

WEST SADS BURY TOWNSHIP

ZONING ORDINANCE

LAST REVISED

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APPENDIX 1 Environmental Assessment Statement

ORDINANCE NO. 7196

The West Sadsbury Township Zoning Ordinance

PART 1

BE IT HEREBY ORDAINED AND ENACTED by the Board of Supervisors of West Sadsbury Township, County of Chester, by the authority of and pursuant to the provisions of the Act of the General Assembly of the Commonwealth of Pennsylvania, approved July 31, 1968, known and cited as the "Pennsylvania Municipalities Planning Code", (53 P.S., Section 10101) and any amendments and supplements thereto, as follows:

§101. Short Title.

This Chapter 27 shall be known and may be cited as the "West Sadsbury Township Zoning Ordinance of 1996."

§102. General Intent and Purpose.

The Zoning regulations and districts set forth in this Chapter 27 are made in accordance with the West Sadsbury Township Comprehensive Plan to:

1. Promote, protect and facilitate the public health, safety, morals, and general welfare of the Township and are intended to achieve, among others, the following purposes: coordinated and practical community development, appropriate density of population, the provisions of adequate light and air, police protection, vehicle parking and loading space, transportation, water, sewage, schools, parks and other public requirements, as well as to prevent overcrowding of land, blight, danger and congestion in travel and transportation, loss of health, life or property from fire, flood panic or other dangers. To accommodate reasonable overall community growth, including population and employment growth, and opportunities for development of a variety of residential dwelling and non-residential uses.
2. Provide standards to control the amount of open space and impervious surfaces within a development; to control the intensity of development in areas of sensitive natural resources or natural features in order to reduce or eliminate adverse environmental impacts; to protect the people's right to clean air, pure water, and the natural, scenic, historic, and aesthetic values of the environment; and to protect the natural resources which are a part of the ecological system to which we are all bound, and therefore, are the common property of all the people, including generations yet to come, and must be protected to insure the health, safety and welfare of all the people.
3. Provide standards for all types of dwelling units so that all the people may have access to decent, sound, and sanitary housing; and to meet the goals of the Federal Housing Act of 1949. To provide standards for the use of land within the municipality for residential housing of various dwelling types encompassing all basic forms of housing, including single-family and two family dwellings, and an appropriate range of multi-family dwellings in various arrangements, mobile homes and mobile home

parks, provided, however that this Chapter shall not be deemed invalid for the failure to provide for any other specific dwelling type.

4. Provide standards of performance which make the unique characteristics of the land or site the determinants of its capacity for any one of a number of development scenarios.
5. This Chapter 27 is enacted in accordance with a Comprehensive Planning Program, and with consideration, among other things, for the existing character of the various areas within the Township and their respective suitability for particular uses and structures, and with a view to conserving the value of land and buildings. This Chapter 27 is further enacted to fulfill the responsibility of the Township as a trustee of environmental quality as set forth in Article I, Section 27 of the Pennsylvania Constitution.

§103. Community Development Objectives.

This Chapter 27 is adopted to implement the West Sadsbury Township Comprehensive Plan, and more particularly with a view toward the community development objectives found in Chapter IX of the Comprehensive Plan.

§104. Establishment of Controls.

1. Minimum and Uniform Regulations. The regulations set by this Chapter 27 within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land.
2. New Uses and Structures. In all districts, after the effective date of this Chapter 27, any new building or other structure or any tract of land shall be constructed, developed and used only in accordance with the regulations specified for each district.
3. Existing Uses and Structures. In all districts, after the effective date of this Chapter 27, any existing building or other structure, or any tract or use of land which is not in conformity with the regulations for the district in which it is located shall be deemed as non-conforming and subject to the regulations hereof.
4. Types of Control. The following types of minimum and uniform regulations shall apply in the respective districts:
exception, and conditional uses.
 - B. Area and bulk regulations, including minimum lot widths, required front, side and rear yards, maximum permitted height and allowable lot coverage, and floor-area ratio requirements in those districts in which they apply.
 - C. Minimum design standards and general provisions as applicable to the uses permitted.
 - D. Environmental standards for protection of natural features and resources.
 - E. Off-street parking regulations, including minimum required loading berths for the various specified uses.
 - F. Sign regulations, including their sizes, illumination, and location.

5. Lot Sizes. Any lot, as well as the open space reserved on it, must equal, or exceed, the minimum sizes prescribed by this Chapter 27 for the district in which the lot is located.

§105. Establishment of Districts. Types of Districts.

For the purposes of this Chapter 27, the Township of West Sadsbury is hereby divided into the following districts:

1. (RMD) Medium Density Residential District
2. (RU) Rural District
3. (RLD) Low Density Residential District
4. (AG) Agricultural District
5. (CS) Community Service District
6. (CG) General Commercial District
7. (O-C) Office-Commercial District
8. (I) Industrial District

§106. Zoning Map.

1. Adoption of Zoning Map. The areas within the Township as assigned to each district and the location of boundaries of the districts established by this Chapter 27 are shown upon the Zoning Map, which together with all explanatory matter thereof is declared to be a part of this Chapter 27 and shall be kept on file with the Township Secretary. If, and whenever, changes are made in boundaries or in other matter included on the said Zoning Map, such changes become part of the Zoning Map.
2. District Boundary Lines. The district boundary lines shall be shown on the Zoning Map. District boundary lines are, unless otherwise indicated, either the centerlines of roads and streets, the centerlines of railroad and other public utility rights-of-way or such lines extended or parallel thereto, the centerlines of water courses, existing lot lines, the corporate boundary of the Township, or as dimensioned on the Map. Where the boundaries of a single district are indicated as including directly opposite sides of a street, road, stream, or other watercourse, or right of-way of a power line, railroad, or other public utility or any portion of its length, the district so indicated shall be construed to apply to the entire bed or such road, stream or other watercourse, or right-of-way of such power line, railroad, or other public utility lying within such portion of its length. Where uncertainty exists as to the location of any said boundaries as shown on the Zoning Map, the following rules shall apply:
 - A. Where a district boundary is indicated as approximately following the centerlines of a street, road, watercourse, or right-of-way, such centerline shall be construed to be such boundary.
 - B. 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.

- C. Where a district boundary divides a lot or runs through 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 said Map.
- D. 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 scale distances do not agree with such figures, the figures shall control.

In case of uncertainty or disagreement concerning the exact location of the boundary line, the determination of the Zoning Hearing Board as provided for herein shall prevail.

§107. Interpretation of Regulations.

The interpretation of the regulations of this Chapter 27 is intended to be such that whenever these requirements do not conform to any other lawfully adopted rules, regulations, ordinances, deed restrictions or covenants, as particularly refer to area and bulk regulations and impose higher standards, the most restrictive requirement shall govern.

§108. Amendment.

The Board of Supervisors, from time to time, may amend, supplement, change, modify, or repeal this Chapter 27, including the Zoning Map, in accordance with the provisions of the Pennsylvania Municipalities Planning Code.

§109. Validity and Severability.

If any article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase, or word in this Zoning Ordinance is, for any reason, declared to be illegal, unconstitutional, or invalid, by any Court of competent jurisdiction, such decision shall not affect or impair the validity of the Zoning Ordinance as a whole, or any other article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase, word or remaining portion of the Zoning Ordinance. The Board of Supervisors of the Township of West Sadsbury, Chester County, Pennsylvania, hereby declares that it would have adopted the Zoning Ordinance and each article, section, clause, phrase, and word thereof, irrespective of the fact that any one or more of the sections, subsections, provisions, regulations, limitations, restrictions, sentences, clauses, phrases or words may be declared illegal, unconstitutional or invalid.

§110. Repeal of Conflicting Ordinances.

All existing ordinances or resolutions or parts of ordinances or resolutions which are contrary to the provisions of this Ordinance are hereby repealed to the extent necessary to give this Ordinance full force and effect.

This Ordinance shall become effective five (5) days after its adoption.

PART 2

DEFINITIONS

§201. Language Interpretation.

Unless otherwise expressly stated, the following words and phrases shall have, for the purposes of this Chapter 27, the meanings given in the following definitions. Words used in the present include the future. The singular includes the plural and the plural the singular.

BUILDING - Includes "Structure" and any part thereof.

COMMISSION AND PLANNING COMMISSION - The West Sadsbury Township Planning Commission.

DISTRICT AND ZONE - Are used interchangeably.

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.

MASCULINE GENDER - Includes the feminine and neuter.

PERSON - Includes an individual, corporation, partnership, incorporated association or any other similar entity.

SHALL OR MUST - Is always mandatory.

SUPERVISORS - The Board of Supervisors of West Sadsbury Township.

USED OR OCCUPIED - As applied to any land or building shall be construed to include the words "intended," "arranged," "designed," "constructed," "altered," or "converted to be occupied or used."

Any word or term defined herein shall be used with a meaning of standard usage.

§202. Definitions.

ABANDONMENT - The cessation of a use of a property, land, and/or structures by the owner, with intention of neither resuming the use nor transferring the use of the property to another who will continue the existing use.

ACCESS DRIVE - A private drive providing pedestrian and vehicular access between a public or private street and a parking area(s) within a land development. The access drive is not intended to include any portion of the travel lane abutting parking areas.

ACCESSORY BUILDING OR STRUCTURE: A detached, subordinate building located on the same lot as a principal building and the use of which is clearly incidental and subordinate to the principal building. Any portion of a principal building devoted or intended to be devoted to an accessory use is not an accessory building. An accessory building includes storage or utility sheds for residential purposes.

ACCESSORY USE - A use located on the same lot with a principal use, and clearly incidental or subordinate to, and in connection with, the principal use.

ACT 170 - The Pennsylvania Municipalities Planning Code, Act 170 of 1988, 53 P.S. 10101 et seq., as the same may be from time to time amended.

ACT 247 - The Pennsylvania Municipalities Planning Code of July 31, 1968, P.L. 805 (Act 247), as amended.

ADAPTIVE REUSE - The development of a new use for an existing building or a building designed originally for a special or specific purpose when the building or structure is no longer used for its original intent.

ADJUSTED CONSTRAINED LANDS - The area of environmentally sensitive land (constrained land) multiplied by a percentage assigned in the West Sadsbury Township Zoning Ordinance 3A §302, §312, and §322. (See Adjusted Tract Area).

ADJUSTED TRACT AREA – The area within a tract remaining after reducing the total tract area by certain percentages of sensitive environmental resources (constrained lands) and all areas within all public and private rights-of-way. The types of environmental resources and the corresponding percentages are as follows: wetlands and very poorly drained soils (100%); floodplain (100%); riparian buffer (100%); steep slopes between fifteen (15) percent and twenty-five (25) percent (80%); steep slopes over twenty-five (25) percent (90%); woodlands (66%); areas within the Conestoga Geologic Formation (80%); areas of extensive rock outcroppings (90%); pond shores (80%); and prime agricultural soils (80%).

ADULT COMMUNITY – A residential community, based on a master plan, designed specifically for adult individuals and couples who do not have resident children.

ADVERSELY AFFECT – Raise, lower, or in any way influence the level of the surface water of the One Hundred (100) Year Flood, or in any way the topography of any watercourse, drainage ditch, or drainage facility.

ADVERTISING SIGN – See "Sign and Billboard."

AGRICULTURE – EXTENSIVE – Extensive agriculture shall be deemed to include the customary growing of crops and raising of livestock for production of meat, dairy products, skins and like activities such as horticulture, excluding intensive agriculture as hereinafter defined. Extensive agriculture envisions a demand for substantial areas of land and, by reason of disbursed activity, it generally will present few unusual environmental problems, such as runoff, animal waste concentrations and the like.

AGRICULTURE – INTENSIVE – Intensive agriculture is intended to include, but not be limited to, the following activities: raising of poultry, mushroom houses, fattening pens, enclosed feed lots, and pig farms which typically results in strong offensive odors, substantial runoff, large concentrations of animal waste, noise, extensive use of chemicals, compost and manure piles. In addition to all of the foregoing, the land application of sewage sludge shall not be deemed an accessory use to extensive agriculture but shall be deemed intensive agriculture, subject to all of the terms, conditions and limitations of engaging in intensive agriculture under the terms of this Chapter 27. Intensive and extensive agriculture may coexist upon the same tract of land and those portions of a farm dedicated to intensive agriculture shall be separately addressed and deemed a separate and distinct use.

AGRICULTURE EMPLOYEE HOUSING – A dwelling unit intended to be occupied exclusively by employees, and their immediate family members, who are engaged in the conduct of a principal agricultural related use carried out on the premises on which the dwelling unit is situated. Provided, that agricultural employee housing shall be limited to an accessory use to an agricultural related principal use being conducted on the parcel on which the dwelling is constructed.

AGRICULTURAL SOILS – See definition of "Prime Agricultural Soils".

ALLEY – A minor way intended as a secondary means of access, which may or may not be legally dedicated, and which is used primarily for vehicular access to the rear or side of properties otherwise abutting on a street or road.

ALLUVIAL SOILS – Areas subject to periodic flooding as defined in the Chester and Delaware Counties, Pennsylvania Soil Survey, 1959, No. 19.

ALTERATION – Any change in or addition to the supporting members of a building or structure such as bearing walls, columns, beams, girders, joists or rafters; enclosing walls; doors or windows in exterior walls; or changing outside physical dimensions of the building or structure.

ANIMAL SHELTER – A portion of a rear yard area that contains a structure, not including a stable or barn, to house animals or fowl for non-commercial purposes.

ANTENNA SUPPORT STRUCTURE – Any monopole, telescoping mast, tower, tripod, lattice structure or any other type of structure used to support an antenna(e), a/k/a communication tower.

ANTENNA SUPPORT STRUCTURE HEIGHT – The vertical distance, measured along the vertical centerline of the antenna support structure from the grade of original and undisturbed ground to the highest point of the antenna(e) and antenna support structure.

APARTMENT BUILDING – A structure containing three or more dwelling units each with one or more rooms with private bath and kitchen facilities comprising an independent, self-contained dwelling unit.

APPLICANT – A landowner or developer, including heirs, successors, assigns and grantees, who has filed an application for subdivision and/or land development, as hereinafter defined, or an application for a special exception, variance, or conditional use.

