and have a minimum right-of-way width of twenty-five (25) feet; the Board may require a right-of-way width of fifty (50') feet where future public dedication of the easement area is seen as a possibility. The area within the easement shall be graded, maintained obstruction-free, and have sufficient stability for use by emergency vehicles. The design of such fire lane easements shall be approved by the Board of Supervisors upon the recommendation of the local fire company.
2. Dead-end fire lane easements shall not exceed four hundred (400) feet in length and shall be terminated with an unobstructed vehicular turnaround or cul-de-sac with a minimum surface radius of thirty-five (35) feet.

D. Pedestrian Circulation. The following regulations shall govern all uses, as applicable:

The landowner or developer shall preserve existing trails or install trails and pathways or other pedestrian facilities as necessary and desirable to achieve the following:

1. Logically continue, link, or expand existing pedestrian facilities on, across, and abutting the site.
2. Provide pedestrian access to existing or anticipated public transportation pick-up points, pu0blic parks, community facilities and, where practical, commercial areas.
3. Provide convenient and logical walkway connections between the entrances of a principal building and its required parking spaces, preferably in conjunction with landscaped planting islands that provide shade, visual relief from glare, and physical separation from vehicular areas.

SECTION 1709. LIGHTING

A. The following standards shall apply to all exterior light fixtures within Honey Brook Township, except street lighting and associated traffic safety devices provided by a public utility or governmental entity within a public right-of-way:

1. The light from any exterior light fixture (the light source and its enclosure, including any reflectors or other devices for the control of light) shall be shaded, shielded, or directed to prevent direct light from being cast beyond an angle of thirty-five (35) degrees from a vertical plane and to prevent glare or other objectionable problems to surrounding areas.
2. The intensity of any light source on a lot, when measured at the lot line, shall not exceed 0.5 footcandles.
3. No lighting fixture shall have any blinking, flashing, or fluttering lights or other illuminating device which has a changing light intensity, brightness, or color, nor will any beacon lights be permitted.
4. Neither the direct nor reflected light from any lighting fixture shall create a disabling glare that would be a potential traffic hazard for motor vehicle operators on public roads.

B. Lighting systems and standards for outdoor recreational activities such as baseball, tennis, football, or miniature golf, for which the above standards are unattainable, shall be permitted when approved as a special exception by the Zoning Hearing Board. The applicant shall demonstrate that the proposed lighting system is designed and will be operated to minimize objectionable impacts on other properties. The following standards shall be applied by the Zoning Hearing Board in its consideration of any application for special exception approval:

1. Lighting shall be accomplished only through the use of "cutoff" fixtures or as otherwise approved by the Zoning Hearing Board.
2. Except as otherwise permitted by the Zoning Hearing Board, sporting events shall be timed so that all lighting in the sports facility is extinguished by 9:45 p.m.
3. Golf driving ranges, golf courses, and trap shooting facilities shall not be artificially lit and shall not be permitted to operate in the Township during hours of darkness.
4. Outdoor recreational facilities shall not be lighted if they are located within the RC, FR, R, or MR Districts or within twelve hundred (1200) feet of a residential property.

C. Street lighting shall be provided where required under the terms of the Township Subdivision and Land Development Ordinance.

SECTION 1710. NOISE STANDARDS

A. Except as noted in Subsection B, below, the following shall apply to any lot within the Township, between the hours of 10:00 p.m. and 6:00 a.m., plus all day Sunday and legal holidays.

1. There shall be no non-residential off-street loading operation.
2. There shall be no operation of a vehicle in excess of eight thousand six hundred (8,600) pounds on the property, nor idling of any motor of such vehicle.
3. There shall be no outside operation for non-residential purposes of any powered

equipment, mobile refrigeration unit, powered handtool, fork lift, tractor, or other similar vehicle except for lawn maintenance, snow removal, or emergency services or repairs.

4. Other than police, fire, public service, or ambulance operators, no person shall sound any horn, bell, gong, siren, or whistle or make other unnecessarily loud noises except when reasonably required to prevent accidents.
5. No outdoor loudspeaker system shall be operated, except in conjunction with a convenience store or drive-thru restaurant as regulated by Article XVI.

B. The restrictions established in Subsection A, above, shall not be applied to agricultural operations on properties within the Township or to permitted uses located within the I Industrial District.

C. For any proposed or existing use of land in which potential or actual noise impacts need amelioration, the means to ameliorate such impacts shall be proposed by the applicant and reviewed by the Township on a case-by-case basis. The use of berms, existing and installed vegetation, fencing or similar enclosure shall be considered by the Board of Supervisors and, where it deems suitable, the Board may permit modification or waiver of restrictions in Subsection A, above.

SECTION 1711. SITE IMPROVEMENTS AND SURFACE WATER RUNOFF

Site improvements on any residential lot or agricultural property, including accessory structures, driveways and off-street parking facilities, patios, paved terraces, open porches, and landscaping, shall be constructed and installed in a manner which does not obstruct, redirect, or intensify surface water runoff onto abutting properties.

SECTION 1712. SCREENING AND BUFFERING

A. A completely planted visual barrier shall be located along the perimeter of the property, or elsewhere on the property if deemed more effective by the Township. Vegetation shall consist of a double row of evergreen plantings having a minimum installed height of six (6) feet and placed between twelve (12) and fifteen (15) feet apart on center and shall be continually maintained within a planting area reserved for that purpose, having a minimum width of twenty (20) feet, between:

1. (a) Any industrial or commercial use (which shall provide the screening) and (b) any agriculturally-zoned or residentially-zoned property or residential use;
2. In a residential district, (a) an apartment use (which shall provide the screening) and (b) any contiguous residential use.

B. The required plantings shall be staggered so as to provide as complete a visual barrier as possible. A solid fence without gaps or breaks, having a minimum height of six (6) feet, shall be substituted for one of the two required rows of plantings when determined necessary by the Zoning Officer to adequately shield the agricultural or residential property

from artificial light, glare, noise, odors, intrusion, or any other cause detrimental to the health, safety, or general welfare of the abutting property and its occupants. Where approved by the Board of Supervisors, a berm or berms with a suitably stabilized ground cover may be used in combination with, or in place of, the screening materials otherwise required by this section.

