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Part 1

Introductory Provisions

§101. Short Title. This Chapter shall be known, and may be cited as, the "East Coventry Township Zoning Ordinance of 2008." (Ord. 147, 8/11/2008, §100)

§102. Statement of Community Development Objectives. The objectives of this Chapter are derived from and conform to the comprehensive planning process and other planning activities of East Coventry Township and its policies for resource protection, land use, growth management, housing, circulation, and the provision of community facilities and services. The particular objectives for community development which East Coventry Township seeks to achieve through this Chapter are those contained in the East Coventry Comprehensive Plan of 2003, consistent with the requirements for such as prescribed in §606 of the Pennsylvania Municipalities Planning Code (MPC), Act 247, as amended. Those particular objectives, as articulated among the overall set of Community Goals and Objectives within the Comprehensive Plan, are as follows:

A. To preserve, protect and manage the Township's natural resources including streams and other water bodies, wetlands, woodlands, and wildlife habitats, preclude development in floodplains and on steep slopes and poor soils.

B. To protect the Township's valuable cultural and historic resources from degradation or destruction and promote the adaptive reuse of older buildings and structures, and enhance residents' experience of the Township's environmental resources through the protection of scenic landscapes and roads.

C. To conserve the Township's agricultural lands and encourage the long term viability of agricultural operations and the supporting agricultural industry.

D. To provide for development in an orderly manner that preserves the rural character of the Township by guiding higher density residential, commercial and industrial development to areas with accommodating zoning, compatible and supportive land uses, available infrastructure, and other urban facilities and services.

E. To provide for a variety of housing types and densities to meet current and future residents' needs. [Ord. 152]

F. To promote the use of flexible and creative planning, open space management, land stewardship, and engineering practices to facilitate protection and enhancement of the natural, cultural, agricultural, scenic, historic and recreational resources of the Township.

G. To promote innovative development designs that enhance their surroundings by means of building scale and orientation; incorporate surrounding historic and cultural features; provide proper traffic circulation, on-site parking and site access; incorporate high quality architecture and site landscaping; retain scenic views; and establish adequate buffers to separate incompatible land uses.

H. To promote a safe, efficient transportation system and to provide adequate and efficient community facilities and services within the Township.

(Ord. 147, 8/11/2008, §101; as amended by Ord. 152, 12/8/2008, §I

§103. Interpretation. In the interpretation and application of this Chapter, the provisions thereof shall be held to be the minimum requirements for the promotion of the public health, safety and general welfare. Where the provisions of this Chapter impose greater restrictions than those of any other ordinance or regulation, the provisions of this Chapter shall be controlling. Where the provisions of any statute, other ordinance or regulation impose greater restrictions than this Chapter, the provisions of such statute, ordinance or regulation shall be controlling. Where the provisions of this Chapter impose time limitations on actions by the Township, its Board of Supervisors, its Planning Commission, the Township Engineer or any other agencies, which time limitations are not required by the Pennsylvania Municipalities Planning Code or other applicable statute, or which are shorter than required by the Pennsylvania Municipalities Planning Code or other applicable statute, the time limitations set forth in this Chapter shall be deemed directory and not mandatory, and any longer time periods provided by the Pennsylvania Municipalities Code or other applicable statute shall prevail. (Ord. 147, 8/11/2008, §102)

§104. Scope. From and after the effective date of this Chapter, the use of all land, every building or portion of a building erected, altered in respect to height or area, added to, or relocated, and every use hereinafter established within any building or property or use accessory thereto in East Coventry Township shall be in conformity with the provisions of this Chapter. Any building, structure or use of a building or land existing at the effective date of this Chapter which is not in conformity herewith may be continued, extended or changed only in accordance with the regulations herein contained relating to nonconforming buildings and uses. (Ord. 147, 8/11/2008, §103)

§105. Other Applicable Regulations. Specific references herein to other applicable regulations, e.g., Pennsylvania Department of Environmental Protection, are not in limitation of and do not waive the applicability of any other regulations not specifically referenced. Any applicable regulation more stringent than those herein shall apply. Preemption of any regulation herein by regulation of other authority shall not be presumed. Applicability of this Chapter shall be determined by the Zoning Officer in consultation with the Township Solicitor. Such determination shall be documented. (Ord. 147, 8/11/2008, §106)

Part 2

Definitions

§201. Interpretation.

1. Except as otherwise expressly stated in this Chapter or where the context clearly indicates otherwise, and subject to other provisions of this Section: (A) words and phrases appearing in this Chapter, which are defined in this Part or other provisions of this Chapter, shall be construed according to such definitions; and (B) words and phrases not defined in this Part or other provisions of this Chapter shall be construed according to their common and approved usage, provided that any such undefined words and phrases, which are technical words and phrases or such others as have acquired a peculiar and appropriate meaning, shall be construed according to such technical and appropriate meaning. Words used in the present tense include the future. The singular includes the plural and the plural the singular. The masculine gender includes the feminine and the neuter. The words “shall” or “must” are mandatory. The word “person” includes an individual, corporation, partnership, incorporated association or other similar entity. The words “includes” or “including” shall not limit the term to the specified example but is intended to extend its meaning to all other instances of like kind and character. The phrase “used for” includes “arranged for,” “designed for,” “intended for,” “maintained for,” or “occupied for.”

2. Any reference in this Chapter to any ordinance of the Township, to any Federal or State law or statute, or to any regulation, study, map or survey issued or prepared by the Board of Supervisors, or any officer or official of the Township, and/or by any Federal or State public body, or a public officer or official thereof, shall include such ordinance, law, statute, regulation, study, map, and survey, with all amendments and supplements thereto, and any new ordinance, law, statute, regulation, study, map, and survey substituted for the same, as in force at the time of application hereunder.

3. Any reference in this Chapter to any governmental agency, department, board, commission or other public body or to any public officer or other public official shall include an entity or official which or who succeeds to the same functions as those performed by such public body or official at the time of application hereunder.

(Ord. 147, 8/11/2008, §200)

§202. Definitions.

ABANDONMENT - an intentional and absolute relinquishment and cessation of a use without intention to resume such use for a period of time, or the voluntary discontinuance of a use for a continuous period of time.

ACCESSORY BUILDING (STRUCTURE) - a subordinate building or structure, the use of which is entirely incidental to that of the principal or main building or structure, used for an accessory use and located on the same lot.

ACCESSORY USE - a use customarily incidental and subordinate to and located on the same lot occupied by the principal use to which it relates.

ADULT COMMUNITY - a residential community that is intended and operated

for occupancy by persons aged fifty-five (55) and older, is governed by a declaration of covenants, conditions and restrictions that limits the occupancy of dwellings to persons aged fifty-five (55) and older, and otherwise qualifies as "housing for older persons" in accordance with the Fair Housing Act, as amended, 42 U.S.C. §§3601 et seq. (2007) and its implementing regulations. [Ord, 184]

ADULT-ORIENTED USE - any adult bookstore, adult cabaret, adult mini-picture theater, adult theater or massage establishment, as defined herein and which, under §5903 of the Crimes Code, 18 Pa.C.S. §5903, must exclude minors or may not knowingly distribute to minors.

A. ADULT BOOKSTORE - a commercial establishment, having as a substantial or significant portion of its stock in trade, whether for sale or rental, books, magazines, videos, novelties, or other materials which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "specific sexual activities" as defined herein.

B. ADULT CABARET - a cabaret, tavern, theater, or club which features strippers, male or female impersonators or similar entertainers who exhibit, display, or engage nudity, sexual conduct or sado-masochistic abuse, as defined in §5903 of the Crimes Code, 18 Pa.C.S. §5903.

C. ADULT MINI-MOTION PICTURE THEATER - an enclosed building offering video presentations distinguishing or characterized by an emphasis on matters depicting, describing or relating to "specified sexual activities," as defined herein, for observation by patrons within private viewing booths and/or by use of token or coin operated projectors or other video machines.

D. ADULT THEATER - any business, indoor or outdoor, that exhibits a motion picture show or other presentation that, in whole or in part, depicts nudity, sexual conduct or sadomasochistic abuse, as defined in §5903 of the Crimes Code, 18 Pa.C.S. §5903.

E. MASSAGE ESTABLISHMENT - any establishment or business which provides the services of a massage or body manipulation, including exercises, heat and light treatments of the body, and all forms and methods of physiotherapy, unless operated by a medical practitioner, chiropractor or professional physical therapist licensed by the State. This definition does not include an athletic club, school, gymnasium, reducing salon, spa or similar establishment where massage or similar manipulation of the human body is offered as an incidental or accessory service.

AGRICULTURE - the cultivating of the soil, the raising and marketing of livestock and poultry, dairying and the marketing of products of the soil that are produced on the premises including, but not by way of limitation, nursery, horticultural and forestry products, but excluding commercial swine and commercial poultry facilities. The keeping of horses or dogs, and any similar animals considered as domestic pets, for domestic purposes shall not be considered an agricultural use.

AGRICULTURE, INTENSIVE - intensive agriculture shall include, but is not limited to, the following activities: the raising of poultry, mushroom

houses, fattening pens and hog farming, and similar agricultural activities. The characteristics of intensive farming shall include the following: relatively small lot areas, strong offensive odors, substantial stormwater runoff, large concentrations of animal waste, noise, extensive use of chemicals, compost and manure storage.

AGRICULTURAL PRODUCTS - for the purpose of permitting off-premises directional signs, under §1314(18) of this Chapter, agricultural products shall include only fruits, vegetables, flowers, and/or Christmas trees, (A) which are grown or raised on the subject property, and (B) which are grown or raised elsewhere and brought to the subject property for sale, provided that such products grown or raised elsewhere do not constitute more than forty percent (40%) of the total dollar value of agricultural products being offered for sale on the subject property at any particular time.

AGRICULTURAL SECURITY AREA - an area of the Township comprising more than five hundred (500) acres of land used for the agricultural production of crops, livestock and livestock products under the ownership of one (1) or more persons and designated as such by the procedures set forth in the Agricultural Area Security Law, Act of June 30, 1981, P.L. 128, No. 43, as amended, 3 P.S. §901 et seq.

AGRICULTURALLY SUITED SOILS - soils classified by the United States Department of Agriculture, Soil Conservation Service, in the Soil Survey of Chester and Delaware Counties, 1963. The term, unless otherwise specified, refers to Land Capability Classes I, II and III that are those soils that may be considered prime agricultural soils.

AMUSEMENT PARK - a commercial establishment, including permanent buildings and/or other structures erected for entertainment purposes. Such entertainment may include rides, booths for the conduct of games or sale of merchandise, buildings for shows and other forms of entertainment, and restaurants.

ANTENNA ARRAY - one or more rods, panels, disks or similar devices used to radiate or capture a transmission or reception of electromagnetic waves, which may include omnidirectional antenna (rod), directional antenna (panel) and parabolic antenna (disk). The antenna array does not include the support structure defined below. [Ord. 174]

APARTMENT - see "dwelling types."

APPLICANT - a landowner, developer or equitable owner, as hereinafter defined, who has filed an application for subdivision and/or land development with the Township, including his heirs, personal representatives, successors and assigns. When pertaining to a wireless communications facility, any person that applies for a wireless communications facility building permit, zoning approval and/or conditional use approval. [Ord. 174]

AREA STABILIZATION - the establishment and maintenance of a suitable vegetative cover; the application of mulches or mechanical devices such as a wood fiber blanket or erosion control netting; the erection of dikes or other structures or barricades to prevent erosion.

ASSISTED LIVING COMMUNITY - a managed residential development, licensed by the Commonwealth of Pennsylvania, consisting of one or a combination of dwelling types, as defined herein and common facilities such as common rooms, entertainment facilities, auditorium, chapel, dining facilities, kitchen and food preparation facilities, laundry facilities, administrative offices,

medical examination facilities, limited treatment and therapy facilities or similar uses, and providing assistance with activities of daily living such as meal service, laundry service, housekeeping, social and recreational activities and transportation, in a group setting to persons who require help or aid with activities of daily life, but do not require skilled nursing care.

ASSISTED LIVING FACILITY - see "personal care facility."

ATTACHED WIRELESS COMMUNICATIONS FACILITY - a wireless communications facility of which some component is attached to an attachment structure. [Ord. 174]

ATTACHMENT STRUCTURE - an existing structure which is thirty-five (35) or more feet in height and is suitable for the support of a wireless communications facility, but which has been designed and constructed for another purpose. Such existing structures shall include, but not be limited to, utility poles, high tension power line towers, signs, water towers and municipally owned towers. [Ord. 174]

BARN - a structure designed to shelter animals weighing more than two hundred (200) pounds.

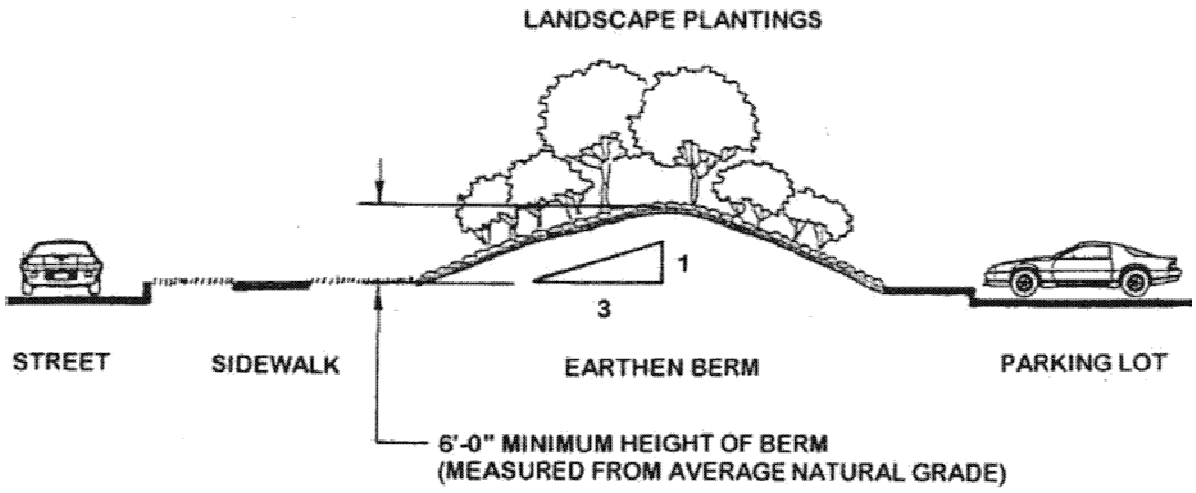
BASE FLOOD - the flood selected to serve as the basis on which the floodplain management provisions of this Chapter have been prepared; the one hundred (100) year flood.

BASE FLOOD ELEVATION - the one hundred (100) year flood elevation. Within the approximated floodplain, the base flood elevation shall be established as a point on the boundary of the approximated floodplain that is nearest to the site in question.

BASEMENT - that portion of a building that is partly below and partly above grade and has at least one-half (1/2) its height, measured from the finished floor to the finished ceiling, below the average grade of the adjoining ground. A basement shall be counted as a story if the vertical distance between the ceiling and the average level of the adjoining ground is more than five (5) feet or is used for business or dwelling purposes, other than a game or recreation room and/or a garage.

BED-AND-BREAKFAST FACILITY - a dwelling containing guest rooms available for short-term overnight rental and providing breakfast service to overnight guests.

BERM - an earthen structure, a minimum of six (6) feet in height with a 1:3, height to width, slope along its length and at its ends, designed as an integral part of a landscape screen, as illustrated below.



BLOCK - an area of land bounded by streets, roads, or other types of rights-of-way.

BOARD OF SUPERVISORS - the Board of Supervisors of East Coventry Township, Chester County, Pennsylvania.

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

BUFFER (BUFFER AREA, BUFFER YARD) - a designated area of land, containing a landscaped screen, as defined herein, between two (2) uses intended to protect one use from another use that is incompatible, or to provide privacy between two (2) uses, or intended to protect the view(s) of or from a use.

BUILDING - any structure, permanently located on the ground, having enclosing walls and a roof; a mobile home and a trailer used or to be used for human occupancy. [Ord. 152]

BUILDING CODE - the provisions of Part 1, entitled "Building Codes," and Part 2, entitled "Uniform Construction Code," of Chapter 5 of the Township of East Coventry Code of Ordinances, subject to the replacement of the provisions of Part 1 by the provisions of Part 2 as provided by §§204 and 207 of Part 2.

BUILDING COVERAGE - the ratio of the total ground floor area of all buildings on a lot to the total area of the lot on which they are located or the percentage of the lot area covered by buildings.

BUILDING FOOTPRINT - the calculated square footage of any building or structure as determined by the outside face of the foundation at grade level, and which includes any roofed overhangs that are supported by posts or additional foundation support. [Ord. 184]

BUILDING HEIGHT - the vertical distance from the grade plane, as defined herein, to the average height of the highest roof.

Also see "basement." For structures other than buildings, see "height."

[Ord. 152]

BUILDING INSPECTOR - the officer or other designated authority charged with the administration and enforcement of the Building Code [Chapter 5, Part 1, §101].

BUILDING PERMIT - a document issued and signed by the Building Inspector authorizing the erection, alteration, or enlargement of a building or structure. The document shall indicate that the proposed activity complies with the applicable codes and ordinances of the Township.

BUILDING, PRINCIPAL - a building or structure in which is conducted or intended to be conducted or designed to be conducted, the principal use of the lot on which the building or structure is located. [Ord. 184]

BUILDING SETBACK LINE (BUILDING LINE) -

A. Except in the case of an interior lot, the building setback line shall be a line, within and extending the full width of a lot, parallel to the street line and setback a distance therefrom equal to the depth of the minimum required front yard. To the extent that the street line is curved, the building setback line shall be concentric therewith. In the case of an interior lot (where preexisting or approved by relief), the building setback line shall be a line, within and extending the full width of the lot, which is (1) parallel to the intervening lot line nearest the street line, and (2) setback from such intervening lot line a distance equal to the depth of the minimum required front yard.

B. For the purpose of measuring lot width at and along the building setback line, the following shall apply:

(1) Except as otherwise provided in subsection (2), below, the building setback line, for the purpose of measuring lot width, shall be the minimum building setback line as defined in subsection (A), above.

(2) In the case of a lot having its entire street frontage within the turnaround, measured from reverse curve to reverse curve, of a cul-de-sac street, the building setback line, for the purpose of measuring lot width, shall be a curved line that is (a) parallel to and concentric with the street line, and (b) set back from the street line a distance equal to at least the depth of the minimum required front yard but in no case more than twice the depth of the minimum required front yard.

[Ord. 184]

BULK - a term used to describe the size of buildings or other structures and their relationship to each other, to open areas such as yards and/or lot lines and includes: the size, height and floor area of a building or other structure; the relation of the number of dwelling units in a residential building to the area of the lot (usually called density); and all open areas in yard space relating to buildings and other structures.

BUS SHELTER - a frame-like structure enclosed on a minimum of two (2) sides built to mark an existing bus stop of a regional transportation system

and to shelter pedestrians from the weather while waiting for buses in a public or private regional transportation system. Bus shelters may contain limited advertising space in accordance with §1314, "Signs," of this Chapter.

CALIPER - the diameter of a tree, where required to be planted under this Chapter, measured in inches at six (6) inches from the ground surface.

CAMPGROUND OR RECREATIONAL VEHICLE PARK - a lot or land upon which two or more campsites or recreational vehicle sites, tents or other individual camping units are located, established, or maintained for occupancy by recreational vehicles of the general public as temporary living quarters for recreational or vacation purposes utilized on a seasonal basis.

CAMPSITE OR RECREATIONAL VEHICLE SITE - a plot of ground within a recreational vehicle park intended for the accommodation of a recreational vehicle, tent, or other individual camping unit for seasonal use.

CARPORT - a roofed-over structure, open on at least two (2) sides, used in conjunction with a dwelling for parking or other temporary storage of private motor vehicles.

CARTWAY - that portion of a street or alley paved or otherwise intended for vehicular traffic. Where vertical curbs are provided, the area between the sides of the curbs facing the cartway shall be included in the cartway.

CARTWAY, MINOR - a separate and subordinate cartway within the right-of-way of a major street or road which is parallel to, and connected at controlled intervals with, the principal cartway and which serves as the means of access to abutting lots; a service road.

CEMETERY - land used or intended to be used for the burial of the deceased, including crematories, mausoleums, mortuaries and pet cemeteries when operated in conjunction with the cemetery and located on such land as used for the cemetery.

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

CERTIFIED HISTORIC DISTRICT - an historic district that has been delineated by the Township and certified for historical significance by the Pennsylvania Historical and Museum Commission in accordance with the Historic District Act.

CERTIFIED HISTORIC STRUCTURE - a building or structure identified by the Township which is listed in the National Register of Historic Places or located within a registered historic district and certified by the Secretary of the Interior as being of historical significance to the district.

CHURCH - a building used for divine public worship and education by a

congregation, but excluding buildings used exclusively for residential, burial, recreational or other uses not normally associated with worship. The term "church" shall also include temples, synagogues, mosques and other similar places of worship.

CLEAR-CUTTING - the felling of all trees on a tract of land or any portion thereof, at one time.

CLEAR SIGHT TRIANGLE - an area of unobstructed vision at a street intersection, defined by lines of sight between points at a given distance from the intersection measured on the centerlines of the streets.

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

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

COMMERCIAL SWINE FACILITY - the raising of hogs or pigs for sale or for profit as the principal use on the lot, but not including the incidental raising of hogs or pigs as an accessory use to a principal agricultural use.

COMMERCIAL POULTRY FACILITY - the raising of any form of poultry for sale or for profit as the principal use on the lot, but not including the incidental raising of chickens, turkeys or geese for domestic consumption on the premises as an accessory use to a principal agricultural use.

COMMON AREA - any real estate designated for common ownership solely by the unit owners in a condominium, any real estate within a planned community which is owned by or leased to the homeowners' association, or any area or space designed for joint use of tenants occupying a mobile home development. [Ord. 184]

COMMON OPEN SPACE or OPEN SPACE - a parcel, parcels of land, greenway, an area of water or a combination of land and water designed and intended for the use or enjoyment of the residents, consisting of landscaped or natural terrain including lakes and streams. Common open space shall be substantially free of buildings (but may include such buildings or other improvements as are in the development plan as finally approved and as are appropriate for the recreational uses). Common open space shall not include street rights-of-way, yards, required areas for buildings, off-street parking areas or similar functions. Common open space may include recreational uses such as tennis courts, squash courts, playgrounds, golf courses, swimming pools or other like uses. Common open space may also include stormwater detention or retention facilities, provided that the area devoted to such facilities shall not be included as part of the required minimum open space area. For ownership purposes, any open space owned by the Township shall be considered "public open space;" all other open spaces shall be considered "private open space." [Ord. 184]

COMPREHENSIVE PLAN - the document adopted on May 19, 2003, by the Board of Supervisors, in accordance with the provisions of Act 247, as the Comprehensive Plan for the Township of East Coventry, including the Pottstown Metropolitan Regional Comprehensive Plan, dated August 2005, and as adopted by the Board of Supervisors on December 19, 2005, and any amendments thereto. [Ord. 184]

COMPLETELY DRY SPACE - for the purposes of administering the floodplain

district provisions, a space that will remain totally dry during flooding; the structure is designed and constructed to prevent the passage of water and water vapor.

CONDITIONAL USE - a use which is permitted in a particular zoning district pursuant to express standards and criteria prescribed for such use in this Chapter. A conditional use is allowed (possibly with conditions attached) or denied upon application to the Board of Supervisors pursuant to public notice and hearing, and recommendation by the Planning Commission as set forth in Part 14.

CONDITIONAL USE DEVELOPMENT PLAN - the written and graphic material as described in Part 14 of this Chapter, §1402(F), and, as applicable, §§1404 and 1405.

CONDOMINIUM - real estate, portions of which are designated for separate ownership, and the remainder of which is designated for common ownership solely by the owners of those portions, and is created under the Pennsylvania Uniform Condominium Act, P.L. 286, Act No. 82, as amended, 68 Pa.C.S.A. §3101 et seq. A form of ownership of real property, not a type of use. Real estate is not a condominium unless the undivided interests in the common elements are vested in the unit owners. [Ord. 184]

CONSERVANCY/SANCTUARY LOT - a privately owned lot comprised primarily of open land. The purpose of the conservancy/sanctuary lot is to provide surrounding residents with visual access to open space land, while keeping the land under private ownership and maintenance. Except for the portion of the lot specifically designated for the house, yard and related accessory uses, the remainder must be deed restricted and used in conformance with the standards for open space as set forth in this Chapter. Public access to conservancy/sanctuary lots is not required.

CONSERVATION PLAN - a plan for the conservation of precipitation and soils meeting the standards established and revised from time to time by the Pennsylvania Department of Environmental Protection, the Chester County Conservation District and by the Natural Resources Conservation Service, U.S. Department of Agriculture. See §306(1) of the Subdivision and Land Development Ordinance [Chapter 22].

CONSTRUCTION - any disturbance of the existing surface of the land or the erection of structures thereon, including the cutting of trees or clearing of brush; provided, however that the entering upon the premises for purposes of surveying, staking, or the clearing of lines necessary to obtain data on existing conditions shall not be deemed "construction."

CONTINUING CARE RETIREMENT COMMUNITY (FACILITY) - a managed residential development, authorized to operate by the Commonwealth of Pennsylvania, designed to provide a range of senior housing options, specialized services, support and security and three (3) levels of health care including independent living, assisted living, and long-term and short-term skilled nursing care, together with an array of ancillary facilities intended to meet the social, recreational, cultural and religious needs of the residents.

CONVALESCENT CARE FACILITY - see "nursing home."

CONVENIENCE STORE - a retail establishment that sells a variety of prepared and non-prepared foods, beverages, over-the-counter drugs, sundries and household supplies, which may also include the retail sale of motor vehicle fuels provided such fuels sale is clearly incidental to the said

retail sale of foods, beverages, drugs, sundries and supplies.

CONVERSION - an alteration of a building, structure, historic resource or land by change of use, theretofore existing, to a new use which imposes other special provisions of a law governing building construction, equipment, exits or zoning regulations. In the case of dwelling units, the creation of two (2) or more dwelling units within an existing single-family detached dwelling, with the resulting units each having independent kitchen, bath, and sleeping facilities. [Ord. 184]

COUNTY PLANNING COMMISSION - the Planning Commission of Chester County, Pennsylvania.

CUL-DE-SAC - a single access local street intersecting another street at one end and terminated at the other end by a permanent vehicular turnaround.

CULTURAL STUDIO - a facility used for providing to the public instruction in the performing arts, limited to dance, music, and theater, and the fine ads, including drawing, painting, photography and sculpture.

DAM SAFETY AND ENCROACHMENT ACT - Act of November 26, 1978, P.L. 1375, No. 325, as amended, 32 P.S. §693.1 et seq.

DATUM - used as a basis for calculations or measurements as a level from which elevations are measured in surveying.

DAY CARE CENTER - the land and buildings the principal use of which is the supervision and care of seven (7) or more individuals and including staffed professional supervision necessary to serve such purposes. Such use may, but need not, be in support of and operated by another nonresidential use. Education may be an ancillary use in connection with the day care function. Care shall be exercised on a daily basis only and the facilities of a day care center shall not include provisions for overnight accommodation. Operation of a day care center may be by a public agency, a private nonprofit organization or a private commercial entity and shall be licensed by the Commonwealth of Pennsylvania. This term shall include "child care center" and "day care home," the latter defined as a single-family detached dwelling where day care services are provided for as many as six (6) individuals, none of whom is related to the caregiver.

DBH - the diameter of a tree at breast height measured three and one-half (3.5) feet from the ground surface.

DECIBEL (dBA) - a unit for expressing the relative intensity of sounds on a scale from zero (0) for the average least perceptible sounds to about one hundred thirty (130) for the average pain level.

DEMOLITION BY NEGLECT - the absence of routine maintenance and repair which can lead to a building's or structure's structural weakness, decay and deterioration resulting in its demolition.

DEMOLITION OR DEMOLISH - the razing or destruction, whether entirely or in significant part, of the exterior of a building, structure, or historic resource. Demolition includes the removal of a building or structure from its site or the removal, stripping, concealing or destruction of an historic resource, including, without limitation, the facade or any significant exterior architectural features that are integral to the historic character of the resource, for whatever purpose, including new construction or

reconstruction. [Ord. 184]

DENSITY, GROSS - the total number of dwelling units existing and/or to be constructed on a lot or tract divided by the total gross area thereof, as defined herein as "gross lot area" or "gross tract area," expressed in dwelling units per acre.

DENSITY NET - the total number of dwelling units existing and/or proposed to be constructed on a lot or tract divided by the total net area thereof, as defined herein as "net lot area" or "net tract area," expressed in dwelling units per acre.

DEPARTMENT OF HEALTH - the Department of Health of the Commonwealth of Pennsylvania, or its representative having jurisdiction in the Township.

DETENTION BASIN - a structure designed to retard surface water runoff for a period of time sufficient to provide for a reduced rate of discharge through a controlled outlet, and to retard the velocity and cause the deposition of sediment, and as a means of preventing erosion. For the purpose of calculating the net lot or net tract area, the area of a detention basin shall be measured as twenty (20) feet outward from the 100-year storm event elevation contour within the basin, or as recommended by the Township Engineer and approved by the Board of Supervisors. [Ord. 184]

DEVELOPER - any landowner, agent of such landowner, or tenant with the permission of such landowner, who makes or causes to be made a subdivision of land or a land development.

DEVELOPMENT/LAND DEVELOPMENT -

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

B. The improvement of one (1) lot or two (2) or more contiguous lots, tracts or parcels of land for any purpose involving:

(1) A group of two (2) or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot, or lots, regardless of the number of occupants, whether owners or renters.

(2) The division or allocation of land or space, whether initially or cumulatively, between or among two (2) or more existing or prospective occupants by means of, or for the purpose of, streets, common areas, leaseholds, condominiums, building groups or other features.

(3) The following shall be excluded from the definition of development/land development: (a) the conversion of an existing single-family detached dwelling or a single-family semi-detached dwelling into not more than three (3) dwelling units unless such units are intended to be a condominium; and (b) the addition of an accessory building, including farm buildings, on a lot or lots, subordinate to an existing principal building.

DEVELOPMENT PLAN - the provisions for development including a plat of subdivision, all covenants relating to use, location and bulk of buildings and other structures, intensity of use or density of development, streets, ways and parking facilities, common open space and public facilities. The phrase "provisions of the development plan," when used in this Chapter, shall mean the written and graphic materials referred to in this definition.

DEVELOPMENTAL DISABILITY - a disability of a person which has continued, or can be expected to continue indefinitely, which disability is attributable to mental retardation, cerebral palsy, epilepsy or autism; is found to be attributable to any other condition found to be closely related to mental retardation because such condition results in similar impairment of general intellectual functioning or adaptive behavior to that of mentally retarded persons or requires treatment and services similar to those required for such persons; or is attributable to dyslexia resulting from such disability. A developmentally disabled person shall mean a person having a developmental disability as defined above.

DIRECT ILLUMINATION - a means of lighting a sign or other object by means of a light source which is located within or directly on the sign or other object to be lit.

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

DRIVEWAY ORDINANCE - the East Coventry Township Driveway Ordinance, adopted July 19, 2004, as amended, codified at Part 1 of Chapter 21 of the Township of East Coventry Code of Ordinances. [Ord. 184]

DUMP - any lot upon which trash, debris and other refuse are periodically and illegally deposited; not a permitted use.

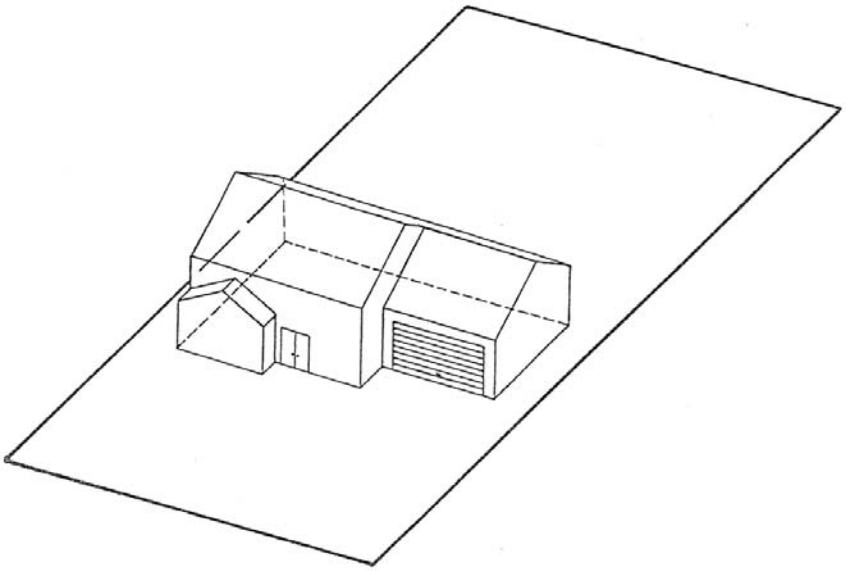
DWELLING - a building consisting of one or more dwelling units designed and occupied principally for residential purposes. [Ord. 184]

DWELLING MOBILE/MANUFACTURED HOME - a transportable, single-family dwelling intended for permanent occupancy, contained in one (1) unit, or in two (2) or more units designed to be joined into one (1) integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations and constructed so that it may be used without a permanent foundation. [Ord. 184]

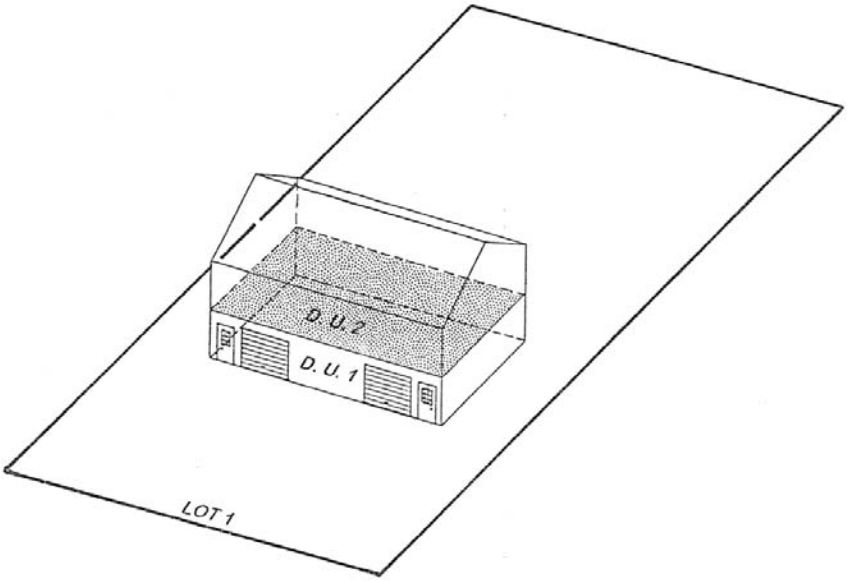
DWELLING UNIT - a room or group of rooms within a building used, intended to be used or capable of being used as a complete housekeeping facility for one (1) family, providing living, sleeping, cooking, dining and sanitary facilities. [Ord. 184]

DWELLING TYPES - it is the intention to include within this definition of dwelling types all recognized housing types, architectural types or building types, or combinations thereof, including, but not necessarily limited to, single-family detached, single-family attached dwellings, duplex or twin dwellings, fourplex dwellings, condominiums, apartments, and the like, whether such dwelling units are for lease or for sale.

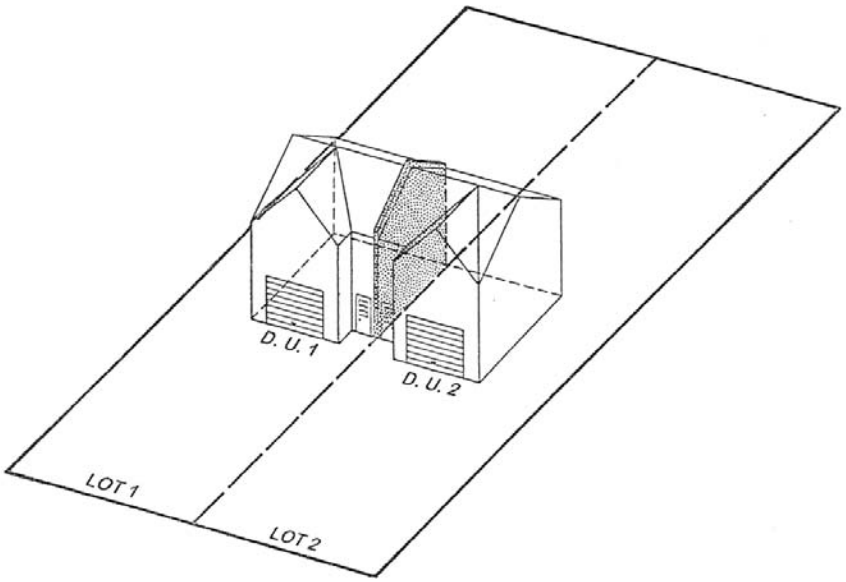
A. SINGLE-FAMILY DETACHED - a building designed for and occupied as a residence, containing one (1) dwelling unit and having no common or party wall with an adjacent dwelling.



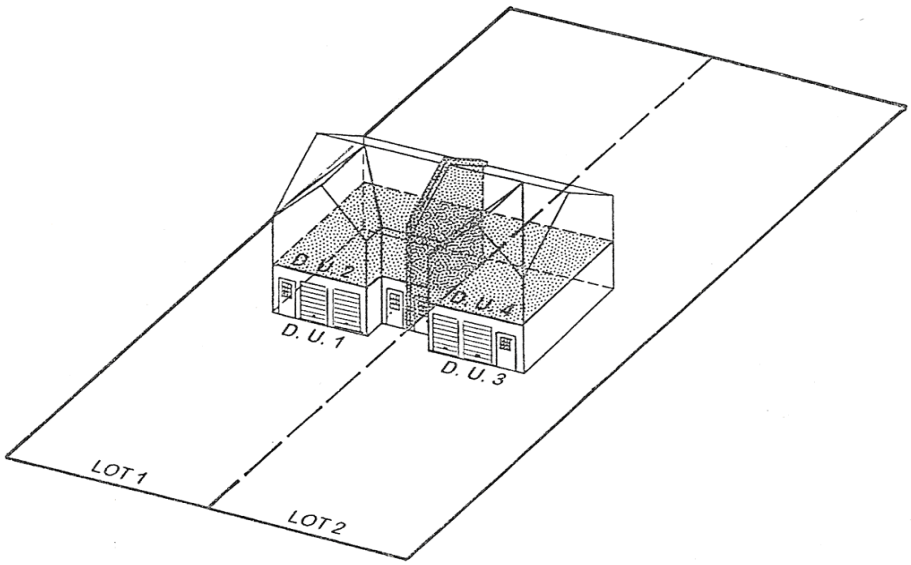
B. TWO-FAMILY DETACHED - a building designed for and occupied as a residence containing two (2) dwelling units and having no common or party wall with any adjacent dwelling.



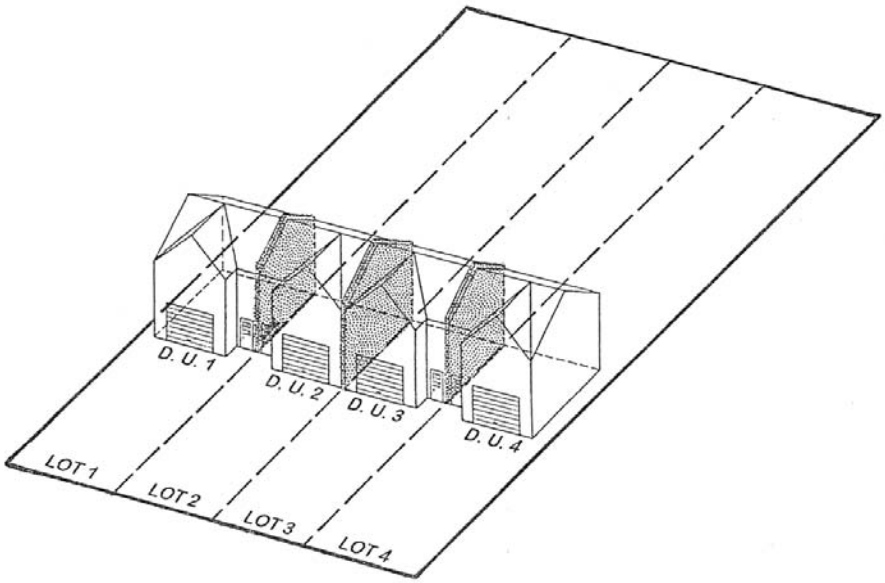
C. SINGLE-FAMILY SEMI-DETACHED - a building designed for and occupied as a residence, containing one (1) dwelling unit and having a common or party wall with another building, and having yards on all but one (1) side.



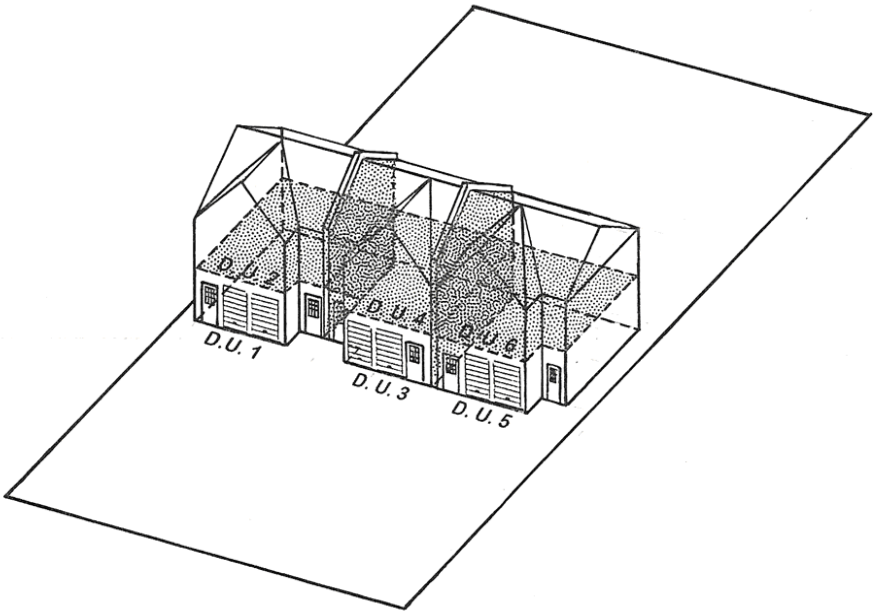
D. TWO-FAMILY SEMI-DETACHED - a building designed for and occupied as a residence, containing two (2) dwelling units and having a common or party wall with another building, and having yards on all but one (1) side.



E. SINGLE-FAMILY ATTACHED - an attached building, arranged, designed and intended for the exclusive occupancy as a residence for one (1) family, each building separated by common, or party, wall which does not provide access between buildings, and each building having at least one (1) separate entrance from the outside. Each single-family attached building at the end of a building group shall have one (1) side yard in accordance with the applicable district regulations.



F. TWO-FAMILY ATTACHED - a building designed for and occupied as a residence, containing two (2) dwelling units and having two (2) or more common or party walls with other buildings, with the exception that a two-family attached building at the end of a building group shall have one (1) common or party wall with another building and shall have one (1) side yard in accordance with the applicable district regulations.

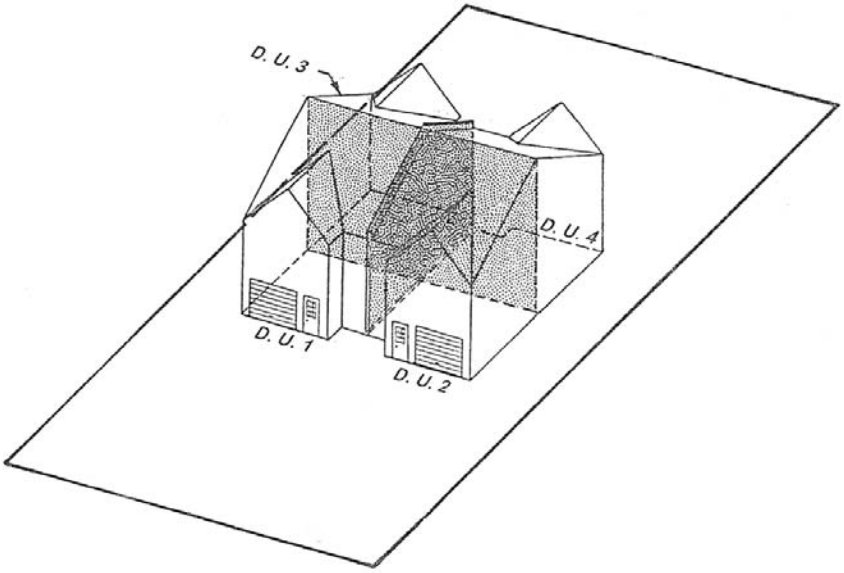


G. MULTI-UNIT - a building designed for and occupied as a residence, containing three (3) or more dwelling units. Multi-unit shall include, but not necessarily be limited to, apartment houses and garden apartments.

H. ROW HOME - a single-family attached dwelling as defined herein.

I. GARDEN APARTMENTS - a multi-unit building, not exceeding three (3) stories in height, containing three (3) or more separate dwelling units in which no more than six (6) dwelling units have common hallways and entrances. The term shall not be construed to include single-family attached dwellings.

J. Single-Family Attached (Adult Community) - A building designed for and occupied as a residence, containing four (4) dwelling units, each having two (2) common or party walls between it and another dwelling unit in the building.



EARTH TONE COLOR - as applied to the light emitting diodes of electronically controlled signs, a color scheme that draws from a color palette of browns, tans, grays, and greens, such colors being muted and flat in an emulation of the natural colors found in soil and rocks.

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

EASEMENT, CONSERVATION - a legal agreement between a property owner and an appropriate conservation organization or governmental entity through which the property owner establishes certain use restrictions, which may include, without limitation, historic resource facade easements, over all or portions of the property for conservation purposes. [Ord. 184]

EDUCATIONAL USE - land and/or buildings specifically designed, arranged, and intended for the primary purpose of education, including pre-school, elementary, and secondary schools, or colleges, either private or public, including schools relating to religious organizations and vocational schools.

EFFECTIVE DATE OF THE ZONING ORDINANCE - the effective date of this Chapter shall be _____ except that, with respect to the subject matter of any amendment to this Chapter, the effective date of this Chapter shall mean the date on which the particular amendment became or becomes effective.

ELECTRIC SUBSTATION/FACILITY - buildings or structures and equipment erected and used for the purpose of transmission, switching or transforming of electrical current between customers and the utility company facilities, not including the storage of materials, trucks, repair facilities or housing of repair crews, such buildings or structures being effectively screened to

blend the installation with the surrounding landscape.

ENGINEER, TOWNSHIP - a professional engineer, licensed as such by the Commonwealth of Pennsylvania, duly appointed as the engineer for the Township.

EQUIPMENT FACILITY - any structure or enclosure used to contain ancillary equipment as a component of a wireless communications facility, including a building, cabinet, shelter, build-out of an existing structure, or pedestal. [Ord. 174]

EQUITABLE OWNER - a person who holds equitable title to real estate.

EQUITABLE TITLE - ownership by a person who does not have legal title to real estate; a trustor under a deed of trust.

ESSENTIALLY DRY SPACE - for purposes of administering the floodplain district provisions, a space which will remain dry during flooding, except for the passage of some water vapor or minor seepage; the structure is substantially impermeable to the passage of water.

ESTABLISHED FLOOD LEVEL - a point on the boundary of the floodplain area that is closest to the development site.

FAA - the Federal Aviation Administration. [Ord. 174]

FACADE - any exterior face of a building or structure. [Ord. 184]

FAMILY -

A. Any number of individuals, living together on a non-transient basis, legally related through blood, marriage, adoption or guardianship, including individuals placed for foster care by an authorized agency, or up to five (5) unrelated individuals living and cooking together and functioning as a single housekeeping unit using certain rooms and housekeeping facilities in common. Excluded from the definition of "family" are occupants of a club, fraternity house, lodge or rooming house.

B. A "family" shall also be deemed to include any number of mentally or physically handicapped persons occupying a dwelling unit as a single, nonprofit housekeeping unit, if such occupants are handicapped persons as defined in Title VIII of the Civil Rights Act of 1968, as amended, by the Fair Housing Amendments Act of 1988. Such unrelated individuals shall have the right to occupy a dwelling unit in the same manner and to the same extent as any family unit as defined in subsection (A) hereof.

FARM BUILDING - any building used for storing agricultural equipment or farm produce or products, housing livestock or poultry, or processing dairy products. The term "farm building" shall not include dwellings, but shall include a barn, silo, and incidental storage sheds.

FCC - the Federal Communications Commission. [Ord. 174]

FEEDLOT - any area where agricultural animals are held or maintained for the purpose of feeding or fattening for sale when not incidental to a farm.

FENCE - a freestanding assembly of wood, glass, metal, plastic, wire, wire mesh, masonry or vegetation, singly or in combination with other materials, two and one-half (2 1/2) feet high or higher, erected to secure or divide one (1) property from another or part of a property from a remaining

part, to assure privacy, to protect the property so defined or to enclose all or part of the property. A freestanding masonry wall is considered a fence. [Ord. 184]

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

FIRE LANE EASEMENT - a right-of way for a vehicular access roadway or driveway for the orderly and free passage, in all seasons and under all weather conditions, of fire apparatus and other emergency equipment to all necessary areas around buildings, facilities, developments.

FLAG - a piece of cloth, or other material, commonly bunting, of varying size, shape, color, and design, usually attached by one (1) edge to a staff or cord and used as an ensign, standard or a symbol.

FLOOD - a general and temporary inundation of land areas caused by the overflow of streams, rivers or other waters of the Commonwealth of Pennsylvania.

FLOOD ELEVATION, REGULATORY - the one hundred (100) year flood elevation plus a freeboard safety factor of one and one-half (1 1/2) feet.

FLOOD FRINGE - that portion of the one hundred (100) year floodplain outside the floodway.

FLOOD INSURANCE RATE MAP (FIRM) - the Flood Insurance Rate Map (FIRM) accompanying the Flood Insurance Study (FIS), effective September 29, 2006, and prepared for Chester County, Pennsylvania (all jurisdictions including East Coventry Township) by the Federal Emergency Management Agency (FEMA), or the most recent revision thereof, including all digital data developed as part of the Flood Insurance Study (FIS) as may be applicable to the Map.

FLOOD INSURANCE STUDY (FIS) - the Flood Insurance Study (FIS) accompanying the Flood Insurance Rate Map (FIRM), effective September 29, 2006, and prepared for Chester County, Pennsylvania (all jurisdictions including East Coventry Township) by the Federal Emergency Management Agency (FEMA), or the most recent revision thereof, including all digital data developed as part of the Flood Insurance Study (FIS).

FLOOD, ONE HUNDRED (100) YEAR - the highest level of flooding that, on the average, is likely to occur every one hundred (100) years, that has a one percent (1%) chance of occurring each year, as delineated by the Flood Insurance Rate Maps (FIRM) developed by the Federal Emergency Management

Agency.

FLOODPLAIN - a relatively flat or low land area that is subject to partial or complete inundation from an adjoining or nearby stream, river or watercourse, and/or any area subject to the unusual and rapid accumulation of the surface waters from any source. The limits of a floodplain area shall be as provided in §303(2)(A) of this Chapter.

FLOODPLAIN, APPROXIMATED - the approximated floodplain, corresponding to Zone A on the Federal Emergency Management Agency Flood Insurance Rate Maps, is the one hundred (100) year floodplain that is determined in the Federal Emergency Management Agency Flood Insurance Study by approximate methods. Because detailed hydraulic analyses are not performed for such areas, no base flood elevations or depths are shown within Zone A.

FLOODPLAIN DISTRICTS - the floodplain districts specifically described in Part 3 of this Chapter, including the FW Floodway Floodplain District, the FF Flood Fringe Floodplain District and the FA General Floodplain District. See Chapter 9, "Grading and Excavating," Part 1, "Stormwater Management," of the East Coventry Township Code of Ordinances.

FLOOD PLAIN MANAGEMENT ACT - Act of October 4, 1978, P.L. 851, No. 166, as amended, 32 P.S. §679.101 et seq.

FLOOD PROOFING - for purposes of administering the Floodplain District provisions, any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

FLOODWAY - the designated area of the one hundred (100) year floodplain required to carry and discharge flood waters of a given magnitude. For the purposes of this Chapter, the floodway shall be capable of accommodating a flood of the one hundred (100) year magnitude.

FLOOR AREA - the total enclosed area in the horizontal planes of a principal structure, and all accessory structures as measured from the outside face of all exterior walls.

FLOOR AREA, HABITABLE - the sum of the horizontal areas of all rooms used for habitation, exclusive, of the hallways, stairways, unfinished basements not included in height calculations, daylight basements, attics, bathrooms, closets, unheated areas, rooms without at least one (1) window or skylight, garages and accessory buildings.

FOOT-CANDLE (FC) - a quantitative unit for measuring illumination equivalent to the illumination produced by a plumber's candle (standard source) measured at a distance of one (1) foot. One (1) lumen per square foot.

FRONT LOT LINE - see "lot line, front."

GARAGE - an accessory building, one (1) story in height, or part, one (1) story in height, of a principal building, but excluding attached or integrated garages of a dwelling unit, used for the storage of motor vehicles, not exceeding a gross vehicle weight which would require for its operation a commercial drivers license, or for the storage of materials or equipment owned and used by the owner or tenant of the premises, and for the storage of not more than two (2) motor vehicles or materials and equipment owned and used by persons other than the owner or tenant of the premises. A

garage shall be limited to one (1) six hundred (600) square foot structure for each one (1) acre of lot area.

GARDEN SHED - an accessory structure, no greater than four hundred (400) square feet, for the storage of garden and lawn equipment or used as a workshop.

GEOLOGY AND WATERSHED BOUNDARIES MAP - Map 3, entitled "Geology and Watershed Boundaries," in the East Coventry Township Open Space, Recreation and Environmental Resources Plan.

GLARE - brightness in the field of view that is sufficiently greater than the amount of light to which the eye is adapted, to cause annoyance, discomfort or loss of visual performance and visibility.

GOLF COURSE, PUBLIC OR PRIVATE - a tract designed and improved for the playing of golf, with a minimum of two thousand eight hundred (2,800) yards of play in nine (9) holes. A golf course may include accessory uses such as a club house, snack bar, golf equipment pro-shop, driving range and practice areas, provided that these uses are clearly incidental and subordinate to the use of the property as a golf course and are intended to serve the users of the golf course. Private golf courses may also include swimming pools, tennis courts, and other recreational facilities provided solely for use by club members and their guests. Uses excluded from this definition include driving ranges as a principal use and pitch-and-putt or miniature golf courses.

GRADE, EXISTING - the elevation, relative to a given datum, of the ground surface prior to any excavation or fill.

GRADE, FINISHED - the elevation, relative to a given datum, of the ground surface after completion of any excavation or fill.

GRADE, PROPOSED - the elevation, relative to a given datum, of the ground surface to be achieved by excavation or fill.

GRADE PLANE - a reference plane representing the average of the finished grade adjoining a building at the exterior walls. Where the finished grade slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line or, where the lot line is more than six (6) feet from the building, between the building and a point six (6) feet from the building.

GROUP HOME - a dwelling operated by a responsible individual, family or organization with a program to provide a supportive living arrangement for individuals where special care is needed by the individual served due to age, emotional, mental or physical handicap. This definition shall expressly include facilities for the care of developmentally disabled persons. "Group homes" shall be licensed where required by an appropriate governmental agency, and a copy of such license must be delivered to the Township prior to the beginning of such use. "Group homes" shall be subject to the same limitations and regulations by the Township as a single-family dwelling. It is the express intent of this definition to comply with the requirements of the Fair Housing Amendments Act of 1988, P.L. 100-430.

HEALTH DEPARTMENT - the Chester County Health Department.

HEIGHT - for structures that are buildings, see "building height." For structures other than buildings, the height shall be the vertical distance measured from the elevation of the proposed mean level of the ground along

the front of the structure to its highest point. When referring to a tower or other support structure or attachment structure, the vertical distance measured from the finished grade of the ground (immediately adjacent to the tower or structure) to the highest point on the tower or other structure, including the base pad and any antenna or light beacon. [Ord. 174]

HELIPORT - an area to accommodate all phases of operation of rotor-wing aircraft (helicopters) with suitable space to allow development of service facilities as desired.

HELISTOP - an area on a roof or on the ground to accommodate touchdown and liftoff of rotor-wing aircraft (helicopters) for the purpose of picking up and discharging passengers or cargo, with no service facilities.

HERBACEOUS - plants that have no woody parts. Stems and branches remain green and soft and die down to the ground in winter.

HISTORIC DISTRICT ACT - the Act of June 13, 1961, P.L. 282, No. 167, as amended, 53 P.S. §8001 et seq.

HISTORIC RESOURCE - all buildings, sites, structures, objects and districts that are shown on the Historic Resources Map.

HISTORIC RESOURCES INVENTORY - an official list, appropriately documented, of historic resources in the Township and their classification as Class I, Class II and Class III.

HISTORIC RESOURCES MAP - a map adopted as part of this Chapter showing historic properties and their respective classifications.

HISTORIC SITE - a place where a significant event or pattern of events occurred.

HISTORICAL COMMISSION OR COMMISSION - the East Coventry Township Historical Commission established and created under and by this Chapter.

HOME-BASED BUSINESS, NO IMPACT - a business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and which involves no customer, client or patient traffic, whether vehicular or pedestrian, pickup, delivery or removal functions, to or from the premises, in excess of those normally associated with residential use. The business or commercial activity must satisfy the following requirements:

A. The business activity shall be compatible with the residential use of the property and surrounding residential uses.

B. The business shall employ no employees other than family members residing in the dwelling.

C. The display or sale of retail goods shall be limited to twenty (20) square feet of floor area, and there shall be no stockpiling of inventory of a substantial nature.

D. There shall be no outside appearance of a business use, including, but not limited to, parking, signs, or lights.

E. The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors, or electrical or electronic interference with radio or television reception, which is detectable in the neighborhood.

F. The business activity may not generate any solid waste or sewage discharge, in volume and type, which is not normally associated with residential use in the neighborhood.

G. The business activity shall be conducted only within the dwelling and may not occupy more than twenty-five percent (25%) of the habitable floor area.

H. The business may not involve any illegal activity.

HOME OCCUPATION - an activity conducted for profit by persons residing on the premises that is clearly subordinate to the principal use of the property as a single-family detached dwelling. Home occupations are divided into two (2) categories:

A. MINOR HOME OCCUPATION - a home occupation that has little or no impact on the area in which it is located and is defined by the following characteristics:

(1) The occupation is conducted by the inhabitants of the dwelling.

(2) The occupation does not involve customer or client visits to the dwelling and there is no direct sales of products.

(3) There is no exterior indication including, but not limited to, signs, advertising or other display, that a home occupation is located on the premises.

(4) Commercial delivery and pickup of goods and supplies is limited to no more than once a week, exclusive of normal postal and parcel service typically serving a residential area.