APPLICATION FOR DEVELOPMENT – Every application, whether preliminary or final, which is required to be filed and approved prior to start of construction of development, including but not limited to an application for a building permit, for the approval of a subdivision plan, or for the approval of a land development plan.

ARCHAEOLOGICAL SITE – The location of material remains of past human activity – primarily those areas registered with the Pennsylvania Bureau of Historic Preservation or listed in the National Register of Historic Places that contain artifacts and/or information contributing to our understanding of prehistoric or historic settlement patterns and significant historic events.

AREA –

A. LOT AREA

AVERAGE – The sum of the net lot areas of all lots within a development divided by the number of lots within the same development the areas of which form a part of the sum. Individual lot areas may be smaller or larger than the average lot area for all lots.

GROSS – The total planar area contained within the property lines of an individual parcel of land.

BUILDABLE – The net lot area further reduced by the area contained within all applicable perimeters setbacks and the area of all required open space on the lot or tract.

NET – The total planar area contained within the property lines of an individual parcel of land excluding:

- (1) any road right-of-way, existing or proposed, public or private,
- (2) the area within the exterior perimeter of any drainage retention or detention basin serving or intended to serve more than the lot on which it is located,
- (3) all possessory servient easements or rights-of-way burdening the lot, including, but not limited to, utility easements, above or on the ground, railroad rights-of-way and private easements of passage for the benefit of adjacent land and
- (4) lands under conservation easements or prohibitory building restrictions.

In all zoning districts, as used for establishing minimum lot areas, and computation of percentages of lot coverage the term "lot area" shall be deemed to mean "net lot area."

- B. FLOOR AREA – The sum of the gross floor area for each of a building's stories measured from the exterior limits of the faces of the structure. The floor area includes the basement floor area and includes the attic floor area only if the attic area meets the definition of habitable space. It does not include cellars and unenclosed porches or any floor space which is designed for the parking of motor vehicles in order to meet the parking requirements of this Chapter 27.
- C. FLOOR AREA RATIO – The floor area of all buildings or structures on a lot, divided by the net lot area.
- D. SITE – The total planar area contained within the property lines of the site proposed for subdivision or development.
- E. BASE SITE – The total planar area contained within the property lines of the site proposed for subdivision or development excluding:
 - (1) Land within the ultimate rights-of-way of existing roads or streets, or within the rights-of-way or easements of utilities.
 - (2) Land which is not contiguous, i.e.:
 - (a) A separate parcel which does not abut or adjoin, nor share common boundaries with the rest of the parcel, and/or;
 - (b) Land which is separated from the main parcel by a road, a railroad, an existing land use or a stream which serves as a barrier to common use

- (3) Land which in a previously approved subdivision plan was reserved as open space.
- (4) Land used or zoned for use which is different from the use or zoning on that portion of the parcel proposed for subdivision or development.

F. **NET BUILDABLE SITE** – That portion of the Base Site Area remaining after adjustment for the resource protection and recreation open space requirements.

AUTOMOTIVE SALES AND SERVICE – The use of any building or land for the display and sales of new and used automobiles, panel trucks, vans, trailers, recreational vehicles, motorcycles and trucks and for repair and replacement of the mechanical components of same when conducted as an accessory use related to the primary use of sales.

AUTOMOBILE SERVICE STATION – A structure, building or area of land or any portion thereof that includes facilities for any or all of the following activities: Gasoline and/or other motor vehicle fuel sales; lubrication/maintenance service of motor vehicles; mechanical repair of motor vehicles. Body repair or painting, or the sale of new or used vehicles is not permitted. Any use dispensing motor fuel solely for its own vehicles will not cause such use to be deemed to be an automobile service station.

AUTOMOTIVE/MECHANICAL REPAIR SHOP – The use of any building or land for maintenance, repair, servicing, painting, replacement or refurbishment of body components, engine components, transmission components, drive train components and similar components of motor vehicles, farm equipment and machinery, boats, trailers, lawn mowers, motorcycles and other vehicles and equipment.

AUTOMOTIVE SALES AND SERVICE – The use of any building or land for the display and sales of new and used automobiles, panel trucks, vans, trailers, recreational vehicles, motorcycles and trucks and for repair and replacement of the mechanical components of same when conducted as an accessory use related to the primary use of sales.

BANK OR FINANCIAL INSTITUTION – Any building wherein the primary occupation or use is concerned with such businesses as banking, savings and loan association, credit union, loan company, mortgage company, investment company or freestanding money access machine.

BARN – A building for the storage of farm products, grain and feed and for the housing of farm animals and/or farm equipment.

BARN LOT – An area for the concentrated containment of animals.

BASEMENT – An enclosed area partly underground, but having one-half or more of its height (measured from floor to ceiling) above the average elevation of the adjoining ground. It shall be considered a story for the purpose of height measurements or determining square footage for floor area, only if the vertical distance between the ceiling and the average level of the adjoining ground is more than four (4') feet, or if used for business purposes or habitation.

BED AND BREAKFAST – A single-family detached residential dwelling containing guest rooms available for short-term overnight rental and providing breakfast service to overnight guests.

BENTONITE - A highly plastic, colloidal clay composed largely of the mineral montmorillonite. Used in grout to seal geothermal or other wells or boreholes after they have been drilled, bored, or otherwise excavated.

BIO-DIVERSITY – Biological diversity in an environment as indicated by the numbers of different species of plants and animals.

BILLBOARD – A sign upon which advertising matter of any character is printed, posted or lettered, except for a sign indicating a business or profession conducted on the premises. A billboard may be either freestanding or attached to a surface of a building or other structure.

BLOCK – A block is a tract of land bounded by streets, roads, public parks, railroad right-of-way, corporate boundary lines of the Township, waterways or any other barrier which disrupts the continuity of development.

BOARD – Any body granted jurisdiction under a land use ordinance or under this Chapter 27 to render final adjudications.

BOARDER – See "Roomer"

BOARDING HOUSE – A private dwelling, which provides sleeping accommodations for compensation on a weekly or other periodic basis, whether or not, the serving of meals is included. The term "boarding house" shall include lodging and rooming houses.

BOREHOLES - A penetration of soil and/or rock that is augured, drilled, cored, bored, washed, driven, dug, jetted, or otherwise constructed which is generally cylindrical in shape and whose diameter is generally smaller than its depth of penetration. Used in closed vertical loop geothermal systems.

BUFFER AREA – An area with natural ground-cover adjacent to a property boundary which does not contain any structures and which is landscaped and maintained as required by this Chapter 27.

BUFFER PLANTING STRIP – An area of land within the required Buffer Area which is landscaped with trees and shrubs of sufficient height and density to conceal from the view of abutting property owners the structures and uses on the premises on which the screening is located. The buffer strip shall be installed and maintained as required by this Chapter 27 and the applicable district provisions.

BUILDING – A structure under roof, whether stationary or movable, designed or used for the shelter, housing, enclosure or support of persons, animals or property. The word "building" shall include any part thereof.

BUILDING, ACCESSORY – See "Accessory Building."

BUILDING, PRINCIPAL – See "Principal Building."

BUILDING AREA – The sum of the largest horizontal cross-sectional areas of all buildings on a lot, excluding: cornices, eaves, gutters, or chimneys projecting not more than eighteen (18) inches; steps, balconies and bay windows not extending through more than one (1) story and not projecting more than five (5) feet; and one (1) story open porches projecting not more than ten (10) feet, ("projecting" means extending from the building wall).

BUILDING COVERAGE – The ratio of the total ground floor area of all buildings on a lot to the total area of that lot.

BUILDING ENVELOPE – A continuous and undivided area within the building setback lines as defined by each zoning classification and any other regulations regarding setbacks that will provide a minimum guaranteed principal building area for any lot existing or created.

BUILDING HEIGHT – A vertical distance measured from the elevation of the finished grade at the front of the building or structure to the peak or highest point of the roof structure.

BUILDING INSPECTOR – An agent of the Board of Supervisors charged with the administration and enforcement of the Township Building Code of the Uniform Construction Code.

BUILDING LENGTH – The horizontal measurement of the longest continuous building wall.

BUILDING PERMIT – A permit issued by the Zoning Officer indicating that the building or improvement plans submitted show compliance with the provisions of this Chapter 27, and the structure proposed is allowed by this Chapter 27 or has been allowed by the granting of a variance or special exception by the Zoning Hearing Board, or by granting of a conditional use by the Supervisors. No structure can be constructed or altered or be in compliance with this Chapter 27 unless a building permit has been properly obtained.

BUILDING SETBACK LINE – A line that is parallel to and separated from a corresponding lot line a distance which is equal to that specified in the applicable zoning district for the required depth of the yard associated therewith. See also "Yard Line".

BUILDING SETBACK LINE, FRONT YARD – The line normally parallel to the public or private street right-of-way line at a distance equal to the minimum depth of the required front yard. All yards adjacent to a public or private street right-of-way normally shall be considered front yards. However, in the case of an interior flag lot, such setback line shall be measured from the front lot line or from the points of convergence between the side lot lines and the access to the private or public street.

BUILDING SETBACK LINE, SIDE YARD – The line normally perpendicular to the front lot line and equal to the minimum depth of a required side yard.

BUILDING SETBACK LINE, REAR YARD – The line normally parallel to the front lot line and equal to the required minimum depth of the rear yard.

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

CANOPY – The uppermost spreading branchy layer of a tree or tree group.

CARPORT – A roofed-over structure, open on at least two (2) sides, used in conjunction with a dwelling for storage of motor vehicles.

CARTWAY – The paved area of a public or private street, within which vehicles are permitted, including travel lanes, but not including shoulders, curbs, gutters, sidewalks or drainage swales.

CAR WASH – The use of any building or land for washing, waxing, detailing, cleaning and the like, whether of the interior or exterior or both, of vehicles or equipment by means of automatic washers, self-operated washers or attendants.

CELLAR – An enclosed area partly or completely underground, having more than half of its height (measured from floor to ceiling) below the average elevation of the adjoining ground. A cellar shall not be considered in determining the permissible number of stories or square footage for floor area.

CEMETERY – A burial ground for human remains. All of the auxiliary activities and buildings or structures that contemporary society recognizes as accompanying a cemetery or memorial gardens but excluding any nonhuman use, and not including any activity not specifically related to burial. Commercial activities such as floral, marker, equipment and other similarly related subjects are typical of activities not included.

CENTER LINE OF STREET – See "Street, Center Line of."

CENTRALIZED SEWER AND/OR WATER – A non-public sewer and/or water system serving a community and having a common disposal area and/or well facility with the necessary collection and/or distribution system to provide such service. Any installed system must meet all applicable state and county regulations.

CERTIFIED HISTORIC RESOURCE – Any building, structure, object or other above or below ground historic resource individually listed in the National Register of Historic Places or certified by the Secretary of the Interior as a contributing resource in a National Register Historic District. Also, any historic resource certified by the Secretary of the Interior as substantially meeting the National Register Criteria for Evaluation to qualify the resource for participation in the Investment Tax Credit Program for major rehabilitation, restoration or adaptive reuse.

CHANGE OF USE – An alteration of a building, structure or land by change of use, heretofore existing, to a new use which imposes other special provisions of law governing building construction, equipment, exits, or zoning regulations.

CHARITABLE USE – A use, conducted by a nonprofit organization, as a service to the general public or to a significant portion of the public, for no fee or at a fee which is less than would be charged by a profit-making organization.

CHURCH – See "Religious Worship."

CLEARCUTTING – The felling of all trees on a tract of land, or any portion thereof, as one operation.

CLEAR SIGHT DISTANCE – The required length of roadway visible to the driver of a passenger vehicle at any given point on the roadway when the view is unobstructed by traffic. Sight distance measurement shall be made from a point 3.5 feet above the centerline of the road surface and ten (10') feet from the edge of paving to a point 0.5 feet above the center line of the road surface.

CLEAR SIGHT TRIANGLE – The triangular area formed by two (2) intersecting street center lines and a line interconnecting points established on each center line, seventy-five (75) feet from their point of intersection. This entire area is to remain clear of obstructions to vision above the height of thirty (30) inches and below the height of fifteen (15) feet measured from the centerline elevation of the intersecting streets.

CLUB – A non-profit association or organization for social or fraternal purposes, which may use land, buildings or other structures, developed and equipped for activities that support the purpose or objectives of the Club.

CLUSTER – A concept of design and site planning in which several dwellings are grouped together on a tract of land. Each cluster of dwellings are set off from others by an intervening space, often held for the common enjoyment of the neighboring residents or the community at large, and helps give visual definition to each individual group.

COMMERCIAL USE – Any enterprise engaged in a retail or service activity for profit.

COMMERCIAL VEHICLE – Refers to any vehicle used for commercial purposes. A passenger car used more than 20% of the time for commercial endeavors. Any motorized vehicle with permanent business or advertising signs or logos affixed to the vehicle.

COMMON OPEN SPACE – A parcel or parcels of land, an area of water, or a combination of land and water within a development site which is designed and intended for the use and enjoyment of residents of the development or the general public. Common open space may be owned either by the residents of the development, the Township or a private conservancy.

COMMUNICATIONS TOWER – A structure intended to be used for transmitting and/or receiving television, radio, or telephone communications, excluding those used exclusively for dispatch communications.

COMMUNITY CENTER/BUILDING – A building used for recreational, social, educational and/or cultural activities which is open to the public or a designated part of the public, which is usually owned and operated by a public or nonprofit group or agency.

COMPREHENSIVE PLAN – The Comprehensive Plan of West Sadsbury Township, Chester County, Pennsylvania.

CONDITIONAL USE – A use permitted in a particular zoning district by the Board of Supervisors pursuant to the provisions of this Chapter 27 and Article VI of the Pennsylvania Municipalities Planning Code, 53 P.S. §10601 *et seq.*

CONDOMINIUM – Real estate, portions of which in accordance with the provisions of the Pennsylvania Uniform Condominium Act of 1980 as amended are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions. Real estate is not a condominium unless the undivided interests in the common elements are vested in the unit owners. The unit may be any permitted dwelling type.

CONSERVATION LOTS – Residential lots in subdivisions designed using the four-step design process wherein at least seventy percent (70%) of the adjusted tract area is designated open space.

CONSTRAINED LAND – All environmentally sensitive lands deducted from the gross tract area to determine the Adjusted Tract Area (ATA).