C. Any use permitted by special exception or conditional use shall be screened from other uses as required by this section when so directed by the Zoning Hearing Board or Board of Supervisors, respectively, as a condition of approval for the special exception or conditional use.

SECTION 1713. LANDSCAPING

A. Any part of a lot which is not used for building, other structures, loading or parking spaces and aisles, sidewalks, and designated storage areas shall be planted with an all-season ground cover approved by the Township. It shall be maintained to provide an attractive appearance. All plant material required by the Ordinance and/or agreed to by the applicant as part of plan approval shall be maintained in perpetuity.

B. Any use or activity proposed as part of a subdivision or land development shall further comply with the requirements for shade trees, street trees, and other landscaping components stipulated in the Township Subdivision and Land Development Ordinance.

C. Plant materials shall be chosen to prevent soil erosion and subsequent sedimentation. For the purposes of promoting disease resistance, minimum maintenance, diverse natural plan associations, and long-term stability of plantings, an applicant is strongly encouraged to choose those combinations of species which may be expected to be found together under more-or-less natural conditions on sites comparable to that where the plant material is to be installed.

D. The following requirements shall apply to all off-street parking areas having greater than five (5) parking spaces.

1. Raised planting islands shall be located at each end of a parking space row and between every twelve (12) or fewer parking spaces within a row. Planting islands shall be a minimum of three (3) feet in width, extend the length of a parking space, and be planted with one (1) shade tree per island. Existing trees may be credited toward this requirement if in good condition and located as required.
2. Perimeter plantings shall be provided around all parking areas and shall have a minimum width of five (5) feet. Plant materials shall be selected and located to achieve a visual barrier that filters and obscures the external view of the parking area.
3. Perimeter planting areas and raised planting islands shall be protected by curbing.
4. Surface treatment of raised planting islands and perimeter planting areas shall be grass, other ground cover, low-maintenance shrubs, or other plant material

approved by the Township.

ARTICLE XVIII
NONCONFORMING USES AND STRUCTURES

SECTION 1800. APPLICABILITY

The regulations of this article shall apply to existing lots, structures, uses and signs that do not conform to the regulations of the zoning district in which they are located and were either in existence prior to the effective date of the Ordinance, or subsequent amendments, or are rendered nonconforming by the adoption of the Ordinance. As such, they shall be known and regarded as nonconforming, and the following regulations, as applicable, shall apply to them. Provided, however, that the burden of proof shall remain upon the landowner to prove that a lot, structure, use or sign is lawfully nonconforming under the procedure in Section 1802.

SECTION 1801. ALTERATION, RESTORATION, ENGLARGEMENT AND USE OF NONCONFORMITIES.

A. Nonconforming lots

A lot which contains no structures and which is held in single and separate ownership on the effective date of the Ordinance, or subsequent amendments, or rendered nonconforming by the Ordinance, which does not meet the minimum lot area requirement or lot width requirement at the building line of the zoning district in which it is located, or which is of such unusual dimensions that the owner cannot reasonably comply with one or more of the other dimensional requirements of the zoning district in which it is located, may be used or a structure may be erected thereon for use as limited by the use regulations of the zoning district in which the lot is located, subject to the following conditions:

1. The owner does not own or control contiguous property sufficient to enable the owner to comply with the minimum lot area, width, building coverage, yard and height regulations and design standards of the zoning district in which the property is located. For purposes of this regulation, a nonconforming lot under common ownership with a contiguous conforming or nonconforming lot shall be considered one lot.
2. The proposed structure or use shall comply with the design standards and the width, impervious coverage, yard and height regulations, except minimum lot size and lot width at the building line, of the zoning district in which the lot is located. Otherwise, the lot shall not be used or a structure erected unless a variance is granted by the Zoning Hearing Board.

B. Nonconforming structures.

1. Continuation. Any lawful nonconforming structure existing on the effective date of the Ordinance, or subsequent amendments, or rendered nonconforming by the Ordinance, may continue to exist and be used. Such structures shall not further deviate from the provisions of the Ordinance, except as explicitly provided herein.

2. Restoration. Any lawful nonconforming structure which has been involuntarily damaged by fire, explosion, flood or similar cause or legally condemned as unsafe, may be restored or reconstructed within the limits of the existing foundation or footprint as the damaged structure, provided that:

   a. The restored or reconstructed structure shall not exceed its original dimensions.
   b. Restoration or reconstruction shall commence within one year from the date of damage, destruction or condemnation, and shall be completed within one year of the date of the commencement of such work.
   c. The use of the restored or reconstructed nonconforming structure shall be in accordance with this Article XVIII.
   d. These provisions shall not apply to a non-conforming structure that is at least fifty (50) years old at the time of application.

3. Alteration and enlargement

   a. Any lawful nonconforming structure existing on the effective date of the Ordinance, or subsequent amendments, or rendered nonconforming by the Ordinance, may be altered or enlarged, provided that such alteration or enlargement conforms to all of the lot area, width, impervious coverage, height and yard regulations and design standards of the zoning district in which it is located. For example, if a structure is nonconforming by virtue of its encroachment into the front yard setback, it may be altered or enlarged so long as the enlargement conforms to the front yard setback. If the new addition or enlargement cannot meet the required front yard setback, it shall not be permitted unless, upon application, the Zoning Hearing Board grants a variance.
   b. Notwithstanding the provisions in Subsection (a) above, a structure fifty (50) years old or older at the time of application that is nonconforming due to encroachment within the front yard setback, shall be permitted to be altered or expanded within the required front yard without the necessity of a variance so long as the alteration or expansion is no closer to the street line than the existing structure.
   c. If a nonconforming structure is used or occupied by a nonconforming use, any alteration or enlargement of the structure shall be in compliance with the limitations of Subsection C.