(5) The floor area devoted to the occupation does not exceed twenty-five percent (25%) of the floor area of the dwelling or five hundred (500) square feet, whichever is less.

B. MAJOR HOME OCCUPATION - a home occupation that requires additional review and regulation because of its potential impact on the area in which it is located. A major home occupation is specifically defined as a home occupation that does not meet one (1) or more of the criteria that defines a minor home occupation.

HOMEOWNERS ASSOCIATION - an association comprised exclusively of homeowners or unit owners, organized as a profit or nonprofit corporation or as an unincorporated association, and operated in accordance with approved bylaws, for the purpose of governing and operating the association and administering to the needs of residents through the management and maintenance of common property and facilities owned by the association or its members. [Ord. 184]

HOSPITAL - an accredited medical facility within which the diagnosis, treatment and care, both inpatient and outpatient, of human ailments are performed, but excluding facilities for the mentally retarded and the emotionally disturbed.

HOTEL, MOTEL, INN - a building or buildings arranged or intended for sheltering six (6) or more tourists or transient guests for compensation which may provide individual cooking facilities for guests, and providing sufficient off-street parking facilities adjacent or convenient thereto.

HOUSE, ROOMING - a dwelling in which weekly or monthly sleeping accommodations are provided for non-owners for rent to not more than five (5) guests whether or not the serving of meals is included, provided that there shall be at least five (5) off-street parking spaces on the lot of the rooming house.

HYDRIC SOILS - a soil that formed under saturated conditions. See Appendix in the Township Subdivision and Land Development Ordinance [Chapter 22] for list of hydric soils.

ILLUMINANCE - the quantity of light measured in foot-candles or lux.

ILLUMINATION - the density of luminous flux on a surface.

IMPERVIOUS SURFACE/COVER - any surface or constructed material, which is impenetrable to the passage of water or other liquids under normal conditions and thus produces stormwater runoff from precipitation. All buildings, including roof overhangs, parking areas, driveways, roads, sidewalks, stone driveways or parking areas, and other such areas in concrete or asphalt, shall be considered components of impervious cover. In addition, other areas determined by the Township Engineer to be impervious within the meaning of this definition shall also be considered as contributing to total impervious cover. For purposes of determining compliance with maximum impervious cover limitations on any lot or tract, impervious cover shall be measured as a percentage of net tract area, defined herein. [Ord. 184]

IN-LAW SUITE - a self-contained attached residential dwelling unit resulting from the conversion of an existing single-family detached dwelling into two (2) dwelling units and inhabited by at least one (1) person related by blood, marriage or legal adoption to the family members who live in the primary dwelling unit. The secondary unit shall contain a kitchen and bath facilities, have direct access to the outdoors or to a hall from which there is direct access to the outdoors and be physically subordinate to the primary unit that exists in the dwelling. [Ord. 186]

INDIRECT ILLUMINATION - a means of lighting a sign or other object by means of a light source which is located beyond the sign or other object to be lit but which is directed or reflected upon the sign or other object.

INDUSTRIAL USE - any use permitted in the LI Limited Industrial Zoning District that involves the fabrication, production, repair, alteration and/or storage of a product(s) within a building and/or outdoors. Such uses do not include customer oriented retail sales.

INSTITUTIONAL HOME - a public or private benevolent establishment devoted to the shelter, maintenance and care of (A) minor children, (B) homeless, aged or infirm persons, or (C) members of a religious community.

INTERIOR DRIVE - a paved surface providing vehicular access within and between parking areas and/or loading areas.

JUNKYARD - an area of land with or without buildings used for storage of used and/or discarded materials, outside a completely enclosed building including, but not limited to, wastepaper, rags, metal, building materials, house furnishings, machinery, parts thereof, or vehicles, thereof, with or without the dismantling, processing, salvage, sale or other use or disposition of the same. The deposit or storage on a lot of two (2) or more unlicensed, wrecked, or disabled vehicles, or the major part thereof, is a "junkyard" and shall not be permitted.

KENNEL - a not-for-profit establishment where five (5) or more pets are kept, trained, raised or bred, excluding boarding and grooming provisions unless as part of a private club's activities.

KENNEL, COMMERCIAL - a for profit establishment where five (5) or more pets, not owned by the owner or occupant of the premises, are kept, boarded, groomed, trained, raised or bred.

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

LAND DISTURBANCE - any activity which causes land to be exposed to erosion, including clearing, grading, filling and any other activity, excepting agricultural activities resulting in the movement of earth or stripping of vegetative cover or removal of hazardous or invasive alien vegetation (see definition of "woodland disturbance" under this Section of this Chapter; includes, without limitation, earthmoving. [Ord. 184]

LANDFILL - see "sanitary landfill."

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

LANDSCAPE SCREEN - the use of plant material, walls, fencing or earthen berms, or combinations thereof, to: (A) aid in the concealment of such features as parking and loading areas; (B) to provide privacy and/or protection between two (2) incompatible land uses; or, (C) to provide a visual and/or sound barrier. Where a wall, fence or berm is employed, such structures shall be not less than six (6) feet in height. The landscape screen shall meet the requirements of §428 of the Subdivision and Land Development Ordinance [Chapter 22]. [Ord. 184]

LANDSCAPING - the planting of turf or other appropriate ground cover or the planting of deciduous and evergreen trees and shrubbery, other than for agricultural purposes, and including the maintenance and replacement thereof, for control of erosion, retention of precipitation, protection against elements or promotion of human comfort and welfare.

LEVEL OF SERVICE - a description of traffic conditions along a given roadway or at a particular intersection. As defined by the Highway Capacity Manual, level of service, ranging from A to F, measures the operational conditions within a traffic stream in terms of such factors as speed, travel time, delay, freedom to maneuver, traffic interruptions, comfort and convenience. [Ord. 184]

LICENSE - as applied to mobile/manufactured home parks, shall mean written approval by the Township, a prerequisite of which shall be approval by the Department of Health and compliance with all applicable regulations of this Chapter and Part 5 of the Subdivision and Land Development Ordinance [Chapter 22].

LIGHT MANUFACTURING - the production or processing of materials by the employment of machines, soldering irons, stamping machines, kilns, aluminum banding devices and the like. Such activity is not likely to produce noises, odors, or other emissions detectable off the premises by a person having

normal senses.

LIGHT TRESPASS - light emitted by a lighting installation, which extends beyond the boundaries of the lot on which the installation is sited.

LIVESTOCK - horses, cattle, sheep or other large animals kept or raised on an agricultural property or on any property meeting the provisions of this Chapter. A large animal is one which stands over thirty (30) inches at the shoulder or weighs over two hundred (200) pounds.

LOADING SPACE - an area of land, upon a lot or lots upon which a principal use is located, which is provided and maintained for the exclusive purpose of the temporary parking of a commercial motor vehicle for the loading and/or unloading of merchandise or other materials related to the principal use of the lot or lots.

LOFT - an additional partial story of a dwelling which shall not exceed five hundred and fifty (550) square feet of floor area and shall include no more than one (1) finished bedroom and one (1) bathroom.

LOT - a designated parcel, tract or area of land established by a plat or otherwise as permitted by law and to be used, developed or built upon in accordance with this Chapter, the Subdivision and Land Development Ordinance [Chapter 22] and/or other applicable law. [Ord. 184]

LOT AREA GROSS - the area of land contained within the property lines of a parcel, tract or lot as described in the deed or as shown on an approved subdivision plan.

LOT AREA, NET - the gross lot area excluding the following areas:

A. Any area (1) within a street ultimate right-of-way; or (2) within any other ultimate right-of-way, whether public or private, that provides, or is intended to provide, access to more than one (1) lot by way of vehicular and/or pedestrian circulation.

B. Any area, easement or right-of-way to be used for emergency access, drives or fire lanes.

C. Any existing easements or rights-of-way for gas, oil, natural gas, electric or communications transmission facilities, whether below or above grade, that do not exclusively serve the lot.

D. Any area comprising a stormwater management facility.

E. Any easement area at and twenty (20) feet around the point of water discharge, whether below or above grade, comprising any stormwater management basin easement, drainage easement, and/or sanitary sewer easement.

F. Any area overlain by the one hundred (100) year floodplain.

G. Any area of prohibitive steep slope.

H. Any area of seasonally high water table soils and hydric soils.

I. Any area of wetlands.

J. Any riparian buffer area.

The net lot area shall be used to determine the area, bulk, coverage,

dimensional and density requirements as provided in this Chapter.

[Ord. 184]

LOT, CORNER - a lot at the junction of, and abutting on two (2) or more streets. [Ord. 196]

LOT, COVERAGE - the ratio or percentage of the total ground floor area of all buildings on a lot to the gross area of the lot on which they are located.

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

LOT FRONTAGE - the uninterrupted linear or curvilinear extent of a lot measured along the street right-of-way from the intersection of one (1) side lot line to the intersection of the other side lot line.

LOT INTERIOR - a lawful pre-existing lot, existing as of December 31, 2002, or lot approved to provide relief, having limited frontage on a public or private road where such frontage is intended primarily to provide access to the lot. The strip of land used for access shall be a fee simple part of the lot. An interior lot shall include, without limitation, a flag lot.

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

LOT LINE, FRONT - front lot line shall mean the line separating such lot from the ultimate street right-of-way.

LOT LINE, REAR - a line opposite and most distant from the front lot line. If the rear lot line is less than ten (10) feet in length, or if the lot forms a point at the rear, the rear lot line shall be deemed to be a line ten (10) feet in length within the lot, parallel to and at the maximum distance from the front lot line. In the case of a corner lot, any lot line that is not a front lot line or a side lot line.

LOT LINE SIDE - any lot line that is not a front or rear lot line. In the case of a corner lot, any lot line that intersects a front lot line may be considered a side lot line.

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

LOT WIDTH - the horizontal distance between the side lot lines of a lot (or in the case of a corner lot, between the side lot line and the opposite front lot line of the lot) measured at and along the building setback line. The measurement of lot width at and along the building setback line shall be as provided in and by the definition herein of "building setback line."

LOWEST FLOOR - for purposes of administering the floodplain district provisions, the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a

basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this Chapter.

MAN-MADE AREA - areas of land which have been disturbed or changed by grading or filling to such extent that the natural soil conditions no longer prevail.

MARSH - a low, constantly wet area, often fed by small intermittent streams, that supports unique plant, animal and insect life.

MEADOW - a plant community or area of vegetation dominated by grasses and/or forbs, often managed through annual or seasonal mowing.

MEDICAL CLINIC - a facility for the examination and treatment of ill and afflicted human outpatients provided, however, that the patients are not kept overnight except under emergency conditions. This includes doctors and dental offices and clinics.

MICROFACILITY - a wireless communications facility consisting of an equipment facility capable of being mounted onto the attachment or support structure of an antenna that is either:

A. No more than five (5) feet in height with a face area of not more than five hundred eighty (580) square inches.

B. If a tubular antenna, no more than four (4) inches in diameter and no more than seven (7) feet in length.

[Ord. 174]

MINIMIZE - to reduce to the smallest amount or extent possible. "Minimize" shall not mean complete elimination but shall require that the most substantial efforts possible under the circumstances have been taken to reduce the adverse effect(s) of the action required to be minimized. "Minimize" shall include, but not be limited to, the requirement that the placement of dwellings and other structures and the locations of roads, stormwater management facilities, and other land disturbance shall be planned and designed to reduce the adverse effect(s) of the activity in question to the smallest amount possible under the circumstances consistent with otherwise permitted development.

MINIMUM YARD - the minimum front, side or rear yard setback distance measured from its corresponding lot line of the lot as required by the applicable zoning district, which is open and unobstructed from the ground to the sky, except for permitted accessory structures and signs. [Ord. 172]

MINOR REPAIR - the replacement of existing work with equivalent materials for the purpose of a structure's routine maintenance and upkeep.

MITIGATION -

A. An action undertaken to accomplish one (1) or more of the following:

(1) Avoid or minimize impacts by limiting the degree or magnitude of the action and its implementation.

(2) Rectify the impact by repairing, rehabilitating or restoring the impacted environment.

(3) Reduce or eliminate the impact over time by preservation

and maintenance operations during the life of the action.

(4) Obtain a Memorandum of Agreement relating to a historic resource.

B. If the impact cannot be minimized in accordance with subsections (A)(1) through (4) above, compensation for the impact by replacing the environment impacted by the project or by providing substitute resources or environments.

[Ord. 184]

MOBILE HOME - see "dwelling mobile/manufactured home."

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

MOBILE/MANUFACTURED HOME PAD - a concrete pad on which a mobile/manufactured home is placed at least six (6) inches in thickness with a base of at least six (6) inches of 2B stone and with at least six (6) tie-down rings to which the mobile/manufactured home shall be secured. The pad shall be equal in length and width to the dimensions of the mobile home to be placed thereon.

MOBILE/MANUFACTURED HOME PARK - a parcel or contiguous parcels of land under single ownership which has been planned and improved for placement of mobile homes for nontransient use, consisting of two (2) or more mobile/manufactured home lots. [Ord. 184]

MULTI-UNIT DEVELOPMENT - any subdivision, other than for single-family detached dwellings and single-family semi-detached dwellings or any single lot on which two (2) or more principal uses exist or are proposed, regulated by special provisions of this Chapter.

MUNICIPAL SOLID WASTE - any garbage, refuse, industrial, lunchroom or office waste, and other material including solid, semi-solid (not greater than twenty percent (20%) liquid), or contained gaseous material resulting from the operation of residential, municipal, commercial or institutional establishments and from community activities, excluding radiological and biological waste.

MUNICIPALITIES PLANNING CODE; ACT 247; MPC - the Act of July 31, 1968, P.L. 805, No. 247, as reenacted and amended, 53 P.S. §10101 et seq., known as the "Pennsylvania Municipalities Planning Code," together with amendments and supplements thereto and any new statutes substituted therefor, as in force at the time of application under this Chapter.

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

NATIONAL HISTORIC PRESERVATION ACT - the National Historic Preservation Act of 1966, as amended, 16 U.S.C. §§470-470w-6.

NATIONAL REGISTER CRITERIA - standards promulgated by the Secretary of the Interior against which historic resources nominated to the National Register are evaluated.

NATIONAL REGISTER OF HISTORIC PLACES - a list maintained by the Secretary of the Interior composed of buildings, sites, structures, objects

and districts of national, State or local significance in American history, architecture, archaeology, engineering and culture.

NATURAL CONDITIONS MAP - Map 4, entitled "Natural Conditions," in the East Coventry Township Open Space, Recreation and Environmental Resources Plan.

NATURAL SUCCESSION - the process by which landscapes are transformed, over time, from open, seasonal cover to more permanent vegetation. In the East, the natural change is from open space to woodland.

NET AREA/NET ACRE - see "tract area, net" and "lot area, net."

NEW MOBILE/MANUFACTURED HOME PARK - a parcel or contiguous parcels of land containing two (2) or more mobile home pads for rent for which the construction of facilities for servicing the lot on which the mobile home is to be affixed (including at a minimum the installation of utilities, either final site grading or the pouring of concrete pads and the construction of streets) is completed on or after the effective date of the floodplain regulations set forth in Part 4 of this Chapter.

NONCONFORMING LOT - a lot the area or dimension of which was lawful prior to the adoption or amendment of this Chapter but which fails to conform to the requirements of the zoning district in which it is located by reason of such adoption or amendment.

NONCONFORMING STRUCTURE - a structure or part of a structure manifestly not designed to comply with the applicable use or extent of use provisions of this Chapter or amendment hereto where such structure lawfully existed prior to the enactment of this Chapter or amendment, or prior to the application of this Chapter or amendment to its location by reason of annexation. Such nonconforming structures include, but are not limited to, nonconforming signs.

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

NOXIOUS VEGETATION - plant material that is undesirable or offensive, due to threats to health or prolific and uncontrollable growth. For the purpose of this Chapter, noxious vegetation shall include, but not be limited to, ragweed, multiflora rose, Canada thistle, Japanese honeysuckle, oriental bittersweet, tree of heaven, poison ivy, and other invasive plants, as listed by the Pennsylvania Department of Conservation and Natural Resources, Bureau of Forestry.

NURSING HOME (FACILITY) - a facility, licensed by the Commonwealth of Pennsylvania, that provides skilled nursing care and related medical or other personal services for twenty four (24) hours per day and seven (7) days per week to individuals who require full-time care or supervision, but do not require hospital care.

OBSTRUCTION - any wall, dam, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel, rectification, culvert, building, fence, stockpile, refuse, fill structure, or matter in, along, across or projecting into any channel, watercourse or flood prone area, that may impede, retard, or change the direction of the flow of water either by itself

or by catching or collecting debris carried by such water, or which is placed where the flow of the water might carry the same downstream to the damage of life and property. For purposes of the floodplain regulations provided in Part 4 and elsewhere in this Chapter, the planting, cultivation and harvesting of field and orchard crops or the grazing of livestock including the maintenance of necessary appurtenant agricultural fencing shall not be considered an "obstruction" subject to such floodplain regulations.

OFFICIAL MAP - a map, legally adopted by the Board of Supervisors pursuant to Article IV of the MPC, showing (A) officially dedicated, ordained, opened or planned streets, existing and proposed watercourses and public grounds, including widenings, narrowings, extensions, diminutions and openings or closings thereof, (B) existing public parks and other public properties, and those proposed for acquisition by the Township by condemnation, purchase, dedication or otherwise, (C) pedestrian ways and easements, (D) railroad and transit rights-of-way and easements, (E) flood control basins, floodways and floodplains, stormwater management areas, stormwater management basin easements, and drainage easements, and (F) support facilities, easements and other properties held by the Township and other public agencies. [Ord. 184]

ONE HUNDRED (100) YEAR FLOOD - see "flood, one hundred (100) year."

OPEN SPACE LANDS ACT - act of January 19, 1968, P.L. (1967) 992, No. 422, as amended by the Act of December 18, P.L. 994, No. 153, as amended, 32 P.S. §5001 et seq. (providing for the acquisition and preservation of open space lands).

OPEN SPACE MANAGEMENT PLAN - a plan which provides for the long-term management over time of private, public, or common open space.

OPEN SPACE, RECREATION AND ENVIRONMENTAL RESOURCES PLAN - the East Coventry Township Open Space, Recreation and Environmental Resources Plan, December 1992, together with any amendments and supplements thereto. [Ord. 184]

OPERATOR MOBILE HOME PARK - the owner of a mobile home park, or his authorized agent, who is duly licensed for maintaining a mobile/manufactured home park in the Township.

PARKING, OFF-STREET - a parking space or spaces as required by this Chapter, no part of which shall be located within any public or private street right-of-way.

PARKING LOT - an off-street surfaced area designed solely for the parking of motor vehicles, including driveways, passageways and maneuvering space appurtenant thereto.

PARKING SPACE - a reasonably level space designated for the parking of one (1) motor vehicle, surfaced to permit use under all weather conditions, the dimensions of which are consistent with §1306(B)(1) of this Chapter, exclusive of passageways, driveways or other means of circulation and access and to which there is access from a street, alley, or driveway. For residential dwellings, parking spaces within garages shall not be considered in the calculation of the minimum number of required off-street parking spaces. [Ord. 196]

PASTURE - a plant community or area of vegetation dominated by grasses which is actively or periodically grazed by livestock or which is managed

through mowing.

PERIMETER BUFFER - an area to be used as a visual and/or auditory barrier, consisting of a mound, berm, or strip of land planted and maintained as an effective barrier separating parcels or uses of land.

PERSON - any individual, firm, trust, condominium, partnership, joint venture, unincorporated association, business association or corporation, whether public or private or other legal entity cognizable at law.

PERSONAL CARE FACILITY - a personal care home, licensed by the Commonwealth of Pennsylvania, that provides care to adults who do not require hospitalization or skilled or intermediate nursing care.

PENNDOT - the Commonwealth of Pennsylvania Department of Transportation.

PLANNED COMMERCIAL DEVELOPMENT - a contiguous area of land controlled by a single landowner and developed as a single entity for a number of commercial and other similar uses, the development plan for which may or may not correspond in lot size, bulk or other design standards in any one commercial district created from time to time under the provisions of this Chapter.

PLANNER, TOWNSHIP - a person duly designated by the Board of Supervisors to perform the duties of planner as specified herein.

PLAT - the map or plan of a subdivision of land or land development, whether preliminary or final. [Ord. 184]

PLAT, RECORDED - the final plat, or engineering layout of streets and lots, easements, common open spaces and public grounds which has been duly approved by all necessary officials and bodies and recorded in the Office of the Recorder of Deeds of Chester County, West Chester, Pennsylvania.

PNDI - the Pennsylvania Natural Diversity Inventory.

POTENTIAL RARE, THREATENED, ENDANGERED (RTE) SPECIES SITES -

A. Sites in which Federally and/or State recognized RTE species of flora and/or fauna have been observed in the past, yet are not identified by the PNDI and/or the Chester County Natural Areas Inventory.

B. Sites which provided suitable habitat for Federally and/or State recognized RTE species of fauna.

POTTSTOWN METROPOLITAN REGION - the region consisting of the following municipalities: Borough of Pottstown (Montgomery County); Douglass Township (Montgomery County); East Coventry Township (Chester County); Lower Pottsgrove Township (Montgomery County); New Hanover Township (Montgomery County); North Coventry Township (Chester County); Upper Pottsgrove Township (Montgomery County); and West Pottsgrove Township (Montgomery County).

PRIME AGRICULTURAL SOILS - see "agriculturally suited soils."

PRINCIPAL USE - the single primary use of a building, other structure, or lot, serving as the basis for classification as to use category.

PUBLIC GROUNDS - areas of land or water that include parks, playgrounds, trails, paths and other public areas, and the sites for schools, sewage treatment, refuse disposal and other publicly owned or operated facilities. [Ord. 184]

PUBLIC HEARING - a formal meeting held pursuant to public notice by the Board of Supervisors, the Township Planning Commission or the Zoning Hearing Board intended to inform and obtain public comment prior to taking action in accordance with this Chapter and the Municipalities Planning Code.

PUBLIC MEETING - a forum held pursuant to notice under the Sunshine Act.

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

PUBLIC UTILITIES FACILITY - a building or structure and its equipment used for the transmission and exchange of telephone, radio telephone, gas, power, sewer and water facilities, provided that in a residential district these shall not include public business facilities, storage of materials, trucks or repair facilities or housing of repair crews.

PUBLIC UTILITY - an agency which, under public franchise or ownership, or under certificate of convenience and necessity, provides the public with communication, gas, power, rail, transportation sewer or water facilities or other similar service.

RECREATION, ACTIVE - those recreational pursuits that require physical alteration to the area in which they are performed. Areas of land designed for active recreation are intensively used and satisfy the following criteria:

A. The land has an average slope of less than five percent (5%) and is suitable for active recreational uses without interfering with adjacent dwelling units, parking, driveways and roads.

B. The land does not constitute a "wetland" under Federal or State regulations.

C. The land is not within a "one hundred (100) year floodplain."

D. The land is not included in, or made part of, stormwater management facilities, including detention/retention basins, swales, culverts and any associated appurtenances thereto; except that with the permission of the Board of Supervisors and if noted on the subdivision and/or land development plan, up to fifty percent (50%) of the area of the stormwater detention/retention basins designed to provide for park and/or recreation uses may be considered as active recreation area. The linkage of stormwater detention/retention basins with recreation facilities and open space is encouraged when the presence of such facilities does not conflict with proposed basin operations. Examples of active recreation area include, but are not limited to, playgrounds, ball courts and swimming pools. Active recreation shall exclude amusement parks.

[Ord. 184]

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

RECREATIONAL VEHICLE - a vehicle that is: (A) built on a single chassis, (B) four hundred (400) square feet or less when measured at the largest horizontal projection, (C) designed to be self-propelled or permanently towable by a light duty truck or car, and (D) designed as temporary living quarters for recreational, camping, travel or seasonal use and not for continued occupancy or use as a permanent dwelling. The term "recreational vehicle" shall include tent trailers, travel trailers, motor homes, mini motor homes and any similar self-propelled or trailered vehicle used mainly to provide easily transportable, temporary living accommodations. Also included are boats, other watercraft, snowmobiles, all-terrain vehicles and four-wheel drive vehicles meant for rugged, off-the-road use. [Ord. 184]

RECYCLING/COMPOSTING FACILITY - a location where materials such as paper, plastic, compost, glass and aluminum, which are no longer useful for their intended purpose, are temporarily accumulated for the manufacture of a new product(s) at such location or for transportation off the premises for use in the manufacture of a new product(s).

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

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

REGISTERED LANDSCAPE ARCHITECT - a professional registered as a landscape architect in the Commonwealth of Pennsylvania.

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

RENTAL UNIT - an individual space offered for rent or lease within an apartment building, motel, rooming house, bed and breakfast, dormitory, or professional or commercial office building.

REPLACEMENT ATTACHMENT STRUCTURE - the replacement of a telephone pole in a public right-of-way proposed to be used as an attachment structure which: shall be of the same material (i.e., wood or metal) as the pole it replaces; shall be installed in the same location as the pole it replaces; and shall be no more than ten (10) feet higher than the pole it replaces, including any attached wireless communications facility. [Ord. 174]

RESTAURANT - a building, or portion of a building, including an indoor seating area, whether open to the public or a private club, used for the purpose of furnishing meals to the public.

RESTAURANT, FAST-FOOD - an eating establishment where customers place orders at an inside, or outside, walkup window or service area and where food is either served for consumption within the building or is taken out for consumption away from the premises.

RESTAURANT, FAST-FOOD WITH DRIVE-IN SERVICE - a fast-food restaurant that also provides service to customers who remain seated in automobiles and said service is provided either through an exterior window or service area or directly to parked automobiles.

RETAIL OR RETAILING - a commercial activity that provides for the sale of commodities directly to consumers.

RETENTION BASIN - a reservoir, formed from soil or other material,

designed to permanently retain stormwater runoff from a specified amount of stormwater runoff as defined by this Chapter, to detain temporarily additional stormwater runoff and/or to retain perennial or intermittent surface water flow from permanent or intermittent streams. Retention basins always contain water and include manmade ponds and lakes. For the purpose of calculating the net lot or net tract area, the area of a retention basin shall be measured as twenty (20) feet outward from the 100-year storm event elevation contour within the basin, or as recommended by the Township Engineer and approved by the Board of Supervisors. [Ord. 184]

RIGHT-OF-WAY LEGAL - the total width of any land dedicated as a street, alley, crosswalk, utility or for any other public or private purpose, as reflected on a recorded subdivision plat, boundary plat, or dedication plat.

RIGHT-OF-WAY, ULTIMATE - the total width of any land which is expected to be needed for a street, alley, crosswalk, utility or for any another public or private purpose, including lands privately owned, but intended to be acquired by a public agency.

RIPARIAN BUFFER AREA - any area within one hundred (100) feet measured from the top of the stream bank or within one hundred (100) feet measured from the water's edge if no well-defined stream bank is present along Pigeon Creek, Stony Run, Bickles Run, the Schuylkill River and their perennial tributaries, within which no land disturbance is permitted. These buffer areas shall consist of permanent vegetation consisting of native trees, shrubs and forbs along the above-mentioned watercourses that are maintained in a natural state or managed to protect and enhance water quality, stabilize stream channels and banks, and buffer land use activities from surface waters. Riparian buffer areas are not required around intermittent or seasonal watercourses. [Ord. 196]

ROAD OR ROADWAY - see "street."

ROOMING HOUSE - a building in which weekly or monthly sleeping accommodations are provided for rent to no more than five (5) persons whether or not the serving of meals is included. [Ord. 152]

SANITARY LANDFILL - an engineered facility where municipal solid waste and those residual wastes specifically designated as acceptable to the Pennsylvania Department of Environmental Protection are delivered for the purpose of disposal in and on the land in accordance with the rules and regulations of the Department of Environmental Protection. A sanitary landfill shall be owned and/or operated or under the complete control of the Township and/or an authority created by the Township for said purpose of operating said landfill. No other type of landfill, dump or public or private trash collection or transfer area shall be permitted anywhere within the Township.

SATELLITE TELEVISION ANTENNA - any apparatus (including without limitation any reflector, pedestal, base and/or other attachments, parts, components and support structure or other elements) for, intended for or capable of the reception only of television waves or signals from a transmitter or a transmitter relay located in geostationary or other planetary orbit around the earth.

SCENIC RESOURCES - the views and vistas, scenic roads, environments and features as identified in the Township Open Space, Recreation and Environmental Resources Plan, Scenic Resources Map.

SCENIC RESOURCES MAP - Map 7, entitled "Scenic Roads and Views," in the East Coventry Township Open Space, Recreation and Environmental Resources Plan.

SCREEN (SCREENING) - see "landscape screen."

SEASONALLY HIGH WATER TABLE SOILS - those soils in which the groundwater surface is one (1) foot or less from the ground surface at certain or all times of the year or as defined by the U.S. Department of Agriculture, Natural Resources Conservation Service (USDA-NRCS) Web Soil Survey Website. These soils include, but are not limited to: Bowmanville (Bo), Chewacla (Ch), Croton (CrA, CrB), Glenville (GnA, GnB, GnB2), Readington (RdA, RdB, RdB2), Rowland (Ro, Rp), Wehadkee (We), and Worsham (WoA, WoB, WoB2). [Ord. 184]

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

SERVICE STATION - structures, buildings, or area of land or any portion thereof that is used for the sale of gasoline or other motor vehicle fuels and which may or may not include facilities for lubricating, washing, sale of accessories, servicing and minor repair of motor vehicles, but not painting or body work or the sale of new or used automobiles. Any business or industry, but not including agricultural uses, dispensing gasoline for its own use and vehicles will be deemed to be a service station. A service station shall not include a convenience store as defined herein.

SEWAGE FACILITIES -

A. INDIVIDUAL, ON-SITE SANITARY SEWAGE DISPOSAL SYSTEM - the disposal of sewage by use of septic tanks, or other safe and healthful means, approved by the Chester County Health Department, within the confines of the lot on which the use is located.

B. COMMUNITY SANITARY SEWAGE COLLECTION, TREATMENT, AND/OR DISPOSAL SYSTEM - a sanitary sewage system in which sewage is carried from two or more individual dischargers by a system of pipes to one or more privately owned and/or maintained common treatment and disposal facilities, approved by the Chester County Health Department and the Pennsylvania Department of Environmental Protection. Treatment and disposal may occur either on-site or off-site.

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

SHOPPING CENTER - a group of three (3) or more commercial establishments planned, developed, operated and managed as an integrated architectural unit providing convenient on-site parking and controlled vehicular and pedestrian access.

SIGN - any structure or part thereof or any device attached to a building or painted or represented thereon which shall display or include any letter, word, model, banner, pennant, insignia, device, trade flag, symbol or representation which is in the nature of, or which is used as an announcement, direction or advertisement for any purpose. A sign includes, without limitation, a billboard, neon tube, string of lights or similar device

outlining or placed upon any part of a building or lot, but does not include the flag or insignia of any nation, group of nations, governmental agency or any political, educational, charitable, philanthropic, civic, professional, religious group.

SIGNABLE FACADE AREA - the rectangular, continuous area on the wall of

[Text continued on p. 229]

a building which extends from the top line of windows and doors on one floor and the bottom line of the windows, roof or cornice above it and which is uninterrupted by architectural details or openings.

SIGN, ADDRESS DIRECTIONAL - non-illuminated signs used to direct persons to building locations in planned industrial parks by use of street addresses. Such signs shall not utilize business or development names, contain advertisements or any script other than street addresses.

SIGN, ANIMATED OR MOVING - any sign or part of a sign which changes physical position by any movement or rotation or which gives the visual impression of such movement or rotation.

SIGN AREA OR SIZE - the entire area within an actual or hypothetical single continuous perimeter enclosing the extreme limits of such sign, together with moldings, battens, cappings, nailing strips, latticing and platforms which are attached and are part of the sign proper and/or forming an integral part of the display. Signs which are composed of letters, words or representations only and which do not form a square or rectangular pattern shall be considered to include in sign area a square or rectangle as drawn at the outer limits of the letters, words or representations.

SIGN, AWNING - a sign that is mounted or painted on, or attached to, an awning that is otherwise permitted by this Chapter.

SIGN, BANNER - a graphic or sign which has its letters or design applied to cloth, canvas or other flexible material which is durable and weather-resistant.

SIGN, BILLBOARD - a sign which contains a commercial message and which directs attention to a business, commodity, service or entertainment conducted, sold or offered at a location other than the premises on which the sign is located.

SIGN, BULLETIN BOARD - a permanent sign which identifies an institution or organization on the premises on which the sign is located and which may contain the name of the institution or organization, the names of individuals connected with it and general announcements of events or activities occurring at the institution or general messages. Such a sign may contain movable letters, words or numerals.

SIGN, BUSINESS - a sign directing attention to a business, commodity or service conducted, sold or offered upon the same premises as those upon which the sign is maintained. This includes signs which identify or advertise home occupations.

SIGN, CANOPY - a sign that is mounted or painted on, or attached to a canopy that is otherwise permitted by this Chapter.

SIGN, CHANGEABLE COPY - a sign that is designed so that the message on the sign can be easily and periodically altered.

SIGN, DEVELOPMENT - a temporary sign, indicating that the premises on which the sign is located is in the process of being subdivided and developed for construction of dwellings or other buildings. Such a sign includes all contractors on the site, and finance and sales information.

SIGN, DOUBLE-FACED - a freestanding sign with two identical faces of equal sign area which are back-to-back and not more than two (2) feet apart. In computing the area of a double-faced sign, only one (1) side shall be

considered provided that both faces are identical. In V-type structures, the interior angle of which exceeds forty-five (45) degrees, both side shall be considered in computing the sign area.

SIGN, ELECTRONICALLY CONTROLLED - a sign, or any part thereof, upon which alphabetic and/or numeric, but not pictographic or symbolic, informational content can be changed or altered on a display screen composed of light emitting diodes, but not other sources of illumination, by a programmable microprocessor. Such signs shall not include the projection of messages or images by other means onto a sign face and shall not include video displays such as television screens, plasma screens, light emitting diode screens and holographic displays.

SIGN FACADE - see "sign, wall."

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

SIGN, GROUND - a freestanding sign which rests at or near the ground or curb level. [Ord. 152]

SIGN, HOME OCCUPATION - a sign containing only the name and occupation of a permitted home occupation.

SIGN, IDENTIFICATION - a sign displaying the nature, logo, trademark or other identifying symbol, address or any combination of the name, symbol and address of a building, business, development or establishment on the premises on which the sign is located.

SIGN, ILLUMINATED - a sign lighted by or exposed to artificial lighting either by lights on or in the sign or directed towards the sign. See "direct illumination" and "indirect illumination."

SIGN, MARQUEE - a sign that is mounted or painted on or attached to a marquee that is otherwise permitted by this Chapter.

SIGN, OFFICIAL TRAFFIC - signs erected by PennDOT or the Township which are designed to regulate traffic, describe road conditions, supply directions or provide information.

SIGN, OFF-PREMISES - see "sign, billboard."

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

SIGN, POLITICAL - a temporary sign announcing or supporting political candidates or issues in connection with any national, State or local election or referendum.

SIGN, PORTABLE - signs that can either be attached or mounted on wheels or transported by truck or trailer.

SIGN, PROJECTING - a sign which is attached directly to any building wall and which (perpendicularly) extends from that wall.

SIGN, REAL ESTATE - a temporary sign indicating the sale, rental or lease of the premises on which the sign is located.

SIGN, RESIDENTIAL - a sign located in a district zoned for residential

purposes that does not contain any commercial message except for goods or services legally offered on the premises on which the sign is located.

SIGN, ROOF - any sign erected and constructed wholly on and over the roof of a building, supported by the roof structure and extending vertically above the highest portion of the roof.

SIGN, TEMPORARY - a sign constructed of paper, cloth, canvas, plastic or other lightweight material intended to be displayed for a short period of time, normally less than thirty (30) days.

SIGN, TIME AND TEMPERATURE - a sign or a portion of a sign whose purpose is to indicate the time and/or temperature.

SIGN, UNDERCANOPY - a business sign, as defined above, with two (2) sides which is mounted under a canopy or cover extending over a pedestrian sidewalk in front of a business in a planned business center or shopping center. Such sign shall be erected over the entrance to the use to which it is incident, at a right angle to the wall and shall be for the purpose of identifying the business location to persons using the sidewalk.

SIGN, VEHICLE - a sign affixed or painted on a vehicle or trailer and parked at a specific location for a period of four (4) or more days so that its primary purpose is as a commercial message.

SIGN, WALL - a sign fastened to or painted on the wall of a building or structure in such a manner that the wall becomes the supporting structure for, or forms the background surface of the sign.

SIGN, WINDOW - a sign that is applied or attached to the exterior or interior of a window or located in such manner within a building that the sign can be seen from the exterior of the structure through a window.

SINGLE AND SEPARATE OWNERSHIP - the ownership of a lot which ownership is separate and distinct from that of any abutting or adjoining lot.

SITE - a lot, tract, or parcel of land, or a contiguous combination thereof, on which grading, construction, or land development is taking place, or is proposed to take place; the location of the work.

SITE ANALYSIS - an analysis of the natural features and historic resources on a site intended to promote a site design that is sensitive to the unique natural features of the landscape. [Ord. 184]

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

SLOPE - the ratio of the change in elevation (rise) over the horizontal distance (run) as measured between consecutive contour lines, expressed as a percentage. See "steep slope areas."

SOLAR ENERGY EQUIPMENT - any device, structure or electronics that converts solar energy into electrical energy, heats water or produces hot air or similar function through the use of solar panels. The primary function of solar energy equipment is to reduce on-site consumption of energy produced by a public/private utility company. [Ord. 158]

SOLAR PANEL - a device containing one (1) or more receptive cells equal to or greater than two (2) square feet, the purpose of which is to convert solar energy into electrical or thermal energy. [Ord. 158]

SPECIAL EXCEPTION - a use which is permitted in a particular zoning district pursuant to express standards and criteria prescribed for such use in this Chapter. A special exception is allowed (possibly with conditions attached) or denied upon application to the Zoning Hearing Board pursuant to public notice and hearing as set for the in Part 15.

SPECIFIED SEXUAL ACTIVITIES -

A. Sexual conduct as defined in §5903(e) of the Crimes Code, 18 Pa.C.S. §5903(e).

B. Sexual excitement as defined in §5903(e) of the Crimes Code, 18 Pa.C.S. §5903(e).

C. Sadomasochistic abuse as defined in §5903(e) of the Crimes Code, 18 Pa.C.S. §5903(e).

SPECIMEN TREE - any tree equal to or exceeding twenty-four (24) inches dbh.

STABLE - any building, structure or portion thereof which is used, in whole or in part, for the shelter or care of equine. [Ord. 152]

STEALTH - any wireless communications facility which is designed to enhance compatibility with adjacent land uses, including, but not limited to, architecturally screened and/or landscaped antenna arrays and equipment facilities and support structures designed to look other than like a support structure, such as a light pole, flag pole or a component of a building or tree. [Ord. 174]

STEEP SLOPE - those areas of the Township that are characterized by a change in elevation of fifteen percent (15%) or greater. [Ord. 184]

STEEP SLOPE, PRECAUTIONARY - areas of land with a slope between fifteen percent (15%) and twenty-five percent (25%), as defined in §303(2)(B)(1)(b) of this Chapter. [Ord. 184]

STEEP SLOPE, PROHIBITIVE - areas of land with a slope greater than twenty-five percent (25%), as defined in §302(2)(B)(1)(a) of this Chapter. [Ord. 184]

STORAGE FACILITY - a structure or group of structures used for the storage of customers' goods. Individual stalls or lockers are rented for such storage to different tenants.

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

A. Equipment, vehicles and materials which are used in connection with a construction project during the period of construction.

B. The loading or unloading of vehicles which are parked against a building so that all activity occurs within the building.

STORMWATER - incident rainfall, which is conveyed from land surfaces into surface swales, streams and rivers; frequently termed "runoff." [Ord. 184]

STORY - that portion of a building comprised between the surface of any floor and the surface of any floor or roof next above, but excluding attics. [Ord. 152]

STREAM - any watercourse with a defined bed and banks.

STREAM VALLEY - the streams identified in the Township Open Space, Recreation and Environmental Resources Plan, Geology and Watershed Boundaries Map of stream orders 1, 2, 3 and 4 together with their one hundred (100) year floodplains and hydric soils identified as very significant and significant.

STREET - a strip of land, including the entire ultimate right-of-way thereof, publicly owned, dedicated and accepted for public use, or privately owned, abutting and furnishing access to more than one (1) lot, primarily serving, or intended to serve, as a means of vehicular and pedestrian travel, and which may also be used to provide space for sewer, other utilities and sidewalks. The word "street" includes thoroughfare, avenue, boulevard, court, drive, expressway, roadway, highway, lane, alley, service-street, marginal access street, road or similar terms. The following categories of streets are defined as follows:

A. ARTERIAL - a major street or highway with high vehicular speeds or high traffic volumes of considerable continuity and used primarily as a traffic artery between rural and urban areas. Arterial streets may be either principal arterials or minor arterials. Principal arterials serve major centers of activity and carry the highest proportions of area travel and most of the trips entering and leaving the Township, thus serving intra-area travel. Minor arterials interconnect with and augment the principal arterial system distributing travel to smaller centers of activity and allowing for more access to adjoining properties than principal arterials.

B. COLLECTOR - a major street which carries traffic from Local streets to arterial streets. Collector streets may be either major collectors or minor collectors. Major collectors may provide access to centers of activity, connect with principal arterials and allow for more access to adjoining properties than minor collectors. Minor collectors serve more to collect traffic from local streets and provide access to the smallest of activity centers.

C. LOCAL - every public or private street used for access to abutting properties. Local streets may be primary distributor roadways, secondary distributor roadways or local access streets. A primary distributor roadway is the highest order local street which moves traffic from lower order local streets to collector and arterial streets. A secondary distributor roadway is the middle order local street which carries traffic from local access streets to primary distributor roadways. A local access street is the lowest order local street which serves no through function and provides the greatest degree of access.

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

STREET, MAJOR - an arterial street or collector street as defined herein.

STREET TREE - deciduous hardwood trees, having a caliper of not less than two and one half (2 1/2) inches, planted adjacent to and outside of a

street right-of-way, such trees to be approved as to type by the Board of Supervisors.

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

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

STRUCTURE - any manmade object having an ascertainable stationary location on or in land or water, whether or not affixed to the land. [Ord. 184]

STRUCTURE, TEMPORARY - a structure that is designed to be repeatedly erected or inflated, tents and inflatable structures or buildings that are picked up and moved.

SUBDIVISION - the division or re-division of a single lot, tract, or parcel of land by any means into two (2) or more lots, tracts or parcels or other divisions of land of land, including changes in existing lot lines, for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership or building or lot development. The subdivision by lease of land for agricultural purposes into parcels of more than ten (10) acres, not involving any new street or easement of access or any residential dwellings, shall be exempted from this definition.

SUBDIVISION AND LAND DEVELOPMENT ORDINANCE OR SALDO - the East Coventry Township Subdivision and Land Development Ordinance of 2011, as amended, as codified at Chapter 22 of the Township of East Coventry Code of Ordinances. [Ord. 184]

SUBJECT PROPERTY - for the purpose of permitting off-premises directional signs, under §1314(18) of this Chapter, for the sale of agricultural products, the property on which agricultural products are offered for sale.

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

SUBSTANTIAL IMPROVEMENT -

A. Any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure determined not more than thirty (30) days prior to the start of construction of the improvement.

B. Substantial improvement includes any repair, restoration or other improvement to structures that have incurred substantial damage regardless of the actual repair, restoration or other improvement work performed.

C. Substantial improvement however does not include either:

(1) Any project for improvement of a structure to correct existing violations of State or local health, sanitary or safety

code specifications that have been identified by the local code enforcement official and which project is the minimum necessary to assure safe living conditions.

(2) Any alteration of a historic structure provided that the alteration does not preclude the continued designation of the structure as a historic structure.

[Ord. 184]

SUNSHINE ACT - the Act of October 15, 1998, P.L. 729, No. 93, as amended, 65 Pa.C.S. §701 et seq., together with any amendments thereto. [Ord. 184]

SUPPORT STRUCTURE - a structure designed and constructed to support an antenna array or microfacility, including a utility pole, monopole, self supporting (lattice) or guy wire support tower, or other similar structure. [Ord. 174]

SWIMMING POOL - a pool or tank capable of containing water to a depth greater than twelve (12) inches for the purpose of swimming and/or other water-related recreational activities. Farm ponds and stormwater basins are not swimming pools unless specifically designed for that purpose. For the purposes of this Chapter, a private swimming pool, accessory to a residential use and serving a single dwelling unit, shall not be considered a structure.

TELEPHONE CENTRAL OFFICE - a building and its equipment used for the transmission and exchange of telephone or radio telephone messages between subscribers and other business of a telephone company, providing that in residential districts a telephone central office shall not include public business facilities, storage of materials, trucks or repair facilities, or housing of repair crews.

TENANT HOUSE - a single-family detached dwelling permissible as a separate residence in addition to the principal dwelling on agricultural properties.

TIMESHARE - a development in which a purchaser receives the right in perpetuity, for life, or for a term of years, to the recurrent, exclusive use or occupancy of a lot, parcel, unit or segment of real property, annually or on some other periodic basis, for a period of time that has been or will be allotted from the use or occupancy periods into which the development has been divided.

TOWER - a support structure and the reception and/or transmission antennas upon it intended for the transmission and/or reception of radio, television, telephone or digital communications, including wireless communications.

TOWNSHIP - the Township of East Coventry, Chester County, Pennsylvania.

TOWNSHIP PLANNING COMMISSION - the Planning Commission of the Township.

TOWNSHIP USE - any use owned, operated, conducted and/or maintained by the Township. [Ord. 172]

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

TRACT AREA, GROSS - the area of land contained within the property lines of a parcel, lot or tract as described in the deed or as shown on an approved

subdivision plan.

TRACT AREA, NET - the gross tract area excluding the following areas:

A. Any area (1) within a street ultimate right-of-way; or (2) within any other ultimate right-of-way, whether public or private, that provides, or is intended to provide, access to more than one (1) lot by way of vehicular and/or pedestrian circulation.

B. Any area, easement or right-of-way to be used for emergency access.

C. Any existing easements or rights-of-way for gas, oil, natural gas, electric or communications transmission facilities, whether below or above grade, that do not exclusively serve the lot.

D. Any area comprising a stormwater management basin or drainage easement and/or a sanitary sewer easement.

E. Any area overlain by the floodplain district.

F. Any area of prohibitive slope.

G. Any area of seasonally high water table soils and hydric soils.

H. Any area of wetlands.

I. Any riparian buffer area.

The net tract area shall be used to determine the area, bulk, dimensional and density requirements as provided in this Chapter. By its nature, the process of determining the net tract area is an iterative process.

TRANSFER STATION - a facility where municipal solid waste is delivered for the purpose of compacting the material for subsequent transport by larger vehicles to a final disposal site or processing facility. A transfer station may include the collection, separation and cleaning of municipal solid waste material for the purpose of recycling.

TRUCK TERMINAL - an area and/or building for the maintenance and storage of trucks and where cargo is stored and where trucks load and unload cargo on a regular basis.

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

VARIANCE - relief granted by the Zoning Hearing Board from strict conformity with the terms of this Chapter pursuant to the provisions of Part 15 of this Chapter and Articles VI and IX of the Municipalities Planning Code.

VEGETATION, PERMANENT - perennial grasses, legumes or other long-lived plant materials, such as Crown Vetch, Fescues, and Bluegrasses, etc., depending upon the degree of refinement desired.

VEGETATION, TEMPORARY - fast growing grasses, usually annuals, such as rye, oats, sudan, or other appropriate cover to prevent erosion until permanent vegetation can be installed.

VEHICLE AUCTION - an area of land with or without buildings used for

temporary storage, display and wholesale sales of operable and licensed used autos, trucks, boats, motorcycles, or recreational vehicles that are in an operable condition. A vehicular auction is a commercial establishment, subject to the use, development, and design standards of the zoning district in which permitted, and other applicable ordinance provisions. Vehicles stored on-site shall remain intact and operable and shall not be dismantled, processed, salvaged, crushed, demolished, or sold in parts. See "junkyard" for comparison.

VIEW - the relative ability to see a given object from a designated location. Views shall be further classified as:

A. UNOBSTRUCTED - the ability to see most or all of an object; specifically where more than eighty-five percent (85%) of the object is visible.

B. FILTERED - the ability to see some of the object; specifically where fifteen percent (15%) to eighty-five percent (85%) of the object is visible.

C. HIDDEN - the ability to see little or none of the object; specifically where less than fifteen percent (15%) of the object is visible.

WAREHOUSING - the temporary storage of goods and materials within a building, generally for subsequent distribution to other locations, and not involving retail activities.

WATER HAZARD AREA - any area of land, whether natural or man-made which is, or may be, hazardous to the public health, safety or welfare as a result of either of the following conditions:

A. FLOODPLAIN - as defined herein.

B. HIGH WATER TABLE - soil in which the ground water exists at, or periodically rises to, a level too near the surface of the ground to permit a particular type of construction or installation.

WATER SUPPLY -

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

B. CENTRAL WATER SUPPLY SYSTEM - a system for supplying water from a common source or sources to all dwellings and other buildings within a development. The water supply source may be located on site and/or off-site. A central system can be further described as either of the following:

(1) PUBLIC WATER SUPPLY SYSTEM - a system that is owned by a municipality, a public company, or a private company and which serves more than a single community or subdivision and may be interconnected with other water supply systems.

(2) COMMUNITY WATER SUPPLY SYSTEM - a system that is owned by a municipality, a public company, or a private company which serves a single community or subdivision, is not interconnected with any other water supply system and meets the standards, which are applicable to a community water supply system under or pursuant to the Pennsylvania Safe Drinking Water Act, Act of May 1, 1984,

P.L. 206, No. 43, as amended, 35 P.S. §721.1 et seq., for at least twenty-six (26) dwelling units.

WATERCOURSE - a permanent or intermittent stream, river, brook, run, creek, pond, lake or other body of surface water, carrying or holding surface water, having defined beds and banks, whether natural or manmade, with perennial or intermittent flow. [Ord. 184]

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

WETLANDS - areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs and similar areas.

WETLANDS DELINEATION - the on-site method or process for identifying jurisdictional wetlands which is currently or hereafter adopted by the Pennsylvania Department of Environmental Protection.

WETLANDS DELINEATION REPORT - a document that describes the investigation procedures and findings of a wetlands delineation.

WHOLESALING - a commercial activity comprising the sale of commodities in large quantities or in bulk, to retailers or jobbers, rather than to consumers directly, including warehousing, loading and unloading, and shipping of such commodities.

WILDFLOWER - native or introduced plants found naturally in the landscape that are not dependant on man for their presence.

WIND ENERGY EQUIPMENT - any device, structure or electronics that converts wind energy into electrical energy through the use of a wind turbine. Wind energy equipment is intended to primarily reduce on-site consumption of energy produced by a public/private utility company. [Ord. 158]

WIND TURBINE - a device that converts wind energy into electricity through the use of a generator and includes the nacelle, rotor, tower, and base. A wind turbine is occasionally more commonly referred to as a windmill or wind generator. [Ord. 158]

WIRELESS COMMUNICATIONS FACILITY - any unstaffed facility for the transmission and/or reception of wireless communications services, usually consisting of an antenna array or microfacility, connection cables, equipment facility and a support structure or attachment structure to achieve the necessary elevation. [Ord. 174]

WIRELESS COMMUNICATIONS SERVICE - any personal wireless service as defined by the Telecommunications Act of 1996, which includes FCC licensed commercial wireless telecommunications services, including cellular, personal communications service (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR) paging and similar services that currently exist or that may be developed. [Ord. 174]

WOODLAND - an ecosystem characterized by a more or less dense and extensive tree cover. More particularly, a plant community consisting

predominantly of healthy trees and other woody vegetation, well stocked and growing more or less closely together.

WOODLAND DISTURBANCE -

A. Any activity which alters the existing structure of a woodland. Alterations include the cutting or removal of canopy trees, sub-canopy trees, under-story shrubs and vines, woody and herbaceous woodland floor species.

B. Any activity which constitutes a land disturbance, as defined herein, within a woodland.

C. Woodland disturbance does not include the selective cutting or removal of invasive alien trees, shrubs, vines or herbaceous species including Rosa multiflora (Multiflora Rose), Eleagnus umbellata (Autumn Olive), Lonicera japonica (Japanese Honeysuckle), Celastrus orbiculatus (Oriental Bittersweet), Acer platanoides (Norway Maple) and Polygonum perfoliatum (Mile-a-Minute Weed) and all poisonous plants.

WOODLAND MANAGEMENT PLAN - a description, by means of text and maps, of proposed actions involving the removal of trees from a tract of land. Such plan shall be prepared by a person(s) with demonstrable expertise in forest management and shall document measures to be taken: (A) to protect water quality; (B) to minimize impacts from skid trails and logging roads, landing areas and the tree removal process; and (3) to assure site restoration.

YARD - the area between the principal structure on a lot and the lot line of the lot.

A. YARD, FRONT - a yard extending the full width of the lot along the front lot line and extending in depth the full width of the lot from a parallel line containing the nearest point of the foundation of the principal structure on the lot.

B. YARD, REAR - a yard extending the full width of the lot along the rear lot line and extending in depth the full width of the lot from a parallel line containing the nearest point of the foundation of the principal structure on the lot.

C. YARD, SIDE - a yard extending in depth on the lot along a side lot line from the front yard to the rear yard, and extending in width on the lot from a parallel line containing the nearest point of the foundation of the principal structure on the lot.

[Ord. 172]

ZONING HEARING BOARD - the Zoning Hearing Board of the Township.

ZONING MAP - the map of the Township indicating the location of boundaries for each zoning district, as adopted by the Board of Supervisors. See §302 of this Chapter.

ZONING OFFICER - the officer appointed by the Board of Supervisors to administer the provisions of this Chapter in accordance with the literal terms hereof, and who shall have such other powers and duties as provided in Part 17 of this Chapter.

ZONING PERMIT - a document issued, signed and enforced by the Zoning Officer, which indicates that a proposed use, building or structure is in accordance with this Chapter 27 and which authorizes an applicant to proceed

with said use, building or structure. [Ord. 172]

(Ord. 147, 8/11/2008, §201; as amended by Ord. 152, 12/8/2008, §I; by Ord. 158, 12/14/2009, §I; by Ord. 172, 2/14/2011, §§VII, VIII, and IX; by Ord. 174, 2/14/2011, §§I, II, and VII; by Ord. 184, 10/10/2011, §§I, III; by Ord. 186, 11/14/2011, §I; and by Ord. 196, 8/12/2013, §§V, VI, and VIII)

Part 3

Zoning Districts and Boundaries

§301. Establishment of Districts.

1. For the purpose of this Chapter, the Township is hereby divided into eight (8) base zoning districts which shall be designated as follows:

A. FR Farm Residential District

B. R-1 Residential District

C. R-2 Residential District

D. R-3 Residential District

E. NC Neighborhood Commercial District

F. C Commercial District

G. C-1 Commercial/Business Campus District

H. LI Limited Industrial District

The locations and boundaries of such base zoning districts shall be as delineated on the official Zoning Map on file in the Township offices.

2. Further, certain areas of the Township are, in addition to the otherwise applicable provisions of this Chapter, subject to the terms of zoning overlay districts as follows:

A. FW Floodway Floodplain District

B. FF Flood Fringe Floodplain District

C. FA General Floodplain District

D. SSCD Steep Slope Conservation District

E. HRPS Historic Resource Protection Standards

F. Wireless Communications Facilities Overlay District [Ord. 174]

3. All of the above overlay districts shall be overlays on and supplements to the base zoning districts and the provisions of the overlay districts shall serve as additional regulations to the provisions of the base zoning districts.

4. In the event of a conflict between the provisions or requirements of any overlay district and those of the base zoning district, the provisions of the overlay district shall control.

5. In the event that any provision of the overlay districts is declared inapplicable as a result of any judicial, legislative or administrative action or decision, the other provisions of the overlay districts, and the provisions of the base zoning district shall remain applicable.

(Ord. 147, 8/11/2008, §300; as amended by Ord. 174, 2/14/2011, §III)

§302. Zoning Map.

1. Zoning Map.

A. Base Zoning Districts. The boundaries of the base zoning districts shall be shown on the map attached to and made part of this Chapter. The map shall be known as the "Zoning Map of East Coventry Township." The official copy of the map shall be located and maintained in the Township offices and shall be available for public inspection. The map and all of the notations, references and data indicated thereon are hereby incorporated by reference into this Chapter. Whenever an amendment to this Chapter, involving a change of district boundaries, is approved and adopted by the Board of Supervisors, such change shall be promptly recorded or otherwise reflected on the Zoning Map.

B. Overlay Zoning Districts. The boundaries of the overlay zoning districts shall be as shown on and indicated in and by the studies, maps and surveys described and referred to in §303(2)(A) of this Chapter. The studies, maps and surveys are fully incorporated by reference in this Chapter and copies thereof shall be located and maintained for public inspection in the Township offices. [Ord. 184]

(Ord. 147, 8/11/2008, §301; as amended by Ord. 184, 10/10/2011, §II)

§303. Zoning District Boundaries.

1. Base Zoning District Boundaries.

A. The boundaries between base zoning districts are, unless otherwise indicated, the centerlines of streets, lanes, lakes and watercourses and rights-of-way of power lines, railroads and other public utilities or such lines extended or lines parallel thereto. Where the boundaries of a single district are indicated as including directly opposite sides of a street, lane, lake or watercourse or of the right-of-way of a power line, railroad or other public utility for any portion of its length, the district so indicated shall be construed to apply to and include the entire bed of such street, lane, lake or watercourse or right-of-way lying within such portion of its length.

B. Where uncertainty exists as to the location of any of the said boundaries as shown on the Zoning Map, the following rules shall apply:

(1) Where a district boundary is indicated as approximately following the centerline of a street, lane, lake or watercourse or right-of-way of a power line, railroad or other public utility, such centerline shall be construed to be such boundary.

(2) Where a district boundary is indicated as approximately following a lot or other property line, such lot or property line shall be construed to be such boundary.

(3) Where a district boundary divides a lot or traverses an undivided property, the location of such boundary, unless otherwise specified by figures on the Zoning Map, shall be determined by the use of the scale appearing on the map.

(4) Where figures are shown on the Zoning Map between a street and a district boundary, they shall indicate that the district boundary runs parallel to the street line at a distance therefrom equivalent to the number of feet so indicated unless otherwise specified. Where scaled distances do not agree with such figures, the figures shall control.

2. Overlay District Boundaries.

A. Overlay Floodplain District Boundaries.

(1) The overlay floodplain district boundaries shall include areas subject to inundation by waters of the one hundred (100) year flood and/or subject to periodic flooding and/or overflow. The bases for the delineation of these districts shall be:

(a) Those areas of the Township, which are subject to the one hundred (100) year flood as identified in the Flood Insurance Study (FIS) and the accompanying Flood Insurance Rate Map (FIRM).

(b) The Soils Survey of Chester and Delaware Counties, prepared by the Soil Conservation Service, U.S. Department of Agriculture, May, 1963, including, without limitation, the soil survey maps based thereon or the most recent revision thereof.