CONSTRUCTION – The building, rebuilding, renovation, repair, extension, expansion, alteration, or relocation of a building or structure, including the placement of prefabricated or mobile units.

CONTRACTOR'S FACILITY/ESTABLISHMENT – The use of any building or land for the storage, use, staging, setup, preparation, delivery or display of materials and equipment used in the normal course of work performed on a contracted basis related to the building trades industry including, but not limited to, an office associated therewith for transacting such business.

CONVENIENCE STORE – A store not exceeding 4,000 square feet which sells food products, household merchandise and where self-service dispensing of vehicular fuels may be provided. However, seating or standing facilities for eating are not permitted. The store may also provide for any or all of the following as an accessory use:

1. The rental of videos, provided that an adult-oriented business is specifically prohibited;
2. The preparation and sales of delicatessen sandwiches and foods.
3. Automated teller machines.

CONVENTIONAL LOT DESIGN – A development design option using the area and bulk standards of the appropriate district, applied uniformly throughout a development proposal.

CONVERSION APARTMENT – A multi-family dwelling created by converting an existing single-family dwelling into residences for three or more families living independently of each other.

CORNER LOT – See "Lot, Corner."

CORPORATE CENTER – The use of any building or land or combination of buildings and land to accommodate and support the physical space requirements of multiple tenants and their related functions whether or not such entities or functions are directly or indirectly related or of the same or similar character but generally of such a nature as to project the image of a campus environment encompassing offices, professional offices, research functions and similar uses.

COUNTRY CLUB – An association of persons with the common goal of enjoying different forms of recreation, such as golf and tennis.

COUNTRY CLUBHOUSE – A building used to house the usual facilities and indoor activities of a country club for the accommodation of members and their guests.

COUNTRY PROPERTIES – Residential lots in subdivisions designed using the four-step design process wherein at least fifty percent (50%) of the adjusted tract area is designated open space.

COUNTY HISTORIC CERTIFICATION – A Chester County Historic Preservation Office designation for an above or below ground historic resource that contributes to the historical significance of local heritage.

CROSSWALK – A publicly or privately owned right-of-way continuously available for free and uninterrupted pedestrian use extending from a street into a block, across a block to another street or a path or system of paths designed to facilitate pedestrian traffic. See also "Interior Walk".

CUL-DE-SAC – A local street intersecting with another street at only one end with the opposite end terminating in a permanent vehicular turnaround.

CURB – A stone, concrete or other substantial material forming a defined physical improvement designed to delineate the edge of a cartway, roadway, parking area, driveway, planting area and the like.

DAY CARE CENTER – Any premises in which care is provided for persons who are not relatives of the operator, including nursery schools and adult care facilities, excluding care furnished in places of worship during religious services.

DECISION – Final adjudication of any board or other body granted jurisdiction under any land use ordinance or this Chapter to do so, either by reason of the grant of exclusive jurisdiction or by reason of appeals from determinations. All decisions shall be appealable to the court of common pleas of the county and judicial district wherein the Township of West Sadsbury lies.

DEMOLITION – The razing or destruction, whether entirely or in significant part, of a building, structure, site, or object. Demolition includes the removal of any building, structure, or object from its site, or the removal or destruction of the facade or surface and also includes natural living barriers such as tree stands.

DENSITY – The maximum number of dwelling units permitted per adjusted tract area.

DETACHED DWELLING – See "Dwelling."

DETENTION BASIN – A reservoir which temporarily contains stormwater runoff and gradually releases it through an outlet structure into a watercourse or stormwater facility.

DETERMINATION – Final action by an officer, body or agency charged with the administration of any land use ordinance or applications thereunder, except the following:

- A. The Board of Supervisors;
- B. The Zoning Hearing Board; or
- C. The Planning Commission, only if and to the extent the Planning Commission is charged with making final decision on preliminary or final plans under the subdivision and land development or planned residential development ordinances. Determinations shall be appealable only to the boards designated as having jurisdiction for such appeal.

DETERMINATION OF ELGIBILITY (DOE) – The process of ascertaining a property's eligibility for the National Register of Historic Places. Notification of a DOE from the Pennsylvania Historical and Museum Commission (PHMC) indicates that the PHMC has determined that an historic resource appears to meet the U.S. Department of the Interior's criteria for listing on the National Register of Historic Places, but has not yet been listed in the National Register of Historic Places.

DEVELOPER – Any landowner, equitable owner or authorized agent of such landowner or tenant with permission of the landowner who formally or otherwise proposes or makes, or causes to be made, a subdivision, land development or any other development.

DEVELOPMENT – Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, the subdivision of land, the placement of mobile or prefabricated structures, streets and other paving, utilities, filling, grading, excavation, mining, dredging, tree removal or the like and any activity in connection with the environmental regulations contained in Part 8A of this Chapter 27.

DEVELOPMENT UNIT – Any one (1) unit of development whether it be a dwelling unit, commercial unit, industrial unit, or the like.

DIAMETER AT BREAST HEIGHT (DBH) – The diameter of a tree trunk, measured at a point four and one-half (4.5) feet from the average ground surface at the base of the tree.

DISTRICT – A designated portion of the Township designed for the purpose of establishing zoning regulations; the boundary of which is drawn on the Township Zoning Map.

DORMITORY – A building occupied by and maintained exclusively for faculty, students or other such persons affiliated with a school, church, recreational or educational facility or other recognized institution when regulated by such institution.

DRIVEWAY – A private cartway providing vehicular access to and from a public or private street to an abutting parcel. A driveway shall be limited to serving only one (1) use and in the case of residential uses not more than two (2) dwelling units.

DUMP – A tract of ground, or portion thereof, used for deposit and storage of refuse including, but not by any way of limitation, garbage, ashes, rubbish and discarded materials. The definition of "dump" does not include a sanitary landfill as defined by this Chapter 27 and when operated in accordance with standards and regulations established by the Pennsylvania Department of Environmental Protection or the Chester County Health Department.

DWELLING, MANUFACTURED HOME – A fully pre-fabricated transportable, single-family detached dwelling unit intended for household occupancy contained in one (1) or more units designed to be joined into one (1) integral unit, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations and household furnishings. It is constructed as required by the Township Building Code and shall be placed on a permanent foundation with the same, or equivalent, electrical, plumbing and sanitary facilities as for a conventional stick-built single-family detached dwelling. A manufactured home may include any addition or accessory structure such as porches, sheds, or decks, which are attached to it.

DWELLING, MOBILE HOME – A transportable, single-family detached dwelling unit intended for household occupancy contained in one (1) unit or two (2) units designed to be joined into one (1) integral unit which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations; and is constructed so that it may be used without a permanent foundation, but with the same, or equivalent, electrical, plumbing and sanitary facilities as for a conventional single-family detached

dwelling. A mobile home may include any addition or accessory structure such as porches, sheds, or decks, which are attached to it.

DWELLING, MULTI-FAMILY – A building designed for and occupied exclusively as a residence for two (2) or more households living independently of each other.

DWELLING, MULTI-FAMILY, CONDOMINIUM – A dwelling or group of dwellings specifically designed for separate ownership of the individual dwelling units, which may have a common access to the exterior of the building, with the remainder of the building and grounds designated for common ownership (See Condominium), but are only allowed in accordance with the specific terms and conditions of this Chapter 27.

DWELLING, MULTI-FAMILY, RETIREMENT RESIDENCE – A dwelling or group of dwellings specifically designed for retired or senior persons. Retirement dwellings may be of any dwelling type defined, but are only allowed in accordance with the specific terms and conditions of this Chapter 27.

DWELLING, SINGLE-FAMILY, DETACHED – A building designed for and occupied exclusively as a residence for only one (1) family and having no party wall in common with an adjacent dwelling unit, exclusive of mobile homes defined above. Where a garage is structurally attached to such building, it shall be considered a part of the dwelling.

DWELLING, SINGLE-FAMILY, ATTACHED – A dwelling with party walls separating two (2) or more single-family dwelling units including duplex, triplex, quadruplex, multiplex and townhouse buildings.

DWELLING, SINGLE-FAMILY, ATTACHED, DUPLEX OR TWIN HOUSE – A single-family dwelling having two (2) individual dwelling units separated by one (1) common party wall from ground to roof with no communicating openings.

DWELLING UNIT – A structure or portion thereof, forming a single habitable unit with a private access and facilities which are used or intended to be used for living, sleeping, cooking and eating exclusively by one (1) family.

DWELLING UNIT, ACCESSORY (ADU) – A separate dwelling unit on the same lot as the principal dwelling unit housing one or more members of the family related by blood or marriage, living together as a single housekeeping unit, and not sharing common eating, cooking and/or bathroom facilities. Immediately upon cessation of its occupancy by a family member, the ADU shall be physically removed from the premises by the record owner of the property and all remaining structures not conforming to the provisions of this Chapter 27 shall be made to conform.

EASEMENT – A right-of-way granted for limited use of land for public or quasi-public purposes. The owner of the property on which an easement is situated shall not have the right to make use of the land contained within the easement in a manner which violates or diminishes the rights of the grantee described in the easement agreement.

EDUCATIONAL USE – Land and buildings designed, arranged and intended for the primary purpose of instruction and learning, including preschools, elementary, secondary and post-secondary schools, whether private or public.

ELECTRIC SUBSTATION – Buildings, 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 surrounded with appropriate plantings to blend the installation with the surrounding landscape.

EMPLOYEE – A term referenced in the parking standards section of this Chapter 27 as a measure of the number of parking spaces required. It shall refer to the maximum number of employees on duty at any time, whether the employees are full or part time. If shifts are involved in which two shifts overlap, it refers to the total number of employees on duty during both shifts.

ENLARGEMENT – An addition to the floor area or increase in size of an existing structure, an increase in the area of a parcel which is occupied by an existing use, or an increase in the intensity of a use as a result of increased parking, traffic generation or alternate sewage disposal system or other impacts on surrounding land uses.

EROSION – the removal of surface materials by the action of natural elements.

ESTATE LOT – A very large residential lot, typically rural in character and generally ten (10) acres or greater in size whose use is permanently protected from development through a conservation easement. Because this private property is permanently protected from development, an estate lot is considered a type of open space.

EXCAVATION – any act by which earth, sand, gravel, rock or any other similar material is dug into, cut, quarried, uncovered, removed, displaced, relocated or bulldozed. It shall include the conditions resulting therefrom.

EXISTING RESOURCE AND SITE ANALYSIS PLAN – A base map with a comprehensive analysis of the existing conditions on any site proposed for subdivision or land development.

FAMILY – A "family" is one or more individuals living together as a single non-profit housekeeping unit, sharing kitchen and other common facilities, and meeting one of the three (3) criteria listed below, together with any domestic servants and with any specialized individuals required to render assistance, aid or services necessary by reason of any mental or physical disability of one or more of said primary resident occupants:

- A. One individual;
- B. Two or more individuals related by blood, marriage or adoption, and including foster children permanently residing in the family unit as part thereof and placed with the family unit by consent of the natural parents or order of the court or authority of competent jurisdiction; or
- C. Four or few individuals unrelated by blood or marriage and residing permanently on the premises as part of the family unit.

The term "family" shall not include institutional group homes, disciplinary group homes, dormitories, boarding houses, rooming houses, fraternity houses, hotels, day care facilities, or any use similar to those specifically excluded.

FARM PRODUCT – Vegetables, fruit, flowers, and the like grown and harvested on the farm site, and/or eggs, milk and milk products produced by animals on such site, and related food products such as jams, jelly and pies prepared on the farm site for sale to the public by

the family members and/or owners of the farm. Not included in the definition of farm products are hand or machine made wood products such as sheds, lawn furniture and play equipment.

FEED LOT – A lot or plot of ground on or in which livestock are fed or fattened with prepared food brought to the lot; grazing land is not included.

FELLING – The act of cutting a standing tree so that it falls to the ground.

FEMA – Federal Emergency Management Agency.

FENCE – Any freestanding and uninhabited structure consisting of wood, glass, metal, plastic, wire, mesh, masonry or vegetation singly or in combination with other materials, 2½ feet or higher, erected to secure or divide one 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; freestanding masonry wall is considered a fence.

FITNESS CENTER – A business that offers active recreational and/or fitness activities. Such activities are provided only to club members and their guests. Such facilities do not include golf courses.

FLOOD – A temporary inundation of normally dry land area.

FLOOD ELEVATION, ESTABLISHED – The elevation at a point on the boundary of the identified flood prone area which is nearest to the location in question.

FLOOD INSURANCE RATE MAP (FIRM) – The Flood Insurance Rate Map is that map prepared by the Federal Emergency Management Agency (FEMA) for West Sadsbury Township, dated February 1, 1984, or as updated.

FLOOD INSURANCE STUDY (FIS) – The Flood Insurance Study is that study prepared by the Federal Insurance Administration for West Sadsbury Township dated the 8th day of August, 1983, or as updated, and shall be deemed to include, in addition to the other facts, data, diagrams and plans contained therein, the Flood Hazards Boundary Map (FHBM).

FLOOD, ONE HUNDRED YEAR – A flood that, on the average, is likely to occur once every one hundred (100) years, that is, one that has a one (1) percent likelihood of occurring each year, but may occur more than once in any one hundred year period, as delineated by the Federal Insurance Agency Maps developed in the Flood Insurance Program. For the purpose of this ordinance, a storm of seven and four-tenths (7.4") inches or more of rain within a twenty-four (24) hour period shall be deemed a 100-year storm.

FLOODPLAIN – Areas adjoining any streams, ponds, lakes or other watercourse subject to a 100-year-recurrence-interval flood as delineated by the U.S. Department of Housing and Urban Development's National Flood Insurance Program, or by alluvial soils as defined in the "Chester and Delaware Counties, Pennsylvania, Soil Survey," 1959, No. 19, or by a study conducted by a person expert and experienced in the preparation of hydrological studies and the determination of flood lines. The methodology yielding the largest area shall be used for determining the area in question.

FLOODPLAIN, 100-YEAR – Any land area susceptible to a general and temporary condition of partial or complete inundation by the 100-year flood due to overflow of inland

waters, or to the unusual and rapid accumulation or Runoff of surface waters from any source.