C. Nonconforming uses

1. Continuation. Any lawful nonconforming use of a structure or of land legally existing on the effective date of the Ordinance, or subsequent amendments, or rendered nonconforming by the Ordinance, may continue to exist and be used.
2. Alteration and expansion. The alteration or expansion of a nonconforming use of a structure or of land shall be permitted only if a special exception is granted by the

Zoning Hearing Board pursuant to Article XX, and only in strict conformity with the following regulations:

a. Such alteration or expansion shall conform to all of the lot area, width, impervious coverage, height and yard regulations and design standards of the zoning district in which it is located.
b. The alteration or extension of the nonconforming use shall be limited to and permitted on only the same lot that was in existence when the use first became nonconforming.
c. The total increase in area of the nonconforming use of a structure shall not exceed an aggregate total of more than 50% of the total floor area which is devoted to the nonconforming use. Floor area shall be based upon the total floor area of the structure at the time the use first became nonconforming. For example, if all other requirements of the Ordinance are met, a nonconforming use may be expanded once by 20%, and a second time by not more than 30% of the total floor area of the structure as it existed at the time the use first became nonconforming. If prior to the effective date of this restriction the use has been expanded by a percentage greater than 50%, it shall not be entitled to any further expansion under this section.
d. The total increase in area of the nonconforming use of land shall be limited to a distance of two hundred fifty (250) feet in any direction from the existing nonconforming use or to an area not to exceed an aggregate total of more than 50% of the total area of the original lot which is devoted to the nonconforming use, whichever is lesser.

3. Change in use. Once changed to a conforming use, whether within a structure or on land, the conforming use shall not be permitted to revert to a nonconforming use. A nonconforming use may be changed to another nonconforming use only when approved by the Zoning Hearing Board as a special exception pursuant to Article XX and under the following conditions:

a. The applicant shall prove that the proposed nonconforming use cannot reasonably be changed to a use permitted in the zoning district in which it is located.
b. The applicant shall prove that the proposed change in use will have the same or less impact than the existing nonconforming use with respect to the following factors:

[1]. Traffic impact, including trip generation, traffic congestion, traffic safety and traffic access to the property.
[2]. The performance standards specified in Article XVII.
[3]. Compatibility with nearby dwellings.
[4]. Landscaping.
[5]. Stormwater management.

4. Construction of Agricultural Structures

Whenever a nonconforming agricultural use exists on a parcel in excess of twenty (20) acres, a barn, outbuilding, or similar structure may be constructed thereon for the purposes of animal husbandry or the storage of agricultural product which is raised and grown on the site, so long as such barn, outbuilding, or structure is set back at least one hundred (100) feet from any lot line and complies in all other respects with applicable regulations.

SECTION 1802. REGISTRATION OF NONCONFORMING USES AND STRUCTURES

Landowners may apply to register a nonconforming use or structure with the Zoning Officer on forms provided by the Township with sufficient evidence in the form of building permits, use and occupancy permits, photographs, zoning orders, assessment records or sworn affidavits to allow the Zoning Officer to make a determination. The Zoning Officer may conduct such additional investigation as deemed necessary, and shall issue a written determination whether the land, building or structure is a legal nonconforming use within forty-five (45) days of the application. Appeals of the Zoning Officer's determination shall be made to the Zoning Hearing Board in accordance with Article XX.

SECTION 1803. ABANDONMENT OF NONCONFORMING USE OR STRUCTURE

A. Whenever a lawful nonconforming use of land or of a structure is abandoned or discontinued or the use is removed for a period of twelve (12) consecutive months, or the structure constituting or housing the nonconformity is razed and not reconstructed within a period of twelve (12) consecutive months, such abandonment or discontinuance shall be presumed to constitute an intention to abandon or discontinue such use, and subsequent use of such land or structure shall conform to the regulations of the zoning district in which it is located, unless the Zoning Hearing Board, as a matter of law, determines that such abandonment has not occurred.

B. These provisions shall not apply to a non-conforming structure that is at least fifty (50) years old at the time of application.

SECTION 1804. RULES OF INTERPRETATION

A. No special exception shall be granted under the provisions of this article with respect to any property where the requested special exception will result in violations of other lot area, width, impervious coverage, setback, height and yard regulations and design standards of the zoning district in which the property is located, unless a variance is granted by the Zoning Hearing Board from the regulation which is otherwise applicable. The owner of a nonconforming use or other nonconformity has no inherent right to expand, alter or use any nonconformity in conflict with the applicable zoning district regulations.

B. In those zoning districts in which the district regulations establish different design standards or lot area, width, impervious coverage, setback, height or yard regulations for uses permitted as of right, by special exception or by conditional use, no lot shall be construed to be nonconforming for purposes of the regulations of this article which complies with the minimum lot area and other regulations applicable to uses permitted as of right. The regulations applicable to uses permitted by special exception or by conditional use shall not render the lot nonconforming, unless the owner demonstrates that the lot cannot reasonably be used for any use permitted as of right in such zoning district, or the Zoning Hearing Board grants a variance from the applicable regulations.

C. No provision of this article which establishes a specific percentage limitation upon the expansion of a nonconforming use shall be construed to automatically authorize an expansion to the maximum permitted, nor shall a variance related to any nonconformity be granted from the applicable zoning district regulations in excess of the minimum variance necessary to afford relief. It shall be incumbent upon the applicant to prove the need for such expansion consistent with established principles of law.

ARTICLE XIX
ADMINISTRATION

SECTION 1900. INTERPRETATION AND APPLICATION

The provisions of the Ordinance, in its interpretation and application, shall be held to be minimum requirements adopted for the promotion of the public health, safety, morals, and general welfare. Every use, lot, structure, building, or sign shall conform to all provisions of the Ordinance except those exempted by or under the Ordinance. Nothing in the Ordinance shall require any change in plans or construction of a building for which a building permit has been issued by the Township prior to the effective date of the Ordinance and which is completed within one (1) year of the effective date of the Ordinance.

SECTION 1901. THE ZONING OFFICER

The provisions of the Ordinance shall be administered and enforced by the Zoning Officer, who shall be appointed by and serve at the pleasure of the Board of Supervisors. The Zoning Officer shall meet qualifications established by the Township and shall be able to demonstrate to the satisfaction of the Board of Supervisors a working knowledge of municipal zoning.. The Zoning Officer shall administer the Ordinance in accordance with its literal terms and shall not have the power to waive or modify any term or condition of the Ordinance or permit any construction or any use or change of use which does not conform to the Ordinance. The Zoning Officer may be provided with assistance of such persons as the Board of Supervisors may direct.