(c) The Zoning Map of East Coventry Township.

In the event of any inconsistency between or among any of the foregoing, the source materials described in subsection (a), above, shall prevail over those in subsections (b) and (c) and the source material described in subsection (b) shall prevail over the source material in subsection (c).

(2) The FW Floodway Floodplain District shall include the following areas:

(a) Those areas within the floodplain required to carry and discharge the waters of a one hundred (100) year flood without increasing the water surface elevation of that flood more than one (1) foot at any point. These areas are specifically defined in the floodway data table of the Flood Insurance Study (FIS) and as shown on the accompanying Flood Insurance Rate Map (FIRM).

(b) The low area adjoining and including any water or drainage course or body of water subject to periodic flooding or overflow and delineated in the Soil Survey of Chester and Delaware Counties as either alluvial soils (as the same are specifically described hereafter) or water. Such alluvial soils include: Bowmansville (Bo), Chewacla (Ch), Congaree (Cn), Lindside (Ls), Melvin (Mn), Rowland (Ro) and (Rp) and Wehadkee (We). The Soil Survey Maps, prepared by the Soil Conservation Service, shall determine the boundaries of such alluvial soils.

(3) The FF Flood Fringe Floodplain District shall be that area of the one hundred (100) year floodplain not included in the FW, Floodway Floodplain, District. The bases for the outermost boundary of this district shall be the one hundred (100) year floodplain elevations contained in the Flood Profiles of the Flood Insurance Study (FIS) and as shown on the accompanying Flood Insurance Rate Map (FIRM).

(4) The FA General Floodplain District shall be that floodplain area shown on the Flood Insurance Rate Map (FIRM) accompanying the Flood Insurance Study (FIS) but for which no detailed flood profiles or elevations have been provided. In determining the one hundred (100) year flood elevations in this district the following sources shall be used:

(a) Floodplain Information Reports, United States Army Corps of Engineers.

(b) Flood Prone Quadrangles, United States Geological Survey.

(c) Chester and Delaware Counties Soil Survey (Alluvial Soils), Soil Conservation Service, United States Department of Agriculture.

(d) Flood Control Investigations, Pennsylvania Department of Environmental Protection.

(e) Known high water marks from past floods.

In the event that the specific one hundred (100) year flood elevation cannot be determined from the foregoing sources, the applicant or appellant for the proposed use, development or activity in the area shall determine such elevation in accordance with hydrological and hydraulic engineering techniques. Hydrologic and hydraulic analyses shall be undertaken only by registered professional engineers who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations and other pertinent data as may be required by the Board of Supervisors shall be submitted by the applicant or appellant in sufficient detail to allow a thorough technical review by the Township.

(5) The boundaries of any floodplain district may be revised by the Board of Supervisors, in accordance with the provisions of Part 17 of this Chapter, where natural and/or man-made changes have occurred and/or where more detailed studies have been conducted or undertaken by the United States Army Corps of Engineers, a River Basin Commission or other qualified agency or individual, which changes and/or studies support the revision. Prior to making any such revision, the Board of Supervisors shall obtain approval of and from the Federal Emergency Management Agency (FEMA) and/or other governmental agency having jurisdiction; provided, however that, in the case of a revision not initiated or otherwise originated by the Board of Supervisors or the Township Planning Commission, the burden and cost of obtaining such approval shall be upon the applicant for the revision.

(6) Initial interpretations of the boundaries of the floodplain districts shall be made by the Zoning Officer who may seek the advice and recommendation of the Township Engineer. Should a dispute arise concerning such interpretation, the Zoning Hearing Board shall make the necessary determination upon timely application of or appeal by the person disputing the interpretation and after hearing thereon in accordance with the provisions of Part

15 of this Chapter and/or other law. In any such application or appeal, the person disputing the interpretation shall have the burden of proof (including the burdens of production and persuasion).

B. Overlay Steep Slope Conservation District Boundaries.

(1) The Steep Slope Conservation District consists of two (2) areas which are delineated and defined as follows:

(a) PROHIBITIVE SLOPE - prohibitive slopes are those of twenty-five percent (25%) or greater slope (e.g., sloping twenty-five (25) feet or more vertical over a distance of one hundred (100) feet horizontal). Slopes shall be deemed prohibitive when there are three (3) adjacent contour intervals of two (2) feet each such that, in aggregate, they delineate slope of at least twenty-five percent (25%).

(b) PRECAUTIONARY SLOPE - precautionary slopes are those of fifteen percent (15%) to twenty-five percent (25%) slope (e.g., sloping fifteen (15) to twenty-five (25) feet vertical over a distance of one hundred (100) feet horizontal). Slopes shall be deemed precautionary when there are three (3) adjacent contour intervals of two (2) feet each such that, in aggregate, they delineate a slope between fifteen percent (15%) and twenty-five percent (25%).

(2) Steep slopes shall be determined by either aerial photogrammetry with required control points producing an accuracy of +/- five-tenths (0.5) feet to the contour location or by field survey. The contour intervals shall be set forth at no more than two (2) feet per interval on slopes less than twenty-five percent (25%), and may be set forth at five (5) feet per interval on slopes of twenty-five percent (25%) or greater. On properties containing no slopes greater than ten percent (10%), U.S.G.S. seven and five-tenths (7.5) minute quadrangles may be used as the source of slope information, subject to the approval of the Zoning Officer upon the recommendation of the Township Engineer.

(3) Where an interpretation is needed to locate the exact boundaries of the district, in relation to a given parcel, such determination shall be initially made by the Township Engineer. Any party seeking such a determination shall submit a topographic survey of the property and any other pertinent documentation for consideration. The Township Engineer shall make a written report of the results of his initial determination, a copy of which shall be provided to the Board of Supervisors.

(4) Any party aggrieved by any such determination of the Township Engineer or other decision or determination regarding steep slopes under this Part may appeal to the Zoning Hearing Board. The party contesting the location of the district boundary shall have the burden of proof in case of any such appeal.

[Ord. 184]

C. Wireless Communications Facilities Overlay District Boundaries and Regulations. [Ord. 184]

(1) Purpose. The purpose of this Section is to establish general guidelines and regulations for the siting of wireless telecommunications towers and antennas. The goals of this Section are to:

(a) Provide procedures and guidelines for the location, placement and construction of wireless communications facilities in the Township.

(b) Provide clear performance standards and requirements addressing the siting of wireless communications facilities.

(c) Encourage the location of wireless communication facilities on existing structures, including utility poles and towers, signs, water towers, buildings and other wireless communication facilities to the extent feasible.

(d) Enhance the ability of providers of telecommunication services to provide such services to the community in a safe, effective and efficient manner.

(e) To effect collocation and site sharing of new and existing wireless communication facilities.

(2) Creation of the Wireless Communications Facilities Overlay District. The Wireless Communications Facilities Overlay District shall cover the C Commercial District, C-1 Commercial/Business Campus District and LI Limited Industrial District, as well as all Township-owned property and property owned by entities providing emergency services in the Township, such as police, fire and ambulance service, as depicted on the Zoning Map of East Coventry Township. Existing attachment structures and replacement attachment structures may be utilized within the C Commercial, C-1 Commercial/Business Campus and LI Limited Industrial Districts consistent with this Section. New support structures only may be utilized on Township-owned property and property owned by entities providing the above-mentioned emergency services consistent with this Section. All wireless communications facilities permitted within the Wireless Communications Facilities Overlay District shall be by conditional use. Conditional uses shall be permitted only when authorized by the Board of Supervisors after public notice and a hearing, in compliance with the standards and criteria set forth in this Section, as well as the general standards for conditional uses set forth in Part 14 of this Chapter.

(3) Applicability.

(a) New Support Structures and Wireless Communications Facilities. All support structures, attachment structures and wireless communications facilities in the Township, not in existence on the effective date of this Section, shall be subject to these regulations, except as provided in subsections (3)(b) and (c) below.

(b) Amateur Radio Station Operators or Receive Only Antennas. This Section shall not govern any support structure, or the installation of any antenna array, that is owned and operated by a federally licensed amateur radio station

operator or is used exclusively for receive-only antennas and in accordance with §1320 of this Chapter.

(c) Pre-existing Support Structures and Wireless Communications Facilities. Except with regard to additions or substantial modifications, preexisting support structures and pre-existing wireless communications facilities, consisting of those in existence prior to the effective date of this Section, shall not be required to meet the requirements of this Section, other than the requirements of subsections (4)(f), (g), (h), (l), (m) and (n) below.

(4) General Requirements.

(a) Principal or Accessory Use. Wireless communications facilities and support structures may be considered either principal or accessory uses depending upon the existence of other uses on a property. A different existing use of an existing structure on the same lot shall not preclude the installation of a wireless communications facility or support structure on such lot consistent with the requirements of this Section.

(b) Land Development Approval. Prior to issuance of a building permit, wireless communications facilities and support structures shall receive land development approval or a waiver of same.

(c) Lot Size. For purposes of determining whether the installation of a wireless communications facility or support structure complies with district development regulations including, but not limited to, setback requirements, lot coverage requirements and other such applicable dimensional requirements, the dimensions of the entire lot shall control, even though the wireless communications facility or support structure may be located on a leased parcel within such lot.

(d) Inventory of Existing Sites. Each applicant for a wireless communications facility and/or support structure shall provide to the Zoning Officer an inventory of its: existing support structures; wireless communications facilities and sites; and applications pending for its support structures, wireless communications facilities and sites that are either within the jurisdiction of the Township or within five (5) miles of the border thereof, including specific information about the location, height and design of each support structure. The Zoning Officer may share such information with other applicants applying for approval or permits under this Section or other organizations seeking to locate wireless communications facilities within the jurisdiction of

the Township; provided, however, that the Zoning Officer is not, by sharing such information, in any way representing or warranting that such sites are available or suitable for such use.

(e) Appearance Criteria. Wireless communications facilities and support structures shall meet the following requirements:

1) Support structures shall, subject to any applicable standards of the FAA, maintain a finish or be painted a neutral color or colors (both of which shall be pre-approved by the Township) so as to reduce visual obtrusiveness.

2) At the site of a support structure, the design of the buildings and related structures shall, to the extent reasonably feasible, use materials, colors, textures, screening and landscaping that will blend them into the natural setting and surrounding buildings.

3) At the site of an attached wireless communications facility, the antenna array, microfacility and supporting electrical and mechanical equipment shall be of a neutral color that is identical to, or closely compatible with, the color of the attachment structure so as to make the antenna array, microfacility and related equipment as visually unobtrusive as possible.

(f) Lighting. Support structures shall not be artificially lighted, unless required by the FAA or other applicable governmental authority. If lighting is required, the lighting alternatives and design chosen must cause the least disturbance to the surrounding views.

(g) State and Federal Requirements. All support structures must meet or exceed current standards or regulations of the FAA, the FCC and any other agency of the Commonwealth of Pennsylvania or Federal government with the authority to regulate support structures, antenna arrays and microfacilities. If such standards and regulations are changed, then the owners of the support structures, antenna arrays and microfacilities governed by this Section shall bring such support structures, antenna arrays and microfacilities into compliance with such revised standards and regulations within six (6) months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling State or Federal agency. Failure to bring support structures, antenna arrays and microfacilities into compliance with such revised standards and regulations shall constitute a violation of this Section and shall constitute grounds for the removal of the support structure, antenna array or microfacility at the owner's expense.

(h) Building Codes; Safety Standards. To ensure structural integrity of support structures, the owner of a support structure shall ensure that it is maintained in

compliance with standards contained in all applicable Federal, State or local building codes and the applicable standards for support structures that are published by the Electronic Industries Association, as amended from time to time. If, upon inspection, the Township concludes that a support structure fails to comply with any such code(s) or standard(s) and constitutes a danger to persons or property, then, upon written notice being provided to the owner of the support structure, the owner shall have thirty (30) days to bring such support structure into compliance with such standards. Failure to bring such support structure into compliance within said thirty (30) days shall constitute grounds for the Township to require the removal of the support structure and associated wireless communications facility at the owner's expense.

(i) Measurement. For purposes of measurement, support structure setbacks and separation distances shall be calculated and applied to facilities located in the Township irrespective of municipal and county jurisdictional boundaries.

(j) Nonessential Services. Support structures and wireless communications facilities shall be regulated and permitted pursuant to this Section and shall not be regulated or permitted as essential services, public utilities or private utilities.

(k) Franchises. Owners and/or operators of support structures, attachment structures and wireless communications facilities shall certify that all franchises (if any) required by law for the construction and/or operation of a wireless communications facility in the Township have been obtained and shall file a copy of all required franchises with the Zoning Officer.

(l) Signs. No signs, except as required for safe operation, shall be allowed on a support structure, antenna array or microfacility.

(m) Buildings and Support Equipment. Buildings and support equipment associated with wireless communications facilities shall comply with all applicable requirements of the Township Code, including this Section.

(n) Multiple Wireless Communications Facilities on Single Site. The Township encourages the users of support structures and wireless communications facilities to submit a single application for approval of multiple antenna array sites and microfacility sites on a single support structure.

(5) Wireless Communications Facilities: Uses; Standards and Criteria.

(a) Uses Within the Wireless Communications Facilities Overlay District on Property Zoned C Commercial, C-1 Commercial/Business Campus and LI Limited Industrial Districts.

1) The following uses are permitted by condi-

tional use in the Wireless Communications Facilities Overlay District on property zoned C Commercial District, C-1 Commercial/Business Campus District and LI Limited Industrial District:

a) The erection, construction, installation or attachment of wireless communications facilities to existing attachment structures where: the wireless communications facility is not in excess of ten (10) feet above the height of its attachment structure; the attachment structure is an existing structure within the Wireless Communications Facilities Overlay District; and the combined height of the existing attachment structure and the proposed wireless communications facility does not exceed one hundred twenty (120) feet.

(b) Uses Within the Wireless Communications Facilities Overlay District on Township-Owned Property and Property Owned by Entities Providing Emergency Services in the Township.

1) The following uses are permitted by conditional use in the Wireless Communications Facilities Overlay District on Township-owned property and property owned by entities providing emergency services in the Township:

a) The erection, construction, installation or use of a new support structure, with an antenna array or microfacility which, when combined, shall not exceed one hundred ninety (190) feet in height.

i. The applicant shall demonstrate to the reasonable satisfaction of the Township and its consultants that the wireless communications facility with support structure is the minimum height required to function within the applicant's communications grid system. No such facility that is taller than such functional minimum height shall be entitled to receive a building permit except to facilitate collocation.

ii. The measurement of height for the purpose of determining compliance with these requirements shall be from finished grade and shall include the support structure itself, the base pad, and any facilities, antenna arrays, microfacilities and beacons attached thereto.

b) The collocation of wireless communications facilities on existing support structures in accordance with the applicable standards in subsections (i) and (ii) above.

(c) Additional Standards and Criteria for Conditional Uses. The requirements set forth in the subsections below are

additional standards and criteria which shall be satisfied prior to approval of any conditional use:

1) Height Restrictions.

a) General Standard for All Wireless Communications Facilities. Subject to the further restrictions of subsection (b)(ii) below, the maximum height of any wireless communications facility shall be as set forth in subsections (a) and (b) above, except those otherwise restricted to a lesser height because of height restrictions applicable to attached wireless communications facilities.

b) Attached Wireless Communications Facilities.

i. Any antenna array or microfacility on an attachment structure shall be more than thirty-five (35) feet above ground on all sides of the structure and shall be prohibited on all structures thirty-five (35) feet or less in height.

ii. The height of the antenna array or microfacility shall not exceed the height of the attachment structure by more than ten (10) feet.

iii. If an antenna array or microfacility, or its appurtenances, extend above the primary roof of any attachment structure, they must be set back two (2) feet from the edge of the primary roof for each one (1) foot in height (to a maximum height of ten (10) feet) above the primary roof from which the antenna array or microfacility extends unless the antenna array or microfacility is appropriately screened from view through the use of panels, walls or other screening techniques approved by the Township. The setback requirements of this subsection shall not apply to an antenna array or microfacility which is mounted on the exterior of an attachment structure below the primary roof and which does not protrude more than eighteen (18) inches from the side of such attachment structure.

2) Setbacks from Base of Support Structure. If a new support structure is constructed (as opposed to mounting or collocating a wireless communications facility on an existing support structure), the minimum setback requirements shall be the largest of the following:

a) The wireless communications facility with

support structure shall comply with all minimum front, side and rear yard setback requirements of the applicable zoning district.

b) The wireless communications facility with support structure shall be set back from any occupied building, property line, street ultimate right-of-way, utility building or structure, utility right-of-way or easement, or liquid fuel source a minimum distance of not less than one and one-half (1.5) times the vertical height of the wireless communications facility, including the support structure and attachment structure, measured from the base of the support structure.

3) Support Structure Safety. The applicant shall demonstrate that the proposed wireless communications facility and support structure are safe and the surrounding areas will not be negatively affected by support structure failure, falling ice or other hazards or radio frequency interference. All support structures shall be fitted with or protected by anti-climbing devices, as approved by the manufacturers and acceptable to the Board of Supervisors.

4) Stealth Design. Wireless communications facilities shall be of stealth design as required by the Township and must comply with the following standards relating to aesthetics, placement and colors:

a) Attached wireless communications facilities shall be designed so as to blend into the existing attachment structure to the extent feasible, including placement in a location which is consistent with proper functioning of the wireless communications facility and use of compatible or neutral colors.

b) Attached wireless communications facilities which have aesthetic impacts that are not able to be reasonably mitigated by placement and color solutions may be required to be screened in a reasonable and achievable manner.

c) Wireless communications facilities with support structure shall be designed so as to blend in with the existing surroundings to the extent feasible, including the use of compatible colors and disguised structures such as man-made trees, clock towers, bell steeples, light poles and similar alternative design mounting structures that camouflage or conceal the presence of antennas or support structures.

d) Equipment facilities shall, to the extent practical, use materials, colors and textures that blend in with the natural setting and built envi-

ronment.

e) The applicant shall provide evidence satisfactory to the Board of Supervisors that the stealth design of the wireless communications facility effectively minimizes its visual impact and blends with its surroundings prior to the issuance of a building permit.

5) Plan. The applicant shall provide a plan for all wireless communications facilities showing the antenna array, microfacility (if applicable), support structure, building (or equipment facility), fencing, buffering, access and such other information as the Township may require to illustrate the relationship between the proposed facility and adjacent structures and property lines.

6) Other Standards. The applicant shall comply with all other standards of approval for wireless communications facilities as set forth herein.

(d) Conditions for Conditional Uses. When granting a conditional use, the Board of Supervisors may attach such reasonable conditions and safeguards, in addition to those expressed in this Section, as it may deem necessary to implement the purposes of this Section. Such conditions and safeguards may include, but need not be limited to, conditions on height, stealth design, particular location on a lot, fencing and other measures that implement the purposes of this Section.

(6) Special Standards Applicable to Wireless Communications Facilities.

(a) Fencing. A fence shall be required around a wireless communications facility with support structure and other equipment unless the wireless communications facility is mounted on an attachment structure. The fence shall be eight (8) feet in height and shall conform to any other applicable provisions of the East Coventry Township Code of Ordinances related to the erection of fences.

(b) Landscaping Plan. The applicant shall submit a landscaping plan with its application, preserving existing vegetation on and around the site to the greatest extent possible and screening the base of the tower, guy wire anchor locations, any cabinets or associated buildings (or equipment facilities) and any fencing.

(c) Collocation. In order to reasonably limit the number of wireless communications facilities with support structures in the community in the future, each proposed support structure shall be required, subject to consideration of overall height, design, cost sharing and fair market rental, to have the capability to accommodate a minimum of three (3) users including, but not limited to, other wireless communications service providers, police, fire and ambulance

companies.

(7) Equipment Facility.

(a) Antenna Arrays and Microfacilities Mounted on Attachment Structures Such as Buildings. The equipment facility used in association with a wireless communications facility proposed to be located on a building shall comply with the following:

1) The equipment facility shall not contain more than sixty-four (64) square feet of gross floor area or, if proposed to be located on the roof of the building, shall not be more than four (4) feet in height. In addition, for buildings and structures less than sixty-five (65) feet in height, the related equipment facility, if over sixty-four (64) square feet of gross floor area or four (4) feet in height, shall be located in the building.

2) If the equipment facility is located on the roof of a building, the area of the equipment facility and other structures shall not occupy more than fifteen percent (15%) of the roof area.

3) An equipment facility may be located on the ground only if it complies with applicable regulations for accessory structures.

4) An equipment facility shall comply with all applicable building codes.

(b) Antenna Arrays and Microfacilities Mounted on Attachment Structures Such as Telephone Poles, Utility Poles, Light Poles and Similar Structures. The equipment facility used in association with an attachment structure such as a telephone pole, utility pole, light pole, high tension electrical tower and similar structures shall be located in accordance with the following:

1) An equipment facility associated with a permitted attachment structure shall be no greater than eight (8) feet in height or one hundred forty-four (144) square feet in gross floor area. The equipment facility shall be screened by an evergreen hedge or evergreen trees with an ultimate height of no less than eight (8) feet and a planted height of at least sixty (60) inches. In all cases, the equipment facility shall be screened from the view of all residential properties which abut or are located directly across the street from the equipment facility by a solid fence or an evergreen hedge with an installed or a planted height of at least the height of the equipment facility.

2) All cables, wires or lines from the support structure or attachment to the equipment facility shall be located underground unless the equipment facility is mounted on the support or attachment structure consis-

tent with the regulations of this Section.

(c) Wireless Communications Facilities with Support Structures. The equipment facility for a wireless communications facility with support structure shall not contain more than two hundred fifty (250) square feet of gross floor area or be more than eight (8) feet in height and shall be located in accordance with the minimum yard requirements of the zoning district in which located and shall be screened in accordance with the standards of subsection (2)(C)(7)(b)(1) above and any other applicable landscaping or buffering provisions of this Chapter and the Subdivision and Land Development Ordinance [Chapter 22]. [Ord. 196]

(d) Modification of Building Size Requirements. The requirements of subsections (a) through (c) above may be modified by the Board of Supervisors during the conditional use process as may be proven reasonably necessary.

(8) Removal of Abandoned Antennas and Towers. Any antenna array, microfacility or support structure that is not operated for a continuous period of twelve (12) months shall be considered abandoned, and the owner of the lot where such facilities are located as well as the owner of such antenna array, microfacility or support structure shall be required to remove the same within ninety (90) days of receipt of notice from the Township notifying the owner of such abandonment. Failure to remove an abandoned antenna array, microfacility or support structure within said ninety (90) days shall constitute a violation of this Section. The offending antenna array, microfacility or support structures shall, upon the issuance of injunctive relief, be removed, and the costs of such removal shall be entered as a lien upon the property at the owner's expense. If there are two (2) or more users of a single support structure, then this provision shall not become effective until all users cease using the antenna array, microfacility or support structure.

(9) Nonconforming Uses.

(a) No Expansion of Nonconforming Use. Antenna arrays, microfacilities and any other wireless communications facilities which are installed or attached to existing structures in accordance with the provisions of this Section shall not be deemed to constitute the expansion of a nonconforming use or structure but shall rather comply with all the requirements for a separate and distinct use under the provisions of this Chapter and the Subdivision and Land Development Ordinance [Chapter 22].

(b) Preexisting Support Structures. Preexisting, nonconforming support structures shall be allowed to continue their usage as they presently exist. Routine maintenance (including replacement with a new support structure of like construction and height) shall be permitted on such preexisting support structures. New construction other than routine maintenance on a preexisting support structure shall comply with the requirements of this Section.

(c) Rebuilding Damaged or Destroyed Nonconforming Support Structures, Antenna Arrays or Microfacilities. Notwithstanding subsection (2)(C)(9)(a) above, bona fide nonconforming support structures, antenna arrays or micro-facilities that are damaged or destroyed may be rebuilt without having to first obtain a new, conditional use approval. The type, height and specific location of the rebuilt support structure, antenna array and microfacility on site shall be of the same type and intensity as the original facility approval. Building permits to rebuild the facility shall comply with then applicable building codes and shall be obtained within one hundred twenty (120) days from the date the facility is damaged, or, if no permit is obtained or if said permit expires, the support structure, antenna array or microfacility shall be deemed abandoned as specified in subsection (2)(C)(8) above. [Ord. 184]

(10) Prohibited Uses. All uses ancillary to a wireless communications facility (including a business office, maintenance depot, vehicle storage, etc.) are prohibited from the wireless communications facility site unless otherwise permitted in the zoning district in which the wireless communications facility site is located.

(11) Advertising Prohibited. Advertising of any kind on cell towers, antennas, wireless communications facilities, equipment facilities, support structures or replacement attachment structures is strictly prohibited.

(12) Modification of Section Requirements.

(a) Modifications from the design, dimensional and appearance criteria of this Section may be granted by the Board of Supervisors during the conditional use process upon satisfactory demonstration of the type of severe and unnecessary hardship required for an applicant seeking a variance from the Zoning Hearing Board.

(b) A request for a variance to permit the location of any wireless communications facility anywhere other than within the designated structure zone and attachment zone may be granted only by the Zoning Hearing Board.

(13) Conflicts. Where the provisions of this Section are in conflict with the regulations of any underlying zoning district, the provisions of this Section shall control.

(14) Violations and Penalties.

(a) Any person who shall erect, construct, reconstruct, alter, repair, convert, attach or maintain any wireless communications facility in violation of the terms of this Section or who, being the owner or agent of the owner of any lot, tract or parcel of land, shall suffer or permit another to erect, construct, reconstruct, alter, repair, convert, attach or maintain any such facility shall be deemed to have violated the provisions hereof and shall be subject to a fine of up to one thousand dollars ($1,000.00) per day during the

period such violation shall exist, collected as like fines or penalties are collected by law. Each day that a violation occurs shall constitute a separate violation.

(b) If any wireless communications facility is erected, constructed, reconstructed, altered, repaired, converted, attached or maintained in violation of this Section or any regulations made pursuant hereto, an authorized official of the Township, in addition to other remedies, may institute in the name of the Township any appropriate action or proceeding, whether by legal process or otherwise, to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, attachment or use, to restrain, correct or abate such violation, to prevent the use of such facility and/or to prevent any illegal act, conduct, business or use in or about such facility.

[Ord. 174]

(Ord. 147, 8/11/2008, §302; as amended by Ord. 174, 2/14/2011, §IV; by Ord. 184, 10/10/2011, §§III, IV; and by Ord. 196, 8/12/2013, §XIII)

§304. Federal, State, County or Municipal Owned Property. Except as otherwise provided in this Chapter regarding Township owned property, whenever Federal, State, County or municipal owned property is included in one or more zoning districts, it shall be subject to the provisions of this Chapter insofar as permitted by the Constitution and Laws of the United States and of the Commonwealth of Pennsylvania. (Ord. 147, 8/11/2008, §303; as amended by Ord. 172, 2/14/2011, §VIII)

§305. Boundary Use Tolerances. Where a lot is divided by a zoning district boundary line, the uses permitted in the less restrictive district may extend into that portion of said lot in the more restrictive district to the nearest lot line but in no case a greater distance than fifty (50) feet; provided, that full use is made of the less restrictive area before extension into the more restricted area of said lot; and, provided further, that in no case shall the use permitted in any zoning district be extended for any distance into any Floodplain, Steep Slope Conservation or Historic Resource Conservation Overlay District. (Ord. 147, 8/11/2008, §304)

§306. Township Uses. Township uses shall be permitted in all base and overlay zoning districts and shall be exempt from the minimum area, bulk and dimensional standards thereof. (Ord. 147, 8/11/2008, §305; as amended by Ord. 172, 2/14/2011, §VIII)

Part 4

Natural Features Protection

§401. Floodplain Districts. In the FW Floodway Floodplain District, the FF Flood Fringe Floodplain District, and the FA General Floodplain District, the following regulations apply: (Ord. 147, 8/11/2008, §400)

§402. Purpose. In addition to the general intent set forth in §102 of this Chapter, the specific purpose of the provisions of this Part is to prevent the loss of property and life, the creation of health and safety hazards, the disruption of commerce and governmental services, the extraordinary and unnecessary expenditure of public funds for flood protection and relief, and the impairment of the tax base by:

A. Regulating construction, development, uses, activities, and encroachments which, acting alone or in combination with other existing or future construction, development, uses, activities, or encroachments, will cause unacceptable increases in flood heights, velocities, and frequencies.

B. Restricting or prohibiting certain construction, development, uses, activities, and encroachments from locating within areas subject to flooding.

C. Requiring all permitted construction, development, uses, activities, and encroachments occurring in floodplain areas to be protected and/or made floodproof against flooding and flood damages.

(Ord. 147, 8/11/2008, §401)

§403. General Floodplain Regulations. The following regulations shall apply to all floodplain districts:

A. All construction, development, uses, activities, and encroachments occurring within any floodplain district shall be undertaken only in strict compliance with: (1) the provisions of this Chapter and all other applicable codes and ordinances, including, without limitation, the Building Code [Chapter 5, Part 1, §101] and the Subdivision and Land Development Ordinance [Chapter 22], as amended, and (2) all Federal and State law, including, without limitation, §404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334, and the Dam Safety and Encroachment Act.

B. Under no circumstances shall any construction, development, use, activity, or encroachment adversely affect the capacity of the channels or floodways of any watercourse, drainage ditch, or other drainage facility or system.

C. Prior to any proposed alteration or relocation of any stream, other watercourse, drainage ditch, or other drainage facility or system within the Township: (1) all required permits or approvals shall be obtained form the Pennsylvania Department of Environmental Protection; (2) notification of the proposed alteration or relocation shall be given by the applicant to all affected adjacent municipalities, the Federal Emergency Management Agency, and the Pennsylvania Department of Community and Economic Development; and (3) the applicant shall certify

by a letter from a registered professional engineer that the flood carrying capacity within the altered or relocated portion of the stream, other watercourse, drainage ditch, or other facility or system, shall be maintained.

(Ord. 147, 8/11/2008, §402)

§404. FW Floodway Floodplain District Regulations. The FW Floodway Floodplain District shall consist of two (2) distinct areas; the floodway as defined in §303(2)(A)(2)(a) and the floodplain, as defined in §303(2)(A)(2)(a), and the following regulations apply:

A. No construction, development, use, activity or encroachment shall be permitted except where the effect of the same on flood height is fully offset by accompanying stream improvements which have been approved by all appropriate local, State, and Federal authorities.

B. Permitted Uses in the Floodway and Floodplain Areas. The following uses and activities are permitted provided that they are (1) in compliance with the provisions of the underlying base zoning district, (2) not prohibited by any other ordinance, and (3) do not require or involve structures, fill, or the storage of materials and equipment.

(1) Agricultural uses such as general farming, pasture, grazing, outdoor plant nurseries, horticulture, truck farming, forestry, sod farming, and wild crop harvesting.

(2) Public and private recreational uses and activities such as parks, day camps, picnic grounds, golf courses, boat launching and swimming areas, hiking, and horseback riding trails, wildlife and nature preserves, game farms, fish hatcheries, trap and skeet game ranges, and hunting and fishing areas.

(3) Accessory residential uses such as yard areas, gardens, play areas, and pervious parking areas.

(4) Accessory industrial and commercial uses such as areas for pervious parking and loading.

C. Uses Permitted by Special Exception in the Floodway Area. The following uses and activities are permitted in the floodway area by special exception provided that they are (1) in compliance with the provisions of the underlying base zoning district, (2) not prohibited by any other Section of this Chapter, and (3) are undertaken, together with any construction and/or development, in strict compliance with the floodproofing provisions contained in this Chapter and other applicable codes and ordinances:

(1) Structures, except for mobile homes, accessory to the uses and activities described in subsection (B), above.

(2) Public improvements such as railroad and street crossings, bridges, transmission lines, pipe lines, and other similar uses.

(3) Water-related uses and activities such as marinas, docks, wharves and piers, if designed to minimize the impact on, and damages from flooding.

(4) Temporary uses such as circuses, carnivals and similar activities.

(5) Other similar uses and activities provided they cause no increase in flood heights and/or velocities.

D. Uses Permitted by Special Exception in the Floodplain Area. The following uses and activities are permitted in the floodplain area by special exception provided that they are (1) in compliance with the provisions of the underlying base zoning district, (2) not prohibited by any other section of this Chapter, and (3) are undertaken, together with any construction and/or development, in strict compliance with the floodproofing provisions contained in this Chapter and other applicable codes and ordinances:

(1) Utilities and public facilities such as water and sewage treatment plants and other similar or related uses.

(2) Storage of materials and equipment provided that they are not buoyant, flammable or explosive, and are not subject to damage by flooding, or provided that such material and equipment is firmly anchored to prevent flotation or movement, and/or can be readily removed from the area within the time available after flood warning.

Notwithstanding the foregoing, in no event shall any of the materials or substances listed in §407(1)(A) of this Part be stored within the floodplain area except as provided by and in full compliance with the provisions of §407 of this Part.

(Ord. 147, 8/11/2008, §403)

§405. FF Flood Fringe Floodplain District Regulations. In the FF Flood Fringe Floodplain District, the following regulations shall apply:

A. Permitted Uses. In the FF Flood Fringe Floodplain District, the development or use of land, and activities thereon, shall be permitted in accordance with the regulations of the underlying base zoning district provided that all such development, use, or activities shall be undertaken in strict compliance with the floodproofing and related provisions contained in this Chapter and all other applicable codes and ordinances.

B. Special Provisions for Certain Uses, Activities, and Development. See §407 of this Part for additional provisions concerning certain types of uses, activities, and development in the FF Flood Fringe Floodplain District. Notwithstanding any other provision of this Chapter to the contrary, no use, activity or development shall be permitted in the FF Flood Fringe Floodplain District that is prohibited by or does not comply with the provisions of §407 of this Part.

(Ord. 147, 8/11/2008, §404)

§406. FA General Floodplain District Regulations. In the FA General Floodplain District, the following regulations shall apply:

A. No construction, development, use, activity, or encroachments (including, without limitation, fill, grading, and/or substantial improvements to structures) shall be permitted unless the applicant or

appellant for the proposed construction, development, use, activity, or encroachment has demonstrated that the proposed undertaking, when combined with all other uses and anticipated construction, development, uses, activities, and encroachments, will not increase the water surface elevation above the regulatory flood elevation at any point. The engineering principle, equal reduction of conveyance, shall be used to make the determination of increases in flood heights. A registered professional engineer, licensed as such in the Commonwealth of Pennsylvania, shall prepare the necessary hydraulic calculations, reports and studies that are required in and by this Section.

B. In the floodway portion of the FA General Floodplain District, the only construction, development, uses activities, and encroachments permitted shall be those permitted in the FW Floodway Floodplain District, provided that the effect of the same on flood heights shall be fully offset by accompanying stream improvements.

C. No new construction or development shall be located within the area measured one hundred (100) feet landward from the top-of-bank of any watercourse.

D. All construction, development, uses, activities, and encroachments shall be undertaken in strict compliance with the regulations of the underlying base zoning district, and with the floodproofing and related provisions contained in this Chapter and all other applicable codes and ordinances.

E. See §407 of this Part for additional provisions concerning certain types of uses, activities, and development within the FA General Floodplain District. Notwithstanding any other provision of this Chapter to the contrary, no use, activity or development shall be permitted in the FA General Floodplain District that is prohibited by or does not comply with the applicable provisions of §407 of this Part.

(Ord. 147, 8/11/2008, §405)

§407. Special Provisions for Certain Types of Development Within Floodplain Districts.

1. Development That May Endanger Human Life.

A. In accordance with the Flood Plain Management Act and the regulations adopted thereunder by the Pennsylvania Department of Community and Economic Development, as required by the Act, any new or substantially improved structures which will be used for the production or storage of any of the following materials or substances or which will be used for any activity requiring the maintenance of a supply (more than five hundred fifty (550) gallons or other comparable volume or any amount of radioactive substances) of any of the following materials or substances[1] on the premises, shall be subject to the provisions of this Section, in addition to all other applicable provisions:

(1) Acetone

(2) Ammonia

[1]As amended from time to time by FEMA.

(3) Benzene

(4) Calcium carbide

(5) Carbon disulfide

(6) Celluloid

(7) Chlorine

(8) Hydrochloric acid

(9) Hydrocynaic acid

(10) Magnesium

(11) nitric acid and oxides of nitrogen

(12) Petroleum products (gasoline, fuel, oil, etc.)

(13) Phosphorous

(14) Potassium

(15) Sodium

(16) Sulphur and sulphur products

(17) Pesticides (including insecticides, fungicides, and rodenticides)

(18) Radioactive substances (insofar as such substances are not otherwise regulated)

B. Within the FW Floodway Floodplain District, any structure of the kind described in subsection (1)(A), above, shall be prohibited notwithstanding any provisions of this Chapter to the contrary.

C. Where otherwise permitted within the FF Flood Fringe Floodplain District or the FA General Floodplain District, any new or substantially improved structure of the kind described in subsection (1)(A), above, shall conform to the applicable National Flood Insurance Program requirements of 44 CFR, Ch. 1, Section 60.3 (10-1-00 Edition), including FEMA Technical Bulletins, and the following provisions, notwithstanding other provisions of this Chapter to the contrary:

(1) The structure shall be elevated or designed and constructed to remain completely dry up to at least one (1) foot above the one hundred (100) year flood elevation.

(2) To the extent that the structure, or part thereof, will be built at or below the regulatory flood elevation, it shall be designed and constructed in accordance with the standards for completely dry floodproofing contained in the publication Floodproofing Regulations, U.S. Army Corps of Engineers, June 1972, most recent edition, or with other equivalent watertight standards.

(3) The structure shall be designed to prevent pollution from the structure or activity during the course of a one hundred (100) year flood.

(4) The structure shall not be located within an area measuring one hundred (100) feet landward from the top-of-bank of any watercourse.

2. Obstructions and Activities Requiring Special Permits. Subject to and in accordance with the Flood Plain Management Act and the regulations adopted thereunder by the Pennsylvania Department of Community and Economic Development, the following obstructions and activities, if located partially or entirely within a floodplain district, shall be permitted only by a special permit issued by the Building Inspector, applied for and issued pursuant to and in accordance with the provisions of the Building Code [Chapter 5, Part 1, §101], provided that such obstructions and activities are otherwise permitted by and under the applicable use and other provisions of the floodplain district and underlying base zoning district in which the obstructions or activities are or to be located. The commencement of any of the following activities, or the construction, enlargement, or expansion of any structure used, or intended to be used, for any of the following activities:

A. Hospitals, public or private.

B. Nursing homes, public and private.

C. Jails or prisons.

3. Special Requirements for Mobile Homes.

A. Within the FW Floodway Floodplain District, mobile homes shall be prohibited.

B. When otherwise permitted within the FF Flood Fringe Floodplain District or FA General Floodplain District, all mobile homes and any additions or improvements thereto shall comply with the provisions of the Building Code [Chapter 5, Part 1, §101].

(Ord. 147, 8/11/2008, §406)

§408. Floodplain District Warning and Disclaimer of Liability.

1. The degree of flood protection sought by the provisions of this Part and otherwise in this Chapter is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study. Larger floods may occur on rare occasions. Flood heights may be increased by man-made or natural causes, such as ice jams and the restriction of bridge openings by debris. This Part and other provisions of this Chapter do not imply that areas outside the floodplain districts or that land uses permitted within such districts will be free from flooding or flood damages and not in limitation of the foregoing.

2. This Section and other provisions of this Chapter shall not create liability on the part of the Township or any officer or employee thereof for any flood damage that result from reliance on this Part, other provisions of this Chapter, or any administrative decision lawfully made hereunder.

(Ord. 147, 8/11/2008, §407)

§409. Steep Slope Conservation District. In addition to the general intent set forth in §102 of this Chapter, the specific purpose of this Section is as follows:

A. To promote the public health, safety and welfare by protection of steep slope areas.

B. To permit only those uses of steep slope areas which are compatible with the conservation of natural conditions and which maintain stable soil conditions by minimizing disturbances to vegetative ground covers and restricting the re-grading of steep slope areas.

C. To limit soil erosion and the resultant destruction of the land, siltation of streams and damage to the property of individuals.

D. To protect low-lying areas from flooding by limiting the increase in stormwater runoff caused by grading of slope areas, changes of ground cover or the erection of structures.

E. To maintain the ecological integrity and habitat value of steeply sloped areas, i.e., indigenous vegetation and wildlife, which could be adversely affected by otherwise permitted disturbances.

(Ord. 147, 8/11/2008, §408)

§410. Steep Slope Conservation District; General Provisions.

1. No area within the Steep Slope Conservation District shall hereafter be developed without full compliance with the terms of this Section and other applicable regulations. The Steep Slope Conservation District shall be deemed to be an overlay on any zoning district(s) now or hereafter enacted to regulate the development of land in the Township.

2. The Steep Slope Conservation District shall have no effect on the permitted uses in the underlying zoning district, except where said uses are intended to be located within the boundaries of the Steep Slope Conservation District, as defined herein, and said uses are in conflict with the permitted uses set forth in this Part.

3. In those areas of the Township where the Steep Slope Conservation District applies, the requirements of the Steep Slope Conservation District, to the extent they are more restrictive, shall supersede the requirements of the underlying zoning district.

4. Each application for construction or land disturbance within the Steep Slope Conservation District shall be submitted in accordance with §414, herein. Any area of the Steep Slope Conservation District that falls within the subject lot or lots shall be interpolated and shown on the site plan required under §414(1)(B) through shading of such area or areas.

5. Should the Steep Slope Conservation District boundaries be revised, to exclude previously included lands, as a result of legislative or administrative action or judicial decision, the zoning requirements applicable to the area in question shall revert to the requirements of the underlying zoning district(s) without consideration of this Part.

6. For any parcel or any part thereof on which the Steep Slope Conservation District is an overlay, should the underlying zoning classification(s) be changed as a result of legislative or administrative actions or judicial decision, such change(s) in classification shall have no effect on boundaries of the Steep Slope Conservation District, unless an amendment to said boundaries was included as part of the proceedings from which the subsequent change(s) originated.

7. It is not intended by this Section to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this

Part imposes greater restrictions, the provisions of this Part shall prevail.

8. The granting of a zoning permit or approval of a subdivision or land development plan within or near the Steep Slope Conservation District shall not constitute a representation, guarantee, or warranty of any kind by the Township, or by any official or employee thereof, of the practicability or safety of the proposed use, and shall create no liability upon the Township, its officials or employees. This Chapter does not imply that areas outside the Steep Slope Conservation District boundaries or land uses permitted within said Steep Slope Conservation District will always be totally free from the adverse affects of erosion.

(Ord. 147, 8/11/2008, §409)

§411. Section Reserved. (Ord. 147, 8/11/2008, §410; as amended by Ord. 184, 10/10/2011, §III)

§412. Uses Permitted by Right in the Steep Slope Conservation District.

1. In any part of the Steep Slope Conservation District, all grading shall be minimized, and no grading shall be undertaken within any area of the Steep Slope Conservation District except where approved in conjunction with a use permitted under the terms of this Section.

2. The following are the only uses permitted as of 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 top soil unless replaced by approved engineered structures.

A. Parks and outdoor recreational uses, consistent with the goals of watershed protection.

B. Yard areas within the Steep Slope Conservation District.

C. Pastures and other agricultural activities such as tree farming that do not expose the soil to erosion on a regular periodic basis.

D. Logging and woodcutting, where such activity is limited to highly selective removal of trees and does not involve clear-cutting. Maximum precautions shall be taken to avoid destruction of or injury to under-story brush and trees.

E. The minimum possible grading for a driveway, which grade shall not exceed fifteen percent (15%), accessing a single-family dwelling or other building when it can be demonstrated that no other routing that avoids prohibitive slopes is feasible or economically reasonable.

F. The minimum possible installation of public or private transmission lines such as power, phone, gas, water, sewer or storm sewer lines when it can be demonstrated that no other routing that avoids prohibitive slopes is practicable or economically reasonable.

3. 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 this Chapter.

A. All uses permitted in areas of prohibitive slopes.

B. Tree farming, forestry, and other agricultural uses when conducted in conformity with conservation practices, including minimum tillage methods, approved by the Natural Resources Conservation Service or the Chester County Conservation District.

C. Access roads for the passage of emergency vehicles in the event of fire or accident.

D. Accessory uses (except swimming pools), necessary for the operation and maintenance of the above permitted uses.

(Ord. 147, 8/11/2008, §411)

§413. Uses Permitted by Special Exception in the Steep Slope Conservation District.

1. Any of the following uses are permitted within the Steep Slope Conservation District when approved as a special exception by the Zoning Hearing Board in accordance with the provisions of Part 15 of this Chapter provided that the applicant demonstrates that there is no alternative that could avoid encroachment into areas of prohibitive slope:

A. Any structure permitted by right, special exception, or conditional use according to the terms of the underlying base zoning district.

B. Any road necessary to provide primary access to a use permitted by this Chapter, when no practical alternative exists in an area of lesser slope.

(Ord. 147, 8/11/2008, §412)

§414. Uses Permitted by Variance in the Steep Slope Conservation District.

1. Any use permitted by variance within the Steep Slope Conservation District when approved as a variance by the Zoning Hearing Board in accordance with the provisions of Part 15 of this Chapter:

A. Within any lot, areas classified as prohibitive slopes may be permanently disturbed for the installation of site improvements subject to the granting of a variance by the Zoning Hearing Board. On any lot, the total amount of impervious surface that may be installed within areas of prohibitive slope shall not exceed twenty percent (20%) of the total impervious area permitted according to the provisions of the underlying base zoning district.

B. Within any lot, areas classified as precautionary slopes may be permanently disturbed for the installation of site improvements, subject to the granting of a variance by the Zoning Hearing Board. On any lot, the total amount of impervious surface that may be installed within areas of precautionary slope shall not exceed forty percent (40%) of the total impervious area permitted according to the provisions of the underlying base zoning district.

(Ord. 147, 8/11/2008, §413)

§415. Administration of the Steep Slope Conservation District Regulations. Administration of this Section is governed by Part 16 of this Chapter. In addition, the following specific application procedure requirements shall apply:

A. Before a permit is issued for any construction or land disturbance activity on land within or affecting the Steep Slope Conservation District, the following material, in full or in pertinent parts, shall be submitted for review by the Zoning Officer or the Zoning Hearing Board. If the disturbed land contains no steep slopes the application may be reviewed by the Zoning Officer. Conversely, if the disturbed land contains steep slopes the application must be reviewed by the Zoning Hearing Board. No zoning permit shall be issued by the Zoning Officer and no special exception shall be granted by the Zoning

Hearing Board without the Township Engineer's review of this material and recommendation thereon.

(1) A grading plan of the property at a scale of no more than one hundred (100) feet to the inch which indicates existing grades and proposed grades, both at two (2) foot intervals, within the area of any proposed activity, disturbance, or construction. All areas of prohibitive and/or precautionary slope shall be shaded accordingly.

(2) A site plan indicating existing and proposed development, structures, other impervious surfaces, storm drainage facilities, and retaining walls. The site plan also shall located and identify existing vegetation and ground cover within areas of prohibitive and precautionary slopes, as well as proposed landscaping material to be installed.

(3) Architectural engineered plans, elevations, and sections with such specifications as may be pertinent.

(4) A statement, signed and sealed by a registered architect or engineer, providing construction methods to be used for foundations and other structural situations affected by steep slopes, and addressing methods to preserve the natural watersheds, and prevent soil erosion and excessive surface water runoff to adjacent properties and/or streets.

(5) Plans, profiles, and typical cross-sections of any proposed street, emergency access, or driveway within areas of prohibitive and precautionary slopes, sealed by a registered professional engineer.

(6) A sediment and erosion control plan, with construction narrative, setting forth the measures to control sediments generated on site by the proposed activity. The plan shall be prepared according to the standards and procedures established by the Natural Resources Conservation Service and the Pennsylvania Department of Environmental Protection.

(7) A statement, signed by the landowner or equitable owner at the time of the subdivision, land development, or building permit application, that there is a full understanding of access as it relates to steep slopes.

(Ord. 147, 8/11/2008, §414)

§416. Standards and Criteria for Review of Special Exceptions in the Steep Slope Conservation District.

1. In evaluating any application for a special exception within the Steep Slope Conservation District, the Zoning Hearing Board shall determine consistency of the proposal with the following:

A. Disturbance to particularly sensitive features of the site shall be minimized. Site planning emphasis should be given to the protection of:

(1) The areas of steepest slope, especially those exceeding twenty-five percent (25%).

(2) Soils with seasonal high water table.

(3) Underlying geology that comprises, or contributes to, a major groundwater resource, including the flow of existing springs.

B. Disturbance of steep slopes shall be minimized on the site and on adjacent lands within two hundred (200) feet of the site.

C. The proposed development, any impervious ground cover, and the resultant disturbance to the land and existing vegetative cover will not cause runoff and/or related environmental problems off the site.

D. Removal of, or disturbance to, existing vegetation on the site shall be minimized. The proposed impacts on existing vegetation shall be evaluated in terms of the potentially detrimental effects on slope stability, transportation and recharge of stormwater, aesthetic and traditional characteristics of the landscape, and existing drainage patterns. The Board may require mitigation measures as it deems appropriate.

E. The design and construction procedures and sediment and erosion control measures are such that there is no risk of damage or impairment to adjacent slopes, neighboring properties or down-slope watercourses as a result of the proposed activities.

F. Important visual qualities of the site shall, to the maximum extent feasible, be retained; in addition to vegetation, these may include hilltops, ridgelines, rock outcroppings and the natural terrain and contours of the site.

G. Road construction shall follow the natural topography, with cuts, fills and grading minimized.

H. Innovative, imaginative building techniques that are well suited to slope conditions shall be encouraged, consistent with other applicable codes and regulations.

I. The equilibrium of the slope, as characterized by the existing interrelationships among soil, water, and vegetation, shall be disturbed as little as possible.

J. Finished slopes of all cuts and fills shall not exceed thirty-three percent (33%), unless the applicant can demonstrate that steeper slopes can be stabilized and maintained adequately to the satisfaction of the Township.

K. Exposed cut slopes within or below prohibitive slopes shall be minimized so that engineered retaining walls or other structures are utilized to the greatest extent practicable to maintain the stability of the disturbed slopes and reduce the risk of harm by reason of erosion and potential slope failure resulting in mudslides.

L. In addition to all other applicable provisions of this Chapter, all activities within the Steep Slope Conservation District shall conform to the performance standards set forth in §410 and §§412 through 416, herein and §424 of Subdivision and Land Development Ordinance [Chapter 22] relating to stormwater management and sediment and erosion control. [Ord. 184]

(Ord. 147, 8/11/2008, §415; as amended by Ord. 184, 10/10/2011, §III)

§417. Uses and/or Structures Rendered Nonconforming by the Adoption of the Steep Slope Conservation District. Following the adoption of this Part, any use or structure which is situated within the boundaries of the Steep Slope Conservation District and which does not conform to the permitted uses specified in §§412, 413 and 414 herein shall become a nonconforming use or structure, regardless of its conformance to the district in which it is located without consideration of this Section. The expansion or continuance of said nonconforming use or structure shall be governed by the requirements of Part 19 of this Chapter. However, the Zoning Hearing Board shall also ensure that the standards contained in §1509 of this Chapter are applied to the expansion or change of said nonconforming use or structure. (Ord. 147, 8/11/2008, §416)

§418. Seasonally High Water Table Soils and Wetlands.

1. Seasonally high water table soils, as defined in Part 2, herein, shall not be disturbed by the construction of any structure or any subsurface sewage system. Such soils are those soils in which the groundwater is one (1) foot or less from the ground surface at certain times of the year and/or as noted in the Soil Survey of Chester and Delaware Counties, Pennsylvania as having a periodically seasonally high water table.

2. Wetlands shall be determined to exist where indicated by the use of the Criteria for Wetland Identification as outlined in the Federal Manual for Identifying and Delineating Jurisdictional Wetlands as adopted by the Pennsylvania Department of Environmental Protection. Where wetlands are found to exist, the following procedures are applicable:

A. Should the existence of wetlands be indicated after a review of the requirements of subsection (2), above, a wetlands delineation shall be performed by a licensed professional engineer, hydrogeologist, soil scientist, or similarly qualified professional experienced in wetland ecology, with the selection of such party to be at the discretion of the applicant. Plans shall be submitted to the Township for review that show the delineation and indicate any disturbance of wetlands anticipated. The qualifications of the consultant performing the delineation shall be submitted with such plans. Further, unless it is clearly evident in such plans and/or by any field review of the Township Engineer that there are no designated wetlands or, if there are, that no disturbance to the designated wetlands is anticipated, the delineation performed shall be submitted to the appropriate regulatory agencies, including, but not limited to, the U.S. Army Corps of Engineers and the Pennsylvania Department of Environmental Protection for boundary confirmation and/or requisite wetland permits. All potential impact on wetlands shall conform to applicable regulations, as amended.

B. Should the Township conclude, after reviewing the information to be determined under subsections (2) and (2)(A), above, that wetlands exist, or exist to a greater extent on the site, contrary to the applicant’s findings, the Township may engage a separate consultant or an independent consultant to review the data and make such examinations in the field as are required to verify or determine the extent of discrepancy from the applicant’s wetland determinations. In the event

the Township finds the applicant's determination to be incorrect, the applicant shall be required to pay for the cost of the Township's determinations in this regard. In the event that the applicant's wetland determinations are found to be correct, the Township will bear the cost of the verification survey indicated.

C. Where wetlands exist and disturbance permits and/or mitigation activities are required, final plan approval or granting of applicable permits from the Township shall be contingent upon the applicant receiving all necessary wetlands permits, and/or waivers permit.

(Ord. 147, 8/11/2008, §417)

§419. Riparian Buffers.

1. Specified watercourses and their associated buffers shall be protected in accordance with the standards of this Section. A riparian buffer area, as defined in this Chapter, shall be provided, within which no land disturbance shall be permitted except as provide in subsection (2) below. [Ord. 184]

2. The following uses and activities shall be permitted within the riparian buffer.

A. Regulated activities permitted by the Commonwealth of Pennsylvania (i.e., permitted stream crossing with a maximum ten percent (10%) disturbance).

B. Provision for unpaved trail access.

C. Selective removal of hazardous or invasive vegetative species as defined by the Pennsylvania Department of Environmental Protection.

D. Vegetation management in accordance with an approved landscape plan or open space management plan.

E. A soil or stream conservation project, including reforestation and stream bank stabilization, approved by the Chester County Conservation District.

(Ord. 147, 8/11/2008, §418; as amended by Ord. 152, 12/8/2008, §I; and by Ord. 184, 10/10/2011, §V)

§420. Landscaping, Screening and Buffering.

1. General Applicability. All persons undertaking any of the following activities shall comply with the provisions of §428 of the Subdivision and Land Development Ordinance [Chapter 22] and §§1309 and 1310 of this Chapter:

A. Building Construction.

(1) All nonresidential building construction, excluding agricultural buildings and buildings accessory to residential uses.

(2) All residential buildings, excluding single-family detached dwellings that do not require subdivision and land development approval.

B. Construction of the following parking areas and loading and storage areas:

(1) All parking areas that exceed six thousand (6,000) square feet in area.

(2) All loading or storage areas for equipment or materials that exceed four thousand (4,000) square feet in area.

C. Construction of any of the following structures or facilities that exceed two thousand (2,000) square feet in ground coverage:

(1) Public utility structures and facilities.

(2) Liquid and solid waste collection, storage, conveyance, and treatment facilities.

(3) Stormwater management basins and related facilities, excluding individual on-lot basins that serve only one (1) dwelling.

(4) Any other structure or facility of a similar character or impact.

D. Land disturbance activities, excluding those of an agricultural nature, exceeding one (1) acre.

(Ord. 147, 8/11/2008, §419)

Part 5

FR Farm Residential District

§501. Specific Intent. It is the intent of this Part and this zoning district to provide for viable areas for agricultural uses and to protect farming operations from the impact of major residential and other developments. It is further the intent of this Part and this zoning district to ensure that lots are of sufficient net area, as defined in this Chapter, to accommodate on-lot water supply and sewage disposal facilities consistent with the Township's Act 537 Plan. (Ord. 147, 8/11/2008, §500)

§502. Use Regulations.

1. Uses Permitted by Right. A building or other structure may be erected or used and a lot may be used or occupied, by right, for any of the following purposes:

A. Agriculture, including farm ponds, provided that any structures used for the housing of livestock or poultry shall be located not less than one hundred (100) feet from any lot line.

B. Single-family detached dwellings.

C. Conversion of single-family detached dwellings subject to the provisions of §1312(2) of this Chapter.

D. No-impact home based business.

E. Forestry, in accordance with the provisions of §1316 of this Chapter.

[Ord. 174]

2. Conditional Uses. A building or other structure may be erected or used and a lot may be used or occupied when authorized as a conditional use for any of the following purposes:

A. Communications towers and antennas on a property, owned by East Coventry Township or a fire company or an emergency service provider, or on a building or structure having a public purpose or benefit subject to the standards for communications towers and communications antennas set forth in §1405 of this Chapter.

B. The first set of communications antennas on an existing or new tower, property, building or structure having a public purpose or benefit subject to the standards for communications towers and communications antennas set forth in §1405 of this Chapter.

3. Special Exceptions. A building or other structure may be erected or used and a lot may be used or occupied when authorized as a special exception for any of the following purposes:

A. Electric substations, telephone central offices, other public utilities, and passenger stations for public transportation; provided, that no exterior storage of equipment, housing of repair or other employees or above ground storage of gaseous or liquid fuel shall be permitted; and, further provided, that any electric transmission lines

which may be required shall be located within rights-of-way already owned or leased by the electric utility company.

B. Cemeteries excluding crematoria provided that such use shall be in accordance with the laws of the Commonwealth of Pennsylvania.

C. Private clubs for: swimming, tennis, golf, equestrian activities, including kennels and similar recreational activities but excluding recreation for the use of motorized vehicles or other motorized equipment provided that the principal activity shall not be one that is customarily operated as a business.

D. Any use of the same general character as uses specifically permitted in this subsection (3).

[Ord. 174]

E. In-law suite, as defined in §202 and as regulated in §1515. [Ord. 186]

4. Off-Street Parking. Off-street parking spaces, as defined in §202 of this Chapter, in the FR District, shall be provided in accordance with the provisions of §1306 of this Chapter. Limited on-street parking may be permitted only in accordance with the provisions of §1306(A)(1)(c) of this Chapter.

5. Signs. Signs shall be permitted in the FR District only in accordance with the provisions of §1314 of this Chapter.

6. Accessory Uses. Accessory uses to any of the foregoing permitted uses shall be permitted in the FR District only in accordance with §1319 of this Chapter.

7. Open Space and Recreation. All subdivisions and land developments in the FR District shall comply with the recreation and open space standards of §426 of the Subdivision and Land Development Ordinance [Chapter 22]. The design, disturbance, permitted uses, ownership, maintenance and management of open space shall comply with the applicable standards of §1404 of this Chapter.

8. Trails. Trails shall be provided for all subdivisions and land developments in the FR District in accordance with the Township approved trail plan.

(Ord. 147, 8/11/2008, §501; as amended by Ord. 160, 9/14/2009, §I; by Ord. 174, 2/14/2011, §VII; and by Ord. 186, 11/14/2011, §II)

§503. Area, Bulk and Dimensional Standards. The following standards shall be applicable to all uses.