FLOODPLAIN (ALLUVIAL) SOILS – Soils subject to periodic flooding and listed in the "Chester and Delaware Counties, Pennsylvania, Soil Survey," 1959, No. 19, as being "on the floodplain" or subject to "flooding." (Group 13 for Building Site).

FLOODPRONE AREA – A relatively flat or lowland area which is subject to partial or complete inundation from an adjoining or nearby stream, river or watercourse; and/or any area subject to the unusual and rapid accumulation of surface waters from any source.

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

FLOODWAY – The designated area of a floodplain required to carry and discharge flood waters of a given magnitude.

FLOOR AREA – See "Area."

FLOOR AREA RATIO – See "Area."

FOOTCANDLE – A unit of light intensity stated in lumens per square foot and measurable with an illuminance meter, also known as a foot-candle or light meter.

FOREST – See "Woodland."

FOUR-STEP DESIGN PROCESS – A process for determining the layout of residential subdivisions with primary emphasis on preserving environmentally sensitive natural features, scenic views, and historic resources while minimizing the extent of roads and infrastructure required to service new residential lots.

FRONT YARD – See "Yard."

FRONT YARD LINE – See "Yard Line."

FUNERAL HOME – A building used for the preparation of the remains of deceased persons for burial and the display of the deceased and ceremonies connected therewith before burial or cremation.

GAME FARM – Any preserve used solely for the protection and propagation of wildlife.

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

GARAGE, PUBLIC – A building, excepting a private garage, used in conjunction with a private residence, used for the repair of motor vehicles.

GASOLINE SERVICE STATION – See "Automobile Service Station."

GEOTHERMAL ENERGY SYSTEM - An energy generating system that uses the Earth's thermal properties in conjunction with electricity to provide greater efficiency in the heating and cooling of buildings.

GEOTHERMAL SYSTEM, CLOSED HORIZONTAL LOOP- A type of geothermal heating and/or cooling system that consists of the following basic elements: underground loops of piping; approved, nontoxic heat transfer fluid; a heat pump; and an air distribution

system. An opening is made in the earth. A series of pipes are installed into the opening and connected to a heat exchange system in the building. The pipes form a closed loop and are filled with a heat transfer fluid. The heat transfer fluid is potable or beneficial reuse water and may have approved nontoxic antifreeze, such as propylene glycol, added. The fluid is circulated through the piping from the opening into the heat exchanger and back.

GEOTHERMAL SYSTEM, CLOSED VERTICAL LOOP - A type of geothermal heating and/or cooling system that utilizes a pressurized heat exchanger consisting of pipe, a circulating pump, and a water-source heat pump in which the heat transfer fluid is not exposed to the atmosphere. The heat transfer fluid is potable or beneficial reuse water and may have approved nontoxic antifreeze, such as propylene glycol, added.

GLARE – Distracting, harsh, blinding or uncomfortably bright light originating from or reflecting off man-made objects that causes annoyance, discomfort or a reduction in visual performance and visibility to the eye.

GREENHOUSE – An enclosed structure used for the growing, raising, or keeping of flowers or other plants.

GREENHOUSE, COMMERCIAL – An enclosed structure used for the growing, raising, keeping and/or selling of flowers or other plants.

GROUP HOME – Two or more persons unrelated by blood or marriage living together permanently or for an indeterminate period of time in a single housekeeping unit, where such living arrangement arises or continues by reason of a common need for specialized care, custody or treatment provided in that dwelling unit on a continuing basis. Excluded from the term group home, community are:

- A. apartments for housing workers, students or fraternal members, unless such primary resident occupants qualify by reason of physical or mental disability necessitating such care, custody, and control.
- B. rooming houses, boarding houses, hotels, motels, or any other arrangement, substantially similar to the herein enumerated exclusion.

GROUT - Neat cement, cement plus bentonite, bentonite, bentonite plus silica sand, or other low-permeability sealing material. Grout is to be mixed and applied according to manufacturer's specifications (e.g., water content and viscosity) for use in grouting (i.e., sealing) wells and/or geothermal boreholes.

GUEST HOUSE – A single-family dwelling containing guest rooms available for short-term overnight rental.

HABITABLE SPACE – Space in a structure for living, sleeping, eating, or cooking. Bathrooms, toilet compartments, closets, halls, storage or utility spaces and similar areas are not considered habitable spaces.

HALF OR PARTIAL STREET – A street, generally parallel and adjacent to a property line having a lesser right-of-way width than normally required for a satisfactory improvement and use of street.

HEAVY INDUSTRY – See "Industry Manufacturing, Heavy."

HEIGHT OF BUILDING – See "Building Height."

HEIGHT OF SIGN – The vertical distance measured from the ground elevation to the highest point on the sign or its supporting structure whichever is greater.

HISTORIC RESOURCE(S) – Within the context of this Ordinance, all above and below ground resources (buildings, structures, sites and districts) over fifty years of age which are determined to be of historical and/or architectural significance to West Sadsbury Township as set forth in the West Sadsbury Township *Open Space, Recreation and Environmental Resources Plan*.

HISTORIC STRUCTURE – Any building or structure that meets any one of the following criteria:

- A. Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined eligible for the National Register by the staff of the Pennsylvania Historical and Museum Commission; or
- B. A contributing resource in a historic district listed in the National Register of Historic Places or a district preliminarily determined eligible for listing in the National Register; or
- C. Individually listed on a state inventory of historic places in communities with historic preservation programs that have been certified by the Pennsylvania Historical and Museum Commission.

HOME OCCUPATION – Home Occupations are accessory uses to the use of the premises for dwelling purposes and second principal uses shall not be deemed home occupations solely by virtue of the fact that the owner thereof resides upon the premises. Home occupations are divided into two (2) categories: the first, being Level 1 home occupations, are permitted as a use-by-right in any dwelling unit or building accessory thereto, provided the limitations and criteria set forth in the relevant sections hereof, relating to design standards for home occupations are fully complied with.

The premises on which the activity is conducted shall, at all times, maintain an external residential appearance. Except for a single sign, not exceeding four (4) square feet, as provided by the standards of this Chapter 27; there shall be no display of goods outside the building or buildings on the lot, no window displays, or no exterior devices indicating or advertising non-residential activities.

A. LEVEL 1 home occupations include and are limited to:

- (1) all uses shall be limited to a maximum of 10% of the total residential area or 500 square feet, whichever is less; any person engaged in a Level 1 home occupation is required to register such use with the West Sadsbury Township Zoning Officer and obtain a permit for such use;
- (2) small office uses, such as professional offices, manufacturers' representatives, real estate brokers;
- (3) studio uses, such as artist studios, musician studios and handicraft shops;
- (4) educational uses, such as tutorial services, day care for not more than three (3) persons at any one time, music, art or similar instruction for not more than three (3) persons at any one time (but excluding equestrian training). Provided,

however, in all such cases, the practitioner shall reside within the principal dwelling unit and the principal activity or use is that of a residence and not a business. No more than two (2) persons not residents of the premises shall be employed in a Level 1 home occupation.

B. LEVEL 2 home occupations shall be, in like manner, an accessory use to the principal residential dwelling use and shall be demonstrated by the applicant to be clearly subordinate to the residential use. Because of the wide variety of uses that may fall within the category of Level 2 home occupations, these shall be permitted only by Special Exception. Before such home occupation is approved, the Zoning Hearing Board shall ascertain that the applicant has and will continue to comply with all of the design and performance standards set forth in the relevant residential district. The design and performance standards shall be deemed definitional and no Special Exception shall be granted unless and until the applicant brings himself within the definitional aspects, including performance and design standards for which such Special Exception may be granted. No Level 2 home occupation shall employ more than three (3) persons not residing in the principal dwelling house and all such activities shall be conducted in the principal dwelling, buildings accessory thereto or in open areas adequately screened from public roads and adjacent properties. The premises on which the activity is conducted shall, at all times, maintain an external residential appearance. Except for a single sign, not exceeding four (4) square feet, as provided by the standards of this Chapter 27; there shall be no display of goods outside the building or buildings on the lot, no window displays, or no exterior devices indicating or advertising non-residential activities. Both the owner and operator of the Level 2 home occupation shall reside upon the premises. The Level 2 home occupations are somewhat larger commercial enterprises, and include and are limited to:

- (1) office uses;
- (2) studio uses;
- (3) retail service uses;
- (4) educational uses, including day care facilities for not more than eight (8) persons at any one time, art, music and classroom instructions for not more than eight (8) students at any one time, equestrian training for not more than four (4) students at any one time;
- (5) manufacturing and industrial occupations, such as general automotive repair shops (excluding body and fender shops); the production and sale of handcraft items, furniture repair, and custom cabinet making;
- (6) contractors establishment provided that all activities are conducted in enclosed buildings all vehicles, equipment, supplies, materials and inventory are stored in enclosed accessory buildings;
- (7) indoor retail activities containing less than 800 square feet of sales floor area and 1,000 square feet of storage area;
- (8) outdoor nurseries containing less than 10,000 square feet of area, properly screened from view of adjacent properties and public roads.

- (9) The sale, lease or otherwise trading in motor vehicles, mobile homes, recreational vehicles, boats, trailers and the like shall **not** be deemed home occupations.

HOMEOWNERS ASSOCIATION – A community association, other than a condominium association, that is organized so as to provide common ownership, interest and responsibility for the cost of maintenance, repair and general upkeep of common open space or facilities within a subdivision, planned community, development or similar configuration of homes and home sites as well as provide for the common use and enjoyment of such facilities.

HORSE BARN – an accessory building to house horses or ponies and non-motorized carriage storage for private, non-commercial use only.

HOSPITAL - An institution providing primary health services and medical and/or surgical care to persons, some of whom are outpatients, suffering from illness, disease, injury, deformity and other physical or mental problems. When conducted as an integral part of the hospital, related accessory facilities such as laboratories, outpatient or training facilities or offices for doctors and other medical personnel affiliated with the hospital may be an accessory use to the hospital.

HOSPITAL, ANIMAL – A building used for the treatment, housing or boarding of small domestic animals such as, but not limited to, dogs, cats, rabbits and birds or fowl by a veterinarian.

HOTEL, MOTEL OR INN – A building or group of buildings containing six (6) or more guest rooms, without stationary cooking facilities, especially designed for the temporary lodging of transient guests in guest rooms. Such establishments shall provide guests with customary hotel services such as maid service and the furnishing of linen. Eating and drinking facilities may be an accessory use to the hotel, motel or inn.

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

IMPERVIOUS SURFACE – Those surfaces not easily penetrated by water, such as buildings, parking areas, driveways, roads, sidewalks, and other areas in concrete, asphalt, and packed stone.

IMPERVIOUS SURFACE RATIO – The impervious surface ratio is a measure of the intensity of land use. It is determined by dividing the total area of all impervious surfaces within the net lot area of the site by the net lot area.

IMPROVEMENTS – Changes made to the land including, but not limited to, grading, paving, curbing, fire hydrants, water mains, sanitary sewers, storm sewers, and other surface drainage facilities, retaining walls, street signs, monuments or the like.

IMPROVEMENTS, PUBLIC – Those improvements made to the land which are intended to be offered for dedication to the Township. See also "Public Improvements".

IMPROVEMENT, SUBSTANTIAL – Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the current fair market value of the structure either: (1) before the improvement or repair is started; or (2) if the structure had been damaged and was being restored after the damage occurred. For the purposes of this definition, "substantial improvement" is considered to occur when the first

alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not the alteration affects the external dimensions of the structure. The term does not, however, include either: (1) any project for improvement of a structure to comply with existing State or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions; or (2) any alternation of a structure listed on the National Register of Historic Places or State inventory of historic places.

INDUSTRIAL PARK – A grouping of three (3) or more industrial establishments that are developed in accordance with a single, unified plan that provides shared infrastructure.

INDUSTRY/MANUFACTURING, HEAVY – The assembly, construction, fabrication, machining, or processing of materials or goods that emits noxious smells, high ambient sound levels, excessive light or glare, exhaust gases or vapors, or pollutants beyond the confines of the building or structure intended for such use. Examples of such uses include refineries, steel mills, chemical plants, electrical generating plants or foundries.

INDUSTRY/MANUFACTURING, LIGHT – Any industrial type use that does not meet the criteria of heavy industry manufacturing above.

INSTITUTIONAL USE – Any formalized or structured system, whether private or public, providing care, containment, education, guidance, or training to persons of any age and requiring facilities, structures and/or housing of those persons. Some examples of institutional uses are colleges, boarding schools, hospitals, long-term care facilities, and prisons or detention centers.

INTERIOR WALK – A publicly or privately owned right-of-way continuously available for free and uninterrupted pedestrian use extending from a street into a block, across a block to another street or a path or system of paths designed to facilitate pedestrian traffic. See also "Crosswalk".

INVASIVE PLANT SPECIES – A plant that grows aggressively, spreads and displaces other plants in an ecosystem. The following plant species are considered noxious or invasive:

<u>Latin Name</u>	<u>Common Name</u>
Ailanthus altissima	Tree of Heaven
Carduus nutans	Musk or Nodding Thistle
Cirsium arvense	Canada Thistle
Cirsium vulgare	Bull or Spear Thistle
Conium maculatum	Poison Hemlock
Datura stramonium	Jimsonweed
Eleagnus umbellata	Autumn Olive
Galega officinalis	Goatsrue
Heracleum mantegazzianum	Giant Hogweed
Lythrum salicaria	Purple Loosestrife

<u>Latin Name</u>	<u>Common Name</u>
Microstegium vimineum	Japanese Stiltgrass
Phragmites australis	Common Reed
Polygonum cuspidatum	Japanese Knotweed
Polygonum perfoliatum	Mile-a-Minute Vine
Pueraria lobata	Kudzu-vine
Rosa multiflora	Multiflora rose
Sorghum bicolor	Shattercane
Sorghum halepense	Johnson grass

JUNK VEHICLE – Any vehicle stored outside, which is so disabled, disassembled, dismantled or damaged, as to be incapable of being used safely for its intended purposes, or does not have a current Pennsylvania motor vehicle registration sticker, and is left in such condition for ninety (90) days or more; vehicles stored for their parts or scrap value.