SECTION 1902. DUTIES AND POWERS OF THE ZONING OFFICER

The Zoning Officer shall be charged with the duty and shall have the power to enforce literally the provisions of the Ordinance and its amendments. The Zoning Officer shall have such duties and powers as are conferred upon him by the Ordinance and as reasonably implied for the purposes of enforcement. These duties may include, but are not limited to, the following:

A. Receive and examine all applications for permits governed by the Ordinance and issue such permits only when in conformance with the provisions of the Ordinance and with other Township ordinances, provided, however, that the issuance of a permit shall not be deemed a waiver of the requirements of any Township ordinance.

B. Keep an official record of all business and activities, including complaints of a violation of any of the provisions of the Ordinance and of the action taken consequent to each such complaint. All such records shall be open to public inspection.

C. Before issuing any permit, and at his discretion, examine or cause to be examined all buildings, structures, signs, or lands and portions thereof for which an application has been filed.

D. Issue cease and desist orders and order, in writing, correction of all conditions found to be in violation of the provisions of the Ordinance. Such written orders shall be served personally, by general mailing, or by certified mail upon persons, firms, or corporations deemed by the Zoning Officer to be violating the terms of the Ordinance. It shall be unlawful for any

person to violate any such order lawfully issued by the Zoning Officer, and any person violating any such order shall be guilty of a violation of the Ordinance.

E. Issue permits for special exception uses or for variances only after such uses and/or buildings have been approved by the Zoning Hearing Board.

F. With the approval of the Board of Supervisors, or when directed by the Board, institute any appropriate enforcement proceedings to prevent unlawful use; to restrain, correct, or abate violations so as to prevent the unlawful occupancy or use of any building, structure, or land; or to prevent any illegal act, conduct, business, or use in or about such premises.

G. Revoke by order a permit issued:

1. under a mistake of fact; or
2. contrary to the law or the provisions of the Ordinance; or
3. on the basis of any false statement or misrepresentation of fact in the application or on the plans on which the permit or approval was based, if it is found that work performed or the use to which the property is put is not in conformance with the application..

H. Maintain a map showing the current zoning classification of all land.

I. Upon the request of the Board of Supervisors, the Planning Commission, or the Zoning Hearing Board present to such bodies facts, records, or reports to assist them in making decisions.

J. Submit monthly to the Board of Supervisors a written statement of all permits, violations, and stop-work orders recommended or promulgated.

K. Review and issue determinations on applications from landowners seeking to register a use or structure as legally nonconforming, in accordance with the terms of Section 1802 of the Ordinance.

SECTION 1903. BUILDING PERMITS

A building permit shall be required, in accordance with regulations promulgated by the Township, where a building or structure is to be erected, constructed, reconstructed, structurally altered, or moved. Application for and issuance of a building permit, and the work to be performed under the terms of any building permit, shall conform to the requirements of the Pennsylvania Uniform Construction Code.

SECTION 1904. REQUIREMENT FOR USE AND OCCUPANCY PERMIT

A. It shall be unlawful for any person to use or occupy any building, other structure, or land until a use and occupancy permit has been duly issued.

B. A use and occupancy permit shall be required prior to any of the following:

1. Use and occupancy of any building or other structure hereafter erected or altered for which a building permit is required.
2. Change in the use of any building or structure or any part thereof.
3. Use of land or change in the use thereof, except that the use of vacant land or change in use for cultivation shall not require a use and occupancy permit.
4. Change in use or extension of a nonconforming use.
5. Operation of any home occupation as may be provided under terms of the Ordinance.

C. It is the responsibility of the property owner to notify the Zoning Officer of a change in use of a building or structure or any part thereof or the completion of any activity authorized by a building permit.

SECTION 1905. APPLICATION FOR USE AND OCCUPANCY PERMIT

Any application for a use and occupancy permit shall be made in writing by the landowner or his authorized agent on a form furnished by the Township. The application shall contain all information necessary to enable the Zoning Officer to determine compliance with the Ordinance and other applicable regulations. As determined by the Zoning Officer, applications shall be accompanied by:

A. One copy of any approved plot plan, land development plan, or other data and information deemed appropriate by the Zoning Officer to evaluate compliance with the Ordinance and other applicable regulations.

B. One copy of the architectural plans for any proposed building or structure under application.

SECTION 1906. ISSUANCE OF USE AND OCCUPANCY PERMIT

A. No use and occupancy permit shall be issued until the Zoning Officer has certified that the proposed use complies with all provisions of the Ordinance and all other applicable regulations of the Township, Chester County, and the Commonwealth of Pennsylvania, and has inspected the property to confirm compliance.

B. Within fifteen (15) days after receipt of the application, the Zoning Officer shall either approve or deny the application and notify the applicant accordingly. If the application is denied, the Zoning Officer shall provide the applicant, in writing, the reasons for the denial.

C. Upon approval of an application, the Zoning Officer shall issue a use and occupancy permit to the applicant for the use indicated on the approved application.

D. Upon request, the Zoning Officer may issue a temporary use and occupancy permit for a period not to exceed six (6) months to enable partial occupancy of a building pending completion of construction or alteration. The Zoning Officer may attach conditions and safeguards to such a temporary occupancy permit to protect the occupants and the public.

SECTION 1907. PERMITS FOR TEMPORARY USES

A. The Zoning Officer may issue a permit for the following temporary uses:

1. Sales and construction trailers.

   Temporary structures, located on a tract undergoing development, that are utilized for construction management purposes may, while serving that function, remain on the tract only during active development of the property. Removal shall occur immediately upon completion of the development process. Sales trailers may be located on such a tract only during active development of the property, but shall be removed no later than one (1) year following the start of construction.

2. Temporary dwelling units.

   A temporary dwelling unit, whether stationary or mobile, may be p laced on a lot where an existing dwelling has been damaged or destroyed and is being rebuilt, or is being remodeled. The applicant shall demonstrate that a permanent use, in compliance with the applicable terms of the Ordinance, is being pursued with due diligence and that the temporary dwelling unit will be utilized for the minimum practical time period and removed immediately upon the expiration of that period. The temporary use permit shall be issued for a time period not to exceed one (1) year, and may be extended only in accordance with the terms of the Pennsylvania Uniform Construction Code.

B. A use and occupancy permit shall be required prior to the utilization of any temporary structure, and shall be issued only in accordance with the terms of this section.