A. Minimum Net Lot Area, Lot Width and Yards. The required minimum net lot area shall be calculated according to the definition of net lot area in §202 of this Chapter.

Minimum Net Lot Area	Minimum Lot Width	Minimum Front Yard	Minimum Side Yards	Minimum Rear Yard
2 Acres	200 ft.	70 ft.	50 ft.	70 ft.

B. Building and Lot (or Site) Coverage. The maximum lot or site building coverage shall not exceed ten percent (10%) and the maximum total lot or site impervious coverage shall not exceed twenty-five percent (25%).

C. Height Regulations. The maximum height of all buildings and other structures, with the exception of communications towers and antennas, erected or enlarged in this district shall be:

(1) For any dwelling or any accessory building or structure, thirty-five (35) feet, not exceeding three (3) stories.

(2) For any non-dwelling building or other structure, thirty-five (35) feet, not exceeding three (3) stories.

(3) For farm structures and accessory structures, thirty-five (35) feet, except that such height may be increased to a maximum of ninety (90) feet; provided, that for every foot of height in excess of thirty-five (35) feet, there shall be added to each front, side and rear yard, measured from the structure to the property line or ultimate street right-of-way line, one (1) corresponding foot of additional width or depth.

(Ord. 147, 8/11/2008, §502; as amended by Ord. 196, 8/12/2013, §VII)

Part 6

R-1 Residential District

§601. Specific Intent. It is the intent of this Part and this zoning district to provide for low density single-family detached housing, not exceeding one (1) dwelling unit per net tract acre, as defined in this Chapter. (Ord. 147, 8/11/2008, §600)

§602. Use Regulations.

1. Uses Permitted by Right. A building or other structure may be erected or used and a lot may be used or occupied, by right, for any of the following purposes:

A. Any use permitted by right in the FR Farm Residential District.

2. Conditional Uses. A building or other structure may be erected or used and a lot may be used or occupied when authorized as a conditional use for any of the following purposes:

A. Any use permitted as a conditional use in the FR Farm Residential District may also be permitted in the R-1 District as a conditional use.

3. Special Exceptions. A building or other structure may be erected or used and a lot may be used or occupied when authorized as a special exception for any of the following purposes:

A. Any use permitted as a special exception in the FR Farm Residential District may also be permitted in the R-1 District as a special exception except special exception uses permitted in §502(3)(C). [Ord. 160]

B. Electric substations, telephone central offices, other public utilities or passenger stations for public transportation, provided that no exterior storage of equipment or above ground storage of gaseous or liquid fuel shall be permitted.

C. Private clubs for swimming, tennis, golf, riding, or other recreation excluding recreation for the use of motorized vehicles or other motorized equipment provided that the principal activity shall not be one which is customarily conducted as a business. Gunning clubs or other clubs for the use of firearms are not permitted in this district.

D. Any use of the same general character as uses specifically permitted in this subsection (3).

4. Off-Street Parking. Off-street parking spaces, as defined in §202 of this Chapter, in the R-1 District, shall be provided in accordance with the provisions of §1306 of this Chapter. Limited on-street parking may be permitted only in accordance with the provisions of §1306(A)(1)(c) of this Chapter.

5. Signs. Signs shall be permitted in the R-1 District only in accordance with the provisions of §1314 of this Chapter.

6. Accessory Uses. Accessory uses to any of the foregoing permitted uses shall be permitted in the R-1 District only in accordance with §1319 of this Chapter.

7. Open Space and Recreation. All subdivisions and land developments in the R-1 District shall comply with the recreation and open space standards of §426 of the Subdivision and Land Development Ordinance [Chapter 22]. The design, disturbance, permitted uses, ownership, maintenance and management of open space shall comply with the applicable standards of §1404 of this Chapter.

8. Trails. Trails shall be provided for all subdivisions and land developments in the R-1 District in accordance with the Township approved trail plan.

(Ord. 147, 8/11/2008, §601; as amended by Ord. 160, 9/14/2009, §I)

§603. Area, Bulk and Dimensional Standards. The following standards shall be applicable to all uses.

A. Minimum Net Lot Area, Lot Width and Yards. The required minimum net lot area shall be calculated according to the definition of net lot area in §202 of this Chapter.

	Minimum Net Lot Area	Minimum Lot Width	Minimum Front Yard	Minimum Side Yards	Minimum Rear Yard
With public sewage disposal and public water supply	3/4 Acre	125 ft.	50 ft.	30 ft.	50 ft.
With no public sewage disposal and/or no public water supply	1 1/2 Acres	150 ft.	60 ft.	40 ft.	50 ft.

B. Building and Lot (or Site) Coverage. The maximum lot or site building coverage shall not exceed ten percent (10%) and the maximum total lot or site impervious coverage shall not exceed twenty-five percent (25%).

C. Height Regulations. The maximum height of all buildings and other structures, with the exception of communications towers and antennas, erected or enlarged in this district shall be:

(1) For any dwelling, or any accessory building or structure, thirty-five (35) feet, not exceeding three (3) stories.

(2) For any non-dwelling building or other structure, thirty-five (35) feet, not exceeding three (3) stories.

(3) For farm structures and accessory structures, thirty-five (35) feet, except that such height may be increased to a maximum of ninety (90) feet provided that for every foot of height in excess of thirty-five (35) feet, there shall be added to each front, side and rear yard, measured from the structure to the property line or ultimate street right-of-way line, one (1) corresponding foot of additional width or depth.

(Ord. 147, 8/11/2008, §602; as amended by Ord. 196, 8/12/2013, §VII)

Part 7

R-2 Residential District

§701. Specific Intent. It is the intent of this Part and this zoning district to provide for low density residential development not exceeding one and thirty-three hundredths (1.33) dwelling units per net tract acre where public sanitary sewage disposal and public water supply systems can be provided. It is also the intent of this Part to provide for, as a conditional use, clustered single-family detached dwellings not to exceed two (2) dwelling units per net tract acre, as defined in this Chapter. (Ord. 147, 8/11/2008, §700)

§702. Use Regulations.

1. Uses Permitted by Right. A building or other structure may be erected or used and a lot may be used or occupied, by right, for any of the following purposes:

A. Any use permitted by right in the R-1 Residential District.

2. Conditional Uses. A building or other structure may be erected or used and a lot may be used or occupied when authorized as a conditional use for any of the following purposes:

A. Any use permitted as a conditional use in the R-1 Residential District may also be permitted in the R-2 District as a conditional use.

B. Clustered single-family detached residential development in accordance with the provisions of §§704, 1401, 1402, 1403, and 1404 of this Chapter.

3. Special Exceptions. A building or other structure may be erected or used and a lot may be used or occupied when authorized as a special exception for any of the following purposes:

A. Any use permitted as a special exception in the R-1 Residential District may also be permitted as a special exception in the R-2 District.

B. Public or private educational uses, provided the property is served by public water and public sewer. [Ord. 176]

4. Off-Street Parking. Off-street parking spaces, as defined in §202 of this Chapter, in the R-2 District, shall be provided in accordance with the provisions of §1306 of this Chapter. Limited on-street parking may be permitted only in accordance with the provisions of §1306(A)(1)(c) of this Chapter.

5. Signs. Signs shall be permitted in the R-2 District only in accordance with the provisions of §1314 of this Chapter.

6. Accessory Uses. Accessory uses to any of the foregoing permitted uses shall be permitted in the R-2 District only in accordance with §1319 of this Chapter.

7. Open Space and Recreation. All subdivisions and land developments in the R-2 District shall comply with the recreation and open space standards of §426 of the Subdivision and Land Development Ordinance [Chapter 22]. The design, disturbance, permitted uses, ownership, maintenance and management of

open space shall comply with the applicable standards of §1404 of this Chapter.

8. Trails. Trails shall be provided for all subdivisions and land developments in the R-2 District in accordance with the Township approved trail plan.

(Ord. 147, 8/11/2008, §701; as amended by Ord. 176, 3/14/2011, §I)

§703. Area, Bulk and Dimensional Standards.

1. Single-Family Detached Residential Uses, Agricultural Uses and Nonresidential Uses. The following standards shall be applicable to single-family detached residential uses, agricultural uses and nonresidential uses.

A. Minimum Net Lot Area, Lot Width and Yards. The required minimum net lot area shall be calculated according to the definition of net lot area in §202 of this Chapter.

	Minimum Net Lot Area	Minimum Lot Width	Minimum Front Yard	Minimum Side Yards	Minimum Rear Yard
With Public Sewage Disposal and Public Water Supply	3/4 Acre	125 ft.	50 ft.	30 ft.	40 ft.
With No Public Sewage Disposal and/or No Public Water Supply	1 1/2 Acres	150 ft.	60 ft.	40 ft.	50 ft.

B. Building and Lot (or Site) Coverage. The maximum lot or site building coverage shall not exceed fifteen percent (15%) and the maximum total lot or site impervious coverage shall not exceed thirty percent (30%).

C. Height Requirements. The maximum height of all buildings and other structures, with the exception of communications towers and antennas, erected or enlarged in this district shall be:

(1) For any principal or accessory structure, thirty-five (35) feet, not exceeding three (3) stories.

(2) For farm structures and accessory structures, thirty-five (35) feet, except that such height may be increased to a maximum of ninety (90) feet; provided, that for every foot of height in excess of thirty-five (35) feet, there shall be added to each front, side and rear yard, measured from the structure to the property line or ultimate street right-of-way line, one (1) corresponding foot of additional width or depth.

(Ord. 147, 8/11/2008, §702; as amended by Ord. 196, 8/12/2013, §VII)

§704. Clustered Single-Family Detached Residential Development Standards. Clustered single-family detached dwellings shall be permitted as a conditional use in the R-2 Zoning District subject to the provisions of this Section and §§1401, 1402, 1403 and 1404 of this Chapter.

A. Eligibility Requirements. The following requirements shall apply to clustered single-family detached dwelling development:

(1) Ownership of a tract of land for development of clustered single-family detached dwellings shall be as prescribed in §1402(A) of this Chapter.

(2) Public sanitary sewage disposal and public water supply systems shall be required for the development of clustered single-family detached dwellings.

(3) The minimum gross tract size for a clustered single-family detached dwelling development shall be twenty (20) acres.

B. Density, Area, Bulk and Dimensional Standards.

(1) The minimum required open space shall be fifty percent (50%) of the gross tract area.

(2) The maximum density shall be two (2) dwelling units per net tract acre (2 DU/Net Acre). The net tract acreage shall be calculated according to the definition of net tract area in §202 of this Chapter.

(3) The minimum lot area shall be eighteen thousand (18,000) square feet.

(4) The minimum lot width, measured at the building setback line shall be eighty-five (85) feet.

(5) The minimum front yard setback shall be forty (40) feet.

(6) The minimum side yard shall be ten (10) feet and the minimum of both side yards shall be twenty-five (25) feet in aggregate.

(7) The minimum rear yard shall be fifty (50) feet.

(8) The maximum height of buildings and other structures shall be as provided in §703(1)(C).

(9) The maximum lot or site building coverage shall not exceed fifteen percent (15%) and the maximum total lot or site impervious surface coverage shall not exceed twenty-five percent (25%).

C. All clustered single-family detached residential developments shall comply with the requirements of §§702(4), 702(5), 702(6), 702(7) and 702(8) of this Chapter.

(Ord. 147, 8/11/2008, §703)

Part 8

R-3 Residential District

§801. Specific Intent. It is the intent of this Part and this zoning district to provide for medium density residential development not exceeding three (3) dwelling units per net tract acre, as defined in this Chapter, where public sanitary sewage disposal and public water supply systems can be provided. It is also the intent of this Part to provide for, as conditional uses, adult communities and clustered single-family detached residential developments not to exceed three (3) dwelling units per net tract acre, as defined in this Chapter. (Ord. 147, 8/11/2008, §800)

§802. Use Regulations.

1. Uses Permitted by Right. A building or other structure may be erected or used and a lot may be used or occupied, by right, for any of the following uses or combination of uses:

A. Any use permitted by right in the R-2 Residential District.

B. Two-family detached dwellings (duplex unit).

C. Two-family semi-detached dwellings.

D. Single-family semi-detached dwellings (twin unit).

E. Single-family attached dwellings.

F. Two-family attached dwellings.

G. Garden apartment dwellings.

2. Conditional Uses. A building or other structure may be erected or used and a lot may be used or occupied when authorized as a conditional use for any of the following purposes:

A. Any use permitted as a conditional use in the R-2 District may also be permitted in the R-3 District as a conditional use.

B. Clustered single-family detached residential developments in compliance with the provisions of §804 of this Part.

C. Adult communities in compliance with the provisions of §805 of this Part.

3. Special Exceptions. A building or other structure may be erected or used and a lot may be used or occupied when authorized as a special exception for any of the following purposes:

A. Any use permitted as a special exception in the R-2 Residential District may also be permitted in the R-3 Residential District.

B. Mobile home parks in accordance with the provisions of Part 5 of the Subdivision and Land Development Ordinance [Chapter 22].

C. Assisted living facility, provided that the facility is served with public water and public sewer. [Ord. 160]

D. Bed and breakfast.

E. Institutional home.

F. Public or parochial education, religious, charitable or philanthropic uses excluding any correctional or penal institutions or any facility designed or used for court adjudicated persons, provided such public or parochial education, religious, charitable or philanthropic use is served by public water and public sewer. [Ord. 160]

G. Convalescent care facility, provided such facility is served by public water and public sewer. [Ord. 160]

4. Off-Street Parking. Off-street parking spaces, as defined in §202 of this Chapter, in the R-3 District, shall be provided in accordance with the provisions of §1306 of this Chapter. Limited on-street parking may be permitted only in accordance with the provisions of §1306(A)(1)(c) of this Chapter.

5. Signs. Signs shall be permitted in the R-3 District only in accordance with §1314 of this Chapter.

6. Accessory Uses. Accessory uses to any of the foregoing permitted uses shall be permitted in the R-3 District only in accordance with §1319 of this Chapter.

7. Open Space and Recreation. All subdivisions and land developments in the R-3 District shall comply with the recreation and open space standards of §426 of the Subdivision and Land Development Ordinance [Chapter 22]. The design, disturbance, permitted uses, ownership, maintenance and management of open space shall comply with the applicable standards of §1404 of this Chapter.

8. Trails. Trails shall be provided for all subdivisions and land developments in the R-3 District in accordance with the Township approved trail plan.

(Ord. 147, 8/11/2008, §801; as amended by Ord. 160, 9/14/2009, §II)

§803. Area, Bulk and Dimensional Standards.

1. Single-Family Detached Residential Uses, Agricultural Uses and Nonresidential Uses. The following standards shall be applicable to single-family detached residential uses, agricultural uses and nonresidential uses.

A. Minimum Net Lot Area, Width and Yards. The required minimum net lot area shall be calculated according to the definition of net lot area in §202 of this Chapter.

	Minimum Net Lot Area	Minimum Lot Width	Minimum Front Yard	Minimum Side Yards	Minimum Rear Yard
With Public Sewage Disposal and Public Water Supply	1/2 Acre	100 ft.	40 ft.	15 ft. (40 ft. aggregate)	40 ft.
With No Public Sewage Disposal and/or No Public Water Supply	1 1/4 Acres	150 ft.	50 ft.	30 ft.	50 ft.

B. Building and Lot (or Site) Coverage. The maximum lot or site building coverage shall not exceed fifteen percent (15%) and the maximum

total lot or site impervious coverage shall not exceed thirty percent (30%).

C. Height Requirements. The maximum height of all buildings and other structures, with the exception of communications towers and antennas, erected or enlarged in this district shall be:

(1) For any principal or accessory structure, thirty-five (35) feet, not exceeding three (3) stories.

(2) For farm structures and accessory structures, thirty-five (35) feet, except that such height may be increased to a maximum of ninety (90) feet; provided, that for every foot of height in excess of thirty-five (35) feet, there shall be added to each front, side and rear yard, measured from the structure to the property line or ultimate street right-of-way line, one (1) corresponding foot of additional width or depth.

[Ord. 196]

2. Two-Family Detached, Two-Family Semi-detached, Single-Family Semi-detached, Single-Family Attached, Two-Family Attached and Garden Apartment Residential Uses. The following standards shall be applicable to two-family detached, two-family semi-detached, single-family semi-detached, single-family attached, two-family attached and garden apartment residential uses.

A. All such residential developments shall have a minimum gross tract area of twenty-five (25) acres, within the R-3 District, and shall have direct access to an arterial or a collector street, with a minimum site width, at such street line, of four hundred (400) feet. In addition, public sewage disposal and public water supply shall be provided. The maximum density for any combination of such residential uses, including single-family detached uses, shall not exceed three (3) dwelling units per net acre.

B. Minimum Net Lot Area, Lot Width and Yards. The required minimum net lot area shall be calculated according to the definition of net lot area in §202 of this Chapter.

	Minimum Net Lot Area	Minimum Lot Width	Minimum Front Yard	Minimum Side Yards	Minimum Rear Yard
Two-Family Detached (Duplex Units)	20,000 sq. ft. (Both Units)	100 ft. (Both Units)	40 ft.	20 ft.	40 ft.
Two-Family Semi-Detached	20,000 sq. ft. (Both Units)	100 ft. (Both Units)	40 ft.	20 ft.	40 ft.
Single-Family Semi-Detached (Twin Units)	10,000 sq. ft. (Each Unit)	80 ft. (Each Unit)	40 ft.	20 ft.	40 ft.
Single-Family Attached	3,500 sq. ft. (Each Unit)	26 ft.	40 ft.		30 ft.
	6,200 sq. ft. (End Unit)	46 ft. (End Unit)	40 ft.	20 ft.	30 ft.
Two-Family Attached	4,100 sq. ft. (Each Unit)	30 ft.	40 ft.		30 ft.
	7,400 sq. ft. (End Unit)	54 ft. (End Unit)	40 ft.	20 ft.	30 ft.

	Minimum Net Lot Area	Minimum Lot Width	Minimum Front Yard	Minimum Side Yards	Minimum Rear Yard
Garden Apartment	5,000 sq. ft. (Per Unit)	144 ft. Maximum (Per Structure)	40 ft.		30 ft. (Exclusive of Buffering)

C. Building and Lot (or Site) Coverage.

(1) Two-Family Detached, Two-Family Semi-detached, and Single-Family Semi-detached. The maximum lot or site building coverage for two-family detached, two-family semi-detached, and single-family semi-detached shall not exceed twenty percent (20%) and the maximum total lot or site impervious coverage shall not exceed thirty percent (30%).

(2) Single-Family and Two-Family Attached Dwellings. The maximum lot or site building coverage for single-family attached dwellings shall not exceed forty percent (40%) and the maximum total lot or site impervious coverage shall not exceed sixty-five percent (65%).

(3) Garden Apartments. The maximum lot or site building coverage for garden apartment shall not exceed forty percent (40%) and the maximum total lot or site impervious coverage shall not exceed sixty percent (60%).

D. Maximum Building Length. The maximum length of a group of single-family attached buildings shall be one hundred and fifty seven (157) feet; the maximum length of a group of two-family attached buildings shall be one hundred and fifty (151) feet; and the maximum length of a garden apartment building shall be one hundred and forty-four (144) feet.

E. Minimum and Maximum Number of Single-Family Attached Buildings. The minimum number of single-family attached buildings in a group shall be three (3) buildings and the maximum number shall be six (6) buildings.

F. Minimum and Maximum Number of Two-Family Attached Buildings. The minimum number of two-family attached buildings in a group shall be three (3) buildings and the maximum number shall be five (5) buildings.

G. Height Requirements. The maximum height of all buildings and other structures shall be in conformance with the standards of subsection (1)(C).

H. Architectural Renderings. Any application for single-family attached and/or apartment developments shall be accompanied by architectural renderings which at a minimum shall show dwelling elevations, both front and rear, and garage entrances. The architecture of such proposed developments shall be designed to preserve and/or enhance the character of the surrounding community.

(Ord. 147, 8/11/2008, §802; as amended by Ord. 196, 8/12/2013, §VII)

§804. Clustered Single-Family Detached Residential Development Standards. Clustered single-family detached dwellings shall be permitted as a conditional use in the R-3 Zoning District subject to the provisions of this Section and §§1401, 1402, 1403 and 1404 of this Chapter.

A. Eligibility Requirements. The following requirements shall apply to clustered single-family detached dwelling development:

(1) Ownership of a tract of land for development of clustered single-family detached dwellings shall be as prescribed in §1402(A) of this Chapter.

(2) Public sanitary sewage disposal and public water supply systems shall be required for the development of clustered single-family detached dwellings.

(3) The minimum gross tract area for a clustered single-family detached dwelling development shall be twenty (20) acres.

B. Open Space, Density, Area, Bulk, and Dimensional Standards.

(1) The minimum required open space shall be thirty-five percent (35%) of the gross tract area.

(2) The maximum density shall be three (3) dwelling units per net tract acre (3 DU/Net Acre). The net tract acreage shall be calculated according to the definition of net tract area in §202 of this Chapter.

(3) The minimum lot area shall be one third (1/3) acre.

(4) The minimum lot width, measured at the building setback line shall be seventy-five (75) feet.

(5) The minimum front yard setback shall be thirty-five (35) feet.

(6) The minimum side yard shall be ten (10) feet and twenty-five (25) feet in aggregate.

(7) The minimum rear yard shall be forty (40) feet.

(8) The maximum height of buildings and other structures shall be thirty-five (35) feet, not exceeding three (3) stories.

(9) The maximum lot or site building coverage shall not exceed twenty percent (20%) and the maximum total lot or site impervious surface coverage shall not exceed thirty-five percent (35%).

C. All clustered single-family detached residential developments shall comply with the requirements of §§802(4), 802(5), 802(6), 802(7) and 802(8) of this Part.

(Ord. 147, 8/11/2008, §803)

§805. Adult Communities. Adult communities as defined herein shall be permitted as a conditional use in the R-3 Zoning District subject to the provisions of this Section and §§1401, 1402, 1403 and 1404 of this Chapter.

A. Eligibility Requirements. The following requirements shall apply to adult community developments:

(1) Ownership of a tract of land for development of an adult community development shall be as prescribed in §1402(A) of this Chapter.

(2) Public sanitary sewage disposal and public water supply systems shall be required for an adult community development.

(3) The minimum gross tract area for an adult community development shall be twenty (20) acres within the R-3 District.

B. Permitted Uses. An adult community may consist of any combination of single uses permitted in the R-3 Residential District and any of the following uses:

(1) Residential Uses.

(a) Single-family detached dwellings.

(b) Single-family attached dwellings with a maximum of six (6) and a minimum of three (3) such attached dwellings per structure.

(c) Single-family attached (adult community) dwellings.

(d) Two-family detached dwellings (duplex unit).

(e) Single-family, semi-detached dwellings (twin unit).

(f) Single-family detached residential cluster developments meeting the requirements of §804 herein.

(g) Two-family, semi-detached dwellings.

(h) Garden apartment dwellings.

(2) Nonresidential Uses. Nonresidential uses shall be limited in size and scope to serve the adult community only and located within the community and not on the perimeter of the development.

(a) Community/commercial center.

(b) Indoor and outdoor recreational facilities.

(c) Central dining facility.

(d) Commercial facilities, including drug store, hairdresser, barber shop, doctors office, dentist office, and other commercial stores and shops that are intended to serve the needs of the adult community.

(3) Accessory uses, accessory only to the adult community and customarily incidental to such communities, including administrative offices and maintenance and security facilities for the management of the adult community, community swimming pools, hot tubs, decks, uncovered landings, porches, patios, off-street parking and accessory utility facilities.

C. Open Space, Density, Area, Bulk, Dimensional, Circulation and Design Standards.

(1) Open space shall be provided in accordance with §426 of the Subdivision and Land Development Ordinance [Chapter 22] and the applicable Sections of §1403(A) of this Chapter.

(2) The maximum density shall be three (3) dwelling units per net tract acre (3 DU/ Net Acre). The net tract acreage shall be calculated according to the definition of net tract area in §202 of this Chapter.

(3) Minimum Tract Boundary Setback. No principal structure, accessory structure, excepting a utility structure or parking lot in an adult community shall be located less than seventy-five (75) feet from a tract boundary, nor shall a vehicular access drive, exclusive of ingress and egress facilities and utilities structures, be located less than fifty (50) feet from a tract boundary. In instances where areas of single-family detached and semi-detached dwelling units in an adult community abut areas of existing single-family detached and semi-detached dwelling units, the setback of a principal structure may be reduced to fifty (50) feet. When a tract boundary abuts permanently protected open space, the setback of a principal structure may be reduced to fifty (50) feet. The seventy-five (75) foot setback shall, however, be maintained in all instances where a tract boundary abuts a public road right-of-way. This shall be the required buffer yard.

(4) Minimum Internal Setbacks.

(a) Setback from right-of-way 20 feet

(b) Building to building setback 30 feet

(5) Maximum Building Height. No structure may exceed thirty-five (35) feet in height nor contain more than three (3) stories.

(6) Maximum Coverage.

(a) Building coverage 35%

(b) Impervious surface coverage 50%

(7) Minimum Lot Width for Single-Family Attached (Adult Community) Dwelling. The minimum lot width for all single-family attached (adult community) dwellings shall be fifty (50) feet.

(8) Where individual residential lots are provided, the area, bulk and dimensional standards of §803, herein, shall apply.

(9) Internal Vehicular Circulation. The minimum paved roadway in an adult community shall be twenty-four (24) feet. In instances of one-way drives, the minimum paved road width shall be twelve (12) feet. The use of one-way roads for normal internal traffic circulation shall be prohibited.

(10) Pedestrian Circulation. An all-weather surface pedestrian circulation system, interconnecting all dwelling units, service areas, common facilities, recreational facilities and parking areas shall be provided and shall be a minimum of five (5) feet in width.

(11) Design Standards.

(a) Landscaping shall be provided in accordance with the provisions of §1310 of this Chapter.

(b) All natural features on the tract shall be protected in accordance with the provisions of Part 4 of this Chapter.

(c) Screening and buffering shall be provided in accordance with the provisions of §428 of the Subdivision and Land Development Ordinance [Chapter 22].

(d) Exterior Lighting. Exterior lighting shall be provided in accordance with the provisions of §427 of the Subdivision and Land Development Ordinance [Chapter 22].

(12) All adult community developments shall comply with the requirements of §§802(4), 802(5), 802(6), and 802(8) of this Part.

(13) Conditional Use Requirements. In addition to the requirements and standards of Part 14, the following shall be submitted as part of the conditional use application:

(a) Description of Development. The applicant shall describe in text and graphical format the general description of the proposed development, its ownership and management, proposed design and quantify all relevant information related to the development of the adult community. At a minimum, the description shall include the number and type of dwelling units and density, the number, types and floor areas of other residential and nonresidential uses, parking requirements, solid waste management, potential employment, the need for the development and the impacts of the development on the character of the community.

(b) Architectural Renderings. The applicant shall prepare and submit architectural renderings, as part of the conditional use application, which, at a minimum, shall show dwelling elevations, both front and rear, and garage entrances. The architecture of the proposed adult community development shall be designed to preserve and/or enhance the character of the surrounding community.

(14) Declaration of Covenants, Conditions and Restrictions. Prior to final conditional use approval of any subdivision or land development plan for an adult community by the Board of Supervisors, the applicant shall submit for review and record a declaration in a form acceptable to the Township, which shall provide for ownership in the adult community by persons fifty-five (55) years of age and older. The declaration shall also provide for maintenance of any common open space and common facilities such as, but not limited to, interior roads, any community facility, landscaped buffer, with the cost of said maintenance to be borne and shared by the residents of the community. The declaration shall also provide for the right, but not the obligation, of the Township to maintain and assess the aforesaid common open space and common facilities in the event of the failure or refusal of the association, after notice, to do so and may require financial security in form acceptable to the Township to secure the said maintenance obligations. In the event that the adult community is either a planned community or a condominium, the declaration creating either

shall serve as the declaration contemplated by this Section and shall include the provisions required hereby. The declaration of covenants, conditions and restrictions shall be recorded to be binding on each lot, condominium association or homeowners association with evidence of recordation submitted as a condition of final plan approval by the Board of Supervisors.

(Ord. 147, 8/11/2008, §804)

§806. Additional Design Standards for the R-3 Residential District. In addition to the area and development regulations established herein, the following additional requirements shall apply for the specific type of dwelling unit, when applicable:

A. The minimum space required between any type of two-family or single-family attached building faces (end-to-end, back-to-back, end-to-back or any combination thereof) shall not be less than forty (40) feet and the required minimum space between any building faces of abutting multi-unit structures shall not be less than sixty (60) feet, except that in an adult community, any building-to-building setback shall be a minimum of thirty (30) feet for all building types.

B. The aggregate length of the two (2) longest exterior walls of a garden apartment structure shall not exceed two hundred eighty-eight (288) feet and the building length shall be measured without deduction for any articulation of the exterior wall.

C. The-minimum distance between any permitted multi-unit dwelling, two-family dwelling or single-family attached dwelling and a single-family detached dwelling shall be one hundred twenty-five (125) feet.

D. Any proposed development with a single or mixture of permitted dwelling types shall be substantially in accordance with the Comprehensive Plan and shall consider the surrounding land features of the area including, but not limited to, residences, schools, parks, open space, width and grade of streets and location and arrangement of parking spaces, local and regional business areas and shopping centers, densities proposed for surrounding areas, and other such features as shall contribute to the harmonious development of the area, with due regard to the character of the neighborhood and its peculiar suitability for mixed dwelling unit types of use.

(1) If the development of any form of permitted multi-unit, two-family or single-family attached residential units is to be carried out in stages, each stage shall be so planned that the foregoing requirements and the intent of this Chapter shall be fully complied with at the completion of any stage.

E. In addition to the requirements for a land development plan as required by the Subdivision and Land Development Ordinance [Chapter 22], any plan proposing a single or mixture of dwelling types in the R-3 Residential District shall include, but not be limited to, the following:

(1) The substance of covenants, grants of easements, or other

restrictions to be imposed upon the use of land, buildings and structures including proposed grants and/or easements for public utilities.

(2) In the case of plans which call for development over a period in excess of two (2) years, a schedule showing the time within which applications for final plan approval of all parts of a multi-unit residential development are intended to be filed, and which shall be updated annually on the anniversary of submission for final plan approval.

(3) Floor area (in square feet) of dwelling units.

(4) Number of bedrooms per dwelling unit.

(5) Exterior vertical and horizontal building dimensions.

F. Service. In developments proposing single-family attached and/or multi-unit dwelling units, areas for loading and unloading of delivery trucks and other vehicles for the servicing of refuse collection, fuel and other service shall be provided and shall be adequate in size, and shall be so arranged that they may be used without blockage or interference with the use of accessways or automobile parking facilities.

G. Access. Provision shall be made for safe and efficient ingress and egress to and from public streets without undue congestion to or interference with normal traffic flow. The Planning Commission shall review and provide a written recommendation to the Board of Supervisors as to the adequacy of the thoroughfare to carry the additional traffic generated by the development as well as to the street frontage of the proposed district.

H. Outdoor Lighting. Outdoor lighting shall be provided and shall be in accordance with the provisions of §427 of the Subdivision and Land Development Ordinance [Chapter 22].

I. Landscaping, Screening and Buffering. A buffer area of at least twenty (20) feet in width shall be provided along street frontage occupied by multi-unit or single-family attached residential dwellings. There shall also be provided a buffer area, containing a landscape screen, of at least ten (10) feet in width along all adjoining property lines. Such buffer area and landscape screen shall conform to the buffering standards contained in §428 of the Subdivision and Land Development Ordinance [Chapter 22].

(Ord. 147, 8/11/2008, §805)

Part 9

NC Neighborhood Commercial District and C Commercial District

§901. Specific Intent. It is the intent of this Part and these commercial districts to provide for the retail shopping needs and personal service needs of Township residents and to provide for normal commercial operation not permitted elsewhere within the Township. (Ord. 147, 8/11/2008, §900)

§902. Use Regulations.

1. NC Neighborhood Commercial District Uses Permitted by Right. A building or other structure may be erected or used and a lot may be used or occupied, by right, for any of the following purposes:

A. Agriculture, including farm ponds, provided that any structures used for the housing of livestock or poultry shall be located not less than one hundred (100) feet from any lot line.

B. Business or professional office, financial institution, retail establishment for sale of dry goods, drugs, food, jewelry, variety and general merchandise, hardware, household furnishings and supplies, instruments, electronic appliances including repair service, and job printing. A multi-use building is permitted.

C. Restaurant, tea room, confectionery or other place serving food or beverages, provided that no outdoor counter or curb service, including drive-in restaurants, shall be permitted allowing outdoor consumption of food on the premises.

D. Personal service shop including barber, beauty salon, shoe repair, tailor, dressmaking, pick-up station for laundry and dry cleanings.

E. Single-family detached dwelling in accordance with all of the provisions of §803 of this Chapter.

F. No-impact home based business.

G. Forestry, in accordance with the provisions of §1316 of this Chapter.

H. Public utility facilities and public facilities owned by East Coventry Township.

[Ord. 174]

2. NC Neighborhood Commercial District Conditional Uses. A building or other structure may be erected or used and a lot may be used or occupied when authorized as a conditional use for any of the following purposes:

A. Communications towers and antennas on a property owned by East Coventry Township or a fire company or an emergency service provider, or on a building or structure having a public purpose or benefit subject to the standards for communications towers and communications antennas set forth in §1405 of this Chapter.

B. The first set of communications antennas on an existing or new tower, property, building or structure having a public purpose or benefit subject to the standards for communications towers and communications antennas set forth in §1405 of this Chapter.

C. Restaurant, tea room, confectionery or other place serving food or beverages including outdoor dining, but excluding restaurants with drive-in service.

3. NC Neighborhood Commercial District Special Exceptions. A building or other structure may be erected or used and a lot may be used or occupied when authorized as a special exception for any of the following purposes:

A. Service stations subject to the provisions of §1509 of this Chapter, and in the case of self-service gasoline filling stations, such stations shall be subject to the following requirements:

(1) The provision of adequate fire prevention devices as determined by the National Fire Protection Code.

(2) The provision of automatic shut-off devices to prevent accidental fuel discharge.

(3) The provision at all times of readily available employees or attendants to the pumps.

(4) That pumps are located not less than fifty (50) feet from the nearest cartway or road pavement and are protected, by steel posts, from moving traffic.

(5) The provision at all times of rigid safety warning signs.

(6) A minimum two (2) net acre site with a minimum lot width, measured at the street line, of two hundred (200) feet.

[Ord. 174]

B. In-law suite, as defined in §202 and as regulated in §1515. [Ord. 196]

4. C Commercial District Uses Permitted by Right. A building or other structure may be erected or used and a lot may be used or occupied, by right, for any of the following purposes:

A. Any use permitted, by right, in the NC Neighborhood Commercial District.

B. Club, lodge, fraternal organization, health spa, place of worship, studio.

C. Passenger station for public transportation; utility substations; and public utility facility, including telephone central office.

D. Indoor theater, bowling lanes or other places of indoor recreation such as handball courts, racquetball courts, indoor tennis courts, health and fitness spas, and a facility such as a gymnasium. All other types of indoor recreation shall be permitted only as a special exception.

E. Automotive service and repairs; garages; sales agency for new automobiles including used car sales as an accessory use; automatic car wash facilities subject to the provision of a public water supply and the provision of water recycling facilities.

F. Newspaper printing, florist shop, greenhouse.

G. Any general retail sales outlet or personal service facility (except that adult book stores and adult only movie facilities, as defined in §202 under "adult-oriented use," are prohibited).

H. Hotel or motel, including dining and general meeting room facilities.

I. Animal hospital without outside kennels.

5. C Commercial District Conditional Uses. A building or other structure may be erected or used and a lot may be used or occupied when authorized as a conditional use for any of the following purposes:

A. Any use permitted as a conditional use in the NC Neighborhood Commercial District may also be permitted in the C Commercial District as a conditional use, provided that restaurants, tea rooms, confectioneries or other places serving food and beverages, including outdoor dining, under subsection (2)(C) shall not be permitted.

B. Bed and breakfast.

C. Used car lot without new car sales agency.

D. Undertaking establishment, self-service or hand laundry or cleaning establishment.

E. Wholesale establishments, lumber yard, building and plumbing supplies, farm machinery sales, warehousing for indoor storage only, and trucking incidental to such uses; provided, however, that truck terminals and exterior storage of truck terminals and exterior storage of trucking vehicles or trailers shall not be permitted.

F. Service station subject to the requirements of subsection (3)(A) herein.

G. A shopping center having a minimum lot width of four hundred (400) feet on an arterial or major collector street and subject to the submission of a land development plan meeting all requirements of the Subdivision and Land Development Ordinance [Chapter 22].

H. Any use of a similar type and character to the above uses permitted as a conditional use.

I. Any single commercial use which exceeds fifteen thousand (15,000) square feet of floor area.

J. Convenience store.

6. C Commercial District Special Exceptions. A building or other structure may be erected or used and a lot may be used or occupied when authorized as a special exception for any of the following purposes:

A. Any use permitted as a special exception in the NC Neighborhood Commercial District may also be permitted in the C Commercial District as a special exception, provided that service stations under subsection (3)(A) shall be permitted, per subsection (5)(F), as a conditional use.

7. Off-Street Parking. Off-street parking spaces, as defined in §202 of this Chapter, in the NC and C Districts, shall be provided in accordance with the provisions of §1306 of this Chapter. Limited on-street parking may be permitted only in accordance with the provisions of §1306(A)(1)(c) of this Chapter.

8. Signs. Signs shall be permitted in the NC Neighborhood Commercial and C Commercial Districts only in accordance with the provisions of §1314 of this Chapter.

9. Accessory Uses. Accessory uses to any of the foregoing permitted uses shall be permitted in the NC Neighborhood Commercial and C Commercial Districts only in accordance with the provisions of §1319 of this Chapter.

10. Open Space. All subdivisions and land developments in the NC and C Districts shall comply with the open space standards of §426 of the Subdivision and Land Development Ordinance [Chapter 22]. The design, disturbance, permitted uses, ownership, maintenance and management of open space shall comply with the applicable standards of §1404(A) of this Chapter.

11. Trails. Trails shall be provided for all subdivisions and land developments in the NC and C Districts in accordance with the Township approved trail plan.

(Ord. 147, 8/11/2008, §901; as amended by Ord. 174, 2/14/2011, §VII; and by Ord. 196, 8/12/2013, §X)

§903. Single-Family Detached Dwelling Use of Certain Lots in the C Commercial District. Notwithstanding any provision of this Part or other provisions of this Chapter to the contrary, a building may be erected and used on an unimproved lot in the C District, and such unimproved lot by be used and occupied, by right, for a single-family detached dwelling and accessory uses thereto in accordance with §1319 of this Chapter, subject however to the following conditions:

A. That the lot shall have existed of public record, on and since January 1, 1993, as a lot held in single and separate ownership.

B. That the zoning district classification of the lot on January 1, 1993, shall have been R-1 Residential.

C. That the single-family detached dwelling shall be the only principal use of the lot.

D. That the erection, use and occupancy of the building and lot for such single-family detached dwelling and accessory uses shall be in accordance with the provisions of §703 of this Chapter, and other provisions of this Chapter applicable to a single-family detached dwelling principal use in the R-2 District and uses accessory thereto.

(Ord. 147, 8/11/2008, §902)

§904. Area, Bulk and Dimensional Standards. The following standards shall be applicable to all uses in the NC Neighborhood Commercial and C Commercial Districts.

A. Minimum Net Lot Area, Lot Width and Yards. The required minimum net lot area shall be calculated according to the definition of net lot area in §202 of this Chapter.

	Minimum Net Lot Area	Minimum Lot Width	Minimum Front Yard	Minimum Side Yards	Minimum Rear Yard
With Public Sewage Disposal and Public Water Supply	1 Acre	150 ft.	50 ft.	30 ft. each	50 ft.
With No Public Sewage Disposal and/or No Public Water Supply	2 Acres	200 ft.	50 ft.	30 ft. each	50 ft.

B. Building and Lot (or Site) Coverage. The maximum lot or site building coverage shall not exceed twenty-five percent (25%) and the maximum total lot or site impervious surface coverage shall not exceed fifty percent (50%).

C. Height Regulations. The maximum height of all buildings and other structures, with the exception of communications towers and antennas, erected or enlarged in this district shall be:

(1) For any dwelling, or any accessory building or structure, thirty-five (35) feet, not exceeding three (3) stories.

(2) For any non-dwelling, or any accessory building or structure, thirty-five (35) feet, except that such height may be increased to a maximum of sixty-five (65) feet provided that for every foot of height in excess of thirty-five (35) feet there shall be added to each front, side and rear yard requirement one (1) corresponding foot of additional width or depth.

(3) For any farm structure (silo, bar, elevator, etc.), thirty-five (35) feet, except that such height may be increased to a maximum of ninety (90) feet provided for every foot of height in excess of thirty-five (35) feet, there shall be added to each front, side and rear yard requirement one corresponding foot of additional width or depth.

(Ord. 147, 8/11/2008, §903; as amended by Ord. 196, 8/12/2013, §VII)

§905. Other Requirements and Standards.

1. Multi-use Commercial Buildings. In a multi-use commercial building having party walls, no side yard is required except at the ends of the structure.

2. Required Buffer. Within the setback area, a twenty-five (25) foot wide buffer area containing a landscape screen shall be required for all lots abutting a residential district or a residential use and shall utilize a berm with the landscape screen. When a yard abuts a nonresidential district or nonresidential use a buffer area of not less than twenty-five (25) feet in width containing a landscape screen shall be provided within the setback area. The landscape screen shall comply with §428 of the Subdivision and Land Development Ordinance [Chapter 22] and shall consist of plant material, walls, fencing, earthen berms or a combination thereof.

3. All applicable requirements of Part 13 of this Chapter shall apply to any permitted use in the NC Neighborhood Commercial District and the C Commercial District.

4. Outdoor Display of Merchandise. No merchandise, equipment or other products shall be stored or displayed for sale or otherwise on a lot within a front yard or side yard abutting a street, nor between a street line and the wall of a principal building, except that vehicles for sale may be stored or displayed within the front yard setback.

5. Parking areas and the parking of vehicles shall not be permitted within the front yard setback, except as provided in subsection (4), above.

6. [Reserved]. [Ord. 172]

(Ord. 147, 8/11/2008, §904; as amended by Ord. 172, 2/14/2011, §I)

Part 10

C-1 Commercial and Business Campus District

§1001. Specific Intent. It is the intent of this Part and this zoning district to provide for expanded commercial, light industrial and office campus uses within the Pennsylvania Route 724 business corridor. (Ord. 147, 8/11/2008, §1000)

§1002. Use Regulations.

1. C-1 Commercial and Business Campus District Uses Permitted by Right. A building or buildings including multi-use buildings or other structure may be erected or used and a lot may be used or occupied by right for any of the following purposes:

A. All uses permitted by right in the C Commercial District.

B. An office park, business campus or industrial park containing the uses otherwise permitted in the C Commercial District provided that the minimum net tract area shall be ten (10) acres and the minimum tract frontage on PA 724 shall be five hundred (500) feet.

C. Business or professional office, bank, passenger station for public transportation, restaurant, including outdoor dining, personal service shop, provided that such uses are planned and incorporated as an integral part of a permitted office park/industrial park/business campus development.

D. Wholesaling, warehousing and distribution excluding outdoor storage of raw materials, bulk storage or sale of coal, petroleum or other fuels.

E. Service stations meeting all requirements of §902(3)(A).

F. Printing facilities, assembly of components manufactured elsewhere, excluding the outdoor storage of raw materials; the sale of farm machinery, lumber, plumbing and building supplies, excluding the outdoor storage of raw materials.

G. Automotive sales and servicing.

H. Shopping center provided that the minimum tract frontage on PA 724 shall be one thousand (1,000) feet.

2. C-1 Commercial and Business Campus District Conditional Uses. A building or buildings including multi-use buildings or other structure may be erected or used and a lot may be used or occupied when authorized as a conditional use for any of the following purposes:

A. Any use permitted as a conditional use in the C Commercial District.

B. Any use of the same general character as those uses listed in subsection (1), above, when authorized as a conditional use.

3. Off-Street Parking. Off-street parking spaces, as defined in §202 of this Chapter, in the C-1 District, shall be provided in accordance with the provisions of §1306 of this Chapter. Limited on-street parking may be permitted only in accordance with the provisions of §1306(A)(1)(c) of this Chapter.

4. Signs. Signs shall be permitted in the C-1 Commercial and Business Campus District only in accordance with the provisions of §1314 of this Chapter.

5. Accessory Uses. Accessory uses to any of the foregoing permitted uses shall be permitted in the C-1 Commercial and Business Campus District only in accordance with the provisions of §1319 of this Chapter.

6. Open Space. All subdivisions and land developments in the C-1 District shall comply with the open space requirements of §426 of the Subdivision and Land Development Ordinance [Chapter 22]. The design, disturbance, permitted uses, ownership, maintenance and. management of open space shall comply with the applicable standards of §1404(A) of this Chapter.

7. Trails. Trails shall be provided for all subdivisions and land developments in the C-1 District in accordance with the Township approved trail plan.

8. C-1 Commercial and Business Campus District Special Exceptions. A building or other structure may be erected or used and a lot may be used or occupied when authorized as a special exception for any of the following purposes:

A. In-law suite, as defined in §202 and as regulated in §1515.

[Ord. 196]

(Ord. 147, 8/11/2008, §1001; as amended by Ord. 174, 2/14/2011, §VII; and by Ord. 196, 8/12/2013, §XI)

§1003. Single-Family Detached Dwelling Use of Certain Lots in the C-1 Commercial and Business Campus District. Notwithstanding any provision of this Part or other provisions of this Chapter to the contrary, a building may be erected and used on an unimproved lot in the C-1 District, and such unimproved lot may be used and occupied, by right, for a single-family detached dwelling and accessory uses thereto in accordance with §1319 of this Chapter, subject however to all the following conditions:

A. That the lot shall have existed of public record, on and since January 1, 1993, as a lot held in single and separate ownership.

B. That the zoning district classification of the lot on January 1, 1993, shall have been R-1 Residential.

C. That the single-family detached dwelling shall be the only principal use of the lot.

D. That the erection, use and occupancy of the building and lot for such single-family detached dwelling and accessory uses shall be in accordance with the regulations of §703 of this Chapter, and other provisions of this Chapter applicable to a single-family detached dwelling principal use in the R-2 District and uses accessory thereto.

(Ord. 147, 8/11/2008, §1002)

§1004. Area, Bulk and Dimensional Standards. The following standards shall be applicable to all uses in the C-1 District:

A. Minimum Net Lot Area, Lot Width and Yards. The required minimum net lot area shall be calculated according to the definition of net lot area in §202 of this Chapter.

	Minimum Net Lot Area	Minimum Lot Width	Minimum Front Yard	Minimum Side Yards	Minimum Rear Yard
With or Without Public Sewage Disposal and/or Public Water Supply	3 Acres	300 ft.	50 ft.	50 ft.	50 ft.

B. Building and Lot (or Site) Coverage. The maximum lot or site building coverage shall not exceed forty percent (40%) and the maximum total lot or site impervious coverage shall not exceed sixty percent (60%).

C. Density Regulations. The maximum density in the C-1 District shall be ten thousand (10,000) square feet of building area per acre with a total of one hundred and fifty thousand (150,000) square feet of building area per tract, and fifty thousand (50,000) square feet of building area per individual building.

D. Height Regulations. The maximum height of all buildings and other structures, with the exception of communications towers and antennas, erected or enlarged in this district shall be:

(1) For any dwelling or accessory building or structure, thirty-five (35) feet, not exceeding three (3) stories.

(2) For any non-dwelling building or other structure, thirty-five (35) feet, except that the height may be increased to a maximum of sixty-five (65) feet provided that for every foot of height in excess of thirty-five (35) feet there shall be added to each front, side and rear yard requirement one (1) corresponding foot of additional width or depth.

(3) For any farm structure (silo, barn, elevator, etc.) thirty-five (35) feet, except that such height may be increased to a maximum of ninety (90) feet provided that for every foot of height in excess of thirty-five (35) feet there shall be added to each front, side, and rear yard requirement one (1) corresponding foot of additional width or depth.

(Ord. 147, 8/11/2008, §1003)

§1005. Other Requirements and Standards. The following requirements and standards shall be applicable to all uses in the C-1 Commercial and Business Campus District:

A. Required Buffer. When a yard abuts a residential district or a residential use, a seventy-five (75) foot setback shall be required and such setback shall contain a buffer area of not less than forty (40) feet in width containing a landscape screen that shall utilize an earthen berm. When a yard abuts a nonresidential district or nonresidential use a buffer area of not less than twenty-five (25) feet in

width containing a landscape screen shall be provided within the setback area. A buffer area within the setback shall not be required along any PA Route 724 frontage. The landscape screen shall comply with the §428 of the Subdivision and Land Development Ordinance [Chapter 22] and shall consist of plant material, walls, fencing, earthen berms or a combination thereof.

B. Parking, Loading and Service Area Landscaping. All off-street parking areas and loading and service areas shall be effectively landscaped in accordance with the provisions of §428 of the Subdivision and Land Development Ordinance [Chapter 22].

C. Outdoor Storage.

(1) All outdoor storage of finished products, supplies and equipment shall be fully screened from view from off the premises however industrial vehicles available for sale shall not require screening. All raw materials used for any permitted use shall be stored in a fully enclosed structure.

(2) No equipment or other products, except industrial vehicles for sale, shall be stored or displayed for sale on a lot within a front yard or side yard abutting a street, or between a street line and the wall of a principal building. Any industrial vehicles for sale shall be set back a distance of not less than fifty (50) feet from a right-of-way line or property line.

D. Multi-use Commercial Building. In a multi-use commercial building having party walls, no side yard shall be required except at the end of the structure. The minimum distance between buildings located on the same lot shall be thirty (30) feet.

E. Vehicular Ingress and Egress. Points of vehicular ingress and egress between a street and all off-street parking and service areas shall be so located and so controlled that vehicles can be moved from the parking and service areas to the street only by way of such designated points of ingress and egress. No parking area shall be permitted which may allow or encourage the backing of vehicles directly onto a street. Service streets shall be required. Access driveway intersection points with PA Route 724 shall be separated by a distance of four hundred (400) feet or greater.

F. [Reserved]. [Ord. 172]

G. All applicable requirements of Part 13 of this Chapter shall apply to any permitted use in the C-1 District.

(Ord. 147, 8/11/2008, §1004; as amended by Ord. 172, 2/14/2011, §II)

Part 11

LI Limited Industrial District

§1101. Specific Intent. It is the intent of this Part and this industrial district to provide for sufficient area within the Township to conduct office, warehousing and light industrial operations. (Ord. 147, 8/11/2008, §1100)

§1102. Use Regulations.

1. LI Limited Industrial District Uses Permitted by Right. A building or other structure may be erected or used and a lot may be used or occupied by right for any of the following purposes:

A. All uses permitted by right in the C-1 Commercial and Business Campus District.

2. LI Limited Industrial District Conditional Uses. A building or other structure may be erected or used and a lot may be used or occupied when authorized as a conditional use for any of the following purposes:

A. Any use permitted as a conditional use in the C-1 Commercial and Business Campus District may also be permitted in the LI Light Industrial District as a conditional use.

B. Any use of the same general character as those uses listed in subsection (1), above, when authorized as a conditional use.

C. Light manufacturing, provided that outdoor storage of products or equipment shall be permitted only when screened from view in accordance with the provisions of §428 of the Subdivision and Land Development Ordinance [Chapter 22]; and, further provided, that any use or activity which is noxious or offensive by reason of odor, dust, fumes, smoke, gas, vibration, noise or radiation, or which constitutes a public hazard by fire, explosion or otherwise, shall not be permitted.

All raw materials used in any permitted manufacturing or assembly process shall be stored in a fully enclosed structure. Farm equipment and industrial vehicles available for sale shall not require enclosures.

D. Laboratory for scientific research and development.

E. Commercial kennel, provided that a minimum setback of one hundred (100) feet from all property lines shall be provided.

3. LI Limited Industrial District Special Exceptions. A building or other structure may be erected or used and a lot may be used or occupied when authorized as a special exception for any of the following purposes:

A. Any use permitted as a special exception in the C-1 Commercial and Business Campus District may also be permitted in the LI Light Industrial District as a special exception.

B. Any use not elsewhere permitted in the Pottstown Metropolitan Region.

4. Off-Street Parking. Off-street parking spaces, as defined in §202 of this Chapter, in the LI District, shall be provided in accordance with the

provisions of §1306 of this Chapter. Limited on-street parking may be permitted only in accordance with the provisions of §1306(A)(1)(c) of this Chapter.

5. Signs. Signs shall be permitted in the LI District only in accordance with the provisions of §1314 of this Chapter.

6. Accessory Uses. Accessory uses to any of the foregoing permitted uses shall be permitted in the LI District only in accordance with the provisions of §1319 of this Chapter.

7. Open Space. All subdivisions and land developments in the LI District shall comply with the open space requirements of §426 of the Subdivision and Land Development Ordinance [Chapter 22]. The design, disturbance, permitted uses, ownership, maintenance and management of open space shall comply with the applicable standards of §1404(A) of this Chapter.

8. Trails. Trails shall be provided for all subdivisions and land developments in the LI District in accordance with the Township approved trail plan.

(Ord. 147, 8/11/2008, §1101)

§1103. Single-Family Detached Dwelling Use of Certain Lots in the LI Limited Industrial District. Notwithstanding any provision of this Part or other provisions of this Chapter to the contrary, a building may be erected and used on an unimproved lot in the LI District, and such unimproved lot may be used and occupied, by right, for a single-family detached dwelling and accessory uses thereto in accordance with §1319 of this Chapter, subject however to all the following conditions:

A. That the lot shall have existed of public record, on and since January 1, 1993, as a lot held in single and separate ownership.

B. That the zoning district classification of the lot on January 1, 1993, shall have been R-1 Residential.

C. That the single-family detached dwelling shall be the only principal use of the lot.

D. That the erection, use and occupancy of the building and lot for such single-family detached dwelling and accessory uses shall be in accordance with the regulations of §703 of this Chapter, and other provisions of this Chapter applicable to a single-family detached dwelling principal use in the R-2 District and uses accessory thereto.

(Ord. 147, 8/11/2008, §1102)

§1104. Area, Bulk and Dimensional Standards. The following standards shall be applicable to all uses in the LI District:

A. Minimum Net Lot Area, Lot Width and Yards. The required minimum net lot area shall be calculated according to the definition of net lot area in §202 of this Chapter.

	Minimum Net Lot Area	Minimum Lot Width	Minimum Front Yard	Minimum Side Yards	Minimum Rear Yard
With or Without Public Sewage Disposal and/or Public Water Supply	3 Acres	300 ft.	75 ft.	75 ft.	75 ft.

B. Building and Lot (or Site) Coverage. The maximum lot or site building coverage shall not exceed thirty-five percent (35%) and the maximum total lot or site impervious coverage shall not exceed sixty percent (60%).

C. Density Regulations. The maximum density in the LI District shall be ten thousand (10,000) square feet of building area per acre with a total of three hundred thousand (300,000) square feet of building area per tract, and seventy-five thousand (75,000) square feet of building area per individual building.

D. Height Regulations. The maximum height of all buildings and other structures, with the exception of communications towers and antennas, erected or enlarged in this district shall be:

(1) For any dwelling, or any accessory building or structure, thirty-five (35) feet, not exceeding three (3) stories.

(2) For any non-dwelling building or other structure, thirty-five (35) feet, except that such height may be increased to a maximum of sixty-five (65) feet; provided, that for every foot of height in excess of thirty-five (35) feet, there shall be added to each front, side and rear yard requirement one (1) corresponding foot of additional width or depth.

(3) For any farm structure (silo, barn, elevator, etc.) thirty-five (35) feet, except that such height may be increased to a maximum of ninety (90) feet; provided, that for every foot of height in excess of thirty-five (35) feet, there shall be added to each front, side, and rear yard requirement one corresponding foot of additional width or depth.

(Ord. 147, 8/11/2008, §1103)

§1105. Other Requirements and Standards. The following requirements and standards shall be applicable to all uses in the LI District:

A. Required Landscaped Buffers. Within the setback area, a forty (40) foot wide buffer area containing a landscape screen shall be required for all lots abutting a residential district or a residential use, and shall utilize a berm with such landscape screen. When a yard abuts a nonresidential district or nonresidential use a buffer area of not less than twenty-five (25) feet in width containing a landscape screen shall be provided within the setback area. A buffer area within the setback shall not be required along any Route 724 frontage. The landscape screen shall comply with the §428 of the Subdivision and Land Development Ordinance [Chapter 22] and shall consist of plant material, walls, fencing, earthen berms or a combination thereof.

B. Parking, Loading and Service Area Landscaping. All off-street parking areas and loading and service areas shall be effectively landscaped in accordance with the provisions of §428 of the Subdivision and Land Development Ordinance [Chapter 22].

C. Outdoor Storage.

(1) All outdoor storage of finished products, supplies and equipment shall be fully screened from view from any point off the premises however farm equipment and industrial vehicles available for sale shall not require screening. All raw materials used for any permitted use shall be stored in a fully enclosed structure.

(2) No equipment or other products, except industrial vehicles for sale, shall be stored or displayed for sale on a lot within a front yard or side yard abutting a street, or between a street line and the wall of a principal building. Any industrial vehicles for sale shall be set back a distance of not less than fifty (50) feet from a right-of-way line or property line.

D. Multi-use Commercial Building. In a multi-use commercial building having party walls, no side yard shall be required except at the end of the structure. The minimum distance between buildings located on the same lot shall be thirty (30) feet.

E. Vehicular Ingress and Egress. Points of vehicular ingress and egress between a street and all off-street parking and service areas shall be so located and so controlled that vehicles can be moved from the parking and service areas to the street only by way of such designated points of ingress and egress. No parking area shall be permitted which may allow or encourage the backing of vehicles directly onto a street. Service streets shall be required. Access driveway intersection points with PA Route 724 shall be separated by a distance of four hundred (400) feet or greater.

F. [Reserved]. [Ord. 172]

G. All applicable requirements of Part 13 of this Chapter shall apply to any permitted use in the LI District.

(Ord. 147, 8/11/2008, §1104; as amended by Ord. 172, 2/14/2011, §III)

Part 12

Historic Resource Protection Standards

§1201. Statement of Intent and Purpose. It is the intent of this Part to provide a comprehensive framework for the preservation of historic sites, objects, buildings, structures, and districts in the Township. The protections and incentives of this Part are targeted toward the Township's most important historic resources and include delay of demolition, area and bulk waivers, and cluster bonuses, and provisions for demolition by neglect, enforceable under the Property Maintenance Code [Chapter 5, Part 1, §103] of the Township. This Part is created pursuant to Article I, Section 27 of the Pennsylvania Constitution for the following purposes:

A. To promote the retention of community character through preservation of the local heritage by recognition and protection of historic and cultural resources.

B. To establish a clear process by which proposed changes affecting historic resources are reviewed.

C. To encourage the continued use of historic properties and facilitate their appropriate rehabilitation and adaptive reuse.