JUNKYARD – An area of land with or without buildings used for storage, outside a completely enclosed building, of used and discarded materials including, but not limited to, wastepaper, rags, metal, building materials, house furnishings, machinery, vehicles or parts 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 an unlicensed, wrecked or disabled vehicle, or the major part thereof, is a junkyard. The term "unlicensed vehicle" shall not apply to farm machinery or to recreational vehicles. One (1) disabled vehicle with spare parts will be permitted on a lot if it can be demonstrated that it is being repaired or restored as a recreational vehicle or an antique and is stored in such a manner as not to be hazardous. A disabled vehicle is a vehicle intended to be self-propelled that shall not be operable under its own power for any reason, or a vehicle that does not have a valid or current registration plate or that has a certificate of inspection which is more than 60 days beyond the expiration date.

KENNEL – A facility, including its structure(s), to accommodate five (5) or more dogs, either for personal enjoyment or commercial purposes, including boarding, grooming, breeding and/or training of dogs.

LABORATORY – A building or structure, or group of buildings and/or structures in which are located the facilities for scientific research, investigation, testing, experimentation and development, including the making of prototypes, but not including the manufacture of products for sale.

LAKES AND PONDS – Natural or artificial bodies of water which retain water year-round. Artificial ponds may be created by dams, or result from excavation. The shoreline of such waterbodies shall be measured from the spillway crest elevation rather than permanent pool if there is any difference. Lakes are bodies of water two (2) or more acres in extent. Ponds are any water body less than two (2) acres in extent.

LAND DEVELOPMENT – Any of the following activities:

- A. The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving:
 - (1) a group of two (2) or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or
 - (2) the division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of, streets, common areas, leaseholds, condominiums, building groups or other features;
- B. A subdivision of land.
- C. Development in accordance with section 503 (1.1) of the MPC.

LANDING – A place where logs, pulpwood, or firewood are assembled for transportation to processing facilities.

LANDFILL, SANITARY – A tract of land on which engineering principles are applied for the permanent storage and disposal of solid wastes, as defined in the current regulations of the Department of Environmental Protection without creating public health or safety hazards, nuisances, pollution, or environmental degradation. A sanitary landfill shall be operated in accordance with standards established by, and shall be subject to, inspection by the Pennsylvania Department of Environmental Protection or the Chester County Health Department, or it shall be considered a dump.

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, shall be deemed to be a landowner for the purposes of this Chapter 22.

LANDSCAPE ARCHITECT – A licensed landscape architect registered in Pennsylvania.

LANDSCAPED AREA – The landscaped area includes the buffer planting strip and those plantings which serve a functional and/or aesthetic purpose and are located around and between buildings, roads, parking area, sidewalks, walkways, sitting areas, service or maintenance structures, courtyards and the like. The landscaped area is both unsurfaced and water absorbent. It includes the portion of a tract or lot maintained in its natural state and is not occupied by any buildings, paved surfaces or man-made structures.

LANE – A private residential access street serving no more than five (5) lots provided the first two opposing lots have public street frontage, if not, the private lane shall serve no more than three (3) lots.

LAUNDROMAT – The use of any building or land for providing washing, drying or dry-cleaning machines for rental use on the premises by the general public.

LAUNDRY/DRY-CLEANERS – The use of any building or land for washing, drying or dry-cleaning wearing apparel, fabrics, cloth, draperies and similar articles and/or for receiving, processing and returning such articles when the washing, drying or dry-cleaning is done at an off premises location.

LIGHT INDUSTRY – See "Industry Manufacturing, Light"

LIMESTONE – Areas underlain by limestone as indicated on the Map, "Geology, Chester County, Pennsylvania," contained in Chester County Geology, published by the Chester County Planning Commission, June 1973.

LITTER – Discarded items not naturally occurring on site such as tires, oil cans, equipment parts, and other rubbish.

LIVESTOCK – Any animal or animals, excepting pigs as in a commercial piggery, but including poultry or other fowl, which can be kept and maintained or attended under conditions which require or include space, open or in a building, or both.

LOADING AREA – A space accessible from a street or way, in a building structure, or on a lot for the temporary use of vehicles while loading or unloading merchandise or materials.

LOP – To cut tree tops and slash into smaller pieces to allow the material to settle close to the ground.

LOT – A designated parcel, tract or area of land established by a plat or otherwise as permitted by law to be used, developed or built upon as a unit.

A. **LOT AREA** – See "Area, Lot."

B. **LOT CORNER** – A lot which has an interior angle of less than one hundred and thirty-five (135°) degrees at the intersection of at least two (2) street lines. A lot abutting upon a rural street or streets shall be considered a corner lot if the tangent to the curve at the points beginning within the lot or at the points of intersection of the side lot lines with the street lines intersect at an angle of less than one hundred and thirty-five (135°) degrees. Both yards adjacent to streets shall be considered front yards. The owner or developer of a corner lot may specify which remaining lot lines shall be the side lot line and rear lot line.

C. **LOT COVERAGE** – The ratio of the total ground floor area of all buildings on a lot to the total net area of the lot on which they are located.

D. **LOT, DEPTH OF** – The mean distance from the street ultimate right-of-way line traversing the lot to the rear lot line, measured in the general direction of the side lot lines.

E. **LOT, DOUBLE FRONTAGE** – A lot having frontage on two generally parallel streets. See also "Lot, Through". Double frontage lots are prohibited unless granted as a special exception by the Zoning Hearing Board.

F. **LOT, INTERIOR** – A lot which is generally the shape of a flag on a flag pole. The base of the flag pole portion of the lot shall abut a public street and meet the applicable requirements of the zoning district in which it is located, except, that in no circumstance shall the width of the flag pole portion of the lot at the street line be less than seventy-five (75) feet. The length of the flag pole portion of the lot shall not exceed three-hundred and fifty (350) feet. The flag portion of the lot shall meet the minimum requirements of the applicable zoning district in which it is located. The flag pole portion of the lot shall be a fee simple part of the flag portion of the lot and not a separate lot or easement. The area of the flag pole portion of the lot shall not be

included in the computation of lot area for the purpose of meeting the requirements of the provisions of the applicable zoning district in which it is located or the applicable requirements of the Subdivision and Land Development Ordinance, Chapter 22.

- G. **LOT, REVERSE FRONTAGE** – A lot extending between and having frontage on two generally parallel street with vehicular access limited to one street. Access shall be from a Minor i.e., Local rather than a Major i.e., Collector or arterial street.
- H. **LOT, THROUGH** – A lot having frontage on two (2) generally parallel streets. See also "Lot, Double Frontage". Through lots are prohibited unless granted as a special exception by the Zoning Hearing Board.
- I. **LOT WIDTH** – The distance measured between the side lot lines at the required building setback line. In a case where there is only one (1) side lot line, lot width shall be measured between such side lot line and the opposite lot line or street ultimate right-of-way line. For lots with a curved or irregular front lot line, the width shall be measured along a line parallel to a straight line joining the points where side lot lines intersect the front lot line.

LOT LINES

- A. **LOT LINE, FRONT** – The line separating a lot from a street; generally the same as the street right-of-way line or street line. See also "Street Right-of-Way Line".
- B. **LOT LINE, REAR** – Any lot line which is parallel to or within forty-five (45°) degrees of being parallel to a street line, except for a lot line that is, itself, a street line (through lot, and except that in the case of a corner lot, the owner shall have the option of choosing which of the two (2) lot lines that are not street lines is to be considered a rear lot line. In the case of a lot having no street frontage or a lot of an odd shape, only the one (1) lot line farthest from any street shall be considered a rear lot line.
- C. **LOT LINE, SIDE** – Any lot line which is not a front lot line or a rear lot line.

LOWEST FLOOR – The lowest level of the lowest enclosed area (including basement) of a structure or building. 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 buildings lowest level, 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 27.

LUX – A unit of light intensity stated in lumens per square meter. There are approximately 10.7 lux per foot-candle.

METES AND BOUNDS – The measurements, boundaries, and limits of a property.

MINI-STORAGE/WAREHOUSE (SELF-SERVICE STORAGE FACILITY) – The use of any building or land to accommodate self-contained, separate, individual and private storage spaces or areas of various sizes which are leased on an individual basis for varying periods of time for the storage of materials which are customarily considered not to be hazardous, offensive, noxious or a nuisance and not for human or animal habitation. The term includes outdoor storage of vehicles, boats, trailers, recreational vehicles and similar

equipment which is clearly subordinate to the principal use of enclosed storage as described herein.

MINOR REPAIR – The replacement of existing work with equivalent materials for the purpose of its routine maintenance and upkeep; but not including the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or bearing support, or the removal or change of any required means of egress or rearrangement of parts of a structure affecting the exitway requirements; nor shall minor repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer drainage, drain leader, gas, soil, waste, vent or similar piping, electric wiring or mechanical or other work affecting public health or general safety.

MOBILE HOME/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 which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation.

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

MOBILE HOME/MANUFACTURED HOME COMMUNITY – A parcel or contiguous parcels of land which has been so designated and improved that it contains two (2) or more mobile home lots for the placement thereon of mobile homes.

MOTEL – See "Hotel, Motel or Inn"

MULTIPLEX – A type of single-family attached dwelling unit. In general, all units have independent outside access; but this is not a requirement. Units may be arranged in a variety of configurations: side-by-side, back-to-back, or vertically. The essential feature is the small number of units attached. No more than five (5) units shall be attached in any group, and groups shall average four (4) units per structure.

MUNICIPAL AUTHORITY – A body politic and corporate created pursuant to the Act of May 2, 1945 (P.L. 382, No. 164), known as the "Municipalities Authority Act of 1945."

MUNICIPALITY – The Township of West Sadsbury, Chester County.

NATIONAL REGISTER CRITERIA – Standards promulgated by the Secretary of the Interior against which historic resources nominated to the National Register of Historic Places 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.

NATIVE TREE – A tree inherent and original to the local area.

NEW CONSTRUCTION – The building, rebuilding, renovation, repair, extension, expansion, alteration, or relocation of a building, structure, and/or improvements such as

streets, utilities, etc. Also, for purposes of this Chapter 27, all proposed subdivision and/or land development shall be considered to be new construction.

NONCONFORMING LOCATION, DIMENSION OR STANDARD – A nonconforming location exists where an otherwise lawful building or structure encroaches in mandated setbacks from lot lines, roads or other buildings or structures. A nonconforming dimension is a lawful nonconformity arising where an otherwise lawful building or structure or paving exceeds the lot coverage, green area requirement or other similar dimensions or percentages under this Chapter 27 or restrictive or prohibitory amendment thereto. A nonconforming standard is a lawful nonconformity arising by reason of violation of standards created under this Chapter 27 or any restrictive or prohibitive amendment thereto with reference to those common regulations set forth under this Chapter 27 or otherwise established under any design or performance standards applicable to the use, activity or structure. By way of illustration and not by way of limitation, a nonconforming standard arises where a use had sufficient parking under a prior ordinance but the parking is deficient under the standards set forth in this ordinance.

NONCONFORMING LOT – A lot the area or dimension of which was lawful prior to the original adoption or subsequent amendment of this Chapter 27, 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 use or extent of use provisions of this Chapter 27 or amendment heretofore or hereafter enacted, where such structure lawfully existed prior to the original enactment of this Chapter 27 or subsequent amendment or prior to the application of this Chapter 27 or subsequent 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 in this Chapter 27 or amendment heretofore or hereafter enacted, where such use was lawfully in existence prior to the original enactment of this Chapter 27 or subsequent amendment, or prior to the application of this Chapter 27 or subsequent amendment to its location by reason of annexation.

NON-CONFORMITY – Any variation from the requirements of this Chapter 27 which exist legally on the original effective date of this Chapter 27 or subsequent amendments thereto.

NONCONTRIBUTING – A noncontributing building, site, structure, or object which does not add to the historic architectural qualities, historic associations, or archaeological values for which a property is significant because a) it was not present during the period of significance, b) due to alterations, disturbances, additions, or other changes it no longer possesses historic integrity reflecting its character at that time or is incapable of yielding important information about the period, or c) it does not independently meet the National Register of Historic Places criteria.

NOTEWORTHY TREES – A healthy or non-terminally diseased tree with a minimum diameter at breast height (DBH) of ten (10) inches.

NURSERY – An area where plants are grown for transplanting, for use as stocks for budding and grafting, or for wholesale and/or retail sale.

NURSING HOME – Any premises in which nursing care and related medical or other health services are provided, for a period exceeding one (1) day, for three (3) or more individuals, who are not acutely ill and not in need of hospitalization, but who, because of age, illness, disease, injury, convalescence or physical or mental infirmity need such 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, which may impede, retard, or change the direction of flow of water either in itself or by catching or collecting debris carried by such water or is placed where the flow of the water might carry the same downstream to the damage of life and property.

OCCUPIABLE SPACE – A room or enclosed space designed for human occupancy in which individuals congregate for amusement, educational or similar purposes, or in which occupants are engaged at labor, and which is equipped with means of egress and light and ventilation facilities meeting all Township requirements.

OFFICE – The use of any building or land for the general conduct of a business or profession unless otherwise defined in this Chapter 27, by law, the courts or commonly accepted definition.

OFFICE, PROFESSIONAL – The use of any building or land for the conduct of business by a member of a recognized profession including, but not limited to, by way of example, doctors, lawyers, architects, engineers, geologists and surveyors.

OFF-SITE SEWAGE SERVICE – See "Public Sewage Facilities."

ON-SITE WATER SERVICE – See "Water Service, On-Site."

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

OPEN SPACE, CONSERVATION – Conservation open space is that area within a residential development that falls within those critical environmental areas that are sufficiently environmentally sensitive as to preclude actual construction thereon.

OPEN SPACE, COMMON OR COMMUNITY – Common or community open space shall be those areas within the residential development dedicated to the use and enjoyment of the residents thereof or to the public generally. The common open space shall include, but is not limited to, those areas dedicated to water and sewage treatment facilities suitable for active or passive recreation, parks and recreation areas (active or passive), sedimentation and erosion control facilities suitable for active or passive recreation and like amenities, but shall exclude from the definition sewer lines, water lines and electrical easements not otherwise used for the purposes herein described, and shall exclude roads and sidewalks and required yard distances and spaces between structure perimeter setbacks and other areas not suitable for active or passive recreation.

OPEN SPACE, DESIGNATED – Areas, identified on an applicant's plan, which will be limited to open space use in perpetuity.