C. Any temporary structure shall comply with all applicable area and bulk regulations for the zoning district in which it is to be situated.

SECTION 1908. OFFICIAL RECORDS

Official records in zoning matters shall be kept on file at the Township office. These records shall include, but not be limited to, all applications received, copies of all permits issued, copies of orders and findings of the Zoning Hearing Board, written complaints of alleged violations, records of all inspections made, a current copy of the Ordinance and all amendments, the Zoning Map, and all other pertinent information. The records, including the written statement of all permits issued and violations and stop work orders recommended or promulgated, shall be available for the use of the Township government and inspection by any interested party during normal office hours.

SECTION 1909. CONDITIONAL USE PROCEDURES AND GENERAL STANDARDS

A. Statement of Intent

The Ordinance provides for certain uses to be permitted as conditional uses. In so providing, the Board of Supervisors recognizes that these uses may or may not be appropriate at every location within any specific zoning district and, accordingly, has established standards and criteria by which it can evaluate and decide upon applications for such uses. In the sole discretion of the Board, failure to comply with these standards may be deemed a basis for the imposition of appropriate conditions on a grant of approval.

B. Submission and Content of Application

1. It shall be the burden of the applicant to demonstrate compliance with the standards and criteria for conditional use contained in this Section and with all other relevant stipulations of the Ordinance, and to indicate means by which potential impacts from the proposed use will be mitigated.
2. An application for a conditional use shall be made on a form provided by or otherwise acceptable to the Township. The Township shall notify all adjacent lot owners of said application for a conditional use and advise them of the date, time, and place of the conditional use hearing; however, non-receipt of such notice by any property owner shall not invalidate the conditional use process prescribed by this Section. The application shall be accompanied by a fee, the amount of which shall be as set forth in a resolution of the Board of Supervisors. Five (5) copies of the application with all supporting documents shall be submitted.
3. A generalized site plan shall be submitted as part of any conditional use application. It is not intended that such a plan be engineered or contain a fixed architectural layout, such as would be required under the Township Subdivision/Land Development Ordinance. The plan shall, however, demonstrate compliance with all applicable standards for approval of the conditional use. The site plan shall identify all owners of lands contiguous to the subject property.

C. Procedure

1. The application shall be reviewed initially by the Zoning Officer. If it is deficient with regard to any required components, procedures, or fees, the Zoning Officer shall so notify the applicant. This review and notification shall occur prior to the scheduling of a public hearing on the application. If such identified deficiencies are not remedied in the form of a resubmitted application, such deficiencies shall constitute grounds for denial of the application by the Board of Supervisors subsequent to public hearing.
2. Upon receipt of an application for conditional use, the Board of Supervisors shall promptly send copies of the application and all supporting materials to the Township Planning Commission and, as appropriate, the Chester County Planning Commission and/or the Chester County Health Department.
3. The Township Planning Commission shall promptly review and consider the application and all supporting materials, and shall return the application and all supporting materials to the Board of Supervisors, along with its recommendation

thereon, within forty-five (45) days from the date upon which the application was submitted.

4. Upon receipt of the Township Planning Commission's recommendations, the Board of Supervisors shall hold a public hearing, pursuant to public notice, at which the application shall be considered. The hearing shall be held within sixty (60) days of the date upon which the application was submitted.
5. A stenographic record of the hearing proceedings shall be made by a court reporter.
6. The plan presented at the public hearing shall be essentially the same as that reviewed by the Planning Commission. Changes deemed by the Planning Commission to be substantial may, upon written concurrence by the applicant, result in rescheduling the public hearing where the Planning Commission finds that such changes necessitate a greater period of time for review and comment.

D. Determination by the Board of Supervisors.

1. The Board of Supervisors shall, within forty-five (45) days after the last hearing, render a written decision which shall either:

   a. approve the application as presented;
   b. disapprove the application as presented, including findings of fact or conclusions on which the decision was based; or
   c. approve the application subject to reasonable conditions as it may deem necessary to implement the purposes of the Ordinance.

2. In granting an application for conditional use approval, the Board of Supervisors may waive or modify applicable area and bulk regulations and design standards when said waiver or modification is deemed by the Board of Supervisors to be in the public interest and in furtherance of the goals as set forth in the Ordinance.
3. If the Board of Supervisors approves the application and accompanying generalized site plan, such approved plan shall accompany: (i) any application for subdivision or land development as prescribed by the Township Subdivision/Land Development Ordinance, in addition to the detailed plans normally required, and (ii) any application for a building permit or use and occupancy permit. The issuance or denial of such permit shall take place in the regularly prescribed manner herein pertaining to permits, but shall be preceded by compliance with the Township Subdivision/Land Development Ordinance.
4. Any grant of conditional use approval shall be deemed null and void six (6) months from the date of such approval if, within that period, no application is made for:

   a. a building permit;
   b. a use and occupancy permit; or
   c. subdivision or land development, as appropriate,

unless the Board of Supervisors shall grant an extension.

E. General Standards

In considering any application for conditional use permitted by the Ordinance, the Board shall apply the standards and criteria for special exceptions contained in Section 2002 of the Ordinance, in addition to the express standards and criteria set forth in any other relevant section of the Ordinance.

SECTION 1910. DETERMINATION OF FEES

A. Permit Applications

Application fees for permits governed by the Ordinance, including use and occupancy permits, temporary use permits, sign permits, and building permits, shall be paid in accordance with a fee schedule adopted by resolution of the Board of Supervisors.

B. Applications or Appeals before the Board of Supervisors or Zoning Hearing Board

1. Upon submission of an application or appeal before either the Board of Supervisors or the Zoning Hearing Board, the applicant shall deposit an amount of money in accordance with a schedule of applicant expenses, adopted by resolution of the Board of Supervisors.
2. If, at any time, the charges then made against the applicant's deposit shall reduce the remaining balance to an amount less than fifteen percent (15%) of the initial deposit amount and thereby render the balance insufficient to insure payment of all expenses that may accrue in the disposition of the pending appeal or application, the applicant shall, upon notice from the Township, provide additional deposits to assure adequate funds to pay such expenses as they may accrue. The failure of the Township or the Zoning Hearing Board to require and obtain additional deposits from time to time shall not relieve the applicant from liability for expenses in excess of deposits. Any amount deposited in excess of actual final expenses shall be refunded to the applicant.
3. The applicant shall be responsible for all costs related to the public hearing that are authorized by and consistent with the Municipalities Planning Code. Responsibility for the costs of a conditional use hearing shall be the same as those specified in the Municipalities Planning Code for a hearing before the Zoning Hearing Board.