D. To encourage the preservation of historic settings and landscapes.

E. To discourage the demolition of historic resources.

F. To utilize historic preservation as a tool for economic revitalization, and to promote the general welfare, education and culture of the Township.

(Ord. 147, 8/11/2008, §1200)

§1202. General Provisions.

1. Compliance. Any change to a historic resource shown on the Historic Resources Map shall occur only in full compliance with the terms of this Part and other applicable regulations.

2. Historic Resources Overlay. The Historic Resources Map shall be deemed an overlay on any zoning district now or hereafter enacted to regulate the use of land in the Township.

A. For any property shown on the Historic Resources Map, the requirements and opportunities contained in this Part shall supersede, with the consent of the landowner, the otherwise applicable requirements of the underlying zoning district.

B. Should the Historic Resources Map be revised as a result of legislative or administrative action or judicial decision, the zoning requirements and other regulatory measures applicable to the property in question shall be those of the underlying zoning district without consideration of this Part.

C. Preservation of Other Restrictions. It is not intended by this Part to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Part imposes greater restrictions, the provisions of this Part shall prevail.

(Ord. 147, 8/11/2008, §1201)

§1203. Historic Resources Map.

1. Classifications. The Historic Resources Map delineates three (3) classifications of historic resources in the Township, which are defined as follows:

A. Class I.

(1) Certified historic structures and certified historic districts.

(2) Contributing resources, i.e., buildings, sites, structures, and objects filed as such with the National Register of Historic Places or Bureau for Historic Preservation of the Pennsylvania Historical and Museum Commission.

(3) Buildings, sites, structures, objects, and districts which have received a Determination of Eligibility (DOE) for listing on the National Register of Historic Places or Pennsylvania Historical and Museum Commission listing.

(4) Resources that meet the National Register Criteria, as determined by the Bureau for Historic Preservation of the Pennsylvania Historical and Museum Commission.

B. Class II. Building, sites, structures, objects, and districts not meeting National Register criteria, but determined to be of historical or architectural significance to East Coventry Township and appropriately documented to that effect by the East Coventry Township Historical Commission.

C. Class III. Buildings, sites, structures, objects and districts included in the Historic Resources inventory of the East Coventry Historical Commission, and not included in Class I or Class II above.

2. Revisions. The Historic Resources Map may be revised from time to time by legislative action of the Board of Supervisors.

A. In considering any revision, including additions, deletions, or changes of classification to the Historic Resources Map, the Board of Supervisors shall receive a written recommendation from the Historical Commission.

B. The owner(s) of any property(s) that are the subject of any such proposed administrative action shall be given one (1) written notice, by certified mail, of the Board of Supervisors recommendation at least forty-five (45) days prior to the public hearing.

C. Historic Resources Inventory. The Historical Commission shall maintain an updated inventory of resources shown on the Historic Resources Map and their respective classifications.

(Ord. 147, 8/11/2008, §1202)

§1204. East Coventry Township Historical Commission.

1. Creation and Purpose.

A. There is hereby created and established in the Township a commission to be known as the "East Coventry Township Historical Commission."

B. The purpose of the Historical Commission is to serve, under and in accordance with the provisions of this Chapter, as an advisory body and resource to the Board of Supervisors, the Planning Commission, other agencies and officials of the Township, the citizens of the Township, and such other persons as the Board of Supervisors may direct, for advice and information on historic preservation and restoration.

2. Membership.

A. The Historical Commission shall be composed of not less than five (5) or more than fifteen (15) members.

B. All members of the Historical Commission shall be at the time of appointment and at all times while serving as members of the Historical Commission, residents of the Township.

C. At least one (1) member of the Planning Commission shall be appointed to the Historical Commission. This member shall be a full voting member of the Historical Commission as well as serving as a member of the Planning Commission.

D. All members of the Historical Commission shall serve without compensation, but, when authorized by the Board of Supervisors, may be reimbursed reasonable expenses, upon submission of a voucher, necessary to perform the duties and exercise the powers of the Commission.

3. Appointment, Term and Vacancy.

A. All members of the Historical Commission shall be appointed by the Board of Supervisors.

B. Except for the initial term of the members of the Historical Commission first appointed under this Part the term of each member of the Commission shall be for three (3) years or until his or her successor is appointed and qualified. The terms of the members of the Historical Commission first appointed under this Part shall be: two (2) members for one (1) year each; two (2) members for two (2) years each; and the remaining members for three (3) years each.

C. Members of the Historical Commission may succeed themselves. There shall be no limitation on the number of successive terms a resident may be appointed as a member of the Commission.

D. The Chairperson of the Historical Commission shall promptly notify the Board of Supervisors concerning any vacancies in the Commission. Any such vacancy shall be filled by the Board of Supervisors for the unexpired term.

E. At the request of the Board of Supervisors, the Historical Commission shall make recommendations to the Board of Supervisors for appointments to fill vacancies in the Commission.

4. Organization, Meetings and Conduct of Business.

A. The Historical Commission first appointed shall meet and organize at a public meeting of the Commission held within thirty (30) days after its appointment. Thereafter, the Commission shall meet and organize at a public meeting of the Commission held during the month of January of each year. At each such organization meeting, the Commission shall elect, from among its members, a Chairperson, a Vice Chairperson, a Secretary, and such other officer or officers as it may deem necessary. Each officer shall serve for a period of one (1) year or until his or her successor is elected. Officers may succeed themselves.

B. The Historical Commission shall hold such regular and special meetings, including work sessions and executive sessions, as necessary to perform its duties, exercise its powers and otherwise conduct such business as may properly come before it. The Commission shall keep and maintain minutes and other records of all its meetings and other activities. All meetings of the Commission, including the giving of meeting notices, conduct of meetings, actions taken at meetings, recording of votes, and keeping of meeting minutes, shall be in accordance with applicable provisions of the Sunshine Act and other law.

C. All official meetings of the Historical Commission shall be held in the Township Building. The Historical Commission shall conduct a minimum of one (1) meeting per month.

D. A majority of the members of the Historical Commission shall constitute a quorum. Any action to be taken at any meeting of the Commission shall require the affirmative vote of the majority of the members of the Commission present at the meeting.

E. The Historical Commission may make and alter rules and regulations to govern its procedures, including rules and regulations necessary for the conduct of its meetings and the maintenance of order. All such rules and regulations shall be consistent with the ordinances of the Township and other law.

F. The Historical Commission, from time to time as it deems necessary, may establish and appoint members of the Commission to one (1) or more committees for purposes of assisting the Commission with research, providing the Commission expertise, and performing such other duties and functions as may be assigned by the Commission. At least one (1) member of any such committee shall be, at the time of appointment and at all times while serving as a member of the committee, also a member of the Historical Commission. The chairperson of any such committee shall be also a member of the Commission at all times while serving as chairperson.

G. The Historical Commission shall maintain and keep on file full records of its actions. All records and files of the Commission shall be (1) kept and maintained in the Township Building or such other place as may be approved by the Board of Supervisors, (2) available for public inspection and copying at reasonable times, (3) in the possession of the Board of Supervisors, and (4) the property of the Township.

H. The Historical Commission shall annually prepare and submit to the Board of Supervisors, by March 1 of each year, a written report of its activities for the prior calendar year.

5. The Historical Commission shall, at the request of the Board of Supervisors, have the power and duty to do the following which shall be in addition to such other powers and duties set forth in this Part or otherwise provided by law:

A. Identify in the Township significant architectural and historical resources, related natural sites, and landscape features that preserve the integrity of such resources and sites; and develop and maintain a detailed inventory and map or maps of such resources, sites and features, including information thereof or related thereto appropriately classified. Such information shall include, but shall not be limited to, documentary evidence, illustrations, photographs, and other appropriate materials.

B. Create an awareness of the history of the Township from the time of the Native Americans to the present day, including the cultural, agricultural, business, educational, and religious endeavors of all persons who lived and/or worked in the Township throughout its history.

C. Research and record the history of the Township and serve as an advisory resource for owners of historic resources in the Township involved with the preservation and/or restoration of such resources.

D. Prepare and submit reports to or for the Board of Supervisors as may be necessary or appropriate or as may be requested from time to time by the Board of Supervisors. Such reports shall be in addition to the annual written report to be prepared and submitted by the Historical Commission to the Board of Supervisors under subsection (4)(H) of this Part.

E. Cooperate with and advise the Board of Supervisors, the Planning Commission, and all other Township agencies and officials, Township citizens, and such other persons as the Board of Supervisors may direct, in regard to the preservation and restoration of significant historical structures, sites and natural features, including the review of zoning, subdivision and/or land development proposals, and building and demolition permit applications, which proposals and applications have potential to impact on historic resources.

F. Consider, promote, and, with the approval of the Board of Supervisors, apply for technical and financial assistance, from all appropriate local, county, State, Federal, and other agencies, for the preservation and/or restoration within the Township of significant architectural and historical sites, related natural sites, and landscape features that preserve the integrity of such sites; and report to the Board of Supervisors all actions related to any of the foregoing.

G. Prepare and submit a yearly budget to the Board of Supervisors during the regular Township budget process for sums deemed necessary by the Historical Commission to perform its duties and exercise its powers. In accordance with the adopted budget, the Township Manager may approve expenditures up to the limit of the law.

H. In conjunction and cooperation with the Board of Supervisors, the Planning Commission and other appropriate public or private groups, to study the feasibility of creating Historic Districts in the Township pursuant to the Historic District Act.

I. Cooperate with the Board of Supervisors, the Planning Commission, and all other Township agencies and officials, regarding the possible acquisition and use of significant historic structures and sites, including conducting research and proposing the nomination of properties in the Township to the National Register of Historic Places in accordance with the provisions of the National Historic Preservation Act.

J. Hold meetings and recommend public hearings to the Board of Supervisors.

K. Maintain an updated list, which clearly identifies buildings, sites, structures, objects, and districts, and their respective classifications, on the Historic Resource Map.

L. Advise, or be party to, the Board of Supervisors or Zoning Hearing Board, on all requests for conditional use or special exceptions or variances affecting historic resources.

M. Perform such other duties and take such other actions as may be directed by the Board of Supervisors.

6. In order to perform its duties and exercise its powers, the Historical Commission may, with the consent of the Board of Supervisors, accept and utilize any funds, personnel, or other assistance made available by Chester County, the Commonwealth or the Federal government or any of their agencies, or from private sources. The Board of Supervisors, in accordance with applicable procedures of the Township and/or other law, may enter into agreements or contracts regarding the acceptance or utilization of such funds, personnel or other assistance by or for the Commission.

(Ord. 147, 8/11/2008, §1203)

§1205. Demolition of Historic Resources. Class I or Class II historic resources may not be demolished until the applicant obtains a permit under the Building Code [Chapter 5, Part 1, §101] and complies with the following additional procedures:

A. One (1) copy of the application for demolition shall be forwarded to the Historical Commission, together with recent interior and exterior photographs of the resource proposed for demolition, a site plan showing all buildings on the property, and explanation of the reasons for demolition and future uses of the site.

B. Within thirty (30) days of receipt of a complete application, at its regular or a special meeting, the Historical Commission shall meet to review the application for demolition. The applicant will be notified of the meeting and encouraged to present evidence or testimony pertaining to the demolition. In reviewing the application the Historical Commission shall take into account:

(1) The effect of demolition on the historical significance and architectural integrity of neighboring contributing historic resources.

(2) Economic feasibility of adaptively reusing the resource proposed for demolition.

(3) Alternatives to demolition of the resource.

C. Within thirty (30) days following conclusion at the meeting, the Historical Commission shall set forth its recommendation in a written report to the Board of Supervisors.

D. Within thirty (30) days of the review of the demolition application by the Historical Commission, the Board of Supervisors shall consider the application for demolition at a public meeting. The applicant will be notified of the meeting and encouraged to present evidence or testimony pertaining to the demolition. The Board of Supervisors may vote to authorize the permit, deny the permit, or delay authorization for a period not to exceed one hundred eighty (180) days from the date of initial application for a demolition permit, during which period the Township and applicant will explore alternatives to demolition.

E. Demolition by Neglect. Class I or Class II resources, identified on the Historic Resources Map shall be maintained in good repair and kept structurally sound and reasonably protected against decay and deterioration as enforceable under the Property Maintenance Code [Chapter 5, Part 1, §103] of the Township.

F. Enforcement.

(1) Fines and Penalties. Any person who violates the requirements of this Section shall be subject to the fines and penalties imposed under this Chapter in accordance with Part 19, as well as applicable fines and penalties imposed under all applicable Township Codes.

(2) The Board of Supervisors may withhold issuing any building permits for a minimum of six (6) months for a property which, as of the date of enactment of this Chapter, was occupied by a Class I or Class II historic resource that was demolished in violation of this Section.

(Ord. 147, 8/11/2008, §1204)

§1206. Modification to Use, Area and Bulk Regulations.

1. Board of Supervisors. The Board of Supervisors, through the granting of a conditional use, may approve requested modifications to the otherwise applicable lot size, lot dimension, or yard requirements for plans affecting Class I and Class II historic resources, in accordance with the criteria set under §1403 of this Chapter and provided the following additional criteria are met:

A. The granting of the conditional use is deemed by the Board of Supervisors to be necessary for the preservation of a Class I or a Class II Historic Resource.

B. The granting of the conditional use is deemed by the Board of Supervisors to have minimal detrimental effect on neighboring properties.

C. Any plans for the rehabilitation, alteration, or enlargement of a Class I or Class II historic resource shown on the application for conditional use must be in substantial compliance with the standards contained in §1208.

2. Conditional Use. The following uses, in addition to those otherwise permitted by right, special exception or conditional use, shall be permitted for Class I and Class II historic resources in the Township subject to the area and bulk standards of the zoning district in which such historic resources are located and the applicable design standards of Part 13, when approved as a conditional use by the Board of Supervisors, in accordance with the criteria of §1403 and the additional criteria set forth in subsection (3).

A. Business and professional office, excluding surgical offices and clinics.

B. Custom shop for making articles or products sold at retail on the premises, such as custom clothing, art, needlework, baked goods or confectionery.

C. Museum, gallery or cultural studio.

D. Specialty retail store, such as gift shop, antique shop or tack shop.

E. Home and business furnishing and decorating retail store.

F. Florist shop.

G. Cottage industry, such as a cabinet maker or similar trade.

H. Accessory use on the same lot.

I. Restaurant and/or bed and breakfast.

3. Zoning Hearing Board. The Zoning Hearing Board, through the granting of a special exception or variance, may approve requested modifications to the otherwise applicable lot size, lot dimension, or yard requirements for plans affecting Class I and Class II historic resources, in accordance with the criteria set under §§1509 and 1510 of this Chapter and provided the following additional criteria are met:

A. The granting of the special exception or variance is deemed by the Zoning Hearing Board to be necessary to the preservation of a Class I or Class II historic resource.

B. The granting of the special exception or variance is deemed by the Zoning Hearing Board to have a minimal detrimental effect on neighboring properties.

C. Any plans for the rehabilitation, alteration or enlargement of a Class I or Class II historic resource shown on the application for special exception or variance must be in substantial compliance with the standards contained in §1208.

D. East Coventry Historical Commission. The Historical Commission shall review the request for conditional use or special exception or variance and evaluate whether the proposed modifications are necessary to the preservation of the Class I or Class II historic resources. The Historical Commission also shall review any construction plans for their compliance with the standards in §1208. Recommendations shall be transmitted in the form of a written report to the Board of Supervisors or Zoning Hearing Board and shall indicate what specific changes in the plans would bring them into substantial compliance with §1208.

(Ord. 147, 8/11/2008, §1205)

§1207. Review of Proposed Rehabilitations, Enlargements, or Alterations.

1. Permits. Permits for the rehabilitation, enlargement and/or alteration of a Class I or Class II historic resource shall not be issued by the Zoning Officer prior to review and comment on the application by the Historical Commission, in accordance with the terms of this Section. Permits for Class I historic resources in certified historic districts shall be issued in accordance with §1210.

2. Zoning Officer. The Zoning Officer shall provide the Historical Commission with a copy of the application, together with any plans or diagrams required by this Chapter, one (1) week prior to the Historical Commission meeting.

3. East Coventry Historical Commission. The Historical Commission shall, within thirty-five (35) days of receipt of a complete application from the Zoning Officer, review the plans for compliance with the standards contained in §1208, below, and prepare a written report to the Zoning Officer, with a copy to be sent to the applicant, indicating whether the plans are in substantial compliance. The report shall make suggestions as to what specific changes in the plans would bring them into substantial compliance.

4. Issuance of Permit. Upon receiving a report of substantial compliance from the Historical Commission, and providing the plans satisfy all requirements of the Township, the Zoning Officer shall issue the permit.

5. If the Historical Commission's report indicates that the plans are not in substantial compliance, the Zoning Officer shall not issue the permit until:

A. The plans have been revised by the applicant in accordance with the Historical Commission's recommendations.

B. Forty-five (45) days have elapsed from the date of application, and all other requirements of the Township have been satisfied. The Historical Commission and the Board of Supervisors shall be notified of the "intent to issue a permit" fifteen (15) days prior to issuance.

(Ord. 147, 8/11/2008, §1206)

§1208. Standards for Rehabilitation.

1. Standards for Rehabilitation. Any proposed rehabilitation, alteration or enlargement of a Class I or Class II historic resource under §§1206 or 1207 shall be in substantial compliance with the standards and criteria set forth in subsections (1)(A) through (1)(J), below, provided however that subsection (1)(F) shall not apply to Class II historic resources.

A. Every reasonable effort shall be made to provide a compatible use for a property which requires minimal alteration of the building, structure, or site and its environment, or to use a property for its originally intended purpose.

B. The distinguishing original qualities or character of a building, structure, or site and its environment shall not be destroyed.

The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.

C. All buildings, structures, and sites shall be recognized as products of their own time.

D. Changes which may have taken place in the course of time are evidence of the history and development of a building, structure, or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.

E. Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure, or site shall be treated with sensitivity.

F. Deteriorated architectural features shall be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, color, texture, and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications of features, substantiated by historic, physical, or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.

G. The surface cleaning of structures shall be undertaken with the gentlest means possible. Cleaning methods that will damage the historic building materials shall not be undertaken.

H. Every reasonable effort shall be made to protect and preserve archeological resources affected by, or adjacent to, any project.

I. Design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural, or cultural material, and such design is compatible with the size, scale, color, material, and character of the property, neighborhood, or environment.

J. Wherever possible, new additions or alterations to structures shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the structure would be unimpaired.

2. Compliance. Determination of compliance with these standards shall be made by written report of the Historical Commission. For Class I historical resources only, the Historical Commission shall apply such standards by reference to the most current edition of the Secretary of Interior's Guidelines for Rehabilitating Historic Buildings.

(Ord. 147, 8/11/2008, §1207)

§1209. Bonus Provisions. In developments proposing to preserve historic resources deemed important to the Board of Supervisors, one (1) additional lot may be created in excess of the maximum number of lots otherwise permissible under the terms of this Chapter where such lot will contain a Class I or Class II historic resource to be preserved as part of the development plan. (Ord. 147, 8/11/2008, §1208)

§1210. Certified Historic Districts.

1. Certified Historic Districts. The provisions of this Section apply only to historic districts in the Township which have been certified by the Pennsylvania Historical and Museum Commission in accordance with the Historic District Act.

A. The boundaries of certified historic districts are shown on the Historic Resources Map.

B. The provisions of this Section apply to all land, buildings, and structures within the boundaries of certified historic districts.

C. Structures or buildings shall not hereafter be used, and no structure or building shall hereafter be erected, reconstructed, altered, restored, demolished, or razed, in whole or in part, without full compliance with the provisions of this Section and other applicable regulations.

2. Certificate of Appropriateness. No person shall commence any work for the erection, reconstruction, alteration, restoration, demolition, or razing of any building or structure located in whole or in part within the certified historic district without first obtaining a certificate of appropriateness with respect thereto from the Board of Supervisors as provided hereinafter.

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

B. Application for Permit. The application for a building permit for any building or structures subject to the provisions of this Part shall be filed with the Zoning Officer together with the filing fee required under the schedule of fees then in effect. The application shall include a written description of the proposed alteration, addition, reconstruction or rehabilitation; a site plan at a scale of one (1) inch to forty (40) feet; schematic architectural drawings of the proposed construction or changes at a scale of one (1) foot to one fourth (1/4) inch; and a materials list and disposition of existing materials.

C. Standards for Determining Appropriateness. In determining whether or not any proposed work for the erection, reconstruction, alteration, restoration, demolition, or razing of any building or structure within the certified historic district is appropriate to the district, the Board of Supervisors shall be guided by design guidelines adopted by the Township, the Secretary of the Interior’s Guidelines for Rehabilitating Historic Buildings, as cited in §1208, above, and consider the following criteria, where relevant:

(1) Mass (height, bulk and nature of roof line).

(2) Proportions (height to width).

(3) Nature of yard space.

(4) Extent of landscaped areas versus paved areas.

(5) The nature of facade openings (doors and windows), their size, locations, and proportions.

(6) The type of roof (flat, gabled, hip, gambrel, mansard, etc.).

(7) The nature of projections (porches, etc.).

(8) The nature of the architectural details and style.

(9) The nature of the materials.

(10) Color.

(11) Texture.

(12) Ornamentation.

(13) Signs.

Where the proposed work is to be done on a historic structure within the district, then the primary basis for comparison shall be the structure itself (in its then-existing state as compared to its state after the proposed work), and the secondary basis for comparison shall be the effect of the proposed work on the district as a whole.

3. Public Meeting of the Board of Supervisors. Upon receipt of the written recommendation of the Historical Commission, the Board of Supervisors shall consider, at its next regularly scheduled meeting, the question of issuing a certificate of appropriateness authorizing a permit for the work proposed by the applicant. The applicant shall be given at least ten (10) days notice of the time and place of the meeting at which his application will be considered and shall have the right to attend and be heard regarding his application. All interested persons may appear and be heard at the meeting held by the Board of Supervisors.

A. Decision of the Board of Supervisors. Within thirty (30) days following the conclusion of the aforesaid public meeting, the Board of Supervisors shall, by official written communication to the applicant, either:

(1) Issue a certificate of appropriateness authorizing a permit for the proposed changes as submitted.

(2) Issue a certificate of appropriateness subject to specified changes and conditions not included in the application as submitted, but which would protect the distinctive historic character of the building, site, or area which is proposed to be changed.

(3) Deny a certificate of appropriateness with respect to the proposed changes as submitted.

B. Failure of the Board of Supervisors to so act within the said period shall be deemed to constitute a decision in favor of the applicant and a certificate of appropriateness shall thereupon be issued. In the event that approval is granted subject to conditions, the applicant may, within ten (10) days after receiving a copy of the official written communication from the Board of Supervisors, give notice of his refusal to accept all of the conditions, in which case the

Board of Supervisors shall be deemed to have denied a certificate of appropriateness. In the event the applicant does not, within the said period, notify the Board of Supervisors of his refusal to accept all of the said conditions, the approval, with all conditions, shall stand as granted.

C. Resolution of Board of Supervisors. The grant or denial of a certificate of appropriateness shall be in the form of a written resolution which shall include findings of fact related to the specific proposal and shall set forth the reasons of the grant, with or without conditions, or for the denial, referring to such of the criteria set forth in subsection (2)(C), hereof, which were relevant to its decision.

4. Appeals. Any decision of the Board of Supervisors under this Chapter, granting or denying a certificate of appropriateness or authorizing or refusing to authorize a modification in such certificate of appropriateness, shall be subject to review and appeal in the same manner and within the same time limitation as is provided for zoning appeals by the Pennsylvania Municipalities Planning Code.

5. Enforcement. The Zoning Officer, or such other person or agency charged by the Board of Supervisors with the enforcement of the provisions of this Part, shall review the progress and status of the proposed changes and render such reports thereon to the Board of Supervisors and to the Historical Commission as may be necessary to assure compliance with the provisions of this Part and the conditions of the certificate of appropriateness. Standard inspection reports shall be filed with the Board of Supervisors.

(Ord. 147, 8/11/2008, §1209)

Part 13

General and Supplemental Regulations and Design Standards

§1301. Purpose. This Part contains certain general and supplementary regulations and design standards that are common to all zoning districts unless stated as pertinent to a specific district herein. (Ord. 147, 8/11/2008, §1300)

§1302. Reduction of Lot Area and Front Yard.

1. No lot shall be so reduced that the area of the lot, or the dimensions of the required yards, shall be less than herein prescribed. The lot area shall not include any portion of the land set aside as right-of-way for a public street.

2. Modification of Front Yards.

A. Where an unimproved lot is situated between two (2) improved lots having on each a principal building within twenty-five (25) feet of the side boundary line of such unimproved lot, which extends into the required front yard of each such improved lot and has been so maintained prior to the effective date of this Chapter, the front yard depth of such unimproved lot may be the average depth of the front yards of such two (2) adjacent improved lots, notwithstanding the yard requirements of the zoning district in which it is located.

B. Where an unimproved lot adjoins only one (1) improved lot having a principal building thereon within twenty-five (25) feet of the common side lot line which extends into the required front yard of such improved lot and has been so maintained prior to the effective date of this Chapter, 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 in the zoning district in which such unimproved lot is located, notwithstanding the yard requirements of such zoning district.

C. The front yard of a proposed building in a Historic District may be decreased in depth to the average alignment of existing buildings within one hundred (100) feet on each side of the proposed building provided such calculation is limited to the same block. Such reduction may occur when alignment of existing buildings is less than the applicable front yard requirement.

(Ord. 147, 8/11/2008, §1301)

§1303. Exemptions to Height Restrictions. The height limitations of this Chapter shall not apply to church spires, belfries, cupolas, chimneys, smoke stacks, ventilators, HVAC, water towers, parapet walls less than six (6) feet in height, elevators, flagpoles or other appurtenances usually located above the roof of a building or structure and not intended for human occupancy (except for wireless communications facilities). The total height of such structures shall be no greater than the smallest horizontal distance between any facade of the structure and the property line closest thereto, or ninety (90) feet whichever dimension is less. When authorized by the Zoning Hearing Board as a variance, an increase in the maximum height limit may be

permitted where it is demonstrated that the structure incorporates safety features, which, in the event the structure is toppled, will prevent it from falling beyond the boundaries of the property. Additionally, the granting of such exception is contingent upon adherence to other applicable Township Codes. All wireless communications facilities shall be subject to the height restrictions contained in §27-303(2)(C) of this Chapter. (Ord. 147, 8/11/2008, §1302; as amended by Ord. 174, 2/14/2011, §V; and by Ord. 196, 8/12/2013, §XIII)

§1304. Prohibited Uses. No use shall be permitted that is noxious or offensive by reason of odor, dust, smoke, gas, vibration, illumination or noise or which constitutes a public hazard whether by fire, explosion or otherwise as defined in §1330. (Ord. 147, 8/11/2008, §1303)

§1305. Access, Highway Frontage and Interior Circulation. In order to minimize traffic congestion and hazard, control street access and encourage orderly development of street highway frontage, the following shall apply:

A. Unless clearly impractical, all lots in a residential subdivision shall have direct access only to a local access street as defined herein.

B. Where lots are created having frontage on existing arterial or collector roadways, as defined herein, any proposed subdivision street pattern shall provide reverse frontage to local access streets within the subdivision, and all such lots shall be provided with a minimum rear yard of seventy-five (75) feet from the street line of any principal arterial roadway, minor arterial roadway, major collector roadway, minor collector roadway, primary distributor roadway or secondary distributor roadway, as defined herein.

C. All lots radiating from a cul-de-sac shall have a minimum of fifty (50) feet frontage at the street right-of-way line except where otherwise approved as a condition of approval for single-family attached dwellings.

D. Private driveways shall be permitted only in accordance with the provisions of Chapter 21, "Streets and Sidewalks," Part 1, "Driveways," of the East Coventry Township Code of Ordinances.

E. All driveways, aisles, maneuvering spaces, vehicular service areas or spaces between or around buildings, other than those relating to a dwelling, shall be adequately illuminated according to the provisions of §427 of the Township Subdivision and Land Development Ordinance [Chapter 22].

F. No loading or service area shall be located within front yard setback areas in any of the Commercial or Industrial Districts, except that, where this restriction is clearly impractical, the Board of Supervisors may authorize loading or service areas therein as a conditional use.

G. In the case of a shopping center, industrial park, professional office park or similar groupings of buildings constructed as part of an integrated plan, and in any other use where practicable, there shall not be more than two (2) access ways to any public street or highway for each four hundred (400) feet of frontage except where more specifically regulated by other provisions herein. All parking, loading

or service areas, used by motor vehicles shall be located entirely within the lot line of the property. All access ways to a public street or highway shall be located not less than two hundred (200) feet, measured centerline to centerline, from the intersection of any street lines. All access ways shall be designed to conform to PennDOT specifications with regard to State roads and the subdivision requirements of the Township for local roads.

H. The developer shall be responsible for the design, construction and installation, and the cost thereof, for any necessary traffic control devices and/or highway modifications required by the Township and/or PennDOT.

I. Interior drives shall be designed to prevent blockage of vehicles entering or leaving the site. Drives may be one-way or two-way. Areas designed for loading and unloading, refuse collection, fuel delivery, and other service vehicles shall be arranged as to prevent blocking or interfering with access ways, the use of automobile parking facilities or pedestrian ways, and shall have adequate turnaround surface so egress to the street is in a forward direction.

J. A multi-unit or single-family attached residential, institutional, religious, commercial, or industrial building shall not be located more than one hundred fifty (150) feet from an open, improved and accessible fire lane easement as defined herein and no more than six hundred (600) feet from a duly dedicated, accessible and improved approved public or private street.

K. Fire lane easements shall have a minimum unobstructed right-of-way width of forty (40) feet and a fire lane shall be constructed within this right-of-way consisting of an all-weather surfaced cartway with a minimum width of twenty (20) feet as approved by the Chief of the appropriate Fire Company and the Board of Supervisors. The extension of fire lane easements shall have a minimum unobstructed right-of-way width of forty (40) feet, and a fire lane shall be constructed within this right-of-way consisting of an all-weather surfaced cartway with a minimum width of twenty (20) feet, and shall begin from one (1) or more existing and improved public streets.

L. Fire easements that curve, turn or change direction shall have a minimum centerline radius of sixty (60) feet. Fire lane easements containing reverse curves shall have a minimum centerline tangent length of fifty (50) feet between curves.

M. Dead-end fire lane easements shall be terminated with an unobstructed vehicular turnaround or cul-de-sac with a minimum right-of-way radius of sixty (60) feet and shall have a minimum surfaced radius of thirty-five (35) feet. Dead-end fire lane easements shall have a maximum length of five hundred (500) feet. The location of fire lane easements shall be coordinated with the extension of streets, sanitary sewers, water mains, storm sewers, and other drainage facilities and public utilities as contained in this Chapter and other applicable Township Codes and shall provide adequate access to buildings by firemen or other emergency services.

(Ord. 147, 8/11/2008, §1304)

§1306. Parking Standards. No building or structure shall hereafter be constructed, enlarged or altered and no use or activity shall be conducted or expanded unless provision is made for off-street parking facilities, either within a structure or in the open, and with proper and safe access from a street, to adequately serve the uses within the district according to the provisions of this Section.

A. Location.

(1) All required parking shall be on the same lot as the principal buildings except when permitted by the Board of Supervisors, subject to the following conditions:

(a) The owners of two or more establishments shall submit with their application for special exception, a site plan showing joint use, agreement and location of a common off-street parking area.

(b) Some portion of the common off-street parking area shall lie within two hundred (200) feet of an entrance, regularly used by patrons, into the buildings served thereby.

(c) Limited on-street parallel parking may be allowed if the applicant can demonstrate to the satisfaction of the Board of Supervisors that such parking is justified and will not cause any vehicular safety issues. Such on-street parking shall be in addition to the minimum off-street parking requirements of the zoning district.

(2) Areas devoted to parking may occupy no more than fifty percent (50%) of any required front, side or rear yard, except in the case of single-family attached dwellings such areas devoted to parking may occupy no more than seventy-six percent (76%) of any required front yard. Where it can be demonstrated that the application of such standards are clearly impractical, the Board of Supervisors, upon recommendation of the Planning Commission, may authorize parking areas in excess of such standards.

(3) No parking lot for off-street parking or for the storage or movement of motor vehicles shall directly abut a public street and shall be separated from the street line by a minimum of five (5) feet.

B. Size.

(1) Parking spaces shall have an approved all-weather surface, shall have convenient access in all seasons and shall meet the following dimensional standards:

	Angle of Parking Row to Parking Aisle			
	30°	45°	60°	90°
Depth of Parking Row	18'	20'	21'	19'
Width of Parking Space	9'	9'	9'	9'
Width of Aisle	11' (1 way)	13' (1 way)	18' (1 way)	25' (1 or 2 way)

	Angle of Parking Row to Parking Aisle			
	30º	45º	60º	90º

Parallel parking spaces shall be a paved minimum of twenty-three (23) feet in length and nine (9) feet in width.

[Ord. 152]

(2) The Board of Supervisors may approve the use of continuous curbs as wheel stops in which case the length of the parking space may be two (2) feet less than otherwise required, provided that the parking lot layout allows for a vehicle to overhang the continuous curb by two (2) feet. The overhang area shall be clear of all obstructions and shall not be regarded as any required landscape area or pedestrian circulation space.

C. Access and Interior Drives.

(1) Interior drives shall be clearly marked and maintained by adequate painting, marking, curbing and signs so that operators of vehicles intending to patronize such parking areas shall not impede traffic as a result of any confusion as to location of entrances and exits and manner of reaching them.

(2) All parking lots shall be so divided by permanent raised perimeter curbing and/or planting strips that access lanes are clearly defined and that moving traffic will be confined to designated access lanes.

(3) Where possible driveways shall be so constructed as to permit vehicles to turn around on the lot so as to eliminate the necessity of backing either on or off the lot.

D. Design and Maintenance.

(1) General On-Site Circulation.

(a) There shall be an adequate, safe and convenient arrangement of pedestrian circulation facilities, roadways, driveways, off-street parking and loading space. Pedestrian circulation between buildings shall be designed to prevent the unnecessary exposure of pedestrians to vehicular traffic.

(b) Roads, pedestrian walks, bicycle facilities and open space shall be designed as integral components of the overall site design and shall be properly related to existing and proposed buildings and appropriately landscaped.

(c) Pedestrian walks, appropriate also for wheelchairs, 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 five (5) feet, shall be landscaped and paved and shall be paved and graded to meet ADA standards.

(d) The materials used in the design of paving, lighting fixtures, retaining walls, fences, curbs and benches shall be

of good appearance, easily maintained and appropriate to their function.

(e) Ramps, providing access from parking areas to buildings, shall be provided for persons with disabilities in accordance with the Americans with Disabilities Act.

(f) Parking areas shall be designed so that a vehicle within the parking area will not have to enter a street to gain access to another part of the parking area.

(g) Access ways, 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.

(h) The design of access and traffic control and of interior circulation shall, in all other respects, comply with the requirements of §1305.

(2) General On-Site Parking Design. Parking areas shall have a dust-free, all-weather surface that shall be paved unless otherwise approved by the Board of Supervisors. Where recommended by the Township Engineer and approved by the Board of Supervisors, specially designed brick or block should be considered to increase on-site water retention for plant material and groundwater supplies and to reduce problems associated with runoff.

(a) Parking areas shall have a minimum slope of one percent (1%) in any direction to provide for drainage and a maximum slope of five percent (5%) for convenience and stormwater management.

(b) All parking bays shall be marked by durable painted lines at a minimum of four (4) inches in width and extending the entire length of the parking space or by curbs or other means to clearly indicate individual spaces. Signs or markers located on the surface of the parking lot shall be used as necessary to assure efficient and safe traffic operation.

(c) 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 and requirements of §427 of the Subdivision and Land Development Ordinance [Chapter 22].

(d) Parking area landscaping and screening shall be provided in accordance with the provisions of §428 of the Subdivision and Land Development Ordinance [Chapter 22].

(e) Any person operating or owning a parking lot shall keep it free of dust and loose particles and shall promptly remove snow and ice from the surface. Such person shall also

keep all adjacent sidewalks free from dirt, ice, sleet and snow and shall keep sidewalks in a safe condition for use by pedestrians. All signs, markers or any other method use to indicate the direction of traffic movement and the location of parking spaces shall be maintained in a neat and legible condition. Any walls or landscaping as well as surfacing and curbing of the parking lot shall be maintained in good condition throughout their use. In the event that a parking area is improperly maintained, The Board of Supervisors shall have the authority to prohibit the use of the area for parking purposes unless and until the proper maintenance, repair or rehabilitation has been completed.

(3) Reserved. [Ord. 184]

(4) Handicapped Parking. Handicapped parking spaces shall be provided pursuant to the requirements set forth in the Americans with Disabilities Act, as amended. [Ord. 152]

E. Minimum Off-Street Parking Space Requirement. The following shall be the minimum number of off-street parking spaces required for each land use, activity, building or structure permitted by this Chapter. When the determination of the number of off-street parking spaces results in the requirement of a fractional space, any fraction shall count as one (1) space. Parking spaces required on an employee basis shall be based upon the projected maximum number of employees on duty or residing, or both, on the premises at any one (1) time and include any overlap of employees due to a shift change:

Use	Parking Spaces Per 1,000 sq. ft. Gross Floor Area	Other Standards
Residential Uses		
Single-Family Detached or Semi-Detached, Mobile Homes	-	2.0 per DU
Single-Family Attached, Multi-Unit	-	2.0 per DU, plus 0.75 per DU visitor spaces All visitor parking spots are off-lot [Ord. 152]
Adult Community		
Single-Family Detached, Single-Family Attached	-	2.0 per DU
Two-Family and Multi-Unit		1.5 per DU
Visitor		15% of total DU requirement
Nonresidential Uses		As required by this Table

Use	Parking Spaces Per 1,000 sq. ft. Gross Floor Area	Other Standards
Home Occupation	-	2 in addition to DU requirement, plus 1 per employee, 6 maximum total parking spaces
Industrial Uses		
Warehouse, Storage Establishment, Wholesaling, Manufacturing	0.5	Plus 5.0 spaces
Mini-warehouse/Self Storage	-	3.5 per 1,000 sq. ft. of office
Research and Development, Laboratories	3.0	-
Electric Utility Facility	-	1.0 per employee, greatest shift plus 10% for visitors
Office Uses		
General	3.0	1.0 per employee
Government	3.5	1.0 per employee
Medical	4.0	1.0 per employee
Bank/Financial	4.0	Plus 6.0 stacking per drive-in lane
Commercial Retail Uses		
General	4.0	-
Shopping Center	4.5	-
Furniture, Carpet	1.0	Plus 5.0 spaces
Roadside Stand	-	1.0 per 250 sq. ft. of sales/display

Use	Parking Spaces Per 1,000 sq. ft. Gross Floor Area	Other Standards
Hardware, Home Improvement	4.0	-
Building Materials	2.0	Plus 5.0 spaces
Automobile, Truck, Boat, Mobile Dwelling Unit, Trailer, Outdoor Equipment, Motorcycle Sales	-	5.0 space minimum plus 1.0 per 1,000 sq. ft. of floor and ground area of sales, service, display, and/or storage
Laundromat	20.0	-
Convenience Store	5.0	gas sales calculated separately
Supermarket	4.0	-
<u>Commercial Service Uses</u>		
Personal Service Businesses	4.0	-
Funeral Homes	8.0	-
Fitness Center/Health Club	10.0	-
Restaurant	9.0	Plus parking for one quarter of outdoor seating area, plus 1.0 per employee, greatest shift
Restaurant, fast food/take-out	15.0	Plus 6.0 stacking spaces per drive through lane
Veterinary Services, pet grooming	3.5	-
Kennel	0.5	Plus 5.0 space minimum
Drive-In Facility	-	6.0 per drive-in lane
All Other	4.0	-
<u>Commercial Auto Service</u>		
General, including vehicle repair	1.5	Or 4.0 per bay, whichever greater
Carwash (single car, automatic bay)	2.0	Plus 6.0 stacking spaces per bay and 2.0 drying spaces per bay
Carwash (multiple car, automatic bay)	4.0	Plus 12.0 stacking spaces per bay and 2.0 drying spaces per bay
Carwash (self wash bay)	-	3.0 per bay

Use	Parking Spaces Per 1,000 sq. ft. Gross Floor Area	Other Standards
Gas Station	-	1.0 per pump plus 6.0 stacking spaces per island
Commercial Lodging		
Hotel, Motel	-	1.0 per guest room and 1.0 per employee of greatest shift, plus required spaces for any other facility
Bed and Breakfast	-	1.0 per guest room, plus 2.0 per dwelling unit
Campground	-	1.0 per camp space plus 1.0 per employee per shift
Institutional Uses		
Place of Public Assembly, Church	-	1.0 per 3seats or 10.0 per 1,000 sq. ft. of assembly area, whichever greater
Club, Association (no food service)	6.0	-
Club, Association (with food service)	10.0	-
Fire Station	-	4.0 per vehicle bay plus 10.0 per 1,000 sq. ft. public assembly area
Library, Museum	3.5	Plus 7.5 per 1,000 sq. ft. public assembly area
Assisted Living Facility, Nursing Home	-	1 per 2 beds
Day Care, Kindergarten, Preschool and Elder Day Care	4	Plus 1 per teacher/care giver, plus bus stacking lane(s) as required by the Board of Supervisors
School, Elementary or Junior High	-	2.0 per classroom plus 7.5 per 1,000 sq. ft. public assembly
School, Senior High, Trade, Vocational, College, University	-	10.0 per classroom, plus 7.5 per 1,000 sq. ft. public assembly
Group Homes, Institutional, Monasteries, Convents	-	0.75 per bedroom
Rooming and Boarding Houses	-	1.25 per guest room
Police Station	4.0	-

Use	Parking Spaces Per 1,000 sq. ft. Gross Floor Area	Other Standards
Post Office	5.0	-
Hospital, Sanitarium	-	1.0 per 3 beds, plus 1.0 per employee greatest shift
Outdoor Recreation and Amusement		
Camps, day or youth	-	0.66 per 1,000 sq. ft. of area
Golf Course	-	3.0 per hole
Golf Driving Range, Rifle Range	-	1.0 per station
Park, Playground	-	0.2 per 1,000 sq. ft. of area
Equestrian Facilities	-	1.0 per 4 stalls, plus 0.5 per 1,000 sq. ft. of riding area
Swimming Pool	-	1.0 per 200 sq. ft. of pool surface, plus 1 per employee, greatest shift
Tennis Courts	-	3.0 per court
Athletic Fields	-	15.0 per field plus 1.0 per 4 permanent seats
All Other Active Uses	-	0.75 per 1,000 sq. ft. of area
All Other Passive Uses	-	5.0 minimum plus 1.0 per acre (under 50 ac.) or 1.0 per 3 acres (over 50 ac.)
Indoor Recreation and Amusement		
Swimming Pool	-	1.0 per 200 sq. ft. of pool surface, plus 1 per employee, greatest shift
Indoor Court Games	-	3 per court
Community Center, Auditorium, Stadium, Gymnasium	-	1.0 per 4 permanent seats or 10.0 per 1,000 sq. ft. of public assembly, whichever greater
All Other	-	1.0 per 4 permanent seats or 10.0 per 1,000 sq. ft. of public assembly, whichever greater
Outdoor Commercial Recreation and Amusement		

Use	Parking Spaces Per 1,000 sq. ft. Gross Floor Area	Other Standards
General	-	5.0 minimum plus 0.66 per 1,000 sq. ft. of area
Outdoor Court Games	-	3.0 per court plus 1.0 per 4 permanent seats
Miniature Golf Course	-	2.0 per hole plus 1 per employee of greatest shift
Outdoor Arenas	-	1.0 per 3 permanent seats
Country Club, Golf Club	-	4.0 per hole, plus ancillary use requirements
Indoor Commercial Recreation and Amusement		
General	6.0	-
Amusement Park	-	Determined by Township
Bowling Lanes, Pool Room	-	4.0 per lane, 2.0 per pool table
Skating Rink	-	1.0 per 1,000 sq. ft. of skating surface
Theater, Assembly Room	-	1.0 per 4 permanent seats or 10.0 per 1,000 sq. ft. public assembly area

Other Uses. The Board of Supervisors shall determine with which of the preceding categories of parking regulation any unlisted use shall comply or may designate a standard for a use that does not conform to the preceding categories.

F. Shared Parking. Up to fifty percent (50%) of the parking spaces required for a theater or other place of primarily evening entertainment, for a church, for multi-unit dwellings or for a school may be provided and use jointly by banks, offices, certain retail stores, repair shops, service establishments and similar uses which are not normally open, used or operated during evening hours (beyond normal business hours of 8 a.m. to 5 p.m.) if specifically approved by the Board of Supervisors; provided, however, that written agreement assuring the retention for such purpose shall be properly drawn and executed by the parties concerned and approved as to form and execution by the Township Solicitor. Such an agreement shall be filed and made part of the application for a building permit. Approval of such shared parking may be rescinded by the Board of Supervisors and additional parking obtained by the owners in the event that the Board of Supervisors determines that the joint use of parking facilities is resulting in a public nuisance or otherwise adversely affecting the public health, safety or welfare.

G. Parking Reserve Area. The number of parking spaces to be constructed may be up to twenty-five percent (25%) less than the number required herein only when the following conditions are met to the satisfaction of the Board of Supervisors:

(1) Evidence is submitted firmly documenting that the special nature of the proposed occupancy or use of the building requires less parking area or spaces than required by subsection (E).

(2) 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 the application can and will be constructed on the site, according to the requirements of this Section, during the first six (6) years following full development of the lot. If, at the end of the sixth year following the full development of the approved plan, the parking reserve area or any part thereof has not been developed as an additional parking area, the applicant or the then present landowner may petition the Board of Supervisors for permission to develop or otherwise utilize the parking reserve area in accordance with the provisions of this Chapter, if the Board of Supervisors determines that this parking or loading is not necessary to the interest of the public health, safety or welfare.

(3) In no event shall that authorized portion of the required parking area that 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 this Chapter.

(4) 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.

(5) The parking reserve area shall be landscaped according to an approved plan under the provisions of §428 of the Township Subdivision and Land Development Ordinance [Chapter 22].

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

H. Shopping Center Parking.

(1) Except as specified in subsection (2), below, a minimum of four and one-half (4 1/2) parking spaces shall be provided for each one thousand (1,000) square feet of gross floor area, or fraction thereof, within the proposed shopping center. In addition, a parking reserve area, consistent with the terms of subsection (G) shall be designed and shown on the plan, so that, if developed, it would yield a ratio of five (5) parking spaces for each one thousand (1,000) square feet of gross floor area. If, at the end of the sixth year following full development of the shopping center, the parking reserve area or any part thereof has not been developed as an additional parking area, the applicant or the then present landowner may petition the Board of Supervisors for permission to develop or otherwise utilize the parking reserve area in accordance with the provisions of this Chapter.

(2) Office Use in a Shopping Center. A minimum of three (3)

parking spaces shall be provided for each one thousand (1,000) square feet of gross floor area or fraction thereof devoted to office use. An initial reduction of up to twenty-five percent (25%) of this required parking area may be permitted by the Board of Supervisors, provided that sufficient land is reserved and properly identified as such to meet the requirements of this Section, should the Board of Supervisors subsequently deem it necessary in the interest of the public health, safety or welfare.

I. Special Exception or Conditional Use. For any use permitted by special exception or conditional use, it shall be the burden of the applicant to present evidence of the parking needs of the proposed use. The Zoning Hearing Board, in granting a special exception, or the Board of Supervisors in granting conditional use approval, may attach specific parking requirements that vary from the requirements of this Part where the Board of Supervisors makes a decision using the conditional use criteria set forth in §1403 or the Zoning Hearing Board uses the special exception criteria set forth in §1509.

(Ord. 147, 8/11/2008, §1305; as amended by Ord. 152, 12/8/2008, §1; and by Ord. 184, 10/10/2011, §VI)

§1307. 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 residential or institutional use. Loading berth space that is utilized for the location of trash collection or compaction facilities shall be provided for and shall be in addition to the loading space requirements of this Section.

A. Area of Loading Berths or Spaces. A required off-street loading berth or space shall be a minimum of fourteen (14) feet in width and sixty-five (65) feet in length, exclusive of aisle and maneuver area and shall have a vertical clearance of a minimum of sixteen (16) feet.

B. Access to Loading Area. Each required off-street loading berth or space shall be afforded appropriate means of vehicular access to a street, highway or alley in a manner that shall least interfere with traffic movement.

C. Loading Area Surfacing. All open off-street loading areas shall be constructed with a compacted select gravel base and surfaced with an all-weather dustless material, suitably designed for the intended use to a standard approved by the Township Engineer.

D. Loading Area Screening. All loading berths or spaces and truck circulation areas that abut a residential district or residential use shall be set back a minimum of forty (40) feet therefrom, unless completely screened by walls, solid fence, landscaping or a combination thereof, not less than six (6) feet in height. In no case shall loading berths or spaces and circulation areas be closer than fifteen (15) feet to a residential district or use.

E. Number of Loading Berths or Spaces. Buildings or uses with commercial, industrial or storage uses that exceed six thousand (6,000) square feet of gross area shall be provided with a minimum of one (1) off-street loading berth or space.

F. Location of Loading Berths or Spaces and Loading Circulation

Areas. All required loading areas including loading spaces and loading circulation areas shall be located on the same lot as the use to be served and no portion of vehicles to be loaded or unloaded shall project into any traffic lane. Loading, unloading and their circulation areas shall not be located between the building setback line and the street line.

G. Repair and Service. No motor vehicle service work of any kind, nor motor vehicle repair work of any kind, except emergency work, shall be permitted within any required loading area.

H. Space Allowed. Space allowed to any off-street loading berth shall not, while so allocated, be used to satisfy the space requirements of any off-street parking facilities or portions thereof. Required off-street parking spaces shall not be used for loading and unloading purposes except during hours when business operations are suspended.

I. Special Exception or Conditional Use. For any use permitted by special exception or conditional use, it shall be the burden of the applicant to present evidence of the loading needs of the proposed use. The Zoning Hearing Board, in granting a special exception, or the Board of Supervisors in granting conditional use approval, may attach specific loading requirements that vary from the requirements of this Part where the Board of Supervisors makes a decision using the conditional use criteria set forth in §1403 or the Zoning Hearing Board uses the special exception criteria set forth in §1509.

(Ord. 147, 8/11/2008, §1306)

§1308. Traffic Impact Study Requirements. The Board of Supervisors shall require a traffic impact study, consistent with acceptable standards, as proposed by the applicant and approved by the Board of Supervisors, for any proposed residential development in the Township which contains ten (10) or more proposed dwelling units, and may require a traffic impact study for any proposed nonresidential development. The traffic impact study shall conform to the requirements of §306(3)(D) of the Subdivision and Land Development Ordinance [Chapter 22]. (Ord. 147, 8/11/2008, §1307)

§1309. Landscape Screens.

1. Landscape screens or buffer plantings are required under the following circumstances:

A. Where any nonresidential use, excluding agricultural uses and uses accessory to single-family residential uses, abuts any residential use, or abuts any land in any residential zoning district.

B. Where any mobile home park abuts any other residential use, or any land in any residential zoning district.

C. Where any multi-unit use abuts any other residential use or any land in any residential zoning district.

D. Where required by the Zoning Hearing Board or where stipulated as a condition of conditional use approval by Board of Supervisors.

E. Where otherwise required by this Chapter or §428 of the Township Subdivision and Land Development Ordinance [Chapter 22].

2. Required screens shall consist of opaque fences or walls, vegeta-

tive plantings, landscaped berms or any combination thereof, providing a year round visual screen, but in no case shall a screen interfere with motorists' visibility. Design of screens and selection of plant materials to be used shall be in accordance with the provisions of §1310, herein, and §428 of the Township Subdivision and Land Development Ordinance [Chapter 22] and shall be subject to review and approval by the Board of Supervisors.

(Ord. 147, 8/11/2008, §1308)

§1310. Landscape Design, Installation, and Maintenance Standards.

1. All required landscaping and screening shall be installed and maintained in accordance with a landscape plan as required by §428 of the Subdivision and Land Development Ordinance [Chapter 22]. The landscape plan shall depict all proposed plantings required to compliment, screen or accentuate building, roads, parking areas, sidewalks, walkways, sitting areas, service or maintenance structures, courtyards, and other site features and/or structures. Plant sizes, spacing and types shall be in accordance with §428 of the Subdivision and Land Development Ordinance [Chapter 22].

2. All required landscape plans shall be submitted at the time when all other required applications and/or plans are submitted (i.e., preliminary land development plan submission, conditional use approval application, etc.). Plans shall be based on and reflect the following objectives:

A. A design that is responsive to the functional and aesthetic characteristics of the tract or lot, and existing and proposed principle and accessory buildings and other structures.

B. A design that respects/incorporates existing topography, landscape, and other natural features such as hedgerows and woodlands.

C. A design that demonstrates an effective proposal for screening the proposed use or activity from the adjoining properties.

D. A design that creates visual interest for the users and/or residents of the proposed project, and enhances views.

E. A design that promotes effective management of stormwater to minimize soil erosion and sedimentation and creates opportunities for infiltration to the groundwater system.

F. The use of plant material which is: acclimated to local conditions; located and spaced to achieve required screening, compatible groupings and other effective purposes; and not injurious of persons or pedestrians and vehicular circulation.

Plans accompanying conditional use applications may be conceptual in nature but shall demonstrate the ability to achieve the above objectives.

3. Applicability. Except for individual lots existing at the time of adoption of this Section and occupied or intended to be occupied by single-family detached dwellings, the requirements of this Section shall apply to the following situations:

A. Screening. Any activities for which a landscape buffer or screening is required by this Chapter, or would be imposed by the Zoning Hearing Board as a special exception or by the Board of Supervisors for a conditional use approval.

B. Perimeter Buffer.

(1) Except as provided in subsection (3)(B)(2), below, the entire perimeter of any tract undergoing development shall be provided with a minimum twenty (20) foot wide planting strip which will act as a landscape screen separating uses. The planting strip may be included in private yard space or common open space or a combination thereof, and shall be designed and installed in compliance with the requirements of this Section.

(2) The Board of Supervisors may reduce the perimeter buffer requirement where any tract abuts similar uses such that the Board of Supervisors determines that screening is not necessary or where the applicant can demonstrate to the satisfaction of the Board of Supervisors that existing vegetation, structural and/or topographic conditions will conceal, on a year-round basis, development from view from adjacent tracts.

(3) Any part or portion of a lot or tract which is not occupied by buildings nor used for loading and parking spaces and aisles, sidewalks and designated storage areas shall be left in its natural state or shall be landscaped according to an overall landscape plan, prepared and approved as part of the development plan. A replacement program for non-surviving plants shall be included.

(4) All mechanical equipment not enclosed in a structure shall be fully and completely screened from view from any point in a manner compatible with the architectural and landscaping style of the remainder of the lot. Such screening shall be subject to site plan and architectural review by the Township.

(5) Water towers, storage tanks, processing equipment, fans, HVAC, skylights, cooling towers, vents and any other structures or equipment which rise above the crest of the roof line shall be architecturally compatible or effectively shielded from view from any dedicated street by an architecturally sound method, such as a parapet wall not to exceed six (6) feet in height, which shall be approved, in writing, by the Township before construction or erection of said structures or equipment.

(6) Landscaping shall be required within any parking area subject to the provisions of §428 of the Subdivision and Land Development Ordinance [Chapter 22].

4. Minimum Planting Standards. All required landscaping shall meet the minimum planting standards, criteria for selection of plant material, and design standards of §428(6) of the Subdivision and Land Development Ordinance [Chapter 22].

5. Landscape Design Standards.

A. All required landscaping shall meet the minimum landscape design standards of §428(8) of the Subdivision and Land Development Ordinance [Chapter 22], unless waived by the Board of Supervisors.

B. Street Trees. All required street trees shall meet the minimum shade tree and screen planting design standards of §420 of the Subdivision and Land Development Ordinance [Chapter 22], unless waived by the Board of Supervisors.

C. Berms.

(1) Landscaped berms shall be provided to screen from public view outdoor storage areas, parking areas, including truck and heavy equipment parking areas, storage and loading areas, trash dumpsters, and other permitted activities conducted outside of commercial, institutional and industrial buildings. Landscaped berms shall also be required for nonresidential subdivisions or land developments that adjoin any residential zoning district or existing residential use.

(2) Where required to screen outdoor activities, berms shall be low-profile and appropriately landscaped to a landscape screen a minimum of six (6) feet in height (not including plantings) measured from the crown of the adjoining public street.

(3) Where required to screen nonresidential uses from residential uses, landscaping shall be provided on both sides of the berms and shall be subject to the review and approval of the Township.

(4) Side slopes shall not exceed a three to one (3:1) ratio and berms shall be designed to blend adjoining topographic and landscape conditions.

(Ord. 147, 8/11/2008, §1309)

§1311. Minimum Habitable Floor Areas. The minimum habitable floor area of all dwellings shall be six hundred (600) square feet. (Ord. 147, 8/11/2008, §1310)

§1312. Conversion of Buildings or Dwellings.

1. An existing conforming nonresidential use of a building or other structure may be converted to another use permitted in the zoning district in which the building or other structure is located provided that if the building or other structure is located in a residential zoning district (including, but not limited to, the FR District), such conversion shall not cause a mixture of residential and nonresidential uses within the building or structure. All other standards and requirements of this Chapter shall be applicable.

2. A single-family detached dwelling, existing prior to the effective date of this Chapter may be converted into and used as a two-family dwelling or multi-unit dwelling when authorized as a special exception; and, provided that:

A. The plans for the conversion of single-family detached dwellings, where two (2) or more families are to be housed above the ground floor, shall be submitted to the Zoning Hearing Board accompanied by a certificate of approval by the Pennsylvania Department of Labor and Industry or such other governmental entity having jurisdiction of the subject matter of the conversion.

B. Such plans shall provide adequate and suitable off-street parking or storage space, at a safe distance from any street, for a minimum of two (2) vehicles per family, each parking space providing

direct access to street without requiring the movement of one (1) vehicle to afford access by the other vehicle.

C. Such dwelling shall be subject to the area, bulk and dimensional requirements of the zoning district within which the dwelling is located, except that there shall be a lot area not less than the product of the minimum lot area required in the zoning district times the number of families to be housed in the converted dwelling.

D. There shall be no external alterations of the dwelling except as may be necessary for reasons of safety and fire escapes. Outside stairways, where practicable, shall be located to the rear of the dwelling.

E. Each new dwelling unit shall have separate water supply and sanitary sewage disposal facilities, which may be provided by a new connection to existing systems provided that such existing systems are adequate and approved to serve the existing dwelling plus the new dwelling units.

(Ord. 147, 8/11/2008, §1311)

§1313. Swimming Pools. All swimming pools, whether above or below ground, shall be enclosed with a wall of a building or a fence or wall not less than four (4) feet in height and all gates, permitting access to swimming pools, shall be equipped with a key-operated locking device and shall be closed and locked at all times when the pool is not in use. Where a swimming pool is four (4) or more feet in height above ground, such fence or wall shall not be required if all approaches to the steps leading to such raised pool are thoroughly barricaded in an approved manner by a fence or gate which gate shall be equipped with a key-operated locking device and shall be locked at all times when the pool is not in use. (Ord. 147, 8/11/2008, §1312)

§1314. Sign Regulations.