OPEN SPACE, TOTAL – Total open space within a residential development shall be deemed to include common and conservation open space in the total acreage. Provided, however, that where open space is both common and conservation, the total open space required shall not be reduced below the sum total of required common open space plus the require conservation open space separately computed. The total open space shall not duplicate that acreage, but the total acreage shall be deemed to include the sum total of all acreage dedicated to one or more of the open space areas defined above.

OPEN SPACE RATIO – A measure of the intensity of land use. It is arrived at by dividing the total area of all open space within the site by the Base Site Area.

OPERATOR – An individual, partnership, company, firm, association, or corporation engaged in timber harvesting, including the agents, subcontractors, and employees thereof.

OUTDOOR HYDRONIC HEATER – A fuel burning appliance or device, also known as an “outdoor wood boiler,” “outdoor wood burning boiler,” or “outdoor wood heater,” that burns less than 350,000 BTUs per hour and produces heat or hot water for a structure or building through the distribution, typically through pipes, of a fluid heated in the device, typically water or a mixture of water and antifreeze.

OUTDOOR STORAGE – The collection of man-made materials stored outside a building.

PARK – A tract of land designated and used by the public primarily for recreation of an active or passive nature.

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

PARKING SPACE – An open space with a dustless, all-weather surface, or space in a private garage or other structure which shall be at least ten (10') feet by twenty (20') feet in size for the storage of one (1) automobile, accessible from a public way.

PARTIAL STREET – See "Half Street."

PERSON – An individual, partnership, public or private association or corporation, firm, trust, estate, municipality, governmental unit, public utility or any other legal entity whatsoever, which is recognized by law as the subject of rights and duties.

PET – An animal such as a dog, cat, rabbit, small animal or bird which is usually kept for individual or family enjoyment and/or protection.

PIGGERY, COMMERCIAL – A commercial enterprise involving the keeping, feeding or raising of pigs for market as substantial use, or where pigs are fed primarily with ingredients collected from off the premises; this shall not be constructed to include the incidental raising of pigs as an accessory use to agriculture.

PLANNING COMMISSION – The Planning Commission of West Sadsbury Township, Chester County.

PLANTING STRIP – The unpaved portion of a street right-of-way, parking lot, access or similar area intended to separate parking and traffic areas from adjacent areas. Also, any strip of land intended to separate a use on one lot from a use on an adjacent lot.

PRECOMMERCIAL TIMBER STAND IMPROVEMENT – A forestry practice, such as thinning or pruning, which results in better growth, structure, species composition, or health for the residual stand but which does not yield a net income to the landowner, usually because the trees are of poor quality, too small or otherwise of limited marketability or use.

PRIMARY RESIDENT OCCUPANT – A person occupying and residing in a dwelling unit or institution as his primary residence where such person is there for receipt of the services, care, or custody for which the institution or residence was created, and is not there for the purpose of rendering such care, custody, service or treatment.

PRIMARY RESOURCE CONSERVATION LANDS – Land to be contained within areas of designated open space and which mainly consist of areas within the floodplain, areas with slopes between fifteen percent (15%) and twenty-five percent (25%), areas with slopes over twenty-five percent (25%), woodlands, areas within the Conestoga geologic formation, areas of extensive rock outcroppings (over 1,000 square feet) and pond shores. These areas are to be shown on the Existing Resource and Site Analysis Plan.

PRIME AGRICULTURAL SOILS AND AGRICULTURAL SOILS – Soil Capacity Classes I-1 through and including IIe-2, as classified by the "Chester and Delaware Counties, Pennsylvania Soil Survey," 1959, No. 19. Non-prime agricultural soils are all other soil capability classes.

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

PRINCIPAL PERMITTED USE – Any use of land or building which is specifically permitted within a Zoning District under the provisions of this Chapter 27.

PRINCIPAL USE – The main use on a lot.

PRIVATE ANTENNA – An antenna privately owned and used for radio transmission and reception by a private individual or commercial business on wavelengths available to the general public and with an antenna support structure not exceeding thirty-five (35) feet in height. Such an antenna shall be permitted as an Accessory Use.

PRIVATE GARAGE – See, "Garage, Private."

PROPERTY LINE – A recorded boundary of a plot of land.

PUBLIC GROUNDS – Includes:

- A. Parks, playgrounds, trails, paths and other recreational areas and other public areas;
- B. Sites for schools, sewage treatment, refuse disposal and other publicly owned or operated facilities; and
- C. Publicly owned or operated scenic and historic sites.

PUBLIC HEARING – A formal meeting held pursuant to public notice by the Board of Supervisors or Planning Commission, intended to inform and obtain public comment, prior to taking action in accordance with this Chapter 27.

PUBLIC MEETING – A forum held pursuant to notice under the Act of July 3, 1986 (P.L. 388, No. 84), known as the "Sunshine Act," 53 P.S. §§271 et seq.

PUBLIC NOTICE – Public notice as defined in the Pennsylvania Municipalities Planning Code.

PUBLIC RECREATION – Leisure-time activities, including, but not limited to sports and entertainment that are open to anyone without restriction, except for rules and standards of conduct and use.

PUBLIC UTILITIES – See "Utilities, Public."

PUBLIC WATER FACILITIES – Any system, regardless of ownership, which supplies water to more than one (1) development unit as approved by the appropriate County or State agency.

PUBLISHING/PRINTING ESTABLISHMENT – The use of any building or land for producing printed material whether or not the process is in whole or in part on the premises and without regard to the technology or media employed.

QUALIFIED PROFESSIONAL FORESTER – A person who has a Bachelors of Science degree from a four-year School of Forestry accredited by the Society of American Foresters and a member in good standing of the American Forestry Association.

REAR YARD – See "Yard, Rear."

REAR YARD LINE – See "Yard Line."

RECREATION LAND – Usable public or common open space as near to each development unit as possible and not consisting of floodplain, steep slopes, or wetland. It shall consist of landscaped or natural terrain and may include such buildings and facilities as are necessary to fulfill its permitted functions. These areas shall not include street rights-of-way or required off-street parking.

RECREATION VEHICLE – A vehicle which is (i) built on a single chassis; (ii) not more than 400 square feet, measured at the largest horizontal projections; (iii) designed to be self-propelled or permanently towable by a car or light-duty truck; (iv) not designed for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

REGULATORY FLOOD ELEVATION – The One Hundred (100) Year Flood Elevation, plus a freeboard safety factor of one and one-half (1½) feet.

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

RELIGIOUS WORSHIP, PLACE OF – Any structure or structures used for worship or religious instruction, including social and administrative rooms accessory thereto, but not including any commercial activity.

REPORT – Any letter, review, memorandum, compilation or similar writing made by any body, board, officer or consultant other than a solicitor to any other body, board, officer or consultant for the purpose of assisting the recipient of such report in the rendering of any decision or determination. All reports shall be deemed recommendatory and advisory only and shall not be binding upon the recipient, board, officer, body or agency, nor shall any

appeal lie therefrom. Any report used by the body, board, officer or agency rendering a determination or decision shall be made available for inspection to the applicant and all other parties to any proceeding upon request, and copies thereof shall be provided at cost of reproduction.

RESEARCH LABORATORY – An establishment or other facility for carrying on scientific investigation, engineering or development.

RESEARCH, ENGINEERING OR TESTING LABORATORY – The use of any building or land for carrying on investigations in the natural, physical or social sciences which may include product development capabilities and pilot plant operations which are limited in size and intensity.

RESIDENTIAL LIVING SPACE – The total floor area of a dwelling unit, not including decks, patios, porches, basements or garage areas.

RESOURCE PROTECTION LAND – Land which exhibits natural development constraints in the form of steep slopes, high water table, flood potential, ground water pollution hazard, severe erosion potential, and woodland which requires protection in varying degrees from the impact of development.

RESTAURANT – A commercial establishment devoted to the sale and consumption of food and beverages to patrons within an enclosed building while the patrons are seated at counters, booths or tables. The establishment serves prepared food primarily on non-disposable tableware, but can provide for incidental walk-in and carry-out service subject to the limitations contained in this Ordinance.

RESTAURANT, FAST FOOD – A building used for the purpose of furnishing food for consumption on or off of the premises. Such establishment serves prepared food generally packaged in paper wrappers and/or disposable plates and containers. Such a restaurant may include drive through service to allow for the serving and pick-up of food, without leaving the vehicle, for off-premise consumption.

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

RETENTION BASIN – A reservoir which retains stormwater runoff and gradually releases it through the infiltration of said water into the ground. Typically, a retention basin will retain water permanently or for significantly longer periods of time than does a detention basin.

RETIREMENT COMMUNITY – A residential development designed specifically for adult individuals or couples who do not have resident, dependent children which may or may not provide a full range of medical and housekeeping services.

RIGHT-OF-WAY – Land set aside for use as a street, alley, other means of travel, or essential services and utilities.

A. **EXISTING RIGHT-OF-WAY** – The legal right-of-way as established by the Commonwealth, Township, or other appropriate governing authority and currently in existence.

- B. **FUTURE RIGHT-OF-WAY** – The right-of-way deemed necessary by the West Sadsbury Township Comprehensive Plan, the Chester County Planning Commission, and/or the official Map as appropriate to provide adequate width for future street improvements also referred to as ultimate right-of-way.

RIPARIAN BUFFER – Areas immediately adjacent to the Township's perennial streams, Watercourses where the drainage area to the wetland or watercourse exceeds 20 acres, and areas deemed by the Township to possess environmental value shall be defined as the Riparian Buffer Zone (RBZ). In the RBZ, special requirements as set forth in this Section shall apply in order to maintain important natural functions. These RBZ requirements are based on both the heightened sensitivity of the RBZ and the potential to negatively impact the stream system when this RBZ is disturbed, as well as the potential of this RBZ to mitigate to the maximum extent the negative effects of Development in areas adjacent to the stream system. The RBZ shall include three sub-zones, Zones 1 through 3, to be established and protected, as defined below:

- A. Zone 1, a 35-foot setback zone, measured from the top of the bank of the Watercourse, where no disturbance of vegetation and soil except for restoration shall occur, in order to shade the stream with natural vegetation, to provide a source of numerous other organic inputs to the aquatic system, to anchor the streambank and Floodplain Area, and to consume and otherwise remove nitrogen, sediment, and other substances which can adversely affect stream systems.
- B. Zone 2, a managed buffer zone, extending a distance equal to 45 feet outward from Zone 1 or to the 100 year Floodplain boundary, whichever is larger, where disturbance of natural vegetative cover shall be limited to activities which minimally disrupt existing tree cover, in accordance with applicable zoning restrictions, and soil mantle, in order to maximize filtering and overall physical removal of particulate-form pollutants from Runoff generated upgradient and to promote subsurface vegetative uptake of nitrogen and other non-particulate elements from Stormwater generated upgradient. The Developer shall use land within Zone 2 only for those uses authorized within the 100-year floodplain as allowed in the Zoning Ordinance, even if portions of Zone 2 are located outside of the 100-year floodplain.
- C. Zone 3, a zone of 20 feet extending outward from Zone 2; Zone 3 is defined in those cases where upslope areas adjacent to the RBZ are being disturbed during the Land Development process and where direct discharge of Stormwater would otherwise occur; Zone 3 must include level spreading devices as necessary to ensure that any directly discharged Stormwater flows are properly distributed as sheet flow. Developer shall avoid channelization and point source discharges.
- D. An RBZ adjacent to "High Quality Waters" and "Exceptional Value Waters" designated by the DEP shall be subject to the provisions of the most recent edition of DEP Special Protection Waters Implementation Handbook and its amendments. To the extent that the Township and DEP requirements are not consistent, the more restrictive requirements shall apply.
- E. For areas immediately adjacent to the Township's perennial streams and Watercourses where the drainage area to the Watercourse is less than 20 acres, the RBZ shall be defined as a zone extending 35 feet outward from the top of the bank(s) of the

Watercourse. Within this area, no disturbance of vegetation and soil except for restoration shall occur.

ROOMER, BOARDER OR LODGER – A person other than a family member occupying any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking or eating purposes, and paying compensation for lodging, or board and lodging, by prearrangement for a week or more at a time, to an owner or operator. Any person occupying such room or rooms and paying such compensation without pre-arrangement or for less than one (1) week at a time shall be classified for purposes of this Chapter 27, not as a roomer, boarder, or lodger, but as a guest of a commercial lodging establishment (motel, hotel, tourist home).

RUNOFF – The surface water discharge or rate of discharge of a given watershed after rain or snow event that does not enter the soil but runs off the surface of the land.

RURAL LOTS – Residential lots in subdivisions designed using the four-step design process wherein at least sixty percent (60%) of the adjusted tract area is designated open space.

SANITARY LANDFILL – A lot or tract or portion thereof used for the deposit and storage of refuse and in which all exposed refuse is to be covered daily in accordance with the State Department of Environmental Protection and County Department of Health regulations.

SCREENING – The use of plant materials, fencing or earthen berms to aid in the concealment of such features as parking areas and to provide privacy between uses, structures, or buildings.

SEDIMENTATION – The process by which mineral or organic matter is accumulated or deposited by moving wind, water, or gravity. Once this matter is deposited, or remains suspended in water, it is usually referred to as "Sediment."

SELECTIVE CUTTING – The felling of certain, but not all, trees on a lot or tract or portion thereof for the purposes of removal of dead, diseased, damaged, mature or marketable timber, improvement of the quality of a tree stand or species, or meeting personal domestic needs.

SEWAGE – All water-carried domestic or commercial wastes or any combination thereof.

SEWAGE FACILITIES – A system of sewage collection, conveyance, treatment and disposal which will prevent the discharge of untreated or inadequately treated sewage or other waste into waters of this Commonwealth of otherwise provide for the safe and sanitary treatment and disposal of sewage or other waste. Sewage Facilities consist of a mechanical treatment section and a disposal section. The mechanical section may consist of pipes, pumps, mechanical treatment plants, treatment and storage ponds, or other treatment facilities. The disposal section may be a subsurface soil absorption area or a mechanical storage tank.

A. **INDIVIDUAL SEWAGE SYSTEM** – A sewage facility, whether publicly or privately owned, serving a single lot and serving one equivalent dwelling unit and collecting, treating and disposing of sewage in whole or in part into the soil or into

waters of this Commonwealth or by means of conveyance of retaining tank wastes to another site for final disposal.