C. An application for conditional use, special exception, variance, validity challenge, curative amendment, petition for a zoning change, or appeal shall not be deemed complete or to have been filed until all application fees, charges, and expenses have been paid in full. Required fees shall accompany the application.

SECTION 1911. MUNICIPAL LIABILITY

The granting of any permit under the Ordinance shall create no liability upon, nor a cause of action against, any Township official or employee for damages or injury that may occur from the use, construction, or enlargement of structures or the use of land.

SECTION 1912. MEDIATION OPTION

Parties to proceedings authorized in the Ordinance may utilize mediation as an aid in completing such proceedings. Any such mediation procedure shall be conducted in accordance with the terms of Section 908.1 of the Municipalities Planning Code, as amended.

ARTICLE XX
ZONING HEARING BOARD

SECTION 2000. GENERAL

A. Appointment.

1. The Zoning Hearing Board shall consist of three residents of the township appointed by resolution by the Board of Supervisors. The Zoning Hearing Board members shall serve terms of three years, so fixed that the term of office of one regular member shall expire each year and so that the terms of a maximum of alternate members expires each year. Members of the Zoning Hearing Board shall hold no other office in the township.
2. Alternate members. Alternate members may be appointed at the option of the Board of Supervisors and may serve within the provisions of the Pennsylvania Municipalities Planning Code, as amended. Alternate members may participate fully in all proceedings of the Zoning Hearing Board, to include hearing evidence, questioning witnesses, and deliberating the outcome, except an alternate member shall not vote on the outcome of a motion unless having been named by the Chairman of the Zoning Hearing Board to replace a regular member of the Board for the hearing under consideration.

B. Vacancies. The Zoning Hearing Board shall properly notify the Board of Supervisors of any vacancies which occur. Appointments to fill vacancies shall be only for the unexpired portion of a term.

C. Removal. Any Zoning Hearing Board member may be removed for just cause by a majority vote of the Board of Supervisors, if the member has received fifteen (15) days' notice of the intent to take such vote. A hearing shall be held in connection with the vote if the member shall request it in writing.

D. Organization.

1. The Zoning Hearing Board shall elect officers from its own membership. Officers shall serve annual terms and may succeed themselves.
2. For the conduct of any hearing and taking of any action, a quorum shall be not less than a majority of all members of the Zoning Hearing Board. But where two members are disqualified to act in a particular matter, the remaining members may act for the Zoning Hearing Board.
3. The Zoning Hearing Board may make, alter and rescind rules and forms for its procedure, consistent with all applicable municipal ordinances and laws of the commonwealth.
4. The applicant shall pay all fees, as established by the Board of Supervisors, for all proceedings, hearings and actions by the Zoning Hearing Board.

E. Board jurisdiction.

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

   a. Substantive challenges to the validity of the zoning ordinance, except those brought before the Board of Supervisors pursuant to 53 P.S. § 10609.1 and 53 P.S. § 10916.1 of the Pennsylvania Municipalities Planning Code.
   b. Challenges to the validity of the zoning ordinance raising procedural questions or alleged defects in the process of enactment or adoption, which challenges shall be raised by an appeal taken within 30 days after the effective date of said chapter or amendment.
   c. Appeals from the determination of the Zoning Officer, including but not limited to the granting or denial of any permit or failure to act on the application therefor, the issuance of any cease and desist order or the registration or refusal to register any nonconforming use, lot or structure.
   d. Appeals from a determination by the Township Engineer or Zoning Officer with reference to the administration of floodhazard regulations of the township.
   e. Applications for variances from the terms of the zoning ordinance and/or floodhazard regulations of the township, pursuant to 53 P.S. § 10910.2 of the Pennsylvania Municipalities Planning Code.
   f. Applications for special exceptions under the zoning ordinance, pursuant to 53 P.S. § 10912.1 of the Pennsylvania Municipalities Planning Code.
   g. Appeals from the determination of any officer or agency charged with the administration of any transfers of development rights or performance density provisions of the zoning ordinance.
   h. Appeals from the Zoning Officer's determinations under 53 P.S. § 10916.2 of the Pennsylvania Municipalities Planning Code.
   i. Appeals from the determination of the Zoning Officer or Township Engineer in the administration of any zoning ordinance or other land use ordinance with reference to sedimentation and erosion control and stormwater management, insofar as the same relate to development not involving Article V applications of the Pennsylvania Municipalities Planning Code.

2. Records and reports. The Zoning Hearing Board shall keep full records of its proceedings, which records shall be the property of the township, and shall file such records with the Township Secretary immediately following their decisions. These records shall form a public record.

F. Application Procedures. Application procedures shall be as set forth in Subsection 2004.

SECTION 2001. APPEALS FROM THE ZONING OFFICER

A. Parties appellant. All appeals from the Zoning Officer may be filed with the Zoning Hearing Board, in writing, by the landowner affected, any officer or agency of the township or any person aggrieved.

B. Appeals. All appeals from a decision of the Zoning Officer and applications to the Zoning Hearing Board shall be in writing on forms prescribed by the Zoning Hearing Board as set forth in Subsection 2004. Every appeal or application shall include the following:

1. The name and address of the applicant or appellant.
2. The name and address of the owner of the property to be affected by such proposed change or appeal, and a list of adjoining property owners and tax parcel identification numbers.
3. A brief description and location of the property to be affected by such proposed change or appeal.
4. A statement of the present zoning classification of the property in question, the improvements thereon and the present use thereof.
5. A statement of the section of the zoning ordinance under which the appeal is made and reasons why it should be granted, or a statement of the section of the zoning ordinance governing the situation in which the alleged erroneous ruling is being appealed and the reasons for this appeal.
6. A reasonably accurate description of the additions or changes intended to be made under this application, indicating the size, material and general construction of such proposed improvements. A plot plan of the property to be affected, indicating the location and size of the lot and the size of existing and intended improvements, shall be attached to the description.