1. Purpose. The intent of this Section is to provide standards for the regulation of signs as accessory uses within the various zoning districts of East Coventry Township, to protect the public health, safety and general welfare, and to prohibit the erection of signs in such numbers, sizes, designs and locations as may create a hazard to pedestrians and motorists. [Ord. 153]

2. General Regulations.

A. Any sign hereafter erected in East Coventry Township which is exposed to public view shall conform with the provisions of this Chapter and any other ordinance or regulation of East Coventry Township or the county, State or Federal government relating to the erection, alteration, or maintenance of signs. In the event of conflicting regulations, the most restrictive regulation shall prevail.

B. No sign, other than exempt signs, shall be erected without first obtaining a sign permit from the Zoning Officer. Permit applications for signs larger than two (2) square feet in area shall be accompanied by a plan, drawn to scale, showing details of the sign, its size and location on the building and/or lot. Permits for window signs and changeable copy signs shall be valid as long as there is no change

in the area, location and type of such signs which have been authorized by permit. Fees for sign permits shall be paid in accordance with a fee schedule adopted by the Board of Supervisors. All applications for sign permits shall be accompanied by the property owner's written consent, if the property owner is not the owner of the sign.

C. Before any permit will be issued for any sign erected and/or projecting over property used by the public, a certificate of insurance or an indemnity bond shall be posted with the Township by the owner of the sign and shall be maintained by the owner for and during all times that the sign is erected and/or projects over property used by the public. The amount of the certificate of insurance or bond shall be established from time to time by resolution of the Board of Supervisors and shall be payable to the Township. The form of the certificate or bond shall be satisfactory to the Township Solicitor.

D. Any sign deemed by the Zoning Officer to be illegal or without a permit shall be removed within three (3) days of written notification by the Zoning Officer. Any reoccurrence of a similar infraction on the premises by the owner or lessee shall be in violation of this Chapter and shall be punishable under Part 18 of this Chapter.

E. All signs shall be kept in a proper state of repair, in accordance with the requirements of the Township's Building Code [Chapter 5, Part 1, §101], Property Maintenance Code [Chapter 5, Part 1, §103], and any other pertinent regulations, and will be subject to annual inspection. Signs which fall into such a state of disrepair, or pose a threat to public safety, or are illegal shall be removed by the Township fifteen (15) days following notice by certified mail to the owner of record and the Township shall have the right to recover from said owner the full costs of the removal and disposal of such signs.

F. No sign other than traffic or similar official signs shall be erected within or project over the right-of-way, or easement, of any public street or sidewalk, except as modified by the Zoning Officer when conditions exist which allow a modification of this standard.

G. No sign shall be erected that is of such character, form, shape or color that it imitates or resembles any official traffic sign, signal or device, or that has characteristics which are likely to confuse or dangerously distract the attention of the operator of a motor vehicle on a public street.

H. No sign shall be erected at the intersection of any streets within a triangular area formed by the centerlines of the intersecting streets at a distance along such centerlines of seventy-five (75) feet from the point of intersection and the diagonal line connecting the endpoints of said lines. In no case shall any sign be so erected that it impedes the vision of motorists or pedestrians, or otherwise endangers their safety.

I. No sign shall be illuminated except by internal illumination or by concealed indirect lighting. Any illumination of signs in any district shall be so shielded that the source of light shall not be visible from any point off the lot on which the sign being illuminated is erected, and so that only the sign is illuminated thereby.

J. No sign shall be erected on any property containing information which states or implies that such property may be used for any purpose not permitted under the provisions of the zoning district in which the property to which the sign related is located.

K. No sign, except an off-site directional sign, shall be erected on any premises except as may be related to a lawful principal use or permitted accessory use on the premises.

L. All distances provided for in this Part shall be measured along straight lines between signs and from the near edge to the near edge of the sign or sign structure.

M. No sign shall be placed on any tree, telegraph, electric light, or public utility pole, or upon rocks or other natural features. “No hunting,” “no trespassing” and “private property” signs, not exceeding one and one-half (1 1/2) square feet in area and placed on trees, telegraph, electric light or public utility poles at intervals not less than fifty (50) feet shall be exempt.

N. The total area of all window signs, unless further restricted by district regulations, shall not exceed twenty-five percent (25%) of the glass area of the window in which placed.

N. No roof signs shall be allowed, and no sign shall project above the main cornice line of the building to which a sign is affixed.

O. Time and temperature signs shall be allowed in any district in which commercial or industrial uses are permitted, provided that they do not encompass more than twenty percent (20%) of the allowable area for the type of sign on which they are placed.

3. Freestanding Signs. Freestanding signs, except for directional signs or identification signs, shall comply with the following:

A. Freestanding signs shall be allowed only in a front yard outside of the street right-of-way. In no case shall a freestanding sign be placed within a street right-of-way.

B. For the purpose of computing the area of a freestanding double-faced sign, only one side shall be considered provided that both faces are identical. For V-type double-faced signs, the interior angle of which exceeds forty-five (45) degrees, both faces shall be considered in the computation of the sign area.

C. A freestanding sign and a projecting sign shall not be utilized together to identify the same establishment on the same street frontage; provided, however, that a freestanding identification sign for a shopping center or a planned office or industrial park may be used in conjunction with projecting identification signs for individual uses; provided, further, that the projecting signs do not exceed four (4) square feet in area.

4. Wall Signs.

A. Wall signs placed parallel to, and affixed directly upon, the facade of a structure shall not extend more than eighteen (18) inches beyond the plane of the wall to which they are attached.

B. Wall signs shall be allowed only on building sides containing entrances available to the general public.

C. Wall signs shall be allowed only for establishments with street level frontage of at least twenty (20) feet, except in the case of an establishment located on upper stories and occupying at least eighty percent (80%) of the total floor area of the building.

D. The area of all wall signs shall be determined by the signable facade area of the portion of the building to which it is attached, as herein defined.

E. Not more than one wall sign shall be allowed for each establishment with less than one hundred (100) linear feet of frontage on the building side to which it is attached. Additional wall signs shall be allowed for each additional one hundred (100) linear feet of frontage on the building side to which it is attached, up to a maximum of three (3) such wall signs. However, where multiple signs are used on a single building side, the area of the primary identification sign shall be not less than three (3) times larger than the area of the secondary signs, and the total area of all signs on a single building side shall not exceed the area of wall signs allowed herein.

5. Projecting Signs. Projecting signs, when allowed, shall comply with the following regulations:

A. No sign shall project more than four (4) feet from the face of the building.

B. No part of the sign shall be less than eight (8) nor more than twelve (12) feet above ground or walkway level.

C. Not more than one (1) projecting sign per establishment per street frontage shall be allowed.

D. No projecting sign shall be allowed within twenty-five (25) feet of another.

6. Changeable Copy and Marquee Signs. Changeable copy and marquee signs shall be allowed only as a conditional use subject to the following standards:

A. The need for the changeable copy or marquee sign as demonstrated by the public’s need to be apprised of special events, attractions, or similar time-related notices, provided that a changeable copy shall not be used to advertise merchandise or special sales events except prices of certain products, such as gasoline prices, which change at least on a monthly basis and notice of which is customarily provided to the passing general public.

B. All such signs shall be permanently affixed to the ground or to a structure.

C. Copy, on changeable copy signs, may be changed electronically or by means of moveable lettering. Electronically controlled signs, as defined in Part 2, herein, shall be allowed subject to the provisions of subsection (6)(L).

D. Changeable copy signs may not be located in any residential zoning district, except that changeable copy signs for churches, as defined in Part 2, herein, shall be allowed in residential districts, subject to the provisions of this Section.

E. Changeable copy signs may be freestanding signs, marquee signs, or canopy signs.

F. No more than one (1) changeable copy sign shall be allowed per use.

G. The sign area of a changeable copy sign shall be included in the total permissible sign area for a freestanding, marquee, or canopy sign, as the case may be.

H. No marquee sign shall project more than four (4) feet from the face of the building.

I. No part of the marquee sign shall be less than eight (8) feet or more than twelve (12) feet above ground or walkway level.

J. Not more than one (1) marquee sign per establishment shall be allowed.

K. No marquee sign shall be allowed within three hundred (300) feet of another.

L. Changeable copy electronically controlled signs shall be subject to all of the applicable provisions of this Section and the following design standards:

(1) The changeable copy electronically controlled portion of a sign shall comprise no more than thirty percent (30%) of the allowable sign area.

(2) Changeable copy electronically controlled signs shall be limited to one earth tone color, as defined in §202 of this Chapter, and the color red shall not be permitted.

(3) Changeable copy electronically controlled signs shall be located a minimum of two hundred and fifty (250) feet from any residential structure.

(4) The message on changeable copy electronically controlled signs shall remain static for one (1) continuous twenty-four (24) hour period and, when changed, such change shall be instantaneous.

(5) The message on changeable copy electronically controlled signs shall not blink, flicker, flash, scintillate or animate.

(6) Changeable copy electronically controlled signs shall be automatically controlled by a dimmer to reduce the level of lighting from sunset to 10:00 p.m. at which time, such sign shall be extinguished until dawn.

7. Canopy Signs.

A. Canopy signs are only allowed in conjunction with gasoline service stations and similar commercial uses where the canopy is required to provide cover and protection for outdoor equipment and service areas.

B. No more than one (1) canopy sign shall be allowed per canopy face and no more than two (2) such signs per canopy shall be allowed.

C. No part of the canopy sign shall be less than twelve (12) feet or more than twenty (20) feet above ground level.

D. A canopy sign may not encroach in the respective district's minimum required yard area.

E. The area of a canopy sign shall not exceed twenty percent (20%) of the area of the canopy face or fifty (50) square feet, whichever is less.

8. Awning Signs.

A. Awning signs may not be used in conjunction with wall signs.

B. Awnings and awning signs may not be illuminated internally.

C. Signs on awnings may only occur on the vertical hang of the awning, which is generally parallel with the building frontage. In the case of a curved awning, the sign shall occur in the lower half of the awning.

D. The area of an awning sign shall not exceed twenty percent (20%) of the entire portion of the building covered by the awning in its extended position and in no case shall be larger than the area otherwise allowed for wall signs.

E. No part of the awning shall be less than eight (8) feet above ground or walkway level.

9. Directory Signs.

A. Directory signs shall be located within the site or complex so as to allow motorists to leave the flow of traffic and safely read the directory, or, shall be placed at the main entrance to a building.

B. No more than one (1) directory sign per entrance driveway, street intersection or main entrance to a building shall be allowed.

C. Directory signs shall not exceed twelve (12) square feet in sign area.

D. Freestanding directory signs shall not exceed five (5) feet in height.

10. Billboards. Billboards, or outdoor advertising signs, shall only be allowed in the LI Limited Industrial District when approved as a special exception by the Zoning Hearing Board, provided that such signs do not exceed ten (10) feet in height and forty (40) feet in length and are located no closer than three hundred (300) feet to a street right-of-way.

11. Prohibited Signs. Any sign that is not allowed by the provisions of this Chapter is hereby prohibited, with the following signs specifically prohibited:

A. Mobile signs, bench signs, vehicle signs, permanent sidewalk, sandwich, or "A" frame signs, animated signs other than time and temperature signs, or signs that emit smoke, vapor, or noise.

B. Signs which flash, move, rotate, oscillate, or which outline the roof lines, doors, windows, or wall edges by illuminated tubing or strings of light for advertising purposes.

C. Pennants, streamers or similar devices constructed of cloth, light fabric, plastic, cardboard or other like material, or whirling or similar lighting devices or searchlights displayed for the purposes of

attracting the attention of pedestrians and motorists outside a building, except as specifically permitted elsewhere.

D. Any sign so erected, constructed, or maintained as to obstruct any fire escape, window, door or other opening, used as a means of ingress or egress.

E. Inflatable balloons and similar devices intended to attract attention.

F. Off-premise signs, other than allowed billboards.

G. Signs which interfere with sight distances at any location.

12. Exempted Signs. The following signs, and no other, are exempt from the need to secure sign permits:

A. Decorations for a recognized officially designated holiday provided they do not create a traffic or fire hazard, and provided that provision is made for their removal within thirty (30) days after the holiday.

B. Official municipal, County, State or Federal governmental signs.

C. Historic of memorial markers when approved by the Board of Supervisors upon recommendation from the Historical Commission and when not more than six (6) square feet in area.

D. Change in the copy of a changeable copy sign or marquee sign, once a permit for that sign has been issued.

E. Political signs provided that they are not more than eight (8) square feet in area. Political signs shall be allowed within forty (40) days prior to any municipal, county, State or national election or referendum and shall be removed within twenty (20) days after the election or referendum. No political signs shall be allowed within any street legal right-of-way. No political signs shall be permitted on private property without the consent of the owner or other person in control of the property. [Ord. 153]

F. Signs advertising meeting times and places of nonprofit service, government, religious, educational, charitable clubs or organization may be erected and maintained, provided that such signs do not significantly advertise any commercial establishment, activity, organization, product, goods or services except those of public utilities and provided that the purpose of such signs are for the public notification of a health, safety or welfare concern.

G. Street number designations, names on mailboxes or residences, postal boxes, "private property," "no hunting," "no trespassing," onsite directional and parking signs and warning signs are allowed in all zoning districts but are not considered in calculating sign area. No such signs shall exceed one and one-half (1 1/2) square feet.

H. Temporary Yard or Garage Sale Signs. Such signs may not exceed four (4) square feet in area and three (3) feet in height and shall not be located within the clear sight triangle pursuant to §1318, herein. One (1) sign for each street frontage shall be allowed on the premises where the sale is to be conducted and two (2) off-premises signs of the same size shall be allowed for a period not to exceed two

(2) consecutive days prior to the sale. Signs shall be removed within forty-eight (48) hours of the close of the sale.

I. Temporary real estate signs on the lot on which the real estate for rent, lease or sale is located. Said sign shall not be larger than six (6) square feet nor more than four (4) feet high. They must be removed within seven (7) days of the sale, rental, or lease of the premises to which the sign relates.

J. Temporary signs announcing an event sponsored by a nonprofit organization, provided that each sign is no greater than six (6) square feet and no higher than four (4) feet, and that such signs are only erected within fourteen (14) days prior to the event and removed within three (3) days after the event.

K. Emergency warning signs erected by a public utility, a pipeline company or contractor doing such work authorized or permitted by such utility or company. Such signs may be illuminated.

L. Flags of the United States, the States, county or municipality, foreign nations having diplomatic relations with the United States, and any other flag adopted and sanctioned by an elected legislative body of competent jurisdiction, provided that such flag shall not exceed sixty (60) square feet in area and shall not be flown from a pole that exceeds thirty-five (35) feet in height. Other flags shall be considered freestanding signs and shall be governed by such regulations that may apply in the zoning district in which such flag is located. Flags may be illuminated.

M. Residential freestanding signs provided that the size of the sign does not exceed four (4) square feet in area and four (4) feet in height. Such signs shall not be allowed within any street right-of-way.

N. Temporary signs of contractors, mechanics, painters, paperhangers and/or artisans, on the lot on which the contracting work is being performed. Said signs may not be larger than six (6) square feet nor more than four (4) feet high and must be removed within ninety (90) days of placement. [Ord. 152]

13. Temporary Signs. Temporary signs announcing the temporary, lawful sale of products, goods and/or services, or special events shall be allowed subject to the following requirements:

A. Advertising signs for special events, including banners or displays on private property within nonresidential zoning district constructed of cloth, light fabric or similar materials when approved by the Zoning Officer, for a period of not more than thirty (30) cumulative days in any one (1) calendar year. Such signs, when added to the sign area of any other temporary signs on the premises, shall not accumulate in size to exceed the sign area allowed for permanent signs within the district where located or be in a position or of a color that presents a hazard to pedestrians or motorists.

14. Signs in Residential Districts. In all residential zoning districts, signs are allowed for the following purposes only, and only under the following conditions:

A. General Provisions.

(1) A free-standing sign shall not exceed five (5) feet in height, except as allowed below.

(2) Only the following signs may be illuminated and then only in such a manner that the source of light shall not be visible from the street or from any normal vantage point:

(a) An identification sign of establishments whose services in an emergency are considered essential to public health, safety and welfare.

(b) An identification sign of a school, church, club, multi-unit housing development, or other allowed nonresidential use provided that said sign is illuminated only between the hours of sunset and midnight, prevailing time.

B. Signs for Residential Uses.

(1) Signs identifying a home occupation, or use accessory to a dwelling provided that such signs whether erected as wall signs or freestanding signs do not exceed two (2) square feet in total area and that not more than one (1) such sign is erected on, adjacent to, or facing each street frontage of any property in single or separate ownership, and that such sign is located on the same property as the use to which it relates.

(2) Signs identifying a residential major subdivision provided that one (1) such sign is allowed per each street frontage where the development has proposed a new street accessing an existing street. Only freestanding signs are allowed and they may be no greater in size than twenty-four (24) square feet, and no higher than five (5) feet.

(c) Signs identifying a multi-unit housing or adult community development; school, college, church, hospital, continuing care facility, municipal building, cemetery, club or other permitted use other than a dwelling or a use accessory to a dwelling provided that such signs, whether erected as wall signs or freestanding signs, do not exceed a total area along any one (1) street equal to one (1) square foot for every ten (10) lineal feet of street frontage or twenty-four (24) square feet, whichever is less.

C. Directional Signs on Premises.

(1) Directional signs may be erected only in conjunction with a real estate development, school, college, church, hospital, continuing care facility, municipal building, cemetery, farm, club or other use other than a dwelling or use accessory to a dwelling, and may be erected only on the lot to which it relates.

(2) No directional sign may exceed two (2) square feet in area and three (3) feet in height and shall not be located within a clear site triangle.

D. Directional Signs, Off-Premises. Off-premises directional signs may be erected only in conjunction with the uses listed in subsection (14)(C)(1), above, and shall not exceed two (2) square feet in area and three (3) feet in height. In addition such off-premises directional signs shall be limited to two (2), and shall be located near

the two (2) nearest street intersections provided that such signs are not located within a clear site triangle.

E. Temporary Project Development Signs. Temporary project development signs shall be allowed where final approval of a major subdivision or major site plan has been granted by the Board of Supervisors and which indicate the name of the development, developer, financier, or major contractor; provided that no more than one (1) sign per development is erected and the sign area does not exceed twenty-four (24) square feet in area and six (6) feet in height. All such signs shall be removed within fourteen (14) days of the issuance of a certificate of occupancy that permits the occupation of a building in the case of a permitted nonresidential development, or when fifty percent (50%) of the dwelling units in a residential development have been issued certificates of occupancy.

15. Signs in Commercial Districts. In the Commercial District signs are allowed for the following purposes only, and only under the following conditions:

A. General Provisions.

(1) No freestanding sign may exceed six (6) feet in height.

(2) No freestanding sign may be erected within the side yard required in the district in which it is located.

B. Business Identification Signs.

(1) Freestanding Signs.

(a) One (1) freestanding sign may be erected for each street frontage that contains at least three hundred (300) feet of street frontage and direct vehicular access from the street.

(b) In no case shall the total area of all such signs on any single sign pylon exceed forty (40) square feet.

(2) Wall Signs.

(a) The total area of all wall signs placed on or facing any one (1) street frontage on any lot shall not exceed twenty percent (20%) of the signable fatade area of the ground floor of the portion of the building which it occupies or thirty-two (32) square feet, whichever is less.

(b) Each establishment with a direct entrance to the outside shall be entitled to a wall sign provided it does not exceed the area requirement above.

(c) Multiple uses without direct outside entrance may be identified by means of a common directory sign, not to exceed twelve (12) square feet.

(3) Projecting Signs. The total area of all projecting signs used to identify a single commercial use or establishment shall not exceed four (4) square feet.

(4) Marquee signs, as controlled by the general regulations.

(5) Awning signs, as controlled by the general regulations.

(6) Canopy signs, as controlled by the general regulations.

(7) Changeable copy signs, as controlled by the general regulations.

C. Signs for a permitted residential use shall be subject to the provisions of subsection (14)(B).

D. Directional signs shall contain no advertising and may be erected only upon the lot to which it relates. Directional signs shall not exceed four (4) square feet in area.

16. Signs in the Industrial District. In the Industrial District signs are allowed for the following purposes only, and only under the following conditions:

A. General Provisions.

(1) No freestanding sign shall exceed six (6) feet in height.

(2) No freestanding sign may be erected within the side yard required in the district in which it is located.

B. Identification Signs.

(1) Freestanding Signs.

(a) One (1) freestanding identification sign shall be allowed for each lot which has three hundred (300) feet or more of frontage on a public street. The maximum allowed sign background area shall be twenty-four (24) square feet.

(b) In the case of a complex of three (3) or more office buildings constructed, operated and identified as a unified project, one (1) freestanding identification sign shall be allowed for the total complex which has three hundred (300) feet or more of frontage on a public street; and, provided further, that the street offers direct vehicular access to the development. The maximum allowed sign area of the identification shall be thirty-two (32) square feet.

(c) Wall signs identifying the building or user of the building upon which it is placed, provided that no more than one (1) such sign is placed upon any building facade and that the total area of any such sign shall not exceed twenty percent (20%) of the signable facade area or twenty (20) square feet, whichever is less.

C. Directional Signs. Directional signs shall contain no advertising and may be erected only upon the lot to which it relates. No directional sign shall exceed two (2) square feet in area and three (3) feet in height.

17. Temporary Signs in Nonresidential Districts.

A. Project Development Signs. Project development signs shall be allowed where final approval of a major site plan or major subdivision has been granted by the Board of Supervisors and which indicates the name of the development, developer, financier, or major contractor; provided, that no more than one (1) sign per street frontage is erected

and the sign area does not exceed thirty-two (32) square feet and six (6) feet in height. All such signs shall be removed within fourteen (14) days of the issuance of a certificate of occupancy that permits the occupation of a building in the case of a nonresidential development, or when fifty percent (50%) of the dwelling units in a residential development have been issued certificates of occupancy.

B. Grand Opening Signs. Grand opening signs may be wall signs, freestanding signs, or banners, and are allowed provided that:

(1) Such signs are removed within thirty (30) days of the initial opening of the business or a change in the ownership of the premises on which the sign is located.

(2) Such signs shall not exceed the total sign area allowed on the premises for permanent signs. Such signs shall be allowed in addition to any permanent signage allowed. For the purposes of this subsection, the total sign area of banners shall not exceed that allowed for wall signs.

C. Special Sale Signs. Special sale signs may be wall signs or banners, and are allowed; provided, that:

(1) Such signs are allowed for two (2) thirty (30) day periods within a calendar year upon issuance of a permit.

(2) Such signs shall not exceed the total sign area allowed on the premises for permanent signs. Such signs shall be allowed in addition to any permanent signage allowed. For the purpose of this subsection, the total sign area of banners shall not exceed that allowed for wall signs.

18. Signs in Any Zoning District. Notwithstanding any provision of this Section to the contrary, the following types of signs shall be permitted within any zoning district, in addition to such other signs as may be allowed in any zoning district by other provisions of this Section:

A. Temporary off-premises directional signs, for the sole purpose of directing vehicles and/or pedestrians to a property in the Township on which agricultural products are offered for sale, in accordance with and subject to all the following:

(1) For the purposes of this subsection (18)(A), the definitions or agricultural products and subject property as provided in Part 2 of this Chapter shall apply.

(2) Not more than six (6) temporary off-premises directional signs, for each subject property, may be erected in the Township at any one (1) time.

(3) The location of each temporary off-premises directional sign must be approved by the Zoning Officer in advance of the issuance of the permit for each sign and the erection thereof. Notwithstanding the foregoing, in no event shall any such temporary sign be (a) attached to a utility pole, an off-site building, or a tree or other natural feature, (b) located within any street line, or (c) otherwise located so as to obstruct pedestrian or vehicular traffic.

(4) Each temporary off-premises directional sign shall be only a ground sign as defined in Part 2 of this Chapter.

(5) No temporary off-premises directional sign shall be animated or illuminated.

(6) The message communicated by each temporary off-premises directional sign shall state no more than:

(a) The name of the person or enterprise selling the agricultural products.

(b) The address of the subject property.

(c) A description of the agricultural product offered for sale consisting of no more than four (4) words, such as, for example, "Christmas trees" and "fresh fruits and vegetables."

(d) The distance from the sign to the subject property, naming intervening street intersections with travel instructions from each named intersection to the subject property.

(7) The message communicated by each temporary off-premises directional sign may contain descriptive words and/or pictorial representations but only as expressly provided by subsection (18)(A)(6).

(8) A sign permit, upon application to the Zoning Officer, shall be required for, and prior to the erection of, each temporary off-premises directional sign.

(a) A sign permit shall be required regardless of the area of the temporary off-premises directional sign, including but not limited to, any such sign with an area of two (2) square feet or less.

(b) In addition to compliance with all requirements applicable to each temporary off-premises directional sign provided in this subsection (18)(A)(8), and elsewhere in this Section and Chapter, no sign permit shall be issued until the following have been submitted: (i) a complete application for the sign permit fee; and (ii) where the applicant is not the owner of the property on which the sign is to be erected, the written consent of and signed by the owner of that property, indicating the agreement of the owner to the proposed erection and location of the sign on the property.

(c) No certificate of insurance or indemnity bond, as provided by subsection (2)(C), shall be required for issuance of the sign permit.

(d) Each sign permit shall be valid for a period of sixty (60) days after the date of issue, provided that permit may be renewed for two (2) additional periods of thirty (30) days each but not further. Such renewal shall require submission to the Zoning Officer of a complete application for the renewal and the payment of the required renewal fee. Each sign permit shall expire, and become null and void, at the end of such sixty (60) day period or any renewal period thereof.

(9) Each temporary off-premises directional sign shall be removed immediately upon expiration of the sign permit issued therefor. Any sign not so removed may be removed by the Township, at its discretion, and the applicant shall be liable for the cost of removal.

19. Nonconforming Signs. Nonconforming signs shall be amortized over seven (7) years, after certified mail notification by the Township.

A. All signs lawfully erected prior to the enactment of this Chapter or subsequent amendments, which are not in conformity with the provisions thereof, shall be deemed nonconforming signs as governed by Part 19 of this Chapter.

B. For the purpose of regulation and enforcement, the zoning officer shall make a video recording or photograph of all streets in the Township, showing all signs which existed at the time of the adoption of this Chapter. Without acceptable evidence to the contrary, the absence of a sign on the video recording shall be deemed to indicate that the sign did not exist at the time of adoption and is not therefore a legal sign.

C. Any of the following shall invalidate a sign permit or require a nonconforming sign to conform to the provisions of this Chapter.

(1) The removal of an existing sign from the premises, including a change in sign copy.

(2) An alteration in the structure of a sign support, and/or a change in the mechanical facilities.

(3) A change in the material of the sign, for example, from wood to plastic.

20. Abandoned Signs. No person shall maintain or permit to be maintained on any premises owned or controlled by him or her, a sign which has been abandoned. An abandoned sign for the purpose of this Chapter is a sign located on, and/or related to the use of a property which becomes vacant and unoccupied for a period of six (6) months or more; any sign which was erected for an occupant or business unrelated to the present occupant in business; or any sign which related to a time event, or purpose which is past. Any such abandoned sign shall be abated by the owner or person controlling the property within thirty (30) days of the date of abandonment as herein defined. Any sign identifying an abandoned use, as provided for by this Chapter, shall itself be considered abandoned and shall be removed and permit voided.

(Ord. 147, 8/11/2008, §1313; as amended by Ord. 152, 12/8/2008, §I; and by Ord. 153, 2/9/2009, §I)

§1315. Home Occupations. Home occupations are permitted as an accessory use to a single-family detached dwelling use, in any residential zoning district, subject to the following requirements:

A. Home Occupation. An occupation conducted within a room or rooms of a single-family detached dwelling which is clearly secondary and customarily incidental to the residential use. Such occupation shall be limited to attorneys, accountants, architects, engineers, teachers, artists, artisans and craftsmen, musicians, telephone calling

services, caretakers, day care homes, and in publicly sewered areas only, barbershops and beauty parlors. A home occupation must meet the following restrictions:

(1) Such an occupation shall provide its service to one (1) individual at a given time, except as to a residential day care home.

(2) Such an occupation shall be conducted only within the confines of the residence with no exterior storage or use permitted, except as to a residential day care home.

(3) Such an occupation shall be located only in a single-family detached dwelling. Only one (1) home occupation shall be permitted per residence.

(4) Such an occupation shall be restricted to hours of operation commencing at 7:00 a.m. and concluding at 9:00 p.m.

(5) Such an occupation shall be conducted by one (1) owner, or resident lessee, of the dwelling and only two (2) nonresident employees.

(6) Retail sales of goods not produced on the premises provided that such sales shall be limited to not more than twenty (20) square feet of shelf space and the sale of such goods are related to the primary home occupation.

(7) The available floor space within the dwelling to be used for the home occupation shall be limited to twenty-five percent (25%) of the existing floor space, or five hundred (500) square feet, whichever is less.

(8) No more than four (4) off-street parking spaces shall be provided.

(9) An approved home occupation once commenced is prohibited from being changed to any other permitted home occupation without a new zoning permit. [Ord. 172]

(10) Such occupation shall not create any adverse traffic parking, noise or aesthetics impact upon the abutting properties or the neighborhood.

(11) A home occupation shall not require or cause any exterior alteration to the residence, structure or to the property except for permitted additional parking and a single permitted sign.

(12) The use of a dwelling for a home occupation shall adhere to the legal occupancy regulations for that dwelling as established by the Fire Marshall.

(13) Only those products or good produced on the premises shall be exchanged, transferred or sold to the customer on the premises, but nothing herein shall be construed to prohibit manufacturers' representatives, realtors or others from selling items which exist, or are delivered, elsewhere.

(14) The term "home occupation" shall neither be construed to include hospital, clinic, restaurant, automobile repair shop or the

manufacture, handling or storage of explosives, the overnight parking of vehicles used in transporting garbage, asphalt, tar, gasoline or other fuel in bulk, nor shall the term include any activity which is or may be in comparable degree to any of the foregoing noxious or offensive by reason of odor, dust, smoke, gas, vibration, illumination or noise, or which is or may be dangerous to the public health, safety or welfare.

(Ord. 147, 8/11/2008, §1314; as amended by Ord. 172, 2/14/2011, §VII)

§1316. Timber Harvesting Requirements. Where required by this Chapter a timber harvesting plan, prepared in accordance with this Section, shall be approved by the Township prior to any harvesting operations.

A. Timber Harvesting Plan.

(1) The timber harvesting plan shall address all applicable erosion and sedimentation control and stream crossing regulations as provided in Chapter 102, Erosion Control Rules and Regulations, issued under Act of June 22, 1937, P.L. 1987 (Clean Streams Law), and Chapter 105, Dam and Waterway Management Rules and Regulations, issued under Act of 1978, P.L. 1375, No. 325 (Dam Safety and Encroachments Act).

(2) The timber harvesting plan shall address, in specific detail, the following:

(a) Design of haul and skid road system and skid trails.

(b) Water control structures.

(c) Stream crossings.

(d) Log landings.

(e) Maintenance.

(f) Road and log landing retirement area.

(g) Location of anticipated operation in relation to Township and State roads, including ingress and egress.

(h) Location of property boundaries of the tract on which the harvesting will take place and the boundaries of the proposed harvest area.

(i) Description of the harvesting method to be employed.

(j) Total existing base area.

(3) The timber harvesting plan shall be available at all times at the harvesting site.

(4) The Zoning Officer shall be notified at least five (5) working days prior to the start of the harvesting and within five (5) prior to the completion of the harvesting.

B. The following requirements shall govern all timber harvesting operations:

(1) The boundaries of the area to be harvested shall be clearly marked by attaching posters to the boundary trees prior to the harvest to avoid inadvertent harvest off-site.

(2) Felling or skidding on or across any public road is prohibited without the express written consent of the Township or the Pennsylvania Department of Transportation whichever is responsible for the maintenance of such roads.

(3) Tops or slash shall not be left within forty (40) feet of a public road or adjacent property boundary.

(4) A harvesting setback of forty (40) feet shall be established along any public road or adjacent property boundary, and harvesting shall be limited to one third (1/3) of the basal area of the harvest in a ten (10) year period.

(5) Litter and debris resulting from a timber harvesting operation shall be completely removed from the site before vacated by the operator.

(6) All haul roads, skid roads, skid trails and log landings shall be retired properly including seeding of herbaceous species as recommended by the Chester County Conservation District or the Pennsylvania Department of Conservation and Natural Resources, Bureau of Forestry.

(Ord. 147, 8/11/2008, §1315)

§1317. Public Utilities.

1. Applicability. This Chapter shall not apply to any existing or proposed building, or extension thereof, or to any land, used or to be used by a public utility corporation, if, upon petition of the corporation, the Public Utility Commission shall, after public hearing, decide that the present or proposed situation or use of the building or land in question is reasonably necessary for the convenience or welfare of the public.

2. Lot Area and Coverage. Minimum lot area and maximum coverage regulations of this Chapter shall not apply to electric substations, pumping stations and other facilities of a public utility, which are otherwise permitted in any zoning district, provided, however, that the required yard setbacks and maximum height regulations for single-family detached residential uses, agricultural uses and non-residential uses with no public sewage disposal and/or no public water supply in the R-3 Zoning District shall apply regardless of the zoning district in which any such electric substation, pumping station or other facility is actually located. [Ord. 152]

(Ord. 147, 8/11/2008, §1316; as amended by Ord. 152, 12/8/2008, §1)

§1318. Clear Sight Triangle/Obstructions to Vision. On any corner lot, no wall, fence, sign, temporary sign or other structure shall be erected or altered which obstructs the clear sight triangle; and, no hedge, tree, shrub or other growth shall be planted which may then or ultimately obstruct the view. A clear sight triangle shall be provided at each intersection as measured from points seventy-five (75) feet distant from the centerlines of intersecting streets. (Ord. 147, 8/11/2008, §1317)

§1319. Accessory Uses and Accessory Buildings. Accessory uses authorized in this Chapter shall include, but not by way of limitation, the following:

A. Uses Accessory to Agriculture. Greenhouses; roadside stands

for sale of products produced on the premises; barns; keeping, breeding and management of livestock and poultry; and preparation of products produced on the premises for use and the disposal thereof by marketing or otherwise; but no barn, poultry house or similar structure shall be erected nearer to any lot line than one hundred (100) feet.

B. Uses Accessory to Dwellings.

(1) Shelter for pets, private stable (refer to §1325, herein) and chicken house (having an area of no more than one hundred seventy-five (175) square feet); except that no such stable or chicken house shall be erected other than to the rear of such dwelling and at a distance of not less than one hundred (100) feet from the rear and side property lines thereof and from any dwelling thereon. No fowl or animal shall be maintained without a suitable building therefor.

(2) Private greenhouse not to be located in the required front yard, but can be located in the side or rear yard, not closer than ten (10) feet from any property line.

(3) Garage, as defined in §202 of this Chapter, unattached to a dwelling, not to be located in the required front yard, but can be located in the side or rear yard, not closer than twenty (20) feet from any property line.

(4) Private swimming pool located only in the rear yard of the principal building not closer than twenty (20) feet from any property line.

(5) Except as and to the extent permitted under and by §1315 of this Part (providing for home occupations as accessory uses in any residential zoning district), uses authorized in this Chapter as accessory to a dwelling shall not be deemed to include a business, hospital, clinic, animal hospital, barber shop, beauty parlor, other personal service shops, tea room, hotel, or any similar use.

(6) Antenna connected to or servicing radio equipment operated by a resident of the dwelling who is the holder of a valid and current amateur radio license duly issued by the Federal Communications Commission. The antenna shall be subject to and comply with the provisions of §1320 of this Part.

(7) The renting of rooms, including a kitchen and bathroom, within the dwelling in which the lessor resides to not more than two (2) persons, with or without the provision of daily meals for such persons.

(8) Satellite television antenna subject to and complying with the provisions of §1320 of this Part.

C. Uses Accessory to Public Park. Customary recreational, refreshment, and service uses and buildings in any public park, reservation, playground or other recreational area.

D. Tool Sheds, Leans-To, Storage Buildings Accessory to All Residential Dwellings. Any tool shed, lean-to or storage building for lawn maintenance or household storage, and not exceeding four hundred (400) square feet in area, and which is clearly accessory to a residen-

tial dwelling unit, shall be located in the rear yard of the principal structure and at least ten (10) feet from any property line.

E. Uses Accessory to Commercial Activities. Any commercial activity involving the sale of equipment or materials may, while open for business, have an outdoor display area comprising not more than twenty-five percent (25%) of the indoor area; and outdoor storage of goods for sale shall be located in the rear yard of the principal building or structure.

F. Uses Accessory to Industrial Activities. Security quarters when authorized as a special exception, lunch room facilities for exclusive use of employees, indoor warehousing, and outdoor storage when screened in accordance with the provisions of §428 of the Subdivision and Land Development Ordinance [Chapter 22].

G. Solar Energy and Wind Energy Equipment. Solar energy equipment and wind energy equipment shall be permitted as an accessory structure in all zoning districts, subject to and in accordance with the provisions of §§1335 and 1336, respectively, of this Part. [Ord. 158]

(Ord. 147, 8/11/2008, §1318; as amended by Ord. 158, 12/14/2009, §I)

§1320. Antennas Accessory to Dwellings - General Regulations. Any antenna authorized by this Chapter, as an accessory use to a dwelling (including, without limitation, an antenna connected to or servicing radio equipment operated by a resident of the dwelling who is the holder of an amateur radio license, or a satellite television antenna), shall be subject to and comply with the following:

A. The antenna may be (1) attached to a dwelling or a permitted accessory building to the dwelling, or (2) freestanding but only on the same lot as the dwelling.

B. Whether the antenna is attached to the dwelling or a permitted accessory building, or is freestanding.

(1) No portion of the antenna may be erected within or extend into the front yard of the dwelling, notwithstanding that the front yard may be greater than the required minimum front yard for the dwelling.

(2) The antenna may be erected within or extend into the required minimum side yard or rear yard for the dwelling; provided, that no portion of the antenna shall be closer than ten (10) feet to the nearest lot line.

C. Notwithstanding other provisions of this Chapter to the contrary.

(1) The total height of the antenna, as determined in subsection (C)(2), below, shall not exceed the shortest distance between the antenna and the nearest lot line.

(2) For purposes of this subsection (C), the total height of the antenna shall be the vertical linear distance measured to the highest point on the antenna from.

(a) The lowest point on the antenna, in the case the antenna is attached to the dwelling or a permitted accessory building.

(b) The lowest point on the antenna which touches the surface of the ground, in the case the antenna is freestanding.

D. The antenna shall be of noncombustible and corrosive resistant material.

E. The antenna shall be erected, installed and maintained at all times in accordance with the specifications of its manufacturer, including, but not limited to, base, construction, anchoring and guying requirements, load limitations (including, without limitation, wind, ice and snow load limitations), and lightning protection. The antenna shall also be erected, installed and maintained at all times in accordance with applicable provisions of the Building Code [Chapter 5, Part 1, §101]. In the event of any inconsistency between the manufacturer's specifications and the applicable provisions of the Building Code [Chapter 5, Part 1, §101], the provisions of the Building Code [Chapter 5, Part 1, §101] shall supersede and control.

F. The antenna shall, at all times, be used, operated and maintained in compliance with all applicable regulations of the Federal Communications Commission, the physical performance requirements of §1330 of this Chapter (including, but not limited to, §1330(B) concerning radioactivity and electrical disturbances and other law.

G. The antenna shall, at all times, be used, operated and maintained only for the private lawful reception and/or transmission, as the case may be, of signals or waves on conventional equipment in or on the dwelling or a permitted accessory building to the dwelling, or on the lot on which the dwelling is located. Without limiting the generality of the foregoing, a satellite television antenna shall be used only for the lawful reception of satellite-delivered signals to be viewed privately on television sets in or on the dwelling or a permitted accessory building to the dwelling, or on the lot on which the dwelling is located.

H. Not more than one (1) antenna, the erection of which requires the issuance of a building permit under the Building Code [Chapter 5, Part 1, §101], shall be erected, installed or maintained outside on a lot (whether attached to the dwelling or a permitted accessory building to the dwelling, or freestanding); provided, that two (2) antennae, the erection of each of which requires the issuance of such building permit, may be located outside on the same lot if one (1), and only one (1), of such antennae is a satellite television antenna that is greater than twenty-four (24) inches in diameter. There shall be no limitation on the number of satellite antennae that are twenty-four (24) inches and less.

(Ord. 147, 8/11/2008, §1319)

§1321. Interior Lots.

1. Existing Interior Lots of Record. An existing lot of record for which access to a public road is by a relatively narrow strip of land may be built upon only when authorized by a special exception. In computing the area of such lots, the area of the strip of ground connecting the lot with the public road shall not be considered. All buildings and other structures to be located on such lots shall be not closer than seventy-five (75) feet from surrounding lot lines, and the strip of ground connecting the lot with the public road shall have a minimum width of thirty-two (32) feet, and shall be used as an access strip to only the particular lot in question. The Zoning Hearing Board shall consider the suitability of the strip of ground which connects the lot with the public road for use as an access driveway, and shall assure that any such access driveway is hard surfaced and otherwise complies with the requirements of the Township Driveway Ordinance [Chapter 21, Part 1].

2. Creation of Interior Lots. The creation of interior lots is prohibited.

(Ord. 147, 8/11/2008, §1320)

§1322. Projections into Required Yards. A structure or part of a structure shall not be erected within or shall not project into any minimum required yard in any district, except that:

A. An enclosed porch, not more than fourteen (14) feet in height, may be erected to extend into a required front or rear yard a distance of not more than ten (10) feet, provided that in no case shall it extend into such front or rear yard more than one-half (1/2) the existing depth of the yard.

B. A terrace, platform or landing place, not covered by a roof, canopy or trellis, which does not extend above the level of the first floor of the building, may be erected to extend into a required yard a distance of not more than twelve (12) feet, provided that it shall not extend into such yard more than forty percent (40%) of the existing depth or width of the yard.

C. A porte-cochere, temporary garage, or car port, may be erected over a driveway in a required side yard, provided that such structure is:

(1) Not more than fourteen (14) feet in height and twenty (20) feet in length.

(2) In compliance with all standards of the Zoning District in which it is located.

(3) Entirely open on at least three (3) sides, exclusive of the necessary supporting columns and the customary architectural features.

(4) Located a minimum distance of twenty (20) feet from the side lot line.

D. A buttress, chimney, cornice, pier, or pilaster of a building may project not more than eighteen (18) inches into a required yard.

E. Open, unenclosed fire escapes, steps, bay windows and balconies may project not more than three (3) feet into a required yard.

(Ord. 147, 8/11/2008, §1321)

§1323. Fire Suppression Devices. Any multi-unit structure, commercial structure or permitted industrial structure, and any structure greater than thirty-two (32) feet in height shall be subject to the requirement for the provision of fire suppression devices in accordance with the Building Code [Chapter 5, Part 1, §101]. Water storage devices may also be required to meet specified fire flow requirements. (Ord. 147, 8/11/2008, §1322)

§1324. Height Limitation of Fences and Walls. A residential fence or wall, excepting a retaining wall, or a wall of a building permitted under the terms of this Chapter, over six (6) feet in height, shall not be erected within any of the required yards, unless that portion of the fence or wall which exceeds six (6) feet in height has a ratio of open space to solid area of at least four-to-one (4:1). Utilities and governmental fences shall be permitted up to eight (8) feet in height. (Ord. 147, 8/11/2008, §1323)

§1325. Keeping of Domestic Animals. The keeping, raising or boarding of four (4) hoofed animals, including horses, for domestic purposes including a stable (See §1319(B)(1)) for same shall require a minimum lot area of not less than three (3) acres regardless of the zoning district in which said property is located. The above requirements shall be applicable for one (1) such animal and for each additional such animal kept on the lot, parcel or premises, one (1) additional acre of lot area shall be required. The above requirement shall be enforced regardless of whether the animals are kept for domestic purposes or for the temporary boarding of animals for other parties. (Ord. 147, 8/11/2008, §1324)

§1326. Stream Bank Restriction. An on-site sewage disposal system, or any part thereof, which is otherwise permitted by other provisions of this Chapter or other law, shall not be located nearer to the bank of any perennial stream than one hundred (100) feet, or such other distance as may be provided by the floodplain district regulations of this Chapter, whichever distance is greater. (Ord. 147, 8/11/2008, §1325)

§1327. Conservation Plan. A building permit shall not be issued for any type of construction until a conservation plan has been approved in accordance with §306(1) of the Subdivision and Land Development Ordinance [Chapter 22]. (Ord. 147, 8/11/2008, §1326)

§1328. Municipal Landfill.

1. A municipal landfill owned and operated by the Township or owned and operated by an authority created by the Board of Supervisors is permitted as a use by right in the LI Limited Industrial District. All other landfills, dumps, refuse disposal areas, refuse transfer stations and the like are prohibited in all of the zoning districts of the Township.

2. If a landfill is erected within the Township in accordance with the above ownership requirements, all required approvals and permits shall first be obtained from the Pennsylvania Department of Environmental Protection in accordance with Title 25, Chapter 75, of the Pennsylvania Code, Solid Waste Regulations, adopted August 2, 1971, as amended.

(Ord. 147, 8/11/2008, §1327)

§1329. Single Principal Use. Except as otherwise provided by this Chapter the use of any lot shall be limited to a single principal use, with accessory uses as authorized herein. (Ord. 147, 8/11/2008, §1328)

§1330. Physical Performance Requirements. Land, buildings, structures or premises in any zoning district, or any mobile home park, shall not be used, altered, or occupied in a manner as to create any dangerous, injurious, noxious or otherwise objectionable fire, explosive, radioactive or other hazard; noise or vibration; smoke, dust odor, or other form of air pollution; electrical or other disturbance; glare; liquid or solid refuse or wastes; conditions conducive to the breeding of rodents or insects, or other substance, condition, or element, in any manner or amount as to adversely affect the surrounding area. The following shall be applicable to all zoning districts:

A. Fire and Explosive Hazards. All activities and all storage of flammable and explosive material at any point shall be provided with adequate safety devices against the hazards of fire and explosion, and adequate firefighting and fire-suppression equipment and devices as detailed and specified by the Department of Labor and Industry and the laws of the Commonwealth of Pennsylvania. All buildings and structures and activities within such buildings and structures shall conform to the Building Code [Chapter 5, Part 1, §101], the Fire Prevention Code, and all other applicable ordinances if and when adopted by the Township. Any explosive material shall conform to the requirements of Chapter 211, Title 25, Rules and Regulations, Pennsylvania Department of Environmental Protection, for storage, handling and use of explosives.

B. Radioactivity or Electrical Disturbances. There shall be no activities which emit dangerous radioactivity at any point. There shall be no radio or electrical disturbance adversely affecting the operation of equipment belonging to someone other than the creator of the disturbance. If any use is proposed which incorporates the use of radioactive material, equipment or supplies, such use shall be in strict conformity with Chapters 221, 223, 225, 227 and 229, Title 25, Article V, Pennsylvania Department of Environmental Protection, Rules and Regulations.

C. Smoke, Ash, Dust, Fumes, Vapors and Gases. There shall be no emission of smoke, ash, dust, fumes, vapors or gases which violate the Pennsylvania Air Pollution Control Laws, including the standards set forth in Chapter 123 (Standards for Contaminants) and Chapter 131 (Ambient Air Quality Standards), Article III, Title 25, Pennsylvania Department of Environmental Protection, Rules and Regulations.

D. Liquid and Solid Wastes. There shall be no storage of or discharge at any point into any public or private sewer system, or watercourse or into the ground, of any materials in such a way or of such a nature, as will contaminate or otherwise cause the emission of hazardous materials in violation of the laws of the Commonwealth of Pennsylvania, and specifically Chapters 73, 75, 95, and 97, Title 25, Pennsylvania Department of Environmental Protection, Rules and Regulations.

E. Glare. No direct or sky-reflected glare whether from spotlights, floodlights, searchlights or other sources shall be visible

from adjoining public streets or adjacent lots when viewed by a person standing on ground level.

F. Odor. No use shall emit odorous gases or other odorous matter in such quantities as to be offensive at any point on or beyond its lot lines. The guide far determining such quantities of offensive odors shall be the fifty percent response level of Table I, Odor Thresholds in Air, "Research on Chemical Odors: Part I, Odor Thresholds for 53 Commercial Chemicals," October 1968, Manufacturing Chemists Association, Inc., Washington, DC.

G. Noise. The sound level of any operation (other than operations involved in the construction or demolition of structures, emergency alarm signals or time signals) shall not exceed the decibel levels in the designated octave bands as stated below. The sound-pressure level shall be measured from a sound level meter and an octave bank analyzer that conform to specifications published by the American Standards Association. American National Standard Specification for Sound Level Meters, S 1.4-1971, American National Standards Institute, Inc., New York, New York, and the American Standard Specification for an Octave, Half Octave, and Third Octave Bank Filter Sets, S 1.11-1966 or 1971, American Standards Association Inc., New York, New York shall be used. Sound-pressure levels shall be measured one hundred (100) feet from the property line of the property upon which the emission occurs. The one hundred (100) feet shall be measured onto property adjacent to the property upon which the emission occurs. The maximum permissible sound-pressure levels for smooth and continuous noise shall be as follows:

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

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

Type of Operation or Character of Noise	Corrections in Decibels
Noise occurs between the hours of 10:00 p.m. and 7:00 a.m.	-3
Noise occurs less than five percent (5%)of any one (1) hour period	+5

Type of Operation or Character of Noise	Corrections in Decibels
Noise is of periodic character (hum, scream, etc.) or is of impulsive character (hammering, etc.). (In the case of impulsive noise, the correction shall apply only to the average pressure during an impulse, and impulse peaks shall not exceed the basic standards given above.)	-5

[Ord. 152]

(Ord. 147, 8/11/2008, §1329; as amended by Ord. 152, 12/8/2008, §1)

§1331. Storage of Vehicles and Junk. The exterior storage of automotive vehicles and trucks is prohibited in all residential zoning dis tricts; provided, however, that not more than one (1) temporarily immobilized automotive vehicle may be stored on any residential property at any time and, provided further that if the storage of such temporarily immobilized vehicle exceeds a period of six (6) months, within thirty (30) days written notice from the Zoning Officer, such vehicle shall be removed from the residential premises. Junkyards or the exterior storage of such materials which comprise a junkyard shall be prohibited in all zoning districts within the Township. (Ord. 147, 8/11/2008, §1330)

§1332. Temporary Structures. The erection of temporary structures in excess of one hundred (100) square feet and used for commercial or industrial purposes shall require a temporary use permit and shall comply with all of the area, bulk and dimensional standards of the zoning district in which it is located. (Ord. 147, 8/11/2008, §1331)

§1333. Certain Nonconformities Resulting from the Taking of a Portion of a Lot for Public Purposes. Whenever an existing lot and/or an existing building or other structure on an existing lot becomes nonconforming, or more nonconforming, with respect to one (1) or more applicable areas and/or dimensional requirements, as a result of the taking of a portion of the lot for public purposes, the following shall apply:

A. The lawful use of the lot and/or the lawful use, location and/or size of the building or other structure on the lot, as existing on the effective date of the taking, may remain and continue after the effective date of the taking, provided that the nonconformity, with respect to each applicable area and/or dimensional requirement, resulting from the taking, is not more than fifty percent (50%) of the applicable requirement, or does not increase an existing nonconformity of the same applicable area and dimensional requirement beyond fifty percent (50%) of that requirement.

B. Where the nonconformity, with respect to each applicable area and dimensional requirement, resulting from the taking, is more than fifty percent (50%) of the applicable requirement, or increases an existing nonconformity of the same applicable area and/or dimensional requirement beyond fifty percent (50%) of that requirement, the lawful use of the lot and/or lawful use, location, and/or size of the building or other structure on the lot, as existing on the effective date of the taking, may remain and continue after the effective date of the taking only when authorized as a conditional use.

C. The conditional use under subsection (B) shall be allowed or denied by the Board of Supervisors pursuant to the standards and other provisions set forth in §1406 of this Chapter.

D. Each lawful use of the lot and/or the lawful use, location and/or size of the building or other structure on the lot, as existing on the effective date of the taking and permitted to remain and continue as provided by subsection (A) or by conditional use as provided by subsection (B), shall be considered (to the extent the nonconformity of such use, location and/or size with respect to an applicable area and/or dimensional requirement results from or is increased by the taking) a nonconforming, or more nonconforming, use, building or structure, as of the effective date of the taking, for purposes of Part 19 and other provisions of this Chapter including, but not limited to, §§1901(B), 1901(C), 1901(D), 1901(E), 1902(B), 1902(C), 1902(4), 1902(5), 1902(6), 1906, and 1908. Where a lawful use of the lot and/or the lawful use, location and/or size of the building or other structure on the lot is permitted to remain and continue by conditional use under subsection (B), the provisions of this subsection (D) shall be subject to the decision of the Board of Supervisors granting the conditional use, including any conditions attached to the grant.

E. In the case the lot is undeveloped and the lawful lot area and/or lot width of the lot becomes nonconforming, or more nonconforming, as a result of the taking, the lot shall be considered a nonconforming, or more nonconforming, undeveloped lot with respect to lot area and/or lot width as of the effective date of the taking for purposes of Part 19 and other provisions of this Chapter including, but not limited to, §1906. [Ord. 166]

F. The taking shall not extinguish any lawful nonconformity of the lot and/or the building or other structure on the lot, which nonconformity exists on and immediately prior to the effective date of the taking, to the extent that such nonconformity does not result from the taking.

G. For purposes of this Section, the following definitions shall apply:

APPLICABLE AREA AND/OR DIMENSIONAL REQUIREMENTS - the requirements of this Chapter, providing for minimum lot area, minimum lot width, maximum building coverage, maximum impervious coverage, and/or minimum front, side and/or rear yards, applicable to a lot and/or to the location and/or size of a building or other structure on a lot.

EFFECTIVE DATE OF THE TAKING - where the taking is by condemnation by the exercise of the right of eminent domain, the date on which the Township files a declaration of taking; or where the taking is by deed, the date on which the Township accepts the deed.

LAWFUL - when modifying the use of a lot, the use, location and/or size of a building or other structure on a lot, or the lot area or lot width of a lot, shall mean a use, location, size, lot area or lot width that, on and immediately prior to the effective

date of the taking, (a) complies with applicable provisions of this Chapter, or (b) to the extent not complying, is lawfully nonconforming.

PUBLIC PURP0SES - such purposes shall include, but shall not be limited to, providing additional width or length to an existing public road, relocating an existing public road, or relocating a proposed new road in a subdivision or land development in order to align, or better align, the new road with an extensive public road; providing public parks, providing public utilities infrastructure, and other governmental facilities and services.

TAKING - a taking shall include: (a) condemnation by the Township, for public purposes, of a portion of a lot by the exercise of the right of eminent domain; (b) acceptance by the Township of a deed, in lieu of condemnation, conveying to the Township a portion of a lot for public purposes; or (c) acceptance by the Township of a deed, conveying to the Township a portion of a lot for public purposes as required or requested by the Township in and by a specific resolution therefor duly adopted by the Board of Supervisors.

H. The provisions of this Section including, but not limited to, subsection (F), shall not apply in any case where monetary compensation is paid or payable by the Township to the owner of a lot and/or other party in interest for the taking of a portion of the lot for public purposes.

(Ord. 147, 8/11/2008, §1332; as amended by Ord. 166, 4/12/2010, §V)

§1334. Township Uses. Except as may be otherwise provided in this Chapter with respect to a particular Township use, a Township use may be located by right in any zoning district, as may be determined by the Board of Supervisors to be reasonably necessary for the convenience or welfare of the Township, and except for this Section, shall not be subject to any provision of this Chapter including, but not limited to, bulk, area and dimensional standards. (Ord. 147, 8/11/2008, §1333; as amended by Ord. 172, 2/14/2011, §VIII)

§1335. Solar Energy Equipment. Any solar energy equipment authorized by this Chapter shall be considered accessory structures and the generation of energy or heat as an accessory use to the principal use in any zoning district and shall be subject to and comply with the following:

A. Solar energy equipment shall be located on the same lot as the principal use.

B. Solar energy equipment shall comply with all minimum side and rear yard setback and height requirements of the applicable zoning district.

C. Power generated by solar energy equipment shall not exceed 50 kilowatts of maximum output capacity per principal residential use or 100 kilowatts of maximum output capacity per principal nonresidential use. There shall be no commercial use of the solar energy equipment for generation of energy, except for energy purchased by a public utility in accordance with law or other government regulations.

D. Solar panels shall comply with the physical performance requirements contained in §1330 of this Chapter.

E. The solar energy equipment shall meet and be installed in accordance with all applicable requirements of the Township Building Code as defined in Part 2, §202, of this Chapter.

F. No free-standing solar energy equipment shall be located in the front yard. Solar energy equipment affixed to the roof of the principal structure and visible from the front yard shall be permitted.

(Ord. 147, 8/11/2008; as added by Ord. 158, 12/14/2009, §I)

§1336. Wind Energy Equipment. Any wind energy equipment authorized by this Chapter shall be considered accessory structures and the generation of energy as an accessory use to the principal use in any zoning district.

A. Freestanding wind turbines shall be subject to and comply with the following:

(1) Freestanding wind turbine energy equipment shall be located on the same lot as the principal use.

(2) Power generated by freestanding wind turbine energy equipment shall not exceed fifty (50) kilowatts of maximum output capacity for residential uses or one hundred (100) kilowatts of maximum output capacity for nonresidential uses. There shall be no commercial use of the wind energy equipment for generation of energy, except for energy purchased by a public utility in accordance with law or other government regulations.

(3) No freestanding wind turbine energy equipment shall be located in a front yard.

(4) Freestanding wind turbine energy equipment shall comply with all principal structure minimum side and rear yard setback requirements of the applicable zoning district.

(5) Freestanding wind turbine energy equipment shall not exceed a height of one hundred forty-five (145) feet. The height of a freestanding wind turbine shall be measured from the average approved finished grade at the perimeter of the base of the freestanding wind turbine to the highest vertical point of the rotor at its maximum vertical position.

(6) For a freestanding wind turbine, only a single pole or monopole structure shall be permitted. The pole shall be self-supporting upon its foundation without the use of guy wires or other supports and shall be certified by the wind turbine's manufacturer that the pole is sufficient to withstand the weight of the wind turbine being installed, as well as the projected windload to be placed upon the wind turbine.

(7) Freestanding wind turbines shall not be artificially lighted.

(8) Freestanding wind turbine energy equipment shall comply with all applicable requirements of the Federal Aviation Administration.

(9) Freestanding wind turbine energy equipment shall be set back from any occupied building, property line, street ultimate right-of-way, utility building or structure, utility right-of-way or easement, or liquid fuel source a distance of not less than one and one-half (1.5) times the height measured from the average approved finished grade at the perimeter of the base to the highest vertical point of the rotor at its maximum vertical position.