- (1) INDIVIDUAL ON LOT SEWAGE SYSTEM – An individual sewage system which uses a system of piping, tanks or other facilities for collecting, treating and disposing of sewage with a soil absorption area or spray field or by retention in a retaining tank.
 - (2) INDIVIDUAL SEWERAGE SYSTEM – An individual sewage system which uses a method of sewage collection, conveyance, treatment and disposal other than renovation in a soil absorption area, spray field, or retention in a retaining tank.
- B. COMMUNITY SEWAGE SYSTEM – A sewage facility, whether publicly or privately owned, for the collection of sewage from two or more lots, or two or more equivalent dwelling units and the treatment and/or disposal of the sewage on one or more of the lots or another site.
- (1) COMMUNITY ON LOT SEWAGE SYSTEM – A system of piping, tanks or other facilities serving two or more lots and collecting, treating and disposing of sewage into a soil absorption area or retaining tank on one or more of the lots or at another site.
 - (2) COMMUNITY SEWERAGE SYSTEM – A publicly or privately owned community sewage system which uses a method of sewage collection, conveyance, treatment and disposal other than renovation in a soil absorption area or retention in a retaining tank.
- C. PUBLIC SEWAGE SYSTEM – An 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.
- D. SMALL FLOW TREATMENT FACILITIES – An individual or community sewerage system designed to adequately treat sewage flows not greater than 2,000 gallons per day for final disposal using a stream discharge or disposed through means approved by the Pennsylvania Department of Environmental Protection.
- E. SUBSURFACE SOIL ABSORPTION AREA – That portion of a sewage facility that remains all or substantially below the surface, is used for the dissipation of treated sewage, and excludes buildings, structures, and ponds for collection, storage and treatment of sewage.

SEWAGE SERVICE, ON-SITE – See *Sewage Facilities, Individual Sewage System*.

SHOPPING CENTER – The multiple use of a single property for the retail sale of such things as dry goods, variety and general merchandise, clothing, food, flowers, drugs, household supplies or furnishings, sale or repair of jewelry, watches and clocks, optical goods, or musical, professional or scientific instruments; the provision of personal services such as barber shops, banks, hairdressers, laundry or laundromats, and cleaning and pressing shops, and for such purposes as theaters and bowling alleys.

SHOPS FOR PERSONAL SERVICE – A place for the rendering of assistance or conferring a benefit upon another, done directly for the person concerned such as a doctor, lawyer, dentist, dressmaker, architect, barber or establishment of a like or similar nature, excluding adult entertainment establishments as defined in this Chapter 27.

SIDE YARD LINE – See "Yard Line."

SIGHT DISTANCE – The required length of roadway visible to the driver of a passenger vehicle at any given point on the roadway when the view is unobstructed by traffic. Sight distance measurement shall be made from a point 3.5 feet above the centerline of the road surface and ten (10') feet from the edge of paving to a point 0.5 feet above the center line of the road surface.

SIGN – Any permanent or temporary structure or part thereof, or any device attached, painted or represented directly or indirectly on a structure or other surface that displays or includes any letter, work, insignia, flag or representation which is in the nature of an advertisement, announcement, visual communication, direction or is designed to attract the eye or bring the subject to the attention of the public. Flags of any governmental unit or branch of any charitable or religious organization, interior signs not visible from a public right-of-way or adjoining property and cornerstones built into or attached to a wall of a building are excluded.

SIGN AREA – The area of a sign shall be construed to include all lettering, working and accompanying designs and symbols together with the background, whether open or enclosed, on which they are displayed but not including any supporting framework and bracing which are incidental to the display itself. Where the sign consists of individual letters or symbols attached to a surface, building, wall or window, the area shall be considered to be that of the smallest rectangle or other shape, including the sign background which encompasses all of the letters and symbols.

SIGN, DIRECTIONAL – A sign for the sole purpose of providing directional information to a specific site location or activity.

SIGN, FLASHING – A sign, the illumination of which, when in use, is not kept constant in intensity or color at all times, and which exhibits sudden or marked changes in lighting effects. Illuminated signs which indicate the time, temperature or date information shall not be considered a flashing sign.

SIGN, GROUND – Any sign supported by uprights or braces placed upon the ground, and not attached to any building.

SIGN, ILLUMINATED – A sign designed to give forth artificial light directly (or through transparent or translucent material) from a source of light within such sign with illumination derived from an external artificial source so arranged that no direct rays of light are projected from such artificial source to areas other than the sign being illuminated.

SIGN, ON-PREMISES – A sign relating in its subject matter to the premises on which it is located or to products, accommodations, services or activities available on the premises.

SIGN, OFF-PREMISES – A sign which direct 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, PARALLEL – A sign which is mounted parallel to a wall or other vertical building surface not extending beyond the edge of any wall or other surface to which it is mounted and not projecting more than fifteen (15) inches from the wall surface.

SIGN, POLE – A sign that is mounted on a freestanding pole or other single support.

SIGN, PROJECTING – A sign which is attached directly to the wall of a building or other structure which extends more than fifteen (15) inches from the face of such wall.

SIGN, REAL ESTATE – A sign pertaining to the sale or lease of the premises on which the sign is located.

SIGN, ROOF – Any sign erected, constructed and maintained wholly upon or over the roof of any building with the principal support of the sign on the roof structure.

SIGN, TEMPORARY – Any sign, banner, pennant, valance or advertising display constructed of cloth, canvas, light fabric, cardboard, wallboard or other light materials, with or without frames, intended to be displayed for thirty (30) days or less.

SIGN, WALL – A sign inset into a freestanding wall or fences which are not connected to any structure.

SIGN, WINDOW SIGN – A sign which is oriented to the public right-of-way, is legible to persons in vehicles and is located on the outside or inside of a window to direct attention to an activity conducted on the same lot.

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

SITE – A parcel or parcels of land intended to have one (1) or more buildings or intended to be subdivided into one (1) or more lots by a single developer.

SITE CAPACITY – A determination of the intensity of development appropriate for the site to be developed. Such determination is made for residential, commercial and industrial uses following the provisions of Part 9A and Part 9B of this Chapter 27.

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

SKIDDING – Dragging trees on the ground from the stump to the landing by any means.

SLASH – Woody debris left in the area after tree removal, including logs, wood chips, bark, branches, uprooted stumps, tree boles and broken or uprooted trees or shrubs.

SLOPE – The face of an embankment or cut section; any ground whose surface makes an angle with the plane of the horizon. Slopes are usually expressed in a percentage based upon vertical difference in feet per one hundred (100') feet of horizontal distance.

SOLAR ENERGY SYSTEM - An energy conversion system or device, including any structural design features and all appurtenances and parts thereof, whose primary purpose is to provide for the collection, storage and distribution of solar energy for space heating or cooling, for water heating and/or for electricity.

SOLID WASTE – Waste including solid, liquid, semi-solid, or contained gaseous materials. Such waste concrete shall not include biological excrement nor hazardous materials as defined in the Code of Federal Regulations.

SPECIAL EXCEPTION – A use permitted in a particular zoning district pursuant to the provisions of this Chapter 27 and Articles VI and IX of the Pennsylvania Municipalities Planning Code, 53 P.S. §§10601 et seq., 10901 et seq.

SPECIAL PERMIT – A special approval which is required for hospitals, nursing homes, jails, and new manufactured home parks and substantial improvements to such existing parks, when such development is located in all, or a designated portion of a floodplain.

SPECIMEN TREE – A tree with a DBH of twenty-four (24) inches or greater; or a unique, rare, or otherwise specifically selected tree which most typically represents a whole class or group, specifically in shape, form or historical importance, including, but not limited to, a tree whose growth pattern has been significantly altered by a natural and/or man-made action, one which has been historically documented (mentioned in written histories), one on which there are historic plaques, markers, carvings, or unusual marking in the bark, or one which identified a particular location, and which shall be designated as such by the Township during plan review.

STABLE – A building containing stalls where horses or ponies are sheltered and fed.

STABLE, COMMERCIAL – A facility to accommodate domestic animals such as horses and ponies for the purpose of boarding and/or sale or offering riding or other related activities to other than the owner and his family.

STAND – Any area of forest/woodland vegetation whose site conditions, past history, and current species composition are sufficiently uniform to be managed as a unit.

STEEP SLOPES – Areas where the slope exceeds fifteen (15%) percent which, because of this slope, are subject to high rates of storm water run-off and therefore erosion.

STORMWATER – Water which surfaces, flows or collects during and subsequent to a rain or snowfall event.

STREAM – Any natural or artificial channel of conveyance for surface water with an annual or intermittent flow within a defined bed and banks.

STREET – A strip of land, including the entire right-of-way, publicly or privately owned, serving primarily as a means of vehicular and pedestrian travel, and furnishing access to abutting properties, which may also be used to provide space for sewer, public utilities, shade trees, sidewalks, etc. and shall include street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct or any other ways used or intended to be used by vehicular traffic whether public or private.

- A. **PRINCIPAL ARTERIALS** have as their primary function the movement of large volumes of traffic at relatively high rates of speed. They provide high levels of services and facilitate traffic over long distances on an inter-county or interstate basis.
- B. **MINOR ARTERIALS** interconnect with and augment the principal arterial system. These roads provide services to trips of moderate length and have controlled access points. Minor arterials provide greater access to adjacent land than principal arterials.

- C. MAJOR COLLECTORS connect municipalities and incorporated centers. These roads are the major contributors to arterial traffic and carry fairly heavy traffic volumes at moderate rates of speed.
- D. MINOR COLLECTORS facilitate relatively low volumes of traffic at lower speeds. They gather traffic from local streets and direct it to the arterial and major collector road networks. Minor collectors often provide traffic circulation between and within residential neighborhoods.
- E. LOCAL STREET – A street intended to serve and provide access to the properties abutting thereon and not connecting with other streets in such a manner as to encourage through traffic.
- F. CUL-DE-SAC STREET – A local street intersecting with another street at only one end with the opposite end terminating in a permanent vehicular turnaround.
- G. PUBLIC STREET – A street constructed to meet the applicable requirements of Chapter 22 and also this Chapter 27 and which has been accepted by the Board by deed of dedication to West Sadsbury Township or which has heretofore been opened, accepted and used as a public thoroughfare or is otherwise determined to be accessible, without limitation, for use by the public.
- H. PRIVATE STREET – A street constructed to meet the applicable requirements of Chapter 22 and also this Chapter 27 but which has not been offered to or accepted by the Board as a public thoroughfare. Existing streets not constructed to meet the requirements of Chapter 22 and also this Chapter 27 shall not be considered private streets.

STREET, CENTERLINE OF – The line that is at an equal distance from both street lines, or right-of-way lines.

STREET RIGHT OF WAY LINE – The legal right-of-way line of a street, road, way or highway legally open to public use or officially platted, or between a lot and a privately owned street, land, road or way over which the owners or tenants of two (2) or more lots each held in single and separate ownership have been provided right-of-way

STRUCTURALLY UNSAFE – As used in this Ordinance, shall mean hazardous or dangerous to persons or property due to deterioration of fabric or materials, framework, support, painting or electrical wiring, if applicable, or due to damage by natural elements, vandalism, or otherwise to such an extent as to warrant major repair, or other maintenance to prevent further deterioration, or demolition and removal. This determination shall be made and certified to by the Township Building Inspector or a licensed structural engineer. In the case of an Historic Resource, the structural engineer or Township Building Inspector shall be qualified in the field of historic resource conservation.

STRUCTURE – Any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land.

SUBDIVISION – The division or redivision of a lot, tract or parcel of land by any means into two (2) or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the

court for distribution to heirs or devisees, transfer of ownership or building or lot development: Provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than ten (10) acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.

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

SUBSTANTIAL IMPROVEMENT – Any reconstruction, rehabilitation, addition other improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure before the “start of construction” of the improvement. This term includes structures which have incurred “substantial damage”, regardless of the actual repair work performed. The term does not, however, include either:

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

SUPPLEMENTAL FARM BUSINESS – An accessory use in the agricultural district that would allow for a secondary source of income for a resident farmer, so as to promote the continuation of existing agricultural uses in accordance with §348 of this Ordinance.

SWALE – A relatively wide shallow channel or ditch which collects and/or directs and carries surface water.

SWIMMING POOL – A temporary or permanent structure containing or that could contain a body of water with a depth of two (2) feet or more, excluding ponds.

TIMBER HARVESTING/TREE HARVESTING/LOGGING – The process of cutting down trees and removing logs from the forest/woodlands for the primary purpose of sale or commercial processing into wood products.

TIMBER HARVESTING PLAN – A description, by means of text and maps, of proposed actions involving the removal of trees for commercial harvesting purposes.

TOP – The upper portion of a felled tree that is unmerchantable because of small size, taper or defect.

TOWNSHIP – The Township of West Sadsbury, Chester County.

TRACT – One (1) or more lots assembled for the purpose of land development and/or subdivision.

TREE CLEARING – The process of cutting down trees and removing logs from the forest/woodlands, not necessarily for the purpose of sale or commercial processing, generally but not exclusively occurring prior to the subdivision or land development process.

TREE/TIMBER CLEARING PLAN – A description, by means of text and maps, of proposed actions involving the removal of trees occurring prior to the subdivision or land development process.

TREE CLUSTER – A group or mass of at least three (3) trees that form a common Canopy.

TREE DRIP LINE – A generally circular line marking the outer edges of the branches of a tree.

TREE PROTECTION ZONE (TPZ) – An area measured from the tree trunk in which no construction or construction activity shall take place. The TPZ shall be fifteen (15) feet from the trunk of the tree or the distance from the trunk of the tree, or two (2) feet beyond the drip line, whichever is greater. For noteworthy trees the TPZ shall be twenty (20) feet from the trunk of the tree or the distance from the trunk of the tree to five (5) feet beyond the drip line, whichever is greater. Where there is a cluster of trees, the TPZ shall be aggregate of the protection zones for the individual trees concerned.

TREE REMOVAL – The cutting down of a tree or the transplanting of a tree to another property.