C. Time limit. Unless otherwise specified by the Zoning Hearing Board, a decision on any appeal shall expire if the applicant fails to obtain any necessary permit or comply with the conditions of said authorized permit within one year from the date of authorization thereof.

D. Appeal from the Zoning Hearing Board. In the case of an appeal from the Zoning Hearing Board to the Court of Common Pleas, the Zoning Hearing Board shall make the return of the record required by law, and shall promptly notify the Township Solicitor of such appeal and furnish him with a copy of the return of the record, including the transcript of testimony. Any decision of the Zoning Hearing Board not appealed within thirty (30) days after notice thereof shall be final.

SECTION 2002. SPECIAL EXCEPTION PLAN, PROCEDURES AND CONDITIONS

This section sets forth conditions and procedures which must be met before a special exception use can be approved by the Zoning Hearing Board and be granted a permit.

A. Plan requirements. All applicants for a special exception use must submit an application as set forth in Subsection 2004 and any supporting documentation as required by the Zoning Officer when making application for a permit. If the application is considered a land development or subdivision it must also meet the following site plan requirements:

1. A statement as to the proposed use of the building or land.
2. A site layout drawn to a scale of not less than one inch equals fifty (50) feet showing the location, dimensions and height of proposed buildings, structures or uses and any existing buildings in relation to property and street lines. If the application relates to property which is scheduled to be developed in successive stages, such plans shall show the relationship of the portion scheduled for initial development to the proposed layout of the entire property.
3. The location, dimensions and arrangements of all open spaces and yards and buffer yards, including methods and materials to be employed for screening.
4. The location, size, arrangement and capacity of all areas to be used for motor vehicle access, off-street parking, off-street loading and unloading and provisions to be made for lighting such areas.
5. The dimensions, location and methods of illumination for signs, if applicable.
6. The location and dimensions of sidewalks and all other areas to be devoted to pedestrian use.
7. Provisions to be made for treatment and disposal of sewage and industrial wastes, water supply and storm drainage.
8. The capacity and arrangement of all buildings used or intended to be used for dwelling purposes, including the proposed density in terms of number of dwelling units per acre of land.
9. A description of any proposed industrial or commercial operations in sufficient detail to indicate effects of those operations in producing noise, glare, air pollution, water pollution, fire hazards, traffic congestion or other safety hazards.
10. Description of methods to be employed in controlling any excess noise, air pollution, smoke, fumes, water pollution, fire hazards or other safety hazards.

B. Standards for special exceptions. The Zoning Hearing Board shall approve a proposed special exception if the applicant demonstrates compliance with the following:

1. All of the standards of Article XVII.
2. The applicable standards in Section 1603.
3. The Subdivision and Land Development Ordinance, as amended, except that the Zoning Hearing Board shall defer to the Board of Supervisors for determination of technical compliance with such ordinance.
4. All applicable federal, state and township laws and regulations.

C. Conditions for special exceptions. The Zoning Hearing Board shall consider all of the general standards as well as any specific standards that may be listed for the proposed use. The Zoning Hearing Board may impose reasonable conditions on a special exception

use as it determines are necessary to ensure compliance with township ordinances and state and federal regulations; to protect the public health and safety; and to ensure compatibility and avoid nuisances among nearby uses.

SECTION 2003. VARIANCES

A. Applicant. Requests for a variance may be filed with the Zoning Hearing Board, in writing in accordance with Subsection 2004, on forms prescribed by the Zoning Hearing Board, by any landowner or any tenant with written permission of the landowner.

B. Standards for a variance. The Zoning Hearing Board may grant a variance, provided that all of the following findings, where relevant, are made in a given case.

1. That there are unique physical circumstances or conditions (including irregularity, narrowness or shallowness of lot size or shape or exceptional topographical or other physical conditions peculiar to the particular property) and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of the zoning ordinance in the neighborhood or district in which the property is located.
2. That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the zoning ordinance and a variance is therefore necessary to enable the reasonable use of the property.
3. That such unnecessary hardship has not been created by the appellant.
4. That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially nor permanently impair the appropriate use or development of adjacent property nor be detrimental to the public welfare.
5. That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

C. Additional conditions and safeguards. In granting any variance, the Zoning Hearing Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of the zoning ordinance and the Pennsylvania Municipalities Planning Code, as amended.

D. Time limit. If a permit is not obtained and actual construction commenced within one year of the issuance of a variance, such variance shall lapse and be null and void.

E. Persons with disabilities. After having received a complete written application, the Zoning Hearing Board may grant a variance to specific section(s) of the zoning ordinance if the applicant proves to the clear satisfaction of the Zoning Hearing Board that such modifications are necessary to provide a reasonable accommodation under the Americans With Disabilities Act, 42 U.S.C. § 12101 et seq., and/or the Federal Fair Housing Act

and/or applicable state law, as amended, to serve persons who the applicant proves have disabilities as defined in and protected by such laws.

SECTION 2004. HEARINGS AND PROCEDURES

A. Parties appellant before Board. Appeals under 53 P.S. § 10909.1(a)(1), (2), (3), (4), (7), (8) and (9) of the Pennsylvania Municipalities Planning Code, as amended, may be filed with the Zoning Hearing Board, in writing, by the landowner affected, any officer or agency of the township or any person aggrieved. Requests for a variance and for a special exception may be filed with the Zoning Hearing Board by any landowner or any tenant with the written permission of such landowner.

B. Time limitations.

1. No person shall be allowed to file any proceeding with the Zoning Hearing Board later than 30 days after any application for development, preliminary or final, has been approved by an appropriate township officer, agency or body if such proceeding is designed to secure reversal or to limit the approval in any manner unless such person alleges and proves that he had no notice, knowledge or reason to believe that such approval had been given. If such person has succeeded to his interest after such approval, he shall be bound by the knowledge of his predecessor in interest.
2. The failure of anyone other than the landowner to appeal from an adverse decision on a tentative or preliminary plan pursuant to 53 P.S. § 10909 of the Pennsylvania Municipalities Planning Code or from an adverse decision by a Zoning Officer or a challenge to the validity of the zoning ordinance or Zoning Map pursuant to 53 P.S. § 10916.2 of the Pennsylvania Municipalities Planning Code (regarding validity of ordinance) shall preclude an appeal from a final approval except in the case where the final submission substantially deviates from the approved tentative or preliminary approval.
3. All appeals from determinations adverse to the landowners shall be filed by the landowner within thirty (30) days after notice of the determination is issued.