(10) For a freestanding wind turbine, clearly visible warning signs concerning falling objects shall be placed within the principal structure rear and side yard setbacks and spaced not more than one hundred (100) feet apart, to the extent possible, to warn against ice and rotor throws. Signs are to be placed a minimum of three (3) feet from the ground and be a minimum of one (1) square foot, but not exceeding two (2) square feet in surface area.

(11) Freestanding wind turbines shall be equipped with a braking system to limit rotor rotation speed to within the design limits.

(12) The minimum height of the lowest position of the freestanding wind turbine rotor shall be fifteen (15) feet above the surface of the ground.

(13) Ladder or steps affixed to a freestanding wind turbine shall not be provided any lower than fifteen (15) feet above its base.

(14) The design color and other visual features of the freestanding wind turbine shall be white, off-white or grey.

(15) For a freestanding wind turbine, all exterior utilities, cables, electrical lines, and other connections shall be located in a conduit and buried underground to the maximum extent possible.

(16) For a freestanding wind turbine, all ground mounted electrical and control equipment shall be labeled and secured to prevent unauthorized access.

(17) There shall be no antennae, advertising or other items or material affixed to or otherwise placed on the freestanding wind turbine energy equipment, except those required for safety or identification of manufacturer.

(18) Operation of the freestanding wind turbine energy equipment shall comply with the physical performance requirements of §1330 of this Chapter.

(19) The freestanding wind turbine energy equipment shall meet and be installed in accordance with all applicable requirements of the Township Building Code.

B. Roof mounted wind turbines shall be subject to and comply with the following:

(1) Roof mounted wind turbine energy equipment shall be located on the same lot as the principal use.

(2) Power generated by roof mounted wind turbine energy equipment shall not exceed one thousand (1,000) watts of maximum

output capacity. There shall be no commercial use of the roof mounted wind turbine energy equipment for generation of energy, except for energy purchased by a public utility in accordance with law or other government regulations.

(3) Roof mounted wind turbine energy equipment shall not exceed a height of eight (8) feet measured from the center of the wind turbine's nose cone to the roofline on which it is mounted.

(4) Roof mounted wind turbine blades shall be made of aluminum or carbon fiber.

(5) Roof mounted wind turbine blades shall have a minimum clearance of three (3) feet between the tip of the blades and roofline as well as other obstructions including but not limited to antennas, satellite dishes, vent stacks, and chimneys.

(6) For a roof mounted wind turbine, the mounting equipment shall be certified by the wind turbine's manufacturer that the mounting equipment is sufficient to withstand the weight of the wind turbine being installed, as well as the projected windload to be placed upon the wind turbine.

(7) The roof mounted wind turbine shall be mounted in accordance with the manufacturer's installation requirements with mounting bracket materials being a minimum thickness of one-quarter (1/4) inch steel.

(8) Certification is required by a registered professional engineer that the building is structurally sufficient to withstand the weight of the wind turbine being installed, as well as the projected windload to be placed upon the wind turbine.

(9) Roof mounted wind turbines shall not be artificially lighted.

(10) Roof mounted wind turbines may be installed on occupied buildings. Roof mounted wind turbine shall be set back from any adjacent occupied building a distance of not less than thirty (30) feet.

(11) For a roof mounted wind turbine, clearly visible warning signs concerning falling objects shall be placed within the principal structure yard setbacks and spaced not more than one hundred (100) feet apart, to the extent possible, to warn against ice and rotor throws. Signs are to be placed a minimum of three (3) feet from the ground and be a minimum of one (1) square foot, but not exceeding two (2) square feet in surface area.

(12) Roof mounted wind turbines shall be equipped with a braking system to limit rotor rotation speed to within the design limits.

(13) The design color and other visual features of the roof mounted wind turbine shall be white, off-white or grey.

(14) For a roof mounted wind turbine, all exterior utilities, cables, electrical lines, and other connections shall be located in a conduit and buried underground to the maximum extent possible.

(15) For a roof mounted wind turbine, all ground mounted electrical and control equipment shall be labeled and secured to prevent unauthorized access.

(16) There shall be no antennae, advertising or other items or material affixed to or otherwise placed on the roof mounted wind turbine energy equipment, except those required for safety or identification of manufacturer.

(17) Operation of the roof mounted wind turbine energy equipment shall comply with the physical performance requirements of §1330 of this Chapter.

(18) The roof mounted wind turbine energy equipment shall meet and be installed in accordance with all applicable requirements of the Township Building Code.

(Ord. 147, 8/11/2008; as added by Ord. 158, 12/14/2009, §I; and as amended by Ord. 183, 9/12/2011, §I)

§1337. Corner Lot Yard Frontage. For each corner lot within any zoning district, each yard frontage on a street shall require a front lot depth as set forth in the dimensional standards of the zoning district for such lot. (Ord. 147, 8/11/2008; as added by Ord. 196, 8/12/2013, §VII)

Part 14

Conditional Use Process

§1401. Requirements and Procedures.

1. Nothing in this Section shall be construed to relieve the owner or his agent, the developer, or the applicant for a conditional use approval from obtaining approval in accordance with the Subdivision and Land Development Ordinance [Chapter 22], or other applicable ordinances.

2. The requirements of this Section and the standards for specific types of conditional uses found elsewhere in this Chapter shall be deemed an element of the definition under which a conditional use permit may be granted. The failure of the applicant to demonstrate compliance with these requirements, at the discretion of the Board of Supervisors, can be deemed either a basis for establishing conditions or limitations on an approval or the basis for a denial of a conditional use application.

3. General Requirements.

A. An application for a conditional use shall be filed with the Township and presented to the Board of Supervisors and shall state the following:

(1) The name and address of the applicant.

(2) The name and address of the owner of the property to be affected by the proposed conditional use application.

(3) Evidence of authorization to act on behalf of the property owner(s) where the applicant is other than a legal or equitable owner of the property.

(4) A description and location of the property on which the conditional use is proposed.

(5) A statement of the present zoning classification of the property in question, the improvements thereon and the present use thereof.

(6) A statement of the Section(s) of this Chapter that authorizes the conditional use and the standards and other requirements for the design of said conditional use.

(7) A narrative description of the site’s suitability for the proposed use or development.

(8) An accurate description of the proposed improvements, additions, uses and development proposed to be made under the application indicating the size of such proposed improvements and additions and the materials and general construction thereof. In addition there shall be attached a plot plan of the property in question, indicating the location and size of the improvements now erected thereon, the location and size of the improvements proposed to be erected thereon and the location of the proposed uses and development.

(9) A narrative description of the proposed use or developments consistency with the purposes and objectives of the Comprehensive Plan.

(10) A narrative description of the proposed use or developments consistency with the character of the surrounding uses and the Township in general.

B. An application for a conditional use shall be filed with the Township on such forms as may be prescribed for such purpose and shall be accompanied by the application fee, as adopted by resolution of the Board of Supervisors from time to time. No application shall be received for filing unless accompanied by the required fee.

4. Procedures.

A. Upon receipt of a complete application for conditional use approval per subsection (3), above, the Township shall submit the application for recommendation to the Planning Commission. Upon receipt of the application, the Planning Commission shall review the conditional use request with the applicant at its next regularly scheduled meeting or at a special meeting at the discretion of the Planning Commission. In either case, such review shall take place within forty-five (45) days of submittal to the Planning Commission, including the forwarding of any recommendations to the Board of Supervisors. The Planning Commission may extend its period of deliberation beyond forty-five (45) days upon written authorization by the applicant. If the Planning Commission does not transmit its recommendations to the Board of Supervisors by the date set by the Board of Supervisors for public hearing for consideration of the conditional use application, the Board of Supervisors shall proceed to consider such application without the recommendation of the Planning Commission. Should the applicant submit new or revised plans for development under the application for conditional use approval during the period of review by the Planning Commission, the forty-five (45) day review period shall start anew and prior plans shall be deemed withdrawn.

B. After review by the Planning Commission, the Board of Supervisors shall hold a public hearing on the conditional use application in accordance with the following procedures:

(1) Notice of the hearing shall be given to the public by publication in a newspaper of general circulation in the Township in accordance with the requirements for public notice established in the Municipalities Planning Code. Abutting property owners shall be notified in writing no less than twenty (20) days prior to the scheduled hearing. Additionally, like notice thereof shall be given to the applicant, the Zoning Officer, and to any person who has made timely written request for same. Notice of the hearing shall be conspicuously posted on the affected tract of land at least one (1) week prior to the date of the hearing. The failure of any person or entity to receive notice given pursuant to this Section shall not constitute grounds for any court to invalidate the actions of the Township for which the notice was given. The Board of Supervisors shall conduct its first hearing on the application within sixty (60) days from the date the application is filed with the Township, and said hearing shall be

completed within one hundred (100) days after the completion of the applicant's case in chief, unless extended by written authorization from the applicant. The hearing may be conducted by the Board of Supervisors, a member of the Board of Supervisors, or an independent attorney appointed by the Board of Supervisors.

(2) The parties to the hearing shall be the Township, any person affected by the application who has made timely appearance of record before the Board of Supervisors and any other person, including civic or community organizations, permitted to appear by the Board of Supervisors. The Board of Supervisors shall have the power to require that all persons who wish to be considered parties submit written requests on such forms as the Board of Supervisors may provide for that purpose.

(3) The Chairman or Acting Chairman of the Board of Supervisors shall have the power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.

(4) Formal rules of evidence shall not apply but irrelevant, immaterial, or unduly repetitious evidence may be excluded.

(5) The Board of Supervisors shall keep a record of the hearing proceedings. Copies of the stenographic or graphic material received in evidence shall be made available to the Township at no cost thereto, and to any party at cost.

(6) The Board of Supervisors shall render a written decision within forty-five (45) days after the last hearing before the Board of Supervisors. Where the application is contested or denied, the decision shall be accompanied by findings of fact and conclusions based thereon, together with the reasons for the final decision.

(7) A copy of the final decision shall be delivered to the applicant and the parties before the Board of Supervisors personally or mailed to them not later than the day following the date of the decision.

(8) Appeals from a determination of the Board of Supervisors pursuant to any application for a conditional use shall be only as prescribed and within such times permitted by the applicable provisions of the Municipalities Planning Code.

C. In granting conditional use approval, where such use is authorized under this Chapter, the Board of Supervisors may also attach such conditions and safeguards, in addition to those expressed in this Chapter, as it may deem necessary to implement the purposes of the Municipalities Planning Code and this Chapter. Conditional uses shall be subject to compliance with the particular standards contained in this Chapter and criteria defined in the application review process. The standards described shall be deemed additional and shall in no way impair any other applicable standard from this Chapter or any other Township ordinance. The applicant shall be responsible for demonstrating compliance with all standards and criteria required for conditional use approval. The conditions of approval may include, but need not be limited to:

(1) Provisions for additional utility or traffic safety facilities.

(2) Securing of additional easements or property to assure proper site design.

(3) Modification to the applicable design standards as more fully set forth in Part 13 of this Chapter.

D. The applicant shall have the burden to prove by a preponderance of the evidence that the proposed use will comply in all respects with this Chapter and other applicable Township ordinances, and County, State or Federal legislation. The Board of Supervisors may retain such consultants as necessary to review and certify the accuracy of submitted plans and documents, the reasonable and necessary charges for which shall be borne by the applicant. When the applicant does not provide information as required, then it shall be presumed that the proposed use is not in accordance with the requirements applicable for the granting of conditional use approval.

E. Any grant of conditional use approval shall be deemed null and void twenty-four (24) months from the date of such approval if, within that period, no application is made for a building permit, or subdivision or land development approval, as appropriate, unless so extended by the Board of Supervisors. [Ord. 172]

Any request to extend the twenty-four (24) month expiration period shall be properly filed with the Zoning Officer thirty (30) days in advance of the expiration date. The request shall include the reason why the extension is required, a reasonable estimate of the time needed to obtain the necessary approvals, and a qualified statement that there has been no change in the conditional use application or the neighborhood in which the property is located. Failure to diligently pursue necessary approvals shall not be grounds for an extension. The Board of Supervisors may grant up to one additional twenty-four (24) month extension provided a reasonable argument is presented. No more than one (1) such extension shall be granted per conditional use approval.

(Ord. 147, 8/11/2008, §1400; as amended by Ord. 172, 2/14/2011, §VII)

§1402. Additional Requirements for Specified Conditional Uses. In addition to the requirements and procedures established in §1401, herein, the following requirements shall be applicable to conditional uses as specified in this Chapter:

A. Ownership. The tract of land under application for a conditional use approval shall be in single 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 the ownership of the entire tract is held by more than a single person or entity, the application shall identify and be filed on behalf of all of the owners. Approval of the plan shall be conditioned upon agreement by the applicant or applicants that the tract shall be developed under single direction in accordance with the approved plan. No site preparation or construction shall be permitted other than in accordance with the approved plan. If ownership of all or any portion of the tract changes subsequent to approval of the plan, no site preparation or construction

by such new owner or owners shall be permitted unless and until such owner or owners shall review the terms and obligations of the approved plan and agree in writing to be bound thereby with respect to development of the tract.

B. Sewer and Water Facilities. The applicant shall demonstrate evidence of adequate water supply and sewage disposal capability. The tract of land shall be served by a water supply system and a sewage system deemed acceptable by the Board of Supervisors upon recommendation of the Township Engineer. Such facilities shall be designed and constructed in compliance with §§421 and 422 of the Subdivision and Land Development Ordinance [Chapter 22] and the East Coventry Township Sewage Facilities (Act 537) Plan.

C. Development Stages and Permits. The development of a tract carried out in either a single phase or in stages shall be executed in accordance with a development agreement. The owner, developer, and Township shall enter into said agreement embodying all details regarding compliance with this Chapter to assure the binding nature thereof on the overall tract and its development, which agreement shall be recorded with the final development plan.

D Stormwater Management. The control of erosion and sediment during construction, and the ongoing management of stormwater on the tract, shall be accomplished in accordance with the provisions of Chapter 9, "Grading and Excavating," Part 1, "Stormwater Management," of the East Coventry Township Code of Ordinances.

E. Covenants and Restrictions. The language, terms and conditions of any proposed covenants or restrictions shall be subject to review and recommendation by the Township Solicitor.

F. Conditional Use Development Plan. The application for conditional use approval shall be accompanied by a unified, overall site plan covering the entire tract, regardless of any intended phasing of development. The plan shall be prepared with sufficient detail to adequately illustrate the proposed development uses and non-development uses of the tract, including (where appropriate), reserve areas for possible future expansion; coordinated internal and external vehicular and pedestrian circulation; well related, convenient and efficient parking and loading areas; agreeable surroundings that provide comfort, safety, and convenience for prospective residents, customers, and/or workers; and high quality design in terms of building relationship, facade treatment, signage, lighting, landscaped and planted buffers and screens, as well as other natural and constructed amenities in furtherance of the comprehensive planning objectives of the Township.

G. Natural and Cultural Resources Analysis. The applicant shall provide an inventory of the tract's natural features and systems, cultural resources, and visual amenities that may be impacted by the proposed conditional use. The inventory shall be prepared in graphic (at a scale of one (1) inch = one hundred (100) feet) and narrative form on the site or in such proximity as to be affected by the proposed conditional use:

(1) Surface waters.

(2) Natural drainage patterns, including swales, intermittent streams, etc.

(3) Floodplain districts as defined in Part 4 of this Chapter.

(4) Wetlands under the jurisdiction of the Pennsylvania Department of Environmental Protection or the U.S. Army Corps of Engineers.

(5) Soils with seasonably high water table.

(6) Soils with shallow depth to bedrock.

(7) Geologic formations, particularly in relation to areas of groundwater recharge.

(8) Biotic resources as mapped and described in the Open Space, Recreation, and Environmental Resources Plan, and patterns of vegetation, including tree masses, rare or extraordinary individual species, any tree of eight (8) inches or greater DBH and areas serving as habitat for wildlife (species of wildlife dependent upon the site for habitat shall be identified).

(9) Scenic resources as mapped and described in the Open Space, Recreation, and Environmental Resources Plan, and any other visual amenities of the site (e.g., topography, vegetation, water) considered unique, scenic, and/or that should be incorporated into the design of any future use.

(10) Sites and structures of historical or cultural significance including, but not limited to, those sites recorded in the Open Space, Recreation and Environmental Resources Plan, the Comprehensive Plan, the Historic Resources Inventory, and the Chester County Historic Sites Survey of 1982.

The applicant shall indicate how any or all of the inventoried resources will be affected by the proposed development, and shall describe mitigating measures to be employed in addressing these impacts. The development impacts and the proposed mitigating measures shall be described in narrative form, and their locations on the site and beyond shall be mapped at a scale of one (1) inch = one hundred (100) feet.

H. Traffic Analysis. The Board of Supervisors, at its sole discretion, may require the applicant to provide traffic studies demonstrating feasible compliance with the objectives of this Chapter and the Comprehensive Plan. Such studies shall estimate traffic volumes, turning movements, and levels of service at intersections, and potentially unsafe conditions existing prior to development as well as may be reasonably expected to occur after proposed development and shall suggest action(s) to mitigate any anticipated reduction of level of service or other negative impact to traffic conditions resulting from development as proposed. In addition the Township shall engage its traffic engineer to review such traffic analyses provided by the applicant and to conduct traffic studies as the traffic engineer may deem necessary. The applicant shall reimburse the Township for such traffic analyses as may be conducted by the Township's traffic engineer.

In granting conditional use approval, the Board of Supervisors may attach conditions requiring specific improvements to provide for safe and convenient access for residents, visitors, employees, and emergency service personnel and vehicles.

I. Fiscal Impact Assessment. The Board of Supervisors, at its sole discretion, may require the applicant to provide an assessment of the economic and fiscal impacts that will result from the proposed development. The assessment shall include a profile of the Township, County and School District revenues to be generated by the proposed development and the costs that it will impose on the Township, County and School District. The information shall be related to the initial, if staged, and completed subdivision or land development.

J. Community Facilities and Services Assessment. The Board of Supervisors, at its sole discretion may require the applicant to provide an assessment of the facility and service needs required for the proposed development. Where applicable, the assessment shall consider, in terms of existing capabilities and the need for additional or expanded capabilities, the following:

(1) Schools.

(2) Park and recreation areas.

(3) Libraries.

(4) Hospitals and other health care facilities.

(5) Fire protection.

(6) Police protection.

(7) Emergency medical services.

(Ord. 147, 8/11/2008, §1401)

§1403. Criteria for Review of Conditional Use Applications. The following criteria shall be used by the Planning Commission and the Board of Supervisors in evaluating a proposed conditional use. It shall be the burden of the applicant to demonstrate compliance with all applicable criteria:

A. An applicant for conditional use approval shall have the burden of demonstrating to the satisfaction of the Board of Supervisors that provision is made to adequately reduce or minimize any noxious, offensive, dangerous or hazardous feature or features thereof, as the case may be. The Board of Supervisors may deny conditional use approval where the applicant has failed to do so or where any use otherwise is deemed to be dangerous or potentially dangerous to the public health, welfare or safety or which constitutes or may constitute a public hazard whether by fire, explosion or otherwise.

B. The use(s) proposed shall be limited to those authorized as conditional uses within the zoning district in which the lot or parcel is situated. The property subject to a conditional use application shall be suitable for the use desired.

C. The size, scope, extent and character of the conditional use desired shall be consistent with the spirit, purposes and intent of the

Comprehensive Plan, the Open Space, Recreation and Environmental Resources Plan, and this Chapter.

D. The proposed use at the location set forth in the application shall be in the public interest and serve the public health, safety and general welfare.

E. Consideration of the character and the type of development in the area surrounding the location for which the request is made, and a determination that the proposed use is appropriate in the area and will not injure or detract from the use or value of the surrounding properties or from the character of the neighborhood.

F. The development, if more than one (1) building, will consist of a harmonious grouping of buildings or other structures.

G. There will be no adverse affect of the proposed conditional use upon the logical, efficient and economical extension of public services and facilities, such as public water, sewers, police and fire protection, recreational opportunities, open space and public schools and, where necessary, adequate arrangements for expansion or improvement of such services and facilities are ensured.

H. The design and use of any new construction and proposed change in use of existing buildings will be compatible with the existing designs and uses in the immediate vicinity and that the proposed design or use shall be compatible with the character of the neighborhood.

I. If the development is to be carried out in progressive stages, each stage shall be so planned that the conditions and intent of this Chapter shall be fully complied with at the completion of any stage.

J. The location and layout of the proposed use is suitable with respect to probable effects upon highway traffic, and assures adequate access arrangements in order to protect major streets and highways from undue congestion and hazard. The proposed use will not lower the level of service on adjacent road segments and intersections as defined by the most recent edition of the Highway Capacity Manual from the Transportation Research Board. As a policy, proposed projects should incorporate designs that will assure safe and efficient access and maintain a level of service "C," as a minimum, on all adjacent road segments and intersections.

K. The interior traffic circulation shall provide safe and convenient circulation for all users, including pedestrian and vehicular modes of transit. The applicant shall demonstrate that sufficient safeguards such as parking, traffic control, screening, and setbacks can be implemented to remove any potential adverse influences the use may have on adjoining uses. In addition, all emergency access design considerations shall be addressed and incorporated into the proposed plan.

L. The adequacy of sanitation and public safety provisions, where applicable, and the necessity to provide a certificate of adequacy of sewage and water facilities from a governmental health agency in any case where required or deemed necessary.

M. Sufficient land area shall be available to be able to effectively screen the proposed conditional use from adjoining different

uses if required by the Board of Supervisors.

N. Consideration of any other development impacts and/or proposed mitigation identified by the submitted site analyses.

O. Consideration of likelihood of market success of proposed use(s), as indicated by market analyses, where required.

P. Uses shall meet the provisions and requirements of the Subdivision and Land Development Ordinance [Chapter 22] and all other applicable ordinances of the Township.

Q. The Board of Supervisors may impose such conditions, in addition to those required, as are necessary to assure that the intent of this Chapter is complied with, which conditions may include, but are not limited to, harmonious design of buildings, planting and its maintenance as a sight or sound screen, the minimizing of noise, glare, and noxious, offensive or hazardous elements and adequate standards of parking and sanitation.

R. If the Board of Supervisors approves the application and accompanying conditional use development plan, such approved plan shall accompany any application for subdivision and land development as prescribed by the Subdivision and Land Development Ordinance [Chapter 22], and such approved plan shall accompany any application for a building permit.

(Ord. 147, 8/11/2008, §1402)

§1404. Clustered Single-Family Detached Residential Development Open Space and Other Open Space Design Standards. Clustered single-family detached residential development permitted as a conditional use in the R-2 Residential and R-3 Residential Districts shall comply with all of the open space and design requirements and standards of this Section. All other types of subdivisions and land developments, wherein open space is required, shall comply with all of the standards of subsection (A) except subsection (A)(1), specifying the minimum amount of open space, for which §426 of the Subdivision and Land Development Ordinance [Chapter 22] shall be applicable.

A. Open Space Standards.

(1) The minimum required amount of the gross tract area to be provided as open space shall be as specified in §§704(B)(1) or 804(B)(1), of which a minimum of twenty-five percent (25%) shall be suitable for active recreational purposes. All required open space shall be contiguous and shall not consist of narrow and small irregularly shaped areas.

(2) The following resources may be included in the required open space to the maximum extent possible:

(a) Stream channels, floodplains, hydric soils, high water table soils, wetlands, riparian buffers.

(b) Precautionary and prohibitive slopes that adjoin watercourses and other water bodies where disturbance would have a negative impact on water quality.

(c) Woodlands that provide the ecological functions of

soil stabilization and protection of streams, wetlands and wildlife habitat.

(d) Habitats of wildlife species that are endangered, threatened, or are of special concern.

(e) Hedgerows, groups of trees, large individual trees, and other landscape elements that are of botanical or historic significance.

(f) Prime agricultural soils.

(g) Historic sites.

(h) Scenic viewsheds and visually prominent topographic features, e.g., ridgelines.

(i) Existing trails.

(3) Open Space Design. The design of the open space shall conform to the standards of §426(4) of the Subdivision and Land Development Ordinance [Chapter 22], except where non-intensive agriculture is permitted as an open space use.

(4) Open Space Uses. Only the following uses shall be permitted in the open space:

(a) Conservation of the open space land in its natural state.

(b) Non-intensive agricultural uses. Other agricultural uses may be permitted by special exception.

(c) Pastureland for horses used only for recreation purposes and equestrian-related structures provided that the impervious surface of such structures is limited to three percent (3%) of the open space.

(d) Forestry in accordance with the timber harvesting provisions of §1316 of this Chapter.

(e) Golf courses, excluding driving ranges and miniature golf facilities, provided that the area of the open space occupied thereby shall be limited to fifty percent (50%) and structures, parking and accessways shall not be included in the minimum required open space.

(f) Easements for stormwater management facilities, vehicular and pedestrian access, sanitary sewer and water lines, and other public facilities.

(g) Utility rights-of-way, excluding utilities structures, may traverse open space areas however shall not be included in the calculation of the minimum required open space.

(5) Disturbance of Open Space Land.

(a) Designated open space shall be permanently restricted from future subdivision and land development.

(b) Disturbance of open space land shall be minimized and shall be limited to the construction of active recreation

facilities, trails, stormwater management facilities, and vehicular and pedestrian access where necessary.

(c) Disturbance to land, including forestry subject to the provisions of §1316 herein, containing natural resources shall be in compliance with the resource protection standards of Part 4 of this Chapter and §429 of the Subdivision and Land Development Ordinance [Chapter 22].

(6) Ownership and Maintenance of Open Space.

(a) Open Space and Facilities Ownership. Open space land may be owned by the Township, a homeowners association, a land trust, a conservation organization recognized by the Township, or by a similar entity approved by the Township, or may remain in private common ownership.

(b) Offer of Dedication. The Township may, but shall not be obligated, to accept dedication in the form of fee simple ownership of open space land. Where the Township accepts dedication of open space land that contains improvements, the Board of Supervisors may require the posting of financial security, in an amount up to fifteen percent (15%) of the installation cost to ensure structural and functional integrity of such improvements for a term not to exceed eighteen (18) months from the date of acceptance of dedication.

(c) Homeowners Association. The designated open space land and associated facilities may be held in common ownership by a homeowners association which shall be formed and operated under the following provisions:

(i) The developer shall provide the Township with a description of and proof of incorporation of the association, a copy of its bylaws and proof of adoption thereof, a copy of the declaration of covenants, easements or restrictions or similar document(s) regulating the use and maintenance of the open space and associated facilities. The conditions and timing of transfer of the control of the association from the developer to the homeowners shall be identified.

(ii) The association shall be organized, operated and financed by the developer prior to the sale of any lots within the development.

(iii) Membership in the association shall be mandatory for all owners, and successors, of dwellings in the development.

(iv) The association shall be responsible for the maintenance and insurance of the open space and facilities owned by the association, enforceable by liens placed by the homeowners association. Maintenance obligations may also be enforced by the Township, which may place liens to recover its costs.

(v) The members of the association shall share equitably the costs of maintaining the open space and facilities owned by the association. Shares shall be defined within the association bylaws or declaration. Association dues shall be structured to provide for both annual operating costs and to cover projected long-range costs capital costs related to repair or replacement of facilities.

(vi) In the event of a proposed transfer, within the methods herein permitted, of open space and facilities by the homeowners association, or of the assumption of maintenance of such open space and facilities by the Township, notice of such action shall be given to all members of the association.

(vii) The association shall have or employ adequate staff to administer and provide continuous and proper maintenance of the open space and facilities.

(viii) The homeowners association may lease open space lands to any other qualified person, or corporation, for operation and maintenance of such lands, but such a lease agreement shall provide: (a) that the residents of the development shall have, at all times, access to the open space lands contained therein (except that access to land that is actively farmed shall be limited by the nature of the agricultural operation); (b) that the open space lands to be leased shall be maintained for the purposes set forth in this Chapter; and (c) that the operation of open space facilities may be for the benefit of the residents only, or may be open to the residents of the Township, at the election of the developer and/or homeowners association. All leases shall be subject to the approval of the Board of Supervisors and any transfer or assignment of the lease shall be further subject to the approval of the Board. Lease agreements so entered upon shall be recorded with the Recorder of Deeds of Chester County within thirty (30) days of their execution and a copy of the recorded lease shall be filed with the Township.

(ix) Homeowners association documentation approved by the Township shall be recorded with the final subdivision and land development plans, and proof of recording thereof shall be provided to the Township prior to the issuance of any building permits. At the time of preliminary plan submission, the applicant shall provide draft homeowners association documentation with sufficient detail to demonstrate compliance with this Section.

(d) Condominiums. Open space land and associated facilities may be held in common by the unit owners as a condominium, the documents for which shall be approved by the Board of Supervisors. Such condominium documents shall be in

conformance with the Pennsylvania Uniform Condominium Act of 1980, as amended. All common open space land shall be "common elements" or "limited common elements." To the degree applicable, condominium documents shall comply with the provisions of subsection (A)(6)(c) above. Condominium documents shall be recorded with the final subdivision and land development plans. At the time of preliminary plan submission, the applicant shall provide draft condominium documents with sufficient detail to demonstrate compliance with this Section.

(e) Dedication of Easements. The Township may, but shall not be obligated to, accept easements for public use of any portion or portions of designated open space land, title of which is to remain in common ownership by condominium unit owners or a homeowners association, as applicable.

(f) Transfer of Easements to a Private Conservation Organization. Upon approval of the Township, an owner may transfer easements to a private, nonprofit organization recognized by the Township, among whose purposes it is to conserve open space and/or natural resources, provided that:

(i) The organization is acceptable to Board, and is a bona fide conservation organization with perpetual existence.

(ii) The conveyance contains appropriate provision for proper reverter or retransfer in the event that the organization becomes unwilling or unable to continue carrying out its functions.

(iii) A maintenance agreement acceptable to the Board is entered into by the developer and the organization.

(g) Private Ownership of Open Space. Designated open space may be retained in ownership by the applicant or may be transferred to other private parties subject to compliance with all standards and criteria for open space herein. All or portions of the designated open space may be included within an individual lot, e.g., a working farm, where approved by the Board of Supervisors, and the Board may require that the owner of such privately owned open space be responsible for the maintenance thereof.

(h) Open Space and Facilities Maintenance. The cost and responsibility of maintaining the open space and associated facilities shall be borne by the homeowners association, condominium association, conservation organization, or property owner, as outlined in the following sections.

(i) Required Open Space Management Plan. The applicant shall provide a plan for the long-term management of the designated open space including maintenance and management of any stormwater management or any other approved facilities located therein.

(i) Open Space Management Plan Information. The open space management plan shall include a narrative discussion of: (a) the manner in which the designated open space and any facilities included therein will be owned and by whom it will be managed and maintained; (b) the conservation, land management and agricultural techniques and practices which will be used to conserve and perpetually protect the designated open space, including conservation plan(s) approved by the Chester County Conservation District where applicable; (c) the professional and personnel resources that will be necessary in order to maintain and manage the property; (d) the nature of public or private access that is planned for the designated open space; and (e) the source of the financial resources available for such management, preservation and maintenance on a perpetual basis.

(ii) At the time of preliminary plan submission, the applicant shall provide a draft open space management plan with sufficient detail to demonstrate compliance with the provisions herein.

(iii) The Board of Supervisors shall require that the management plan be recorded, in the Office of the Recorder of Deeds of Chester County, with the final subdivision and land development plan.

(iv) The management plan shall contain a provision that permits change to such plan upon written application to the Board of Supervisors. Approval of such application by the Board shall not be unreasonably withheld or delayed provided: (a) the proposed change is consistent with the purposes of preservation of open space set forth in herein, and with the approved subdivision and land development plans; and (b) any such change would not obligate the Township to manage and maintain the open space and facilities.

(j) Provisions for Maintenance of Open Space. In the event that a homeowners association, condominium association, conservation organization, any successor organization, or any owner of the open space shall fail to maintain such land in reasonable order and condition in accordance with the development plan, the open space management plan and/or association or condominium documents as applicable, the Township may serve written notice upon the owner of record, setting forth the manner in which the owner of record has failed to maintain the open space land in reasonable order and condition and directing the owner to remedy the same within twenty (20) days. Upon default by any owner, homeowners association, conservation organization, or other entity responsible for maintenance of designated open space and/or associated facilities, where such maintenance is required under the terms of the open space

management plan, homeowners association or condominium documents, any subdivision and/or land development plan for the property, the zoning approval for the property, or under any applicable requirements of any Township ordinances, permits or approvals, or where such maintenance is otherwise necessary to abate a nuisance, emergency, hazard or other condition threatening persons or property or the public health, safety or welfare, the Township may, but shall not be obligated, to take the following actions:

(i) Upon thirty (30) days advance written notice to the person, association or entity responsible for such maintenance (or any such lesser period as may be specified in the notice in instances of emergency) and the failure of the responsible individual, entity or association within such thirty (30) day period (or such lesser period in the event of an emergency) to perform the necessary maintenance and otherwise remedy the condition set forth in the Township's notice, to enter upon the open space, accessing the same through any other lands of such entity, association or individual as may be necessary, to perform such maintenance and take any other action necessary to correct the condition provided in the Township's notice.

(ii) Any and all costs incurred by the Township in connection with such notice and maintenance shall be paid by the responsible individual, entity or association within ten (10) days after written demand by the Township. Upon failure of the responsible individual, entity, or association to pay such costs by the time required, there shall be added thereto interest at the rate of fifteen percent (15%) per annum as well as all costs incurred by the Township in collection thereof.

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

(k) Open Space and Facilities Performance Guarantee. Where intended as common or public amenities, all landscape improvements, plantings, accessways, and recreational facilities within designated open space areas shall be provided by the developer. Financial security shall be in the same form and adhere to the same conditions as provided in Section 310 of the Subdivision and Land Development Ordinance [Chapter 22].

B. Clustered Residential Development Design. Clustered residential developments shall be designed in conformance with four (4) step design process as provided in §304(3)(G) of the Subdivision and Land Development Ordinance [Chapter 22].

(Ord. 147, 8/11/2008, §1403)

§1405. Standards for Communications Towers and Communications Antennas Permitted as Conditional Uses.

[Reserved].

(Ord. 147, 8/11/2008, §1404; as amended by Ord. 174, 2/14/2011, §VII)

§1406. Continuation by Conditional Use of Nonconformities Resulting from the Taking of a Portion of a Lot for Public Road Purposes.

1. Whenever an existing lot and/or an existing building or other structure on an existing lot becomes nonconforming, or more nonconforming, with respect to one (1) or more applicable areas and/or dimensional requirements, as a result of a taking of a portion of the lot for public road purposes, and the nonconformity, with respect to each applicable area and dimensional requirement, resulting from the taking, is more than fifty percent (50%) of the applicable requirement, or increases an existing nonconformity of the same applicable area and dimensional requirement beyond fifty percent (50%) of that requirement, the lawful use of the lot and/or lawful use, location and/or size of the building or other structure on the lot, as existing on the effective date of the taking, may remain and continue after the effective date of the taking only when authorized by conditional use as required by §1333(B) of this Chapter.

2. The conditional use required by §1333(B) of this Chapter shall be allowed or denied by the Board of Supervisors pursuant to the following standards:

A. The applicant shall demonstrate that no unsafe conditions or adverse environmental impacts have been created on the lot, or in or to the building or other structure on the lot, as a result of the lot, building or structure being rendered nonconforming or more nonconforming, with respect to one or more applicable areas and/or dimensional requirements, by the taking.

(1) Such unsafe conditions shall include, but shall not be limited to:

(a) The potential for personal injury to occupants of the lot or of the building or other structure on the lot.

(b) The potential for property damage on the lot or to or in the building or other structure on the lot.

(2) Such adverse environmental impacts shall include, but shall not be limited to:

(a) The potential for increased levels of vehicle emissions on the lot or from the building or other structure on the lot.

(b) The potential for increased noise levels on the lot or from the building or other structure on the lot.

(c) The potential for loss of privacy on the lot or in the building or other structure on the lot.

(3) The applicant may propose, for consideration by the Board of Supervisors, measures to mitigate the potential for such unsafe conditions and adverse environmental impacts.

B. The applicant shall demonstrate that no unsafe conditions to the traveling public (motorist or pedestrian) or to any person (motorist or pedestrian) entering or leaving the lot, have been created on the lot as a result of the lot, or the building or structure thereon, being rendered nonconforming or more nonconforming, with respect to one or more applicable areas and/or dimensional requirements, by the taking.

(1) Such unsafe conditions shall include, but shall not be limited to:

(a) Decreased clear sight triangle or sight distance at the intersection of a driveway on the lot and the abutting street.

(b) The increased potential for personal injury to the traveling public or to persons entering or leaving the lot, whether or not the result of condition (a).

(c) The increased potential for damage to property of the traveling public, or of persons entering or leaving the lot, whether or not the result of condition (a).

(2) The applicant may propose, for consideration by the Board of Supervisors, measures to mitigate the potential for such unsafe conditions to the traveling public (motorist or pedestrian) or to any person (motorist or pedestrian) entering or leaving the lot unsafe conditions.

3. In granting the conditional use required by §1333(B) of this Chapter, the Board of Supervisors may attach such reasonable conditions and safeguards, in addition to those expressed in this Chapter, as the Board of Supervisors may deem necessary to implement the purposes of the Municipalities Planning Code and this Chapter.

4. The following words and phrases, as used in this Section, shall have the same meanings as such words and phrases are defined and used in §1333(G) of this Chapter: "lawful"; "applicable area and/or dimensional requirements"; "taking"; "public purposes"; and "effective date of the taking."

(Ord. 147, 8/11/2008, §1405)

Part 15

Zoning Hearing Board

§1501. Establishment and Membership.

1. There shall be a Zoning Hearing Board consisting of five (5) residents of the Township, appointed by the resolution of Board of Supervisors in accordance with Article IX of the Municipalities Planning Code. Their terms of office shall be five (5) years and shall be so fixed that the term of office of one (1) member shall expire each year. The Zoning Hearing Board shall promptly notify the Board of Supervisors of any vacancy that occurs. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members of the Zoning Hearing Board and alternates shall hold no other office, or have membership on any other committee or commission, in the Township.

2. The Board of Supervisors may, by resolution, appoint at least one (1) but no more than three (3) residents of the Township to serve as alternate members of the Zoning Hearing Board. The term of the alternate members shall be three (3) years. The alternate members shall hold no other office, or sit on any other committee or commission, in the Township. An alternate may participate in any proceeding or discussion of the Zoning Hearing Board, but shall not be entitled to vote as a member of the Zoning Hearing Board, or be compensated as a member as provided herein unless designated as a voting member in accordance with the provisions of §1502(2) of this Part.

3. Any member of the Zoning Hearing Board may be removed for malfeasance, misfeasance, or nonfeasance in office or for other just cause by a majority vote of the Board of Supervisors, taken after the member has received fifteen (15) days advance notice of the intent to take such a vote. A hearing shall be held in connection with the vote if the member shall request it in writing.

(Ord. 147, 8/11/2008, §1500)

§1502. Organization of the Zoning Hearing Board.

1. The Zoning Hearing Board shall elect from its own membership its officers, who shall serve annual terms as such and may succeed themselves. For the conduct of any hearing and the taking of any action, a quorum shall not be less than a majority of all the members of the Zoning Hearing Board, but the Zoning Hearing Board may appoint a hearing officer from its own membership to conduct any hearing on its behalf and the parties may waive further action by the Zoning Hearing Board, as provided in §908 of the Municipalities Planning Code.

2. If, by reason of absence or disqualification of a member, a quorum is not reached, the chairman of the Zoning Hearing Board shall designate as many alternate members to sit on the Zoning Hearing Board as may be needed to provide a quorum. Any alternate member shall continue to serve on the Zoning Hearing Board in all proceedings involving the matter or case for which the alternate was initially appointed, until the Zoning Hearing Board has made a

final determination of the matter or case. Designation of an alternate member pursuant to this subsection shall be made on a case-by-case basis in rotation according to declining seniority among all alternates.

3. The Zoning Hearing Board may make, alter and rescind the rules, regulations and forms for its procedures, such as are consistent with the ordinances of the Township and the laws of the Commonwealth of Pennsylvania. Copies of rules, regulations and forms adopted by the Zoning Hearing Board shall be prepared and shall be made available for inspection by any interested person in the Township Offices.

4. The Zoning Hearing Board shall keep full public records of its business which records shall be the property of the Township, and shall submit a report of its prior year activities to the Board of Supervisors once a year, prior to March 1, of each year, and at such other times as may be requested by the Board of Supervisors.

(Ord. 147, 8/11/2008, §1501)

§1503. Jurisdiction. The Zoning Hearing Board shall function in strict accordance with and pursuant to §909.1(a) of the Municipalities Planning Code, and shall have all powers set forth therein including, but not limited to, the following:

A. To hear and decide appeals from a 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, structure or lot.

B. To hear and decide applications for special exceptions authorized by this Chapter in accordance with the standards and criteria set forth in §1509. The Zoning Hearing Board may attach such reasonable conditions and safeguards, as it may deem necessary to implement the purposes of this Chapter and the Municipalities Planning Code.

C. To hear and decide applications for variances where it is alleged that the provisions of this Chapter inflict unnecessary hardship upon the applicant. A variance may be granted only after the Zoning Hearing Board has made the findings as required in §1510 of this Part. In granting a variance, the Zoning Hearing Board may attach such reasonable conditions and safeguards, as it may deem necessary to implement the purposes of this Chapter and the Municipalities Planning Code.

D. To conduct hearings and make such decisions and findings in connection with substantive challenges to the validity of any provisions of this Chapter and any other Township land use ordinance as authorized by §909.1(a)(1) of the Municipalities Planning Code.

E. To exercise jurisdiction over all other proceedings over which the Zoning Hearing Board is given jurisdiction pursuant to the Municipalities Planning Code.

(Ord. 147, 8/11/2008, §1502)

§1504. Rules of Procedure, Expenditures and Fees.

1. The Zoning Hearing Board may make, alter or rescind rules of procedure in accordance with the several provisions of this Chapter as to the manner of filing appeals, applications for special exceptions or variances, and as to the conduct of the business of the Zoning Hearing Board. In all cases the rules of procedure shall be consistent with Article IX of the Municipalities Planning Code.

2. Within the limits of funds appropriated by the Board of Supervisors, the Zoning Hearing Board may employ or contract for secretaries, clerks, legal counsel, consultants, and other technical and clerical services. Members of the Zoning Hearing Board, including any alternate members when designated in accordance with this article, may receive compensation for the performance of their duties, as may be fixed by the Board of Supervisors. In no case, however, shall the amount of compensation exceed the rate authorized for the members of the Board of Supervisors.

3. Any applicant before the Zoning Hearing Board shall deposit with the Township the appropriate filing fee established by resolution of the Board of Supervisors in accordance with the terms of §1604.

4. The Board of Supervisors may prescribe reasonable fees with respect to hearings before the Zoning Hearing Board. Fees for said hearings may include compensation for the secretary and members of the Zoning Hearing Board, notice and advertising costs and necessary administrative overhead associated with the hearing. The costs, however, shall not include legal expenses of the Zoning Hearing Board, expenses for engineering, architectural or other technical consultants or expert witness costs.

(Ord. 147, 8/11/2008, §1503)

§1505. Meetings. Meetings of the Zoning Hearing Board shall be held at the call of the Chairman and at such other times as the Zoning Hearing Board may determine. Unless otherwise required or permitted by law, all meetings of the Zoning Hearing Board shall be open to the public. The Zoning Hearing Board shall keep minutes of its proceedings showing the vote of each member upon each question, or if a member is absent or fails to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed with the Township and shall be a public record. (Ord. 147, 8/11/2008, §1504)

§1506. Appeals and Applications to the Zoning Hearing Board. Appeals to the Zoning Hearing Board may be filed by an affected landowner, any officer or agency of the Township or any person aggrieved. Applications for a variance or special exception may be filed by any landowner, or any tenant with permission of the landowner. All applications, appeals and other matters to and before the Zoning Hearing Board shall be filed in accordance with the applicable procedures provided and established by this Chapter, the Pennsylvania Municipalities Planning Code, other law, and/or the rules and regulations of the Zoning Hearing Board. All applications, appeals and other matters shall be initiated by an application for hearing which shall be filed with the Township on forms specified by the Township. Applications shall be accompanied by all exhibits and supplemental material required by the application, or by this Chapter, the Pennsylvania Municipalities Planning Code, or the rules and regulations of the Zoning Hearing Board, and all required filing and other fees. Each application, appeal or other matter shall refer to the specific provisions of this Chapter, any other ordinance,

and/or the Pennsylvania Municipalities Planning Code which are involved and relied upon as authority for the authorization, permissions, approval or other relief sought.

A. Appeal from Determination of the Zoning Officer. In the case of any appeal from a determination of the Zoning Officer, the Zoning Officer, upon the filing of the appeal, shall transmit to the Zoning Hearing Board all papers constituting the record upon which the determination was based and the appeal taken.

B. Application for Special Exception or Variance. An application for a special exception or a variance under or from the terms of this Chapter shall be filed with the Zoning Hearing Board, and shall include:

(1) The name and address of the applicant.

(2) The name and address of the owner of the real estate in question.

(3) A statement of the present zoning classification of the property in question, the improvements thereon, and the present use thereof.

(4) A statement of the section of this Chapter under or from which the special exception or variance is requested, and, the reasons, legal and factual, why the application should be granted.

(5) An accurate description of the improvements, additions, uses and development proposed to be made under the application, if any, indicating the size of such proposed improvements and additions, and the materials and general construction thereof. In additions there shall be attached a plot plan of the property in question, indicating the location and size of the improvements now erected thereon the location and size of the additions and improvements' proposed to be erected thereon, and the location of the proposed uses and development.

C. Application for Special Exception or Variance in the Flood-plain District - Additional Standards of Review and Procedures. In addition to the information required in subsection (B), above, an application for a special exception or variance concerning proposed improvements, additions, uses or development to be located within a floodplain district shall include or be accompanied by the following: [Ord. 184]

(1) Detailed engineering studies indicating the effects on drainage and streams on all adjacent properties as well as the property in question.

(2) An application for amending the boundaries of the Floodplain District if the boundaries will be affected by the use, activity or development proposed by the special exception of variance.

(3) In determining applications and appeals for special exceptions and variances involving property in any floodplain district, the Zoning Hearing Board shall, consider all relevant factors, criteria and procedures specified in other Sections of this Chapter, and, in addition, shall consider the following factors, criteria, and procedures:

(a) The danger to life and property due to increased flood heights or velocities caused by encroachments. No special exception or variance shall be granted for any proposed use, development, or activity that will cause any increase in flood levels in the FW Floodway Floodplain District, or the floodway portion of the FA General Floodplain District.

(b) The danger that materials may be swept on to other lands or downstream to the injury of others.

(c) The proposed water supply and sanitation system and the ability of these systems to prevent disease, contamination, and unsanitary conditions.

(d) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners.

(e) The importance of the services provided by the proposed facility to the community.

(f) The requirements of the facility for a waterfront location.

(g) The availability of alternative locations not subject to flooding for the proposed use.

(h) The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.

(i) The relationship of the proposed use to the Comprehensive Plan and floodplain management program for the area.

(j) The safety to access to the property in times of flood for ordinary and emergency vehicles.

(k) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters expected at the site.

(l) That all structures and buildings involved in the variance or special exception appeal or application shall be designed and constructed so as to resist a one hundred (100) year flood.

(m) That the use, activity, or development proposed by the special exception or variance shall not result in an unacceptable or prohibited increase in flood heights, additional threats to public safety, or extraordinary public expense, and shall not create nuisances or cause fraud on or victimize the public.

(n) That the use, activity or development proposed by the special exception or variance shall not conflict with other local regulations, ordinances or laws.

(o) Except for a possible modification of the freeboard requirement involved, no variance shall be granted to or from

any requirements pertaining specifically to types of development, obstructions or activities regulated under the provisions of §407 of this Chapter including without limitation those types of development activities and obstructions requiring a special permit.

(4) The Zoning Hearing Board shall request, at least forty-five (45) days prior to the public hearing, the review and recommendation of the following agencies:

(a) The Chester County Conservation District.

(b) The Township Planning Commission.

(c) The Chester County Planning Commission.

(d) Other planning agencies deemed necessary by the Zoning Hearing Board to assist in determining the impact of the proposed use.

(5) The Zoning Hearing Board may refer any application and appeal and accompanying documentation pertaining to the special exception or variance to the Township Engineer or other qualified person or agency, other than those set forth above, in evaluating the use, activity or development proposed by the special exception or variance in relation to flood heights and velocities, and the adequacy of the plans for protection and other related matter.

(6) Whenever a variance is granted, the Zoning Hearing Board shall notify the applicant or appellant in writing that the granting of the variance may result in increased premium rates for flood insurance, and that such variance may increase the risks to life and/or property.

(7) The Zoning Hearing Board shall maintain a complete record of all variance, special exception, and other requests with respect to property in the floodplain districts. In addition, the Zoning Hearing Board shall prepare and submit to the Board of Supervisors, at such time and in such manner as the Board of Supervisors shall direct, an annual report of all variances, special exceptions, and other requests granted by the Zoning Hearing Board. Such report shall be included in the annual report of the Township to the Federal Emergency Management Agency.

(Ord. 147, 8/11/2008, §1505; as amended by Ord. 184, 10/10/2011, §VII)

§1507. Notice of Hearing. Notice shall be given by the Township, except as otherwise noted herein, of any public hearing stating the location of the building or lot and the general nature of the question involved and shall be given as follows:

A. By giving public notice as defined in §202 of this Chapter and otherwise consistent with the Municipalities Planning Code of the hearing, and including, but not necessarily limited to, the following information: name of the applicant and type of application being heard; brief description of the request; date, location and time of the hearing; location and times when the application can be reviewed by the public or copies of such application to be obtained at a reasonable cost; and Township contact person.

B. By mailing a notice thereof to the applicant, the Zoning Officer, the Township and any person who has made timely request for same or who shall have registered their names and addresses for this purpose with the Zoning Hearing Board.

C. By the applicant mailing, by certified mail, notice, satisfactory to the Zoning Hearing Board, thereof to the owner, if his address is known, or to the occupant of any lot on the same street within five hundred (500) feet of the lot in question and of every lot not on the same street within a five hundred (500) foot radius of said lot; provided that failure to mail the notice required by this subsection shall not invalidate any action taken by the Zoning Hearing Board, and further provided that the notice required by this subsection shall not be interpreted to grant, in any manner or to any extent, legal standing or other right, not otherwise provided by law, to any owner or occupier to participate at the hearing before the Zoning Hearing board and/or in any subsequent appeal proceedings.

D. By posting notice thereof conspicuously on the affected tract of land at least one (1) week prior to the hearing.

E. The failure of any person or entity to receive notice duly given pursuant to this Section shall not constitute grounds for any court to invalidate the actions of the Zoning Hearing Board for which the notice was given.

(Ord. 147, 8/11/2008, §1506)

§1508. Hearing Procedures. The Zoning Hearing Board shall conduct hearings and make decisions in accordance with the following requirements:

A. The first hearing shall be commenced within sixty (60) days from the date of receipt of the applicant's application, unless the applicant has agreed in writing to an extension of time. Each subsequent hearing shall be held within forty-five (45) days of the prior hearing, unless otherwise agreed to by the applicant. Any party aggrieved by the schedule or progress of the hearings may apply to the Court of Common Pleas of Chester County for judicial relief. The hearing shall be completed no later than one hundred (100) days after the completion of the applicant's case in chief, unless extended for good cause upon application to the Court of Common Pleas of Chester County.

B. The hearing shall be conducted by the Zoning Hearing Board or the Zoning Hearing Board may appoint any member, or an independent attorney, as a hearing officer. The decision or, where no decision is called for, the findings shall be made by the Zoning Hearing Board; however, the appellant or the applicant, as the case may be, in addition to the Township, may, prior to the decision of the hearing, waive decision or findings by the Zoning Hearing Board and accept the decision or findings of the hearing officer as final.

C. The parties to the hearing shall be the Township, any person affected by the application who has made timely appearance of record before the 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.

D. The chairman or acting chairman of the Zoning Hearing Board or the hearing officer presiding shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.

E. The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on all relevant issues.

F. Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded.

G. The 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 Zoning Hearing Board. The cost of the original transcript shall be paid by the Zoning Hearing Board if the transcript is ordered by the Zoning Hearing Board or hearing officer or shall be paid by the person appealing from the decision of the Zoning Hearing Board if such appeal is made, and in either event the cost of additional copies shall be paid by the person requesting such copies or copies. In other cases the party requesting the original transcript shall bear the cost thereof.

H. The Zoning Hearing Board or the hearing officer shall not communicate, directly or indirectly, with any party or his representatives in connection with any issue involved except upon notice and opportunity for all parties to participate, shall not take notice of any communication, reports, staff memoranda, or other materials, except advice from their solicitor, unless the parties are afforded an opportunity to contest the material so noticed and shall not inspect the site or its surroundings after the commencement of hearings with any party or his representative unless all parties are given an opportunity to be present.

(Ord. 147, 8/11/2008, §1507)

§1509. Standards for Review of a Special Exception. The Zoning Hearing Board shall hear and decide all requests for a special exception and must determine that the following standards and criteria are met before granting the request:

A. The proposed development or change is consistent with the spirit, purpose and intent of this Chapter.

B. The size, scope, extent and character of the special exception request is consistent with the Comprehensive Plan and promotes the harmonious and orderly development of the zoning district involved.

C. The proposed special exception is an appropriate use consistent with the character and type of development in the area surrounding the location for which the request is made and will not substantially impair, alter or detract from the use of surrounding property or of the character of the neighborhood in light of the zoning classification of

the area affected; the effect on other properties in the area; the number, extent and scope of nonconforming uses in the area; and the presence or the absence in the neighborhood of conditions or uses which are the same or similar in character to the condition or use for which applicant seeks approval.

D. The proposed special exception is suitable with respect to traffic and highways in the area and provides for adequate access and off-street parking arrangements in order to protect major streets and highways from undue congestion and hazard.

E. All arterial or collector roadway frontage will be developed so as to limit the total number of access points and encourage the frontage of building on parallel marginal roads or on roads perpendicular to the arterial or collector roadway.

F. The proposed special exception is reasonable in terms of the logical, efficient and economical extension of public services and facilities, such as public water, sewers, police, fire protection, and public schools, and ensures adequate arrangements for the extension of such services and facilities in specific instances.

G. Conditions are being imposed on the grant of the request necessary to ensure that the general purpose and intent of the property adjacent to the area included in the proposed special exception is adequately safeguarded with respect to harmonious design of buildings, aesthetics, planting and its maintenance as a sight or sound screen, landscaping, hours of operation, lighting, numbers of persons involved, allied activities, ventilation, noise, sanitation, safety, smoke and fume control and the minimizing of noxious, offensive or hazardous elements.

H. The proposed special exception protects and promotes the health, safety and general welfare of Township residents.

(Ord. 147, 8/11/2008, §1508)

§1510. Standards for Review of a Variance. The Zoning Hearing Board may grant a variance provided that all of the following findings are made where relevant in a given case as required by §910.2 of the Municipalities Planning Code:

A. 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 this Chapter in the neighborhood or district in which the property is located.

B. That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of this Chapter and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.

C. That such unnecessary hardship has not been created by the applicant.

D. That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.

E. 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.

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 this Chapter and the Municipalities Planning Code.

(Ord. 147, 8/11/2008, §1509)

§1511. Burden of Proof; Conditions. To the maximum extent permitted by law, all burdens of proof and persuasion shall be upon the applicant in connection with any variance, special exception, or other application or appeal before the Zoning Hearing Board. In allowing a variance or special exception, the Zoning Hearing Board may attach such reasonable conditions and safeguards, in addition to those expressed in this Chapter, as it may deem necessary to implement the purposes of this Chapter and the Municipalities Planning Code. (Ord. 147, 8/11/2008, §1510)

§1512. Decision on Appeals and Requests.

1. The Zoning Hearing Board or hearing officer, as the case may be, shall render a written decision or, when no decision is called for, make written findings on the application within forty-five (45) days after the last hearing before the Board or hearing officer. Where the application is contested or denied, each decision shall be accompanied by findings of fact and conclusions based thereon together with the reasons therefor. Conclusions based on any provisions of this Chapter or of any ordinance, rule or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found. If the hearing is conducted by a hearing officer, and there has been no stipulation that his decision or findings are final, the Zoning Hearing Board shall make the hearing officer’s report and recommendations available to the parties within forty-five (45) days and the parties shall be entitled to make written representations thereon to the Zoning Hearing Board prior to a final decision or entry of findings, and the Zoning Hearing Board’s decision shall be entered no later than thirty (30) days after the report of the hearing officer. Where the Zoning Hearing Board fails to render a decision as required by this subsection, or fails to commence and/or complete the required hearing as provided in §1508 of this Chapter, the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing or on the record to an extension of time. When a decision has been rendered in favor of the applicant because of the failure of the Zoning Hearing Board to meet or render a decision as hereinabove provided, the Zoning Hearing Board shall give public notice of said decision within ten (10) days from the last day it could have met to render a decision in the same manner as provided in this Section. If the Zoning Hearing Board shall fail to provide such notice, the applicant may do

so. Nothing in this subsection shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction.

2. A copy of the final decision or, where no decision is called for, of the findings shall be delivered to the applicant personally or mailed to him not later than the day following its date. To all other persons who have filed their name and address with the Zoning Hearing Board not later than the last day of the hearing, the Zoning Hearing Board shall provide by mail or otherwise, brief notice of the decision or findings and a statement of the place at which the full decision or findings may be examined.

(Ord. 147, 8/11/2008, §1511)

§1513. Appeals to Court. Appeals from decisions of the Zoning Hearing Board shall be to the Court of Common Pleas of Chester County, to the extent permitted by and in accordance with the provisions of the Municipalities Planning Code and/or other applicable law. (Ord. 147, 8/11/2008, §1512)

§1514. Expiration of Special Exceptions and Variances.

1. Any approval of a special exception or variance request shall be deemed null and void twenty-four (24) months from the date of such approval if, within that period, no application is made for a building permit, sedimentation and erosion control permit, subdivision or land development approval, or any other approval or permit required by the Township to proceed with construction, occupancy, or use pursuant to the special exception or variance, unless so extended by the Zoning Hearing Board pursuant to subsection (2), below. [Ord. 172]

2. The twenty-four (24) month expiration period may be extended by the Zoning Hearing Board provided, that such request for an extension shall be properly filed with the Zoning Officer at least thirty (30) calendar days in advance of the expiration date. The request shall include the reason why the extension is required, a reasonable estimate of the time needed to obtain the necessary approvals, and a qualified statement that there has been no change in either the circumstances giving rise to the grant of relief or the neighborhood in which the property is located. Any request for an extension shall require a resubmission of the application, public notice and payment of fees as required for the initial application. Failure to diligently pursue necessary approvals shall not be grounds for an extension. The Zoning Hearing Board may grant up to one (1) additional twenty-four (24) month extension provided a reasonable argument is presented. No more than one (1) such extension shall be granted per special exception or variance approval.

(Ord. 147, 8/11/2008, §1513; as amended by Ord. 172, 2/14/2011, §VII)

§1515. Standards for In-Law Suite as Special Exception. In accordance with §§502, 602, 702, 802, 902, 1002 and 1102, the Zoning Hearing Board is authorized to grant a special exception for an in-law suite (second housekeeping unit), as defined herein, subject to the following additional standards:

A. The owner(s) of the residence in which the in-law suite is created shall occupy at least one of the dwelling units.

B. As a special exception, the Zoning Hearing Board may interpret the term “family” to mean any number of individuals living together, when all members are related by blood, marriage or legal adoption, as two housekeeping units with separate cooking facilities, subject to the following restrictions:

(1) The second housekeeping unit shall be a maximum of forty percent (40%) of the size of the primary housekeeping unit and no larger than one thousand (1,000) square feet.

(2) The occupants of the second housekeeping unit shall be limited to two (2) in number.

(3) The second housekeeping unit shall be an integral part of the structure, with an interior connection such that, upon the termination of its use as a second housekeeping unit, the rooms may be incorporated back into the original single-family residence. It shall be attached and shall not have a separate front entrance. The Zoning Officer shall have the sole discretion in determining compliance of the design with this condition.

(4) The owner of the property shall execute an agreement with the Township, which shall be recorded with the County Recorder of Deeds, which shall require the removal of all food preparation facilities from the second housekeeping unit within ninety (90) days after the date the unit is no longer being utilized by either of the persons or person for whom the original permission was granted.

(5) This use shall be limited to single-family detached dwellings in any zoning district. Only one (1) second housekeeping unit shall be permitted within the building.

C. Additions. Additions to an existing dwelling designed to allow the creation of an in-law suite in that dwelling shall be permitted; provided that yard and building coverage requirements of this Chapter are maintained and the addition will facilitate the creation of an otherwise allowed in-law suite in a logical manner considering design, layout and safety factors.

D. Exterior Alterations.

(1) Alterations to the exterior of the existing dwelling, other than those to improve the maintenance and attractiveness of the dwelling, shall be minimized; after creation of the in-law suite, the building shall maintain the usual appearance of a single-family detached dwelling and shall remain compatible with the character of the surrounding neighborhood.

(2) The converted dwelling shall have no more than the existing number of entrances along the front of the building. All other entrances to either the principal or secondary dwelling units shall be located on the side or rear of the building.

(3) No new unenclosed exterior stairways shall be allowed on the front of the converted dwelling.

E. Parking. A minimum of one (1) all-weather off-street parking space, with unrestricted ingress and egress to the street, shall be

provided for the in-law suite, in addition to that required for the original dwelling unit.

F. Heath and Safety Code Requirements.

(1) Both units in the converted dwelling shall conform to all requirements of the applicable building, health, fire and sanitary codes which regulate structural soundness, overcrowding, fire protection, sewage disposal and water supply.

(2) If an on-site sewer or water system are to be used, the applicant shall submit evidence to the Zoning Hearing Board showing that the total number of occupants in the two (2) units will not exceed the maximum capacities for which the original one (1) unit system were designed, unless those systems are to be expanded, in which case the expansion approvals are to be submitted. Any connection to or addition to an existing on-site sewer system shall be subject to the review and approval of the Township Engineer.

G. Submission of Plans.

(1) The applicant shall submit to the Zoning Hearing Board:

(a) Sketch floor plan(s) showing the location, size and relationship of both the secondary dwelling and the primary dwelling within the building.

(b) Rough elevations showing the modification of any exterior building facade to which changes are proposed.

(c) A site development sketch plan properly showing and locating the dwelling and other existing buildings; all property lines; any proposed addition (along with minimum building setback lines; the location, size and extent of all underground utilities; and the length, width and function of all rights-of-way and easements potentially affecting that addition); the required parking spaces for both dwelling units; and any one-hundred (100) year floodplain, fifteen percent (15%) or greater slopes or other natural or man-made conditions which might affect these items.

(2) All plans and elevations shall be clear and concise and drawn to a scale of not less than one (1) inch equals four (4) feet for the floor plan(s) and elevation(s) and one (1) inch equals twenty (20) feet for the site development plan.

(Ord. 147, 8/11/2008, §1513; as added by Ord. 186, 11/14/2011, §III)

Part 16

Administration

§1601. Zoning Officer. For the administration of this Chapter, a Zoning Officer, who shall not hold any elective office in the Township, shall be appointed by the Board of Supervisors. The Zoning Officer shall meet such qualifications as the Board of Supervisors may establish from time to time and shall demonstrate to the satisfaction of the Board of Supervisors a working knowledge of municipal zoning. The Zoning Officer shall have such powers and duties as provided in this Chapter or otherwise by law and when authorized by the Board of Supervisors institute civil enforcement proceedings as a means of enforcement when acting within the scope of his employment pursuant to this Section.

A. Powers and Duties of the Zoning Officer. It shall be the general power and duty of the Zoning Officer to administer this Chapter in accordance with its literal terms. The Zoning Officer shall not have the power to permit any construction or any use or change of use which does not conform to the provisions of this Chapter.

B. Additional Powers and Duties. In addition to other powers provided in and by this Chapter, the Municipalities Planning Code, and/or other law, the Zoning Officer shall have the following specific powers and duties:

(1) To provide the initial interpretation of the provisions of this Chapter and the enforcement thereof.

(2) To receive and examine all applications for zoning permits and sign permits to determine compliance with this Chapter.

(3) To issue zoning permits and sign permits only when in accordance with the provisions of this Chapter.

(4) To revoke, by order, permits which were issued under a mistake of fact or contrary to the law or to provisions of this Chapter.

(5) To record and file all applications for permits and accompanying plans and documents and keep them for public record at the Township.

(6) To make reports as the Board of Supervisors may require.

(7) To issue zoning permits and sign permits by special exception and/or variance only after approval for such permits has been so ordered by the Zoning Hearing Board in accordance with the requirements of this Chapter, or by a court of appeals, subject to any stipulations contained in such order.

(8) To issue zoning permits and sign and demolition permits by conditional use only after approval therefor has been so ordered by the Board of Supervisors in accordance with the requirements of this Chapter, or by a court of appeals, subject to any stipulations contained in such order.

(9) To require that the application for a building permit and the accompanying plot plan shall contain all of the information necessary to enable the Zoning Officer to ascertain whether the proposed use, building, construction or alteration complies with the provisions of this Chapter. No building permit shall be issued by the Building Inspector unless the Zoning Officer certifies that the proposed use, building, construction or alteration complies with the provisions of this Chapter.

(10) To inspect nonconforming uses, buildings and lots and to keep a filed record of such nonconforming uses and buildings as a public record.

(11) Upon the request of the Board of Supervisors or the Zoning Hearing Board, present to such body facts, records, and any similar information on specific requests to assist such body in reaching its decision.

(12) To be responsible for the administration of the National Flood Insurance Program in the Township as it relates to those areas where records must be maintained relative to the types of land use permitted and occurring within the floodplain district, variances issued, base flood elevations, elevation of the lowest floor, including basement, of structures within the floodplain district, the elevation to which the structure is flood-proofed and other administrative functions necessary for participation in the National Flood Insurance Program.

[Ord. 172]

(Ord. 147, 8/11/2008, §1600; as amended by Ord. 172, 2/14/2011, §V)

§1602. Zoning Permits.

1. Permits Required.

A. No building or structure shall be constructed, erected or structurally altered, or demolished, nor shall any existing use of a building, structure or land be changed until a zoning permit has been issued by the Zoning Officer.

B. When a building permit is required for the construction, erection or structural alteration of any building or structure, or a demolition permit is required for the demolition of any building or structure, an application for a zoning permit shall be made simultaneously with the application for a building or demolition permit. Further, no building permit or demolition permit shall be issued until a zoning permit has been issued by the Zoning Officer. Upon completion of the construction, erection or structural alteration, or demolition, of the building or structure in conformance with the provisions of this Chapter, it shall be the obligation of the applicant to notify, in writing, the Zoning Officer. The Zoning Officer shall examine the building or structure within ten (10) days of such written notice of completion and if such construction, erection or structural alteration, or demolition, has not been completed in accordance with the zoning permit that was issued and the provisions of this Chapter, a notice of noncompliance shall be issued within an additional period of ten (10) days.

C. When any existing use of a building, structure or land is to be changed, an application for a zoning permit shall be made prior to the change of such use and the issuance of a zoning permit. Upon completion of the change of use of the building or structure in conformance with the provisions of this Chapter, it shall be the obligation of the applicant to notify, in writing, the Zoning Officer. The Zoning Officer shall make such examination and investigation as is necessary to determine whether the change in use is in compliance with the zoning permit that was issued and the provisions of this Chapter within ten (10) days of such written notice of completion, and if such proposed use is found not to be in accordance with the provisions of the zoning permit that was issued and this Chapter, a notice of non-compliance shall be issued within an additional period of ten (10) days.

D. A zoning permit issued under this Section shall state that the use of the buildings, structures or land complies with the provisions of this Chapter.

2. Application Forms.

A. All applications for zoning permits shall be made on forms to be furnished by the Zoning Officer and shall contain accurate information regarding the size and location of the lot, the dimensions of all yards and open spaces and such other information as may be required by the Zoning Officer as necessary to ascertain compliance with this Chapter.

B. No building permit or other permit for the construction, erection, repair or alteration of a building or structure shall be issued before a zoning permit has been issued.

(Ord. 147, 8/11/2008, §1601; as amended by Ord. 172, 2/14/2011, §VI)

§1603. Permit Expiration. Every zoning permit issued under this Section shall automatically expire and become invalid after one (1) year from the date of issuance unless work authorized thereby has commenced and is underway or completed. If work under the permit ceases for a period of six (6) months the permit shall expire. (Ord. 147, 8/11/2008, §1602; as amended by Ord. 172, 2/14/2011, §VI)

§1604. Fees and Expenses.

1. Permit Applications. Fees for applications for zoning permits, sign permits, demolition permits or similar permits shall be paid in accordance with a fee schedule adopted by resolution of the Board of Supervisors from time to time. Such schedule may be revised, as necessary, by resolution of the Board of Supervisors. [Ord. 172]

2. Applications or Appeals Before the Board of Supervisors or Zoning Hearing Board.

A. Upon submission of an application or appeal before 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 from time to time. The Zoning Officer shall determine the category of application and, therefore, the amount due.

B. If, at any time, the charges then made against the applicant's deposit shall render the balance insufficient to ensure payment of all expenses that may accrue in the disposition of the pending appeal or application, the Township shall obtain from the applicant additional deposits to assure adequate funds to pay such expenses as they may accrue. Prior to final disposition of the appeal or application, the amount of the deposit shall not be less than fifteen percent (15%) of the initial deposit amount. The failure of the Township to require and obtain additional deposits from time to time shall not relieve the applicant from liability for expenses in excess of deposits.

C. All applications, appeals, or other matters to or before the Board of Supervisors or the Zoning Hearing Board shall not be considered complete and pending until all applicable fees and expenses, in accordance with the schedules thereof determined herein by the Board of Supervisors have been paid in full. The Board of Supervisors or the Zoning Hearing Board shall not take any action on any application, appeal or other matter until the applicable fees and expenses have been paid in full.

(Ord. 147, 8/11/2008, §1603; as amended by Ord. 172, 2/14/2011, §VI)

§1605. Municipal Liability. The granting of any permit, application, or appeal under or pursuant to this Chapter by the Board of Supervisors, the Zoning Hearing Board, Zoning Officer, or other official, body or agency of the Township, for the use of land or structures or the erection, alteration, extension or enlargement of any structure, (A) shall not constitute a representation, guarantee or warranty of any kind by the Township, or any of its officials, bodies, agencies or employees, as to such use, erection, alteration, extension or enlargement, and (B) shall not create any liability upon, or a cause of action against, the Township, or any official, body, agency or employee thereof, for any damages or injury that may result from such use, erection, alteration, demolition, extension, or enlargement. (Ord. 147, 8/11/2008, §1604)

Part 17

Amendments

§1701. Power of Amendment. The Board of Supervisors may from time to time amend, supplement, change, modify or repeal this Chapter including the Zoning Map and its overlays, by proceeding in the manner prescribed in this Part and in accordance with the applicable provisions of the Municipalities Planning Code. (Ord. 147, 8/11/2008, §1700)

§1702. Initiation of Amendment Proposals.

1. Proposals Initiated by the Board of Supervisors or the Planning Commission. Proposals for amendment of this Chapter may be initiated by the Board of Supervisors on its own motion, or by the Planning Commission.

2. Proposals Initiated by Property Owners.

A. A petition to amend this Chapter may be submitted by one (1) or more owners of property affected by the proposed amendment. The petition shall be submitted in writing to the Board of Supervisors together with a fee in accordance with the fee schedule adopted by resolution of the Board of Supervisors from time to time. Any part of such fee shall not be refundable to the petitioner. Upon receipt of the petition, the Board of Supervisors shall transmit a copy of the petition to the Planning Commission and the Chester County Planning Commission in accordance with §1703.

B. A landowner may submit a proposed curative amendment, challenging, on substantive grounds, the validity of this Chapter, as provided by and in accordance with the provisions of the Municipalities Planning Code. The Board of Supervisors shall proceed and act upon any such proposal in the manner stipulated in the Municipalities Planning Code.

(Ord. 147, 8/11/2008, §1701)

§1703. Referral to Township and County Planning Commissions.

1. In the case of a proposed amendment other than one prepared by the Planning Commission, the Board of Supervisors shall submit the proposed amendment to the Planning Commission at least thirty (30) days prior to the public hearing upon the proposed amendment as provided in §1704. The Planning Commission shall consider whether or not the proposed amendment would be consistent with and in furtherance of implementation of the Comprehensive Plan. The Planning Commission shall submit its recommendations thereon, together with its reasons to the Board of Supervisors. The Board of Supervisors, in reaching its decision, shall take into consideration such recommendations and reasoning but shall not be bound thereby.

2. Every proposed amendment shall be submitted by the Board of Supervisors to the County Planning Commission for recommendations at least thirty (30) days prior to the public hearing upon a proposed amendment as provided by §1704. The Board of Supervisors shall not take any action upon

the proposed amendment until the recommendations of the County Planning Commission are received or until the said thirty (30) day period for such recommendations has elapsed without such recommendations having been received. The Board of Supervisors shall not be bound by such recommendations.

(Ord. 147, 8/11/2008, §1702)

§1704. Public Hearing and Notice. The Board of Supervisors shall fix the time and place of a public hearing on the proposed amendment and cause notice thereof to be given as follows:

A. By giving public notice (as defined in §202 of this Chapter and otherwise consistent with the Municipalities Planning Code) of the hearing. The notice shall state the particular nature of the matter to be addressed through the proposed amendment, a reference to a place in the Township where copies of the proposed amendment may be examined without charge or purchased at a charge not exceeding the cost thereof, and the time and place set for the public hearing.

B. If the proposed amendment involves a Zoning Map change:

(1) Notice of the public hearing shall be conspicuously posted by the Township at points along the tract deemed sufficient by the Township to notify potentially interested citizens. The notice of the subject tract or area shall be posted at least one week prior to the date of the hearing.

(2) In the case a property owner submits a petition for the Zoning Map Change, notice of the public hearing shall be mailed by the petitioner at least thirty (30) days prior to the date of the hearing by certified mail return receipt requested to the owners of all property within a radius of five hundred (500) feet of the tract(s) subject of the Zoning Map change. The mailing addresses of such owners shall be the addresses to which real estate tax bills are sent for their property, as evidenced by the tax records within the possession of the Township. The notice shall include the location, date and time of the public hearing. The petitioner shall also provide the Township a copy of the hearing notice and the return receipts for said certified mailing.

(3) In the case the Township initiates the Zoning Map change and the change impacts more than ten (10) properties, notice of the public hearing shall be mailed by the Township at least thirty (30) days prior to the date of the hearing by certified mail return receipt requested to the owners of all property within a radius of five hundred (500) feet of the tract(s) subject of the Zoning Map change. The mailing addresses of such owners shall be the addresses to which real estate tax bills are sent for their property, as evidenced by the tax records within the possession of the Township. The notice shall include the location, date and time of the public hearing.

C. At the public hearing, full opportunity to be heard shall be given to any resident and all parties in interest.

D. If after the public hearing held upon the amendment, the proposed amendment is changed substantially, or is revised to include land previously not affected by it, the Board of Supervisors shall hold another public hearing, pursuant to public notice as provided in this Section, prior to proceeding to vote on the amendment.

(Ord. 147, 8/11/2008, §1703)

§1705. Enactment.

1. In addition to any public notice requirements for public hearing on amendments, notice of proposed enactment shall include the time and place of the meeting at which passage will be considered, a reference to the place within the Township where copies of the proposed amendment may be examined without charge or obtained for a charge not to exceed the cost thereof. The Board of Supervisors shall publish the proposed amendment once in one (1) newspaper of general circulation in the Township not more than sixty (60) or less than seven (7) days prior to passage. Publication of the proposed amendment shall include either the full text thereof or the title and a brief summary, prepared by the Township solicitor and setting forth all the provisions in reasonable detail. If the full text is not included:

A. A copy thereof shall be supplied to a newspaper of general circulation in the Township at the time the public notice is published.

B. An attested copy of the proposed amendment shall be filed in the Chester County Law Library or other County office designated by the Chester County Commissioners.

2. The Board of Supervisors shall republish any proposed amendment, in accordance with this Section, where the scheduled date of enactment is more than sixty (60) days following the date of the last publication of the notice of enactment.

(Ord. 147, 8/11/2008, §1704)

Part 18

Enforcement

§1801. Enforcement Notice.

1. If it appears to the Board of Supervisors that a violation of this Chapter has occurred, the Zoning Officer, or such other officer or official of the Township (including, but not limited to, the Township Solicitor) as may be designated and authorized by the Board of Supervisors, shall initiate enforcement proceedings by sending an enforcement notice as provided in this Section. By means of the enforcement notice, the Zoning Officer, or such other officer or official, as directed and authorized by the Board of Supervisors, may order discontinuance of illegal use of land or structures; removal of illegal structures or additions, alterations, or structural changes thereto; or discontinuance of any illegal work being done. The Board of Supervisors also may authorize the Township Manager, Solicitor, Chief of Police, members of the Township Police Department and/or other persons to enforce or to assist in the enforcement of this Chapter.

2. The enforcement notice shall be sent to the owner of record of the parcel on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding that parcel, and to any other person requested in writing by the owner of record.

3. An enforcement notice shall, at a minimum, state the following:

A. The name of the owner of record and any other persons against whom the Township intends to take action.

B. The location of the property in violation.

C. The specific violation, with a description of the requirements that have not been met, citing in each instance the applicable provisions of this Chapter.

D. The date before which the steps for compliance must be commenced and the date before which the steps must be completed.

E. That the recipient of the notice has the right to appeal to the Zoning Hearing Board, in accordance with the procedures set forth in this Chapter, within fifteen (15) days immediately following the date of the notice.

F. That failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation, with the possible sanctions clearly described.

(Ord. 147, 8/11/2008, §1800)

§1802. Causes of Action.

1. In case any building, structure, or non-permanent structure, hedge, tree, wetland, shrub, landscaping or other growth, or land is, or is proposed to be, erected, constructed, reconstructed, altered, converted, maintained, or used in violation of this Chapter, the Board of Supervisors or, with the approval of the Board of Supervisors, the Zoning Officer or other officer or official of the Township, or any aggrieved owner or tenant of real property

who shows that his property or person will be substantially affected by the alleged violation, in addition to other remedies, may institute any appropriate action or proceeding to prevent, restrain, correct, or abate such building, structure, or nonpermanent structure, hedge, tree, shrub, landscaping, or other growth, or use of land, or to prevent, in or about such premises, any act, conduct, business, or use constituting a violation.

2. Where any action, authorized in subsection (1), above, is instituted by a landowner or tenant, notice of that action shall be served upon the Township at least thirty (30) days prior to the time the action is begun, by serving a copy of the complaint to the Board of Supervisors. No such action may be commenced until such notice has been given.

(Ord. 147, 8/11/2008, §1801)

§1803. Enforcement Remedies.

1. Any person, partnership, or corporation who or which has violated or permitted the violation of the provisions of this Chapter shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Township pay a judgment of not more than five hundred dollars ($500.00) plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof. No judgment shall commence or be imposed, levied, or be payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the district justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership, or corporation violating this Chapter to have believed that there was no such violation, in which event there shall be deemed to have been only one (1) such violation until the fifth day following the date of the determination of a violation by the district justice. Thereafter, each day that a violation continues shall constitute a separate violation. All judgments, costs, and reasonable attorney fees collected for the violation of this Chapter shall be paid over to the Township.

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

3. Nothing contained in this Section shall be construed or interpreted to grant to any person or entity, other than the Board of Supervisors and the Township, the right to commence any action for enforcement pursuant to this Section.

(Ord. 147, 8/11/2008, §1802)

Part 19

Nonconforming Uses, Structures and Buildings

§1901. Nonconforming Use. A nonconforming use shall have the same meaning as defined under §202 of this Chapter.

A. Continuation. Any lawful nonconforming use of land, buildings, or structures, or parts thereof, may continue as it existed prior to the effective date of this Chapter or the amendment thereto by which such use became a nonconforming use, provided, however, that any such use shall otherwise be and remain in compliance with any other applicable laws and regulations. [Ord. 166]

B. Discontinuance. Whenever a nonconforming use, in or on the land, or within a building or structure or portion thereof, has been discontinued for a continuous period of more than one (1) year, such discontinuance shall be deemed to be an abandonment of such nonconforming use and any subsequent use thereof shall conform to the applicable provisions of this Chapter or its amendments and the prior nonconforming use shall not thereafter be resumed, unless in accordance with the applicable provisions of this Chapter or its amendments.

C. Change of Nonconforming Use to Conforming. Whenever any nonconforming use shall have been changed or altered so as to conform to the provisions of this Chapter or its amendments, then such nonconforming use shall no longer be nonconforming to the extent to which it then conforms to this Chapter or its amendments, and the prior nonconforming use shall not thereafter be resumed. Provided, however, that if a later amendment to this Chapter should make the use as so changed or altered nonconforming with its provisions, then such use as changed or altered shall become a new nonconforming use to the extent of such nonconformance or noncompliance.

D. Expansion or Extension of Nonconforming Nonresidential Use by Variance.

(1) No nonconforming nonresidential use may be extended or expanded in any building or structure, or in or on the lot on which it is located, nor may any nonconforming nonresidential use be moved to a different position upon the lot on which it is located, so as to alter the use or its location which existed at the time that the use became nonconforming. Any person desiring to make any such change or alteration of a nonconforming nonresidential use shall apply for a variance from the provisions of this Chapter in accordance with applicable laws and ordinances and any such change or alteration in use shall be made only after authorization by the Zoning Hearing Board and in accordance with such reasonable conditions and safeguards as may be imposed by the Zoning Hearing Board. Provided that no variance may be applied for or obtained under this Section which would displace any residential use if the building, structure or lot is located in a residential district.

(2) A variance may not be granted under this Section which would extend a nonconforming nonresidential use beyond the area of

a lot which was in existence at the time such use became nonconforming. However, a variance may be granted to increase the area of a lot covered by such nonconforming nonresidential use if the Zoning Hearing Board shall make a finding that such expansion was within the contemplation of the owner of the lot at the time the use became nonconforming, in addition to the other findings necessary for the granting of a variance. Such expansion or extension shall not exceed fifty percent (50%) of the original building footprint occupied by the nonconforming nonresidential use.

E. Expansion or Extension of Nonconforming Residential Use. Except as otherwise provided in this Section, a nonconforming residential use may be enlarged, increased and/or extended in order to occupy a greater area of land than was occupied by such use on the effective date of this Section or on the effective date of a subsequent amendment hereto, provided that the area of land occupied by such expansion, increase and/or extension shall not exceed fifty percent (50%) of the original building footprint occupied by the nonconforming residential use on the effective date of this Section or the effective date of a subsequent amendment hereto. For purposes of the foregoing, the effective date of this Section shall apply where the nonconforming residential use existed as a lawful nonconforming residential use on such date and the effective date of a subsequent amendment to this Section shall apply where the nonconforming residential use first became a lawful nonconforming residential use as a result of the enactment of the amendment.

(Ord. 147, 8/11/2008, §1900; as amended by Ord. 166, 4/12/2010, §I)

§1902. Nonconforming Structure or Building. A nonconforming structure or building shall have the same meaning as defined under §202 of this Chapter, provided that, for the purposes of this Section, a nonconforming structure or building shall not include a nonconforming sign which is specifically governed under §1903 of this Chapter. [Ord. 166]

A. Continuation. Any lawful nonconforming building or structure may remain as it existed prior to the effective date of this Chapter or any amendment thereto by which such building or structure became nonconforming, provided, however, that any such building or structure shall otherwise be and remain in compliance with any other applicable laws or regulations.

B. Nonconforming Building or Structure Changed to Become Conforming. Whenever any nonconforming building or structure shall have been changed or altered to conform to the provisions of this Chapter or its amendments in effect at the time of such change or alteration, or whenever any amendment to this Chapter shall make such building or structure conforming with the provisions of this Chapter or its amendments, then thereafter such building shall remain in conformance with the applicable provisions of this Chapter or its amendments. Provided, however, that if a later amendment to this Chapter should make the building or structure, as so changed or altered, nonconforming with its provisions, then the building or structure as so changed and altered will become a nonconforming building or structure to the extent of such nonconformance or noncompliance.

C. Expansion or Extension of Nonconforming Nonresidential Buildings or Structures by Variance. A nonconforming nonresidential building or structure may not be expanded, extended or increased in size in any manner except pursuant to authorization for variance obtained from the Zoning Hearing Board, provided that (1) such alteration, reconstruction, extension or enlargement shall be only upon the same lot as in existence at the date the use(s) became nonconforming, and (2) such nonconforming use, or the building or structure in which it is conducted, shall not be enlarged more than fifty percent (50%) greater than the original building footprint occupied by such use at the time said use became nonconforming under the provisions of this Chapter or any amendments thereto.

D. Repairs, Renovation and Modernization of Nonconforming Building and Structure. Repairs, renovation and modernization of nonconforming buildings or structures such as renewal or replacement of outer surfaces, or windows, or addition of soundproofing or fire proofing materials, air conditioning and repair or replacement of structural parts or members of the building or structure, shall be permitted notwithstanding other provisions of this Chapter. Provided, that such repairs, renovations or modernization do not change or alter substantially the physical configuration of the nonconforming building or structure, or change its position on the ground; and, provided further that no increase in the size of or area covered by the said nonconforming building or structure nor any extension or expansion of the nonconforming use or area of such use within the building or structure, in or on the lot, where such nonconforming use is located shall be permitted or authorized by this Section. Provided further that areas of nonconforming use within a building or structure may be rearranged in connection with such repairs, renovation or modernization if there is not thereby an enlargement or expansion of the nonconforming use within said building or structure.

E. Reconstruction of Nonconforming Building or Structure. In the event that any nonconforming building or structure is destroyed or partially destroyed by fire, explosion or other cause, such nonconforming building structure may be reconstructed and the nonconforming use thereof continued if such reconstruction is commenced within six (6) months of the date of the destruction or damage thereto and is pursued diligently to completion. Provided, however, that in such reconstruction the said building or structure destroyed or damaged shall not exceed the size of the nonconforming building or structure destroyed or damaged and, shall be placed in the same location on the ground as the nonconforming building or structure destroyed or damaged and, the nonconforming use thereof shall not differ from that existing prior to such damage or destruction unless a variance is applied for and obtained under this Chapter, except that the repair, renovation or modernization of such nonconforming building or structure authorized by subsection (D) of this Part shall nevertheless be permitted. Any such reconstruction shall be subject to and in accordance with existing Building [Chapter 5, Part 1, §101], Electrical [Chapter 5, Part 1, §105], Fire and Plumbing [Chapter 5, Part 1, §102] Codes, safety regulations or laws. If reconstruction does not commence within six (6) months after the occurrence of the damage or destruction, or is not thereafter diligently

completed, then any further use, buildings or structures on the lot shall be in conformity with the provisions of this Chapter.

F. Expansion or Extension of Nonconforming Residential Buildings or Structures.

(1) Except as provided by subsection (F)(2), a nonconforming residential building or structure shall not be enlarged, increased, repaired, maintained or modified in any manner which will further violate any applicable area, yard and/or height regulation imposed by this Chapter.

(2) A principal residential building or structure which is lawfully nonconforming as to a yard requirement may have repairs, improvements, modifications and/or additions made to those portions of the structure or building within an area of the required yard, as to which the structure or building is lawfully nonconforming, subject to and in accordance with all of the following:

(a) The repair, improvement, modification, and/or addition to the nonconforming principal residential building or structure shall not cause the building or structure to be located closer to the lot line, from which the required yard is determined, than the nearest point of the building or structure as lawfully existed when the building or structure first became lawfully nonconforming as to the required yard.

(b) The repair, improvement, modification, and/or addition to the nonconforming principal residential building or structure shall not cause an increase in the ground floor area of the building or structure of more than forty percent (40%) over the ground floor area of the building or structure as lawfully existed when the building or structure first became lawfully nonconforming as to the required yard.

[Ord. 166]

(Ord. 147, 8/11/2008, §1901; as amended by Ord. 166, 4/12/2010, §§II, III)

§1903. Nonconforming Sign. A nonconforming sign shall be subject to the provisions of §1314(19) of this Chapter. (Ord. 147, 8/11/2008, §1902)

§1904. Identification and Registration of Nonconforming Uses, Nonconforming Structures or Buildings, and Nonconforming Lots.

1. The Zoning Officer shall identify and register nonconforming uses, nonconforming structures or buildings, and nonconforming lots, together with the reason why such uses, structures or buildings, and lots are nonconforming. Upon application, the Zoning Officer if he so determines shall issue certificates of nonconformity for such nonconforming uses, nonconforming structures or buildings, and nonconforming lots.

2. The Zoning Officer shall establish and make available at the Township office a form which shall require such information, as the Zoning Officer may deem necessary, to identify and register nonconforming uses, nonconforming structures or buildings, and nonconforming lots.

3. The Zoning Officer shall further establish and make available at the Township Office applications for certificates of nonconforming uses, nonconforming structures or buildings, and nonconforming lots.

(Ord. 147, 8/11/2008, §1903)

§1905. Temporary Nonconforming Use. A temporary nonconforming use, which will benefit the public health, safety, morals, general welfare and proper development of a zoning district in conformity with the intent and purpose of this Chapter, may be permitted for a period of not more than thirty (30) days, on the approval of the Zoning Officer, but any such use to be permitted for a longer period shall require a public hearing upon application for a special exception in accordance with other sections of this Chapter, after which the Zoning Hearing Board may issue its order permitting such use for any period it may deem best, but not exceeding one (1) year in any case. (Ord. 147, 8/11/2008, §1904)

§1906. Lots Nonconforming as to Area and Width Regulations, and Lots of Unusual Dimensions.

1. For any use permitted in a zoning district, a building may be erected on any lot lawfully held of record in single and separate ownership on the effective date of this Chapter which is not of the required minimum area or width or is of such unusual dimensions that the owner would have difficulty providing the required yard areas for the district in which the lot is situated. This provision shall apply even though such lot fails to meet all of the lot area and lot width requirements of the district in which the lot is located. However, all setback and lot coverage requirements shall be met unless variances are authorized pursuant to §§1506 and 1510 of this Chapter. [Ord. 166]

2. Unless otherwise provided by the Municipalities Planning Code, where two (2) or more contiguous developed or undeveloped lots are held in single ownership, which lots are individually not of the required minimum area or width for the district in which they are situated, such lots may be reconfigured, as a subdivision, with lot line changes in groups thereof in order to provide a greater lot area or frontage such that the original nonconformance(s) is not increased.

(Ord. 147, 8/11/2008, §1905; as amended by Ord. 166, 4/12/2010, §IV)

§1907. Nonconformities in Floodplain Districts.

1. Existing nonconformities of structures, buildings, and/or uses, located in the floodway portion of any floodplain district, shall not be expanded or enlarged unless the effect on flood heights by the proposed expansion or enlargement is fully offset by accompanying stream improvements.

2. Any modification, alteration, repair, reconstruction, or improvement of any kind to a nonconformity of a structure, building, and/or use, located in any floodplain district, to an extent or amount of less than fifty percent (50%) of its then present market value, shall be elevated and/or flood-proofed to the greatest extent possible.

3. Any modification, alteration, repair, reconstruction, or improvement of any kind to a nonconformity of a structure, building, and/or use, located in any floodplain district, to an extent or amount of fifty percent

(50%) or more of its then present market value, shall be permitted and undertaken only in full compliance with the provisions of this Chapter and any other applicable ordinances.

4. Uses or adjuncts thereof which are, or become, nuisances shall not be permitted to continue in any floodplain district.

5. Existing nonconformities of a structure, building and/or use located within any floodplain district shall comply with the provisions of Chapter 35 (providing for construction and development in floodplain districts) added to the BOCA National Building Code, 1996 edition, in and by §111(F) of Part 1 of Chapter 5 of the Township of East Coventry Code of Ordinances.

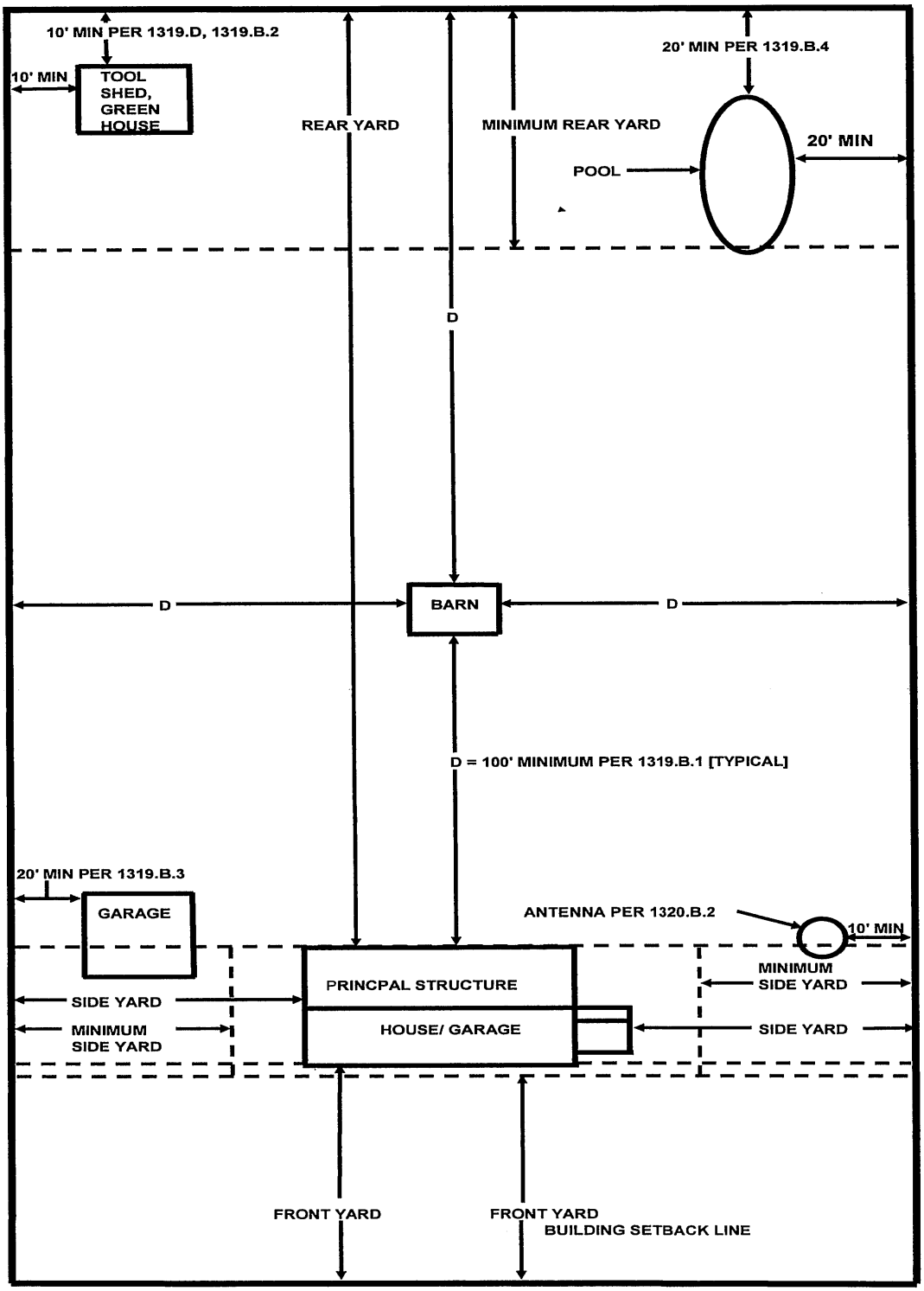
(Ord. 147, 8/11/2008, §1907)

Appendix A

[Reserved]

Appendix B

Developed Lot with Accessories



DEVELOPED LOT WITH ACCESSORIES

[Ord. 172]

Zoning Map Amendments

Vicinity and Parcel No.	Current Zoning	Proposed Zoning	Property Owner	Propery Owner Street Address	City	State	Zip
Sanatoga and Saylors Mill Roads							
18-4-148	**R-3**	**R-2**	George Strutynski	1129 Schoolhouse Road	Pottstown	PA	19465
18-4-134.4	**R-3**	**R-2**	Kimberly A Dangelo	2667 East Cedarville Road	Pottstown	PA	19465
18-4-134.2	**R-3**	**R-2**	Lorra Jean Walters	2651 East Cedarville Road	Pottstown	PA	19465
18-4-134.1	**R-3**	**R-2**	Michael D Golas	1059 Sanatoga Road	Pottstown	PA	19465
18-4-134	**R-3**	**R-2**	Oscar and Linda Brunner	1031 Sanatoga Road	Pottstown	PA	19465
18-4-134.3	**R-3**	**R-2**	Bruce R and Bonita M Ottey	1015 Santoga Road	Pottstown	PA	19465
Zieber Road and Old Schuylkill Road							
18-5-114	**R-3**	**R-2**	Thomas and Mary A Holton	P.O. Box 423	Parkerford	PA	19457
18-5-114.2	**R-3**	**R-2**	Carla J Grosser	19 Zieber Road	Spring City	PA	19475
18-5-114.1	**R-3**	**R-2**	Nancy R Brancaleoni	P.O. Box 145	Parkerford	PA	19457
18-5-113	**R-3**	**R-2**	Eugene P and Ann R King	P.O. Box 141	Parkerford	PA	19457
18-5-112	**R-3**	**R-2**	Robert L and Nancy M Peiffer	55 Zieber Road	Spring City	PA	19475
18-5-111	**R-3**	**R-2**	David T and Elizabeth A Sheehan	71 Zieber Road	Spring City	PA	19475
18-5-110	**R-3**	**R-2**	William and Christine Gambone	P.O. Box 361	Parkerford	PA	19457
18-5-109	**R-3**	**R-2**	John R Curtis	109 Zieber Road	Spring City	PA	19475
18-5-108	**R-3**	**R-2**	George Hennessey Jr	P.O Box 41	Parkerford	PA	19457
18-5-107	**R-3**	**R-2**	George E Hennessey Jr	P.O. Box 282	Parkerford	PA	19457
18-5-106	**R-3**	**R-2**	Francis J Puleo and Helen Camptelli etal	27 Nutt Road	Phoenxiville	PA	19460
18-5-105.1	**R-3**	**R-2**	Ruth M Horwitz	50 Keokuk Road - Apt C12	Royersford	PA	19468
18-5-105	**R-3**	**R-2**	Leroy G Ames	2 King Road	Landing	NJ	07850
18-5-104	**R-3**	**R-2**	Robert L Manbeck	245 Zieber Road	Parkerford	PA	19457
18-5-103	**R-3**	**R-2**	Thomas P Hiland	P.O. Box 217	Parkerford	PA	19457
18-5-115	**R-3**	**R-2**	Philip W Fretz Jr and Susan Mary Fretz	P.O. Box 465	Parkerford	PA	19457
18-5-116	**R-3**	**R-2**	Clifford Kent Steinruck and Frederick M Steinruck	P.O Box 58	Parkerford	PA	19457
18-5-117.2	**R-3**	**R-2**	Kevin D and Pamela S Abbott	P.O. Box 422	Parkerford	PA	19457
18-5-117	**R-3**	**R-2**	Vita and Antonino Satiro	P.O. Box 472	Parkerford	PA	19457
18-5-117.1	**R-3**	**R-2**	Vita and Antonino Satiro	P.O. Box 472	Parkerford	PA	19457
18-5-118	**R-3**	**R-2**	Robert and Cornelia Hauschild	P.O. Box 373	Parkerford	PA	19457
18-5-119	**R-3**	**R-2**	Richard and Patricia Robinson	P.O. Box 287	Parkerford	PA	19457
18-5-120	**R-3**	**R-2**	Sandra L Martin	1500 Old Schuylkill Road	Spring City	PA	19475

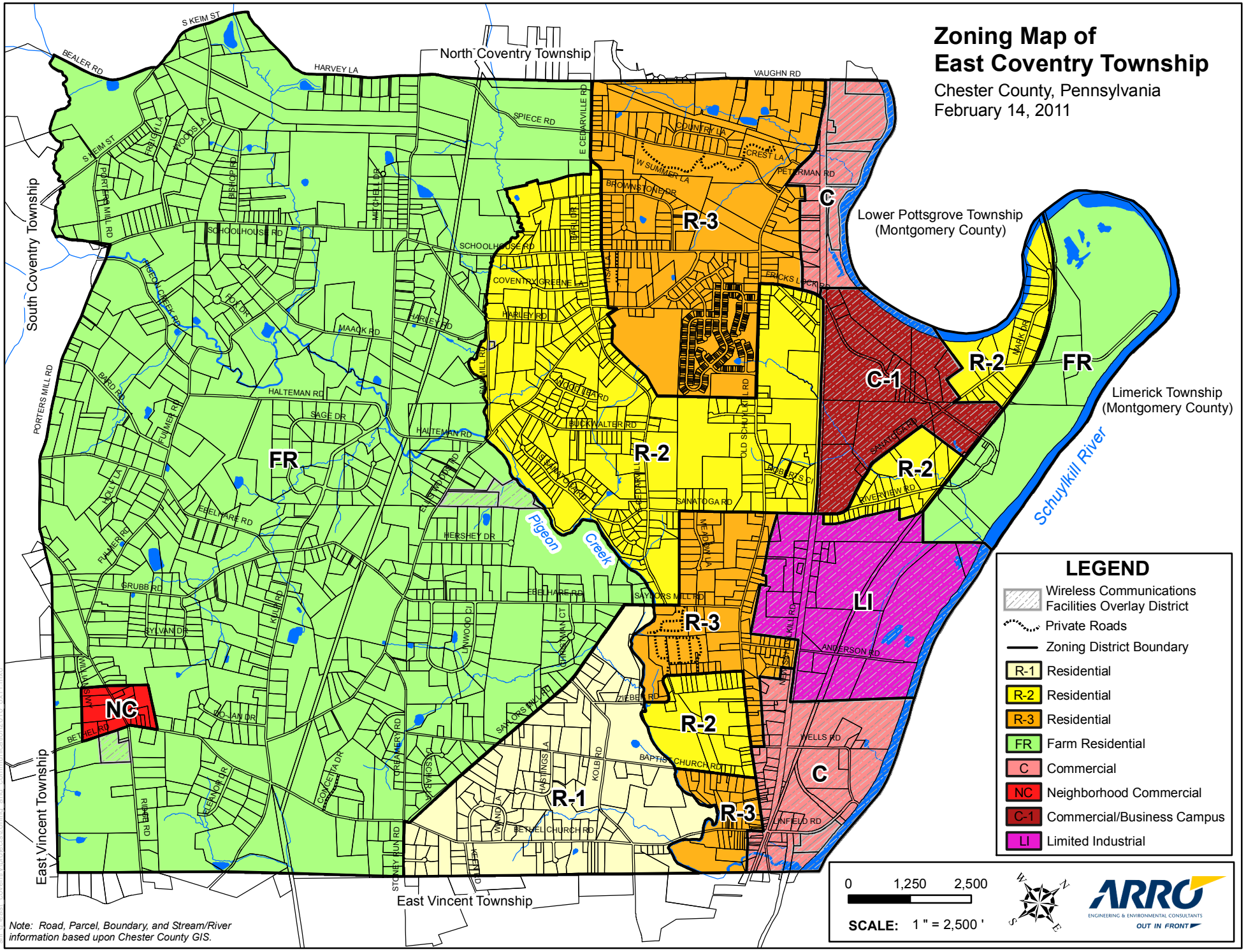
Vicinity and Parcel No.	Current Zoning	Proposed Zoning	Property Owner	Propery Owner Street Address	City	State	Zip
18-5-121	**R-3**	**R-2**	Rodney B Varady	P.O. Box 801	Phoenxiville	PA	19460
18-5-122	**R-3**	**R-2**	Richard I and Doroth M Shantz	P.O. Box 146	Parkerford	PA	19457
18-5-123	**R-3**	**R-2**	Robert T Townsend III	P.O. Box 421	Parkerford	PA	19457
18-5-124	**R-3**	**R-2**	Thomas D and Leslie M Reichman	P.O. Box 26	Parkerford	PA	19457
18-5-125	**R-3**	**R-2**	Michael H Stringer	P.O. Box 374	Parkerford	PA	19457
18-5-126	**R-3**	**R-2**	Parkerford Baptist Church	62 Baptist Church Road	Parkerford	PA	19457
18-5-127	**R-3**	**R-2**	Parkerford Baptist Church	92 Baptist Church Road	Parkerford	PA	19457
Old Schuylkill Road and Wells Road							
18-5-86	**R-3**	**C**	Robert B McConnell	108 Bethel Road	Spring City	PA	19475
18-5-85.2A	**R-3**	**C**	Richard F Jr and Sarah Heylmun	P.O. Box 475	Parkerford	PA	19457
18-5-85.2	**R-3**	**C**	Richard W and Linda Kropp	2840 St. Peters Road	Pottstown	PA	19465
18-5-87	**R-3**	**C**	David A and Cindy L Kilgannon	P.O. Box 34	Parkerford	PA	19457
18-5F-2	**R-3**	**C**	Robert E Pletcher and Jennfer A David	P.O. Box 399	Parkerford	PA	19457
18-5F-3	**R-3**	**C**	Joseph C and Sharon L Maylen	P.O. Box 492	Parkerford	PA	19457
18-5F-1.1	**R-3**	**C**	Joan R Kocik	P.O. Box 198	Parkerford	PA	19457
18-5F-4	**R-3**	**C**	Edward A and Michelle J Covey	P.O. Box 318	Parkerford	PA	19457
18-5F-9.1	**R-3**	**C**	Rhoda A Thomas c/o Robert Walker	P.O. Box 118	Parkerford	PA	19457
18-5F-5	**R-3**	**C**	Russell D and Jennifer Balliet	1613 Old Schylkill Road	Parkerford	PA	19457
18-5F-6	**R-3**	**C**	James L Jr and Irene V Keeley	P.O. Box 303	Parkerford	PA	19457
18-5F-9.2	**R-3**	**C**	Daniel W Ganovsky	595 Pikeland Avenue	Spring City	PA	19475
18-5F-10	**R-3**	**C**	Thomas L and Marie F Pence	P. O Box 333	Parkerford	PA	19457
18-5F-11.1	**R-3**	**C**	Rick T and Barbara J Schaeffer	P.O. Box 379	Parkerford	PA	19457
18-5F-11	**R-3**	**C**	Jay F Raspen	P.O. Box 152	Parkerford	PA	19457
18-5F-12	**R-3**	**C**	F J Raspen	P.O. Box 152	Parkerford	PA	19457
18-5F-13	**R-3**	**C**	F J Raspen	P.O. Box 152	Parkerford	PA	19457
18-5F-9	**R-3**	**C**	Bell Telephone Co of PA c/o Verizon - Property Tax Dept	P.O. Box 152206	Irving	TX	75015
18-5F-8	**R-3**	**C**	Vito and Guiseppa Conigliaro	1272 W. Bridge Street	Spring City	PA	19475
18-5F-1	**R-3**	**C**	John and Elizabeth M Rudick	108 Pine Drive	Phoenxiville	PA	19460
Linfield Road							
18-5-30.1	**NC**	**C**	Philadelphia Electric Co	2301 Market Street	Philadelphia	PA	19101
18-5-31	**NC**	**C**	Nichlas and Anna G Tudor	1805 Old Schuylkill Road	Spring City	PA	19475
18-5-33	**NC**	**C**	Robert E Elliott	P.O. Box 196	Parkerford	PA	19457
18-5-35	**NC**	**C**	Robert E Elliott	P.O. Box 196	Parkerford	PA	19457

Vicinity and Parcel No.	Current Zoning	Proposed Zoning	Property Owner	Propery Owner Street Address	City	State	Zip
18-5-34	**NC**	**C**	Robert E Elliott	P.O. Box 196	Parkerford	PA	19457
18-5-36	**NC**	**C**	George R and Suzanne T Graham and Tracie M Graham	1713 Old Schuylkill Road	Spring City	PA	19475
18-5-37	**NC**	**C**	Robert H and Emma S Turner	P.O. Box 200	Parkerford	PA	19457
Ridge Road							
18-6-39	**FR**	**NC**	Frank and Barbara C Spera	1160 Bethel Church Road	Spring City	PA	19475
18-6-39.1	**FR**	**NC**	Frank and Barbara C Spera	1160 Bethel Church Road	Spring City	PA	19475
18-6-38	**FR**	**NC**	Sarah E Handwork	1188 Bethel Church Road	Spring City	PA	19475
18-6-37	**FR**	**NC**	Brian S and Susan J Seybert	1200 Bethel Church Road	Spring City	PA	19475
18-6-36	**FR**	**NC**	Matthew B Kulp and Denise M McKenna	1212 Bethel Church Road	Spring City	PA	19475
18-6-36.3A	**FR**	**NC**	Steve and Monica N Sharayko	1222 Bethel Church Road	Spring City	PA	19475
18-6-36.3	**FR**	**NC**	Jeffrey H King Sr and Laurie Keyes	328 Applebrook Drive	Malvern	PA	19355
18-6-36.2	**FR**	**NC**	William D Jr and Patricia A Moore	533 Ridge Road	Spring City	PA	19475
18-6-35	**FR**	**NC**	Steven M and Susan B Evans	2376 Beaver Hill Road	Chester Springs	PA	19425
18-6-36.1	**FR**	**NC**	Roland Kolb and Kathie E Young	547 Ridge Road	Spring City	PA	19475
18-6-61.1	**FR**	**NC**	562 Ridge Road LLC	562 Ridge Road	Spring City	PA	19475
18-6-61	**FR**	**NC**	562 Ridge Road LLC	562 Ridge Road	Spring City	PA	19475
18-6-67	**FR**	**NC**	Tri County Plasterers Inc.	510 Ridge Road	Spring City	PA	19475
18-6-66	**FR**	**NC**	Susan McCloud	493 Bethel Road	Spring City	PA	19475
18-6-64	**FR**	**NC**	Clarence W and Anna M Shantz	1348 Bethel Church Road	Spring City	PA	19475
18-6-63	**FR**	**NC**	Maria L Camp and Lauren Baxter	528 Ridge Road	Spring City	PA	19475
Cedarville Road and Spiece Road (Kulp Farm)							
18-1-96	**R-2**	**FR**	Harold R and Dawn M Kulp	32 Spring Creek Lane	Pottstown	PA	19475
18-4-18.1	**R-2**	**FR**	Harold R and Dawn M Kulp	32 Spring Creek Lane	Pottstown	PA	19475
Franklin Avenue							
18-5-69.1	**R-3**	**C**	Elvin S and Ruth E Kolb	P.O. Box 120	Parkerford	PA	19457
18-5-70	**R-3**	**C**	Joseph O and Carole Ann McCann	387 Hallman Mill Road	Phoenxiville	PA	19460
Old Schuylkill Road (Schollenberger)			**CURRENT ZONING: R-2 PROPOSED ZONING: FR**				
18-4-69	**LI**	**R-3**	Joy W and Jeff R Schollenberger	111 Old Schuylkill Road	Pottstown	PA	19465
18-4-69.1	**LI**	**R-3**	Joy W and Jeff R Schollenberger	111 Old Schuylkill Road	Pottstown	PA	19465
18-4-69.2	**LI**	**R-3**	Joy W and Jeff R Schollenberger	111 Old Schuylkill Road	Pottstown	PA	19465
East Cedarville Road							
18-4-32.1P	**R-3**	**R-2**	John J and Amy L McCormick	1963 East Cedarville Road	Pottstown	PA	19465

Vicinity and Parcel No.	Current Zoning	Proposed Zoning	Property Owner	Propery Owner Street Address	City	State	Zip
18-4-32.1J	**R-3**	**R-2**	Richard M and Irene Shambor	1981 East Cedarville Road	Pottstown	PA	19465
18-4-32.1L	**R-3**	**R-2**	Richard W Jr and Donna C Reedy	1997 East Cedarville Road	Pottstown	PA	19465
18-4-32.1K	**R-3**	**R-2**	Robert F Jr and Elaine C Preston	2013 East Cedarville Road	Pottstown	PA	19465
18-4-32.1H	**R-3**	**R-2**	Louis R and Robin A Scaringi and Jospeh N Scaringi	2029 East Cedarville Road	Pottstown	PA	19465
18-4-32.1G	**R-3**	**R-2**	Daniel J and Elizabeth Murphy	2045 East Cedarville Road	Pottstown	PA	19465
18-4-32.1D	**R-3**	**R-2**	Edward J and Lynn A Coffey	2061 East Cedarville Road	Pottstown	PA	19465
18-4-32.1E	**R-3**	**R-2**	Robert J. Carfagno	2077 East Cedarville Road	Pottstown	PA	19465
18-4-32.1F	**R-3**	**R-2**	Robert K and Christine M Moyer	2093 East Cedarville Road	Pottstown	PA	19465
18-4-36	**R-3**	**R-2**	Donald F. Rightnour	87 Harley Road	Pottstown	PA	19465
18-4-35	**R-3**	**R-2**	Ruth Anne Fullaway	286 Ellis Woods Road	Pottstown	PA	19465
18-4-41.4A	**R-3**	**R-2**	Thomas C and Joy C Moyer	295 Ellis Woods Road	Pottstown	PA	19465
18-4-41.4C	**R-3**	**R-2**	James I and Bonnie A Ehrhart	307 Ellis Woods Road	Pottstown	PA	19465
18-4-42	**R-3**	**R-2**	James I and Bonnie A Ehrhart	307 Ellis Woods Road	Pottstown	PA	19465
18-4-41.4B	**R-3**	**R-2**	Wesley and Lois A Boyer	2153 East Cedarville Road	Pottstown	PA	19465
18-4-41.4D	**R-3**	**R-2**	John E and Mary L Yusko	2169 East Cedarville Road	Pottstown	PA	19465
18-4-41.4E	**R-3**	**R-2**	John J and Marian Swist	2185 East Cedarville Road	Pottstown	PA	19465
18-4-41.3	**R-3**	**R-2**	Roger A and Sandra L Rentschler	2207 East Cedarville Road	Pottstown	PA	19465
18-4-41.5	**R-3**	**R-2**	Paul R Sr and Clara Barr	2223 East Cedarville Road	Pottstown	PA	19465
18-4-41.6	**R-3**	**R-2**	Benjamin T Irwin and Angela M Colasanti	2235 East Cedarville Road	Pottstown	PA	19465
18-4-41.7	**R-3**	**R-2**	David C and Christine M Wunder	2251 East Cedarville Road	Pottstown	PA	19465
18-4-41	**R-3**	**R-2**	Robert A Bealer	1930 Coventryville Road	Pottstown	PA	19465
18-4-41.1	**R-3**	**R-2**	Marie M Painter	2461 E High Street - E-1	Pottstown	PA	19464
18-4-41.2	**R-3**	**R-2**	Harold C and Jeanne L Haring	2323 East Cedarville Road	Pottstown	PA	19465
18-4-41.2A	**R-3**	**R-2**	Kenneth R and Terry L Smith	2377 East Cedarville Road	Pottstown	PA	19465
Old Schuylkill Road (south side)							
18-5-129.5	**NC**	**R-3**	Lauren E Geunes	P.O. Box 290	Parkerford	PA	19457
18-5-129.6	**NC**	**R-3**	Russell A and Sharon A Cossaboon	P.O. Box 182	Parkerford	PA	19457
18-5-129.1	**NC**	**R-3**	Dennis Nagy	P.O. Box 218	Parkerford	PA	19457
18-5F-14	**NC**	**R-3**	Peter A and Alice H Kurtas	P.O. Box 105	Parkerford	PA	19457
18-5F-15	**NC**	**R-3**	Mary E Brower	P.O. Box 105	Parkerford	PA	19457
18-5F-16	**NC**	**R-3**	Carl and Elizabeth Bean	P.O. Box 96	Parkerford	PA	19457
18-5F-17	**NC**	**R-3**	F J Raspen	P.O. Box 152	Parkerford	PA	19457
18-5F-18	**NC**	**R-3**	Barry A Corson	P.O. Box 317	Parkerford	PA	19457
18-5F-32	**NC**	**C**	Michael J and Lynn C Coine	1134 Schoolhouse Road	Pottstown	PA	19465

(27, Zoning Map Amendments, cont'd)

Vicinity and Parcel No.	Current Zoning	Proposed Zoning	Property Owner	Propery Owner Street Address	City	State	Zip
18-5F-33	**NC**	**C**	Clarence Floyd and Rebecca B Richmond	2716 Old Schuylkill Road	Pottstown	PA	19465
18-5F-34	**NC**	**C**	Richard D Buckwalter and Frderick A Falini	165 Red Corner Road	Douglassville	PA	19518
18-5F-35	**NC**	**C**	Carlos and Liliana Ruano	3605 Arrowood Drive	Raleigh	NC	27601
18-5F-36	**NC**	**C**	Kevin West	2740 New Schuylkill Road	Spring City	PA	19475
18-5F-37	**NC**	**C**	Robert H and Emma S Turner	P.O. Box 200	Parkerford	PA	19457
18-5-146.1	**NC**	**C**	Robert H and Emma S Turner	P.O. Box 200	Parkerford	PA	19457
18-5-146	**NC**	**C**	Robert H and Emma S Turner	P.O. Box 200	Parkerford	PA	19457
18-5F-20	**NC**	**C**	Adam D McGee and Kristy L Humma	44 Bethel Church Road	Spring City	PA	19475


Zoning Map of
East Coventry Township
Chester County, Pennsylvania
February 14, 2011
North Coventry Township
South Coventry Township
East Vincent Township
Lower Pottsgrove Township
(Montgomery County)
Limerick Township
(Montgomery County)
Schuylkill River
Pigeon Creek
FR
R-1
R-2
R-3
C
C-1
LI
NC
LEGEND
Wireless Communications Facilities Overlay District
Private Roads
Zoning District Boundary
R-1 Residential
R-2 Residential
R-3 Residential
FR Farm Residential
C Commercial
NC Neighborhood Commercial
C-1 Commercial/Business Campus
LI Limited Industrial
0 1,250 2,500
SCALE: 1 " = 2,500 '
ARRO
ENGINEERING & ENVIRONMENTAL CONSULTANTS
OUT IN FRONT
Note: Road, Parcel, Boundary, and Stream/River information based upon Chester County GIS.