C. Application for a Hearing.

1. Parties appellant before the Board shall make application on forms available from the Zoning Officer. Applications shall not be accepted without all required elements for the action requested, and payment of the appropriate fee. Applicants shall provide eighteen copies of the application and any drawings, sketches, plans or supporting documentation relevant to the application. Distribution of the copies shall be as follows:

a.	Zoning Hearing Board:	five (5) sets
b.	Planning Commission:	seven (7) sets
c.	Board of Supervisors:	three (3) sets

d. Township Solicitor: one (1) set
e. Township File: two (2) sets

2. The Township may make copies to complete the number of required sets at the prevailing rate set by the Board of Supervisors.

D. Stay of proceedings. Fifty-three P.S. § 10915 of the Pennsylvania Municipalities Planning Code, as amended, shall apply, and is hereby included by reference within the zoning ordinance.

E. Hearings. The Zoning Hearing Board shall conduct hearings and make decisions in accordance with the following:

1. Notice of hearings. Notice of all hearings of the Zoning Hearing Board shall be given as follows:

a. Public notice shall be published at least twice in a newspaper of general circulation in the township. The first publication shall not be more than thirty (30) days nor less than seven days from the date of the hearing. The notice shall state the time and place of the hearing and the particular nature of the matter to be considered. Notice of such hearing shall also be posted on the affected tract of land at least one week prior to the hearing.
b. Notice shall be given to the applicant, the Zoning Officer, the Planning Commission, the Board of Supervisors, all adjacent property owners to the subject property and any other persons or group, including civic or community organizations who have made a timely request for such notice by personally delivering or mailing a copy of the published notice.
c. In any matter which relates to a property which lies within five hundred (500) feet of the boundary of another municipality, the Secretary of the Zoning Hearing Board shall transmit to the municipal clerk of the other municipality a copy of the official notice of the public hearing on such matters, not later than one day after publication thereof. The other municipality shall have the right to appear and to be heard at the public hearing.
d. The Board of Supervisors may establish reasonable fees, based on cost, to be paid by the applicant for any notice required by the zoning ordinance and by persons requesting any notice not required by the zoning ordinance.

2. Time of hearings. The hearing shall be held within sixty (60) days from the date of the applicant's request, unless the applicant has agreed, in writing, to an extension of time.
3. Parties. The parties to the hearing shall be the township, any person affected by the application who has made timely appearance of record before the Zoning Hearing Board and any other person, including civic or community organizations permitted to appear by the Zoning Hearing Board. The Zoning Hearing Board

shall have power to require that all persons who wish to be considered parties enter appearances, in writing, on forms provided by the Zoning Hearing Board for that purpose.

4. Oaths and subpoenas. The Chairman or Acting Chairman of the Zoning Hearing Board presiding shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.
5. Representation by counsel. The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on all relevant issues.
6. Evidence. Formal rules of evidence shall not apply, but irrelevant, immaterial or unduly repetitious evidence may be excluded.
7. Record. The Zoning Hearing Board or the hearing officer, as the case may be, shall keep a stenographic record of the proceedings. The appearance fee for a stenographer shall be shared equally by the applicant and the Board. The cost of the original transcript shall be paid by the Zoning Hearing Board if the transcript is ordered by the Board or hearing officer or shall be paid by the person appealing from the decision of the Board if such appeal is made, and in either event the cost of additional copies shall be paid by the person requesting such copy or copies. In other cases, the party requesting the original transcript shall bear the cost thereof.
8. Ex parte communications. The Zoning Hearing Board shall not communicate, directly or indirectly, with any party or his representatives in connection with any issue involved, except upon notice and opportunity for all parties to participate. The Zoning Hearing Board shall not take notice of any communication, reports, staff memoranda or other materials except advice from their solicitor unless the parties are afforded an opportunity to contest the material so noticed. After the commencement of hearings, the Zoning Hearing Board shall not inspect the site or its surroundings with any party or his representative, unless all parties are given an opportunity to be present.
9. Referral to Planning Commission. All applications to the Zoning Hearing Board shall be referred to the Planning Commission for review. The Planning Commission shall provide any comments to the Board of Supervisors within thirty-one (31) days of such referral. The Board of Supervisors shall then have the authority to determine any official position of the township with respect to the application. However, the Zoning Hearing Board shall act upon an application without having received comments of the Planning Commission or Board of Supervisors when such action is required to meet time limitations under state law.
10. Decision/findings. The Zoning Hearing Board shall render a written decision, or when no decision is called for make written findings on the application, within 45 days after the last hearing before the Zoning Hearing Board. All conclusions based on any provisions of the Pennsylvania Municipalities Planning Code, as amended, or of the zoning ordinance shall contain a reference to the provisions relied on and the reasons why the conclusion is deemed appropriate in light of the facts found. When the Zoning Hearing Board fails to render the decision within the period required by the zoning ordinance or fails to hold the required hearing within sixty

(60) days from the date of the applicant's request for a hearing, the decisions shall be deemed to have been rendered in favor of the applicant, unless the applicant has agreed, in writing, to an extension of time.

11. Notice of decision.

a. A copy of the final decision, or where no decision is called for a copy of the findings, shall be delivered to the applicant personally or mailed to him not later than the day following its date. The Zoning Hearing Board shall provide (by mail or otherwise) a brief notice of the decision or findings and a statement of the place where the full decision or findings may be examined to all other persons who have filed their name and addresses with the Zoning Hearing Board not later than the last day of the hearing.

b. When a final decision has been rendered in favor of the applicant because of the failure of the Zoning Hearing Board to meet or render a decision as hereinabove provided, the township shall give public notice of said decision within 10 days in the same manner as provided in Subsection 2004.d.1.(a).

SECTION 2005. VALIDITY OF THE ZONING ORDINANCE

Fifty-three P.S. § 10916.1 et seq. and 53 P.S. § 10609.1 et seq. of the Pennsylvania Municipalities Planning Code, as amended, shall apply and such sections are hereby included into the zoning ordinance by reference.