TRUCK/FREIGHT TERMINAL – The use of any building or land as a place where vehicles load and unload cargo and freight and where the cargo and freight may be broken down or aggregated into smaller or larger loads for transfer to other vehicles or modes of transport. The residence time of the cargo or freight within any building or on the land is relatively short and does not include storage of cargo or freight generally associated with a warehouse facility. Usual and customary subordinate uses include temporary parking of vehicles awaiting dispatch and facilities to service vehicles used in the transport of the cargo and freight.

UNCOMMITTED LAND – That portion of a tract for which a Land Development Plan has been submitted for approval that is designated by the owner as reserved for a future determination as to how the land will be developed.

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

A. USE, ACCESSORY – See "Accessory Use."

B. USE, PRINCIPAL – See "Principal Use."

C. USE, PRINCIPAL PERMITTED – See "Principal Permitted Use."

UTILITIES, PUBLIC – A public utility is a use forming part of a system of uses, structures and improvements designed to provide services to the public, and operated by a governmental agency, or a private corporation operating under a certificate of, or with the authority of, the Public Utility Commission or other similar State or Federal regulatory agency. As examples, this definition includes transformers, pumping stations, water works, sewage plants and the like, but does not include the office where the corporate personnel are located.

VARIANCE – Relief granted pursuant to the provisions of this Chapter 27 and Articles VI and IX of the Pennsylvania Municipalities Planning Code, 53 P.S §10101 et seq.

VEGETATION LAYERS – For the purpose of this Ordinance, vegetation layers are located within a tree cluster and are comprised of the following: canopy layer, under story layer, shrub layer, and grass/herbaceous layer.

WAREHOUSE STORAGE FACILITY – A structure for the storage of merchandise or commodities. Normally these operations store goods and equipment for other businesses but may also house articles for private individuals.

WATERCOURSE – Any natural or artificial stream, river, creek, ditch, channel, canal, conduit, culvert, drain, waterway, gully, ravine or wash in which water flows in a definite direction or course, either continuously or intermittently, and has a definite channel, bed and banks, and includes any area adjacent thereto subject to inundation by reason of overflow or floodwater.

WATER SERVICE, ON-SITE – A safe, adequate and healthful supply of water to a single user from a private source as approved by the Chester County Health Department or Department of Environmental Protection.

WATER SUPPLY, INDIVIDUAL – An adequate supply of potable water to a single user from a private well on the lot of the user.

WATER SUPPLY, CENTRAL – A system for supplying potable 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.

WEAK-LINK TOWNHOUSE – A single-family attached dwelling unit, having individual outside access, with one (1) dwelling unit from ground to roof. Each dwelling shall consist of a one-story portion and a two-story portion, with the one-story portion occupying a required portion of the minimum lot frontage. Rows of attached dwellings shall not exceed eight (8) units.

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

WHOLESALE – DISTRIBUTION, SALES & STORAGE – The distribution, sale or storage of commodities in large quantities by a middleman or business. These goods or services are usually sold to a retail merchant. These types of operations are generally not open to the public and have limited counter sales. They do require large storage facilities with access for truck delivery and pick-up.

WIND ENERGY SYSTEM - Any device which converts wind energy to mechanical or electrical energy and shall include blades, hubs to which blades are attached, and any device, such as a tower, used to support the hub and/or rotary blades, etc.

WOODLAND – Areas, groves, or stands of mature, or largely mature (i.e., greater than six (6") inches caliper) covering an area greater than one-quarter (¼) acre; or areas, groves or stands of mature trees (greater than twelve (12") inches caliper) consisting of more than ten (10) trees.

YARD – An open space, which lies between the principal building or group of buildings and the nearest lot line or street right-of-way, and is unoccupied and unobstructed from the ground upward except as herein permitted. The size of a required yard shall be measured as the shortest distance between the structure and a lot line or street right-of-way.

- A. **YARD, FRONT** – A yard between a principal building and the street right-of-way extending the full width of the lot, unoccupied and unobstructed from the ground upward (excluding shrubs, trees, and fences). In the case of a corner lot or a lot that fronts on more than one street, the yards extending along all streets are front yards. See also "Building Setback Line, Front Yard".
- B. **YARD, REAR** – A yard extending the full width of the lot between a principal building and the rear lot line. See also "Building Setback Line, Rear Yard".
- C. **YARD, SIDE** – A yard extending from the front yard to the rear yard between a principal building and the nearest side lot line. In the case of a lot having no street frontage or a lot of odd shape, any yard that is not a front yard or a rear yard shall be considered a side yard. See also "Building Setback Line, Side Yard".

YARD DEPTH – The distance from any specified lot line to its corresponding yard line. See also "Yard".

YARD LINE – A line that is parallel to and separated from a corresponding lot line a distance which is equal to that specified in the applicable zoning district for the required depth of the yard associated therewith. See also "Building Setback Line".

ZONING HEARING BOARD – The Zoning Hearing Board of West Sadsbury Township.

ZONING MAP – The official zoning map of West Sadsbury Township, Chester County, Pennsylvania.

ZONING OFFICER – The administrative officer charged with the duty of enforcing the provisions of this Chapter 27.

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PART 3A

RMD – MEDIUM DENSITY RESIDENTIAL DISTRICT

§301. Purpose and Use Regulations.

1. Purpose. In addition to the general goals listed in the statements of General Intent and Purpose, §102, and Community Development Objectives, §103, the purpose of this district is:
 - A. To promote the protection and conservation of sensitive environmental resources, including streams, floodplains, wetlands, wet soils, steep slopes, woodlands, and areas conditionally suitable for on-site sewage disposal systems.
 - B. To provide for a diversity of lot sizes, building densities, and housing choices to accommodate a variety of age and income groups and residential preferences so that the community’s population diversity may be maintained.
 - C. To create neighborhoods with direct visual access to open land, with amenities in the form of neighborhood open space, and with a sense of strong neighborhood identity.
 - D. To provide for the conservation and maintenance of open land within the municipality.
2. Use Regulations. A building may be erected, altered, or used and a lot may be used for any one of the following purposes and no other:
 - A. Residential dwelling units of the following types:
 - (1) Single Family Detached
 - (2) Duplex
 - (3) Multiplex
 - (4) Weak-Link Townhouse
 - (5) Townhouse
 - (6) Garden Apartment
 - (7) Mobile HomeSubject to the provisions of Sections 302, 303, 304, 305, 306, and 307, as well as any and all other applicable provisions of this Chapter 27.
 - B. Bed and Breakfast Facility, subject to Section 1221.
 - C. Agriculture, Extensive subject to the provisions of Part 12, Section 1203 and any other applicable provision of this Chapter 27.
 - D. Cemeteries.
 - E. Golf course and clubhouse, excluding driving range and miniature golf course.

- F. Public utilities.
 - G. Any of the following accessory uses shall be permitted:
 - (1) Residential and agricultural accessory uses.
 - (2) Swimming pool.
 - (3) Sale of farm products.
 - (4) Non-commercial greenhouses.
 - (5) Animal shelter.
 - (6) Geothermal Energy System subject to the regulation of Section 1230
 - (7) Outdoor Heating Source subject to the regulation of Section 1231
 - (8) Solar Energy System subject to the regulation of Section 1232
 - (9) Wind Energy System subject to the regulation of Section 1233
 - H. Conversion of a single-family dwelling or other structures existing on the effective date of this Chapter 27 for use by more than one (1) family.
 - I. Home Occupation Level 1.
 - J. The following uses may be permitted as a special exception when authorized by the Zoning Hearing Board:
 - (1) Retirement community, subject to §306.
 - (2) Day care facility.
 - (3) Non-commercial recreation uses.
 - (4) School or church.
 - (5) Community building.
 - (6) Municipal, County, State or Federal uses, excluding correctional or penal institutions. A communications tower in compliance with §1220 shall be permitted in connection with a municipal building when authorized as a Special Exception by the Zoning Hearing Board.
 - (7) Home Occupation Level 2.
 - K. The following uses may be permitted as a conditional use when approved by the Board of Supervisors.
 - (1) Mobile Home Park, subject to §305.
 - (2) Group Home, subject to §307.
3. Adult Entertainment Establishments Prohibited. There shall be no adult entertainment establishments permitted in the RMD Medium Density Residential District.

§302. Area and Bulk Regulations for Existing Development.

1. Existing Dwellings and Non-residential Uses. Dwellings and non-residential uses existing at the time of adoption of this ordinance shall not be reduced further than the following dimensional requirements.

Dwelling Unit Type	Requirements
Single Family Detached Dwellings and nonresidential uses with onsite sewer and water service	Minimum Net Lot Area: One Acre Minimum Front Yard Depth: Local Access Road: 50 feet Collector Road: 55 feet Arterial Road: 60 feet Side: 30 feet Rear: 40 feet Building Coverage: 10% Impervious Surface Ratio: .20
Single Family Detached Dwelling Unit & Non-residential uses with public sewer and water service	Minimum Net Lot Area: 8,000 square feet Minimum Front Yard Depth: Local Access Road: 35 feet Collector Road: 45 feet Arterial Road: 55 feet Side: 10 feet Rear: 40 feet Building Coverage: 20% Impervious Surface Ratio: .30
Duplex	Public Water and Sewer Required Net Lot Area/Dwelling Unit: 4,700 square feet Minimum Net Lot Area: 8,000 square feet Minimum Front Yard Depth: Local Access Road: 35 feet Collector Road: 45 feet Arterial Road: 55 feet Side: 10 feet Rear: 40 feet Impervious Surface Ratio: .30
Multiplex	Public Water and Sewer Required Net Lot Area/Dwelling Unit: 2,700 square feet Minimum Net Lot Area: 8,000 square feet Minimum Building Setbacks: From Property Line of Development: 100 feet From Roads: 35 feet From Parking Areas: 20 feet Impervious Surface Ratio: .30
Townhouse; Weaklink Townhouse	Public Water and Sewer Required Net Lot Area/Dwelling Unit: 2,400 square feet Minimum Setback Lines: From Property Line of Development: 150 feet From Roads: 35 feet From Parking Areas: 20 feet Impervious Surface Ratio: .35

Dwelling Unit Type	Requirements
Garden Apartment	Public Water and Sewer Required Minimum Net Lot Area: One Acre Minimum Building Setbacks: From Property Line of Development: 200 feet From Roads: 50 feet From Parking Areas: 30 feet Minimum Street Frontage: 100 feet Impervious Surface Ratio: .50

§303. Area and Bulk Regulations for Proposed Development.

1. Design Options for the RMD District. The following flexible Design Options are permitted as of right in the RMD Medium Density Residential Zoning District:
 - A. Design Option RMD-1: Conservation Lots-1
 - B. Design Option RMD-2: Conservation Lots-2
 - C. Design Option RMD-3: Conservation Lots-3
2. Site Capacity Determination, Design Options A through C. The following formulae shall be utilized to determine the maximum permitted lots for Design Options A through C. The applicable dimensional standard requirements set forth in §303. 3., 4. and 5. below will provide the necessary data to perform the required computations.
 - A. Step 1: Calculate the Adjusted Constrained Lands (ACL). Calculation of the area of Adjusted Constrained Lands defines the acres unsuited for development and shall be utilized to determine the Adjusted Tract Area (ATA).
 - (1) The following multipliers shall be applied to Constrained Lands when calculating the ACL:

	Constraint Type	Percentage of Land to be Deducted	Multiplier
1.	Floodplains	100%	1.00
2.	Floodplain Soils	100%	1.00
3.	Streams	100%	1.00
4.	Lakes or Ponds	100%	1.00
5.	Wetlands	100%	1.00
6.	Limestone Geology (see Section 802.12)	90% or 40%	0.90 or 0.40
7.	Steep Slopes (15%-25%)	80%	0.80
8.	Steep Slopes (25% or more)	90%	0.90
9.	Woodlands	66% ²	0.66
10.	Agricultural Soils	80%	0.80
11.	Pond Shore	80%	0.80
12.	Lake Shore	80%	0.80

1. Where Constrained Lands overlap, use the more restrictive Constraint Type
2. Unless a smaller ratio is approved by the Board of Supervisors as a conditional use.

- B. Step 2: Calculate the Adjusted Tract Area (ATA). Calculation of the adjusted tract area is required in order to determine areas best suited for development. In order to determine the ATA, the following general formula shall be used:

$$ATA = TTA - ACL, \text{ where } TTA = \text{Total Tract Area and } ACL = \text{Adjusted Constrained Lands (in acres).}$$

- C. Step 3: Calculate the maximum permitted dwelling units (PDU). The PDU shall be determined using the density factor (DF) provided for Design Options 1 through 3 below. To calculate the PDU, the following general formula shall be used:

$$PDU = DF \times ATA.$$

- D. Step 4. Calculate the minimum required open space (ROS). The ROS shall be determined using the open space multiplier provided for Design Options 1 through 3 below. To calculate the ROS, the following general formula shall be used:

$$ROS = ATA \times \text{OPEN SPACE MULTIPLIER}$$

3. Dimensional Standards for Design Option RMD-1 (Conservation Lots 1).

Maximum Density:	One dwelling unit per 1.0 acre of ATA
Density Factor:	1.0
Minimum Lot Size:	15,000 square feet
Minimum Lot Width:	60 feet
Minimum Front Yard:	100 feet from centerline of right-of-way of existing roads; 20 feet from right-of-way of new streets, lanes, or common driveways
Minimum Rear Yard:	Principal buildings: 50 feet Accessory buildings: 10 feet
Minimum Side Yard:	20 feet
Maximum Impervious Surface:	35% on each proposed lot
Open Space Multiplier:	0.50 (50%)
Maximum Height:	30 feet, except for agricultural uses such as barns and silos, which may exceed 30 feet, provided that for every 1 foot over 30 feet, 2 additional feet of setback from every lot line shall be provided

4. Dimensional Standards for Design Option RMD-2 (Conservation Lots 2).

Maximum Density:	One dwelling unit per two-thirds (2/3) acre of ATA
Density Factor:	1.5
Minimum Lot Size:	10,000 square feet
Minimum Lot Width:	60 feet

Minimum Front Yard:	100 feet from centerline of right-of-way of existing roads; 20 feet from right-of-way of new streets, lanes, or common driveways
Minimum Rear Yard:	Principal buildings: 50 feet Accessory buildings: 10 feet
Minimum Side Yard:	20 feet
Maximum Impervious Surface:	35% on each proposed lot
Open Space Multiplier:	0.60 (60%)
Maximum Height:	30 feet, except for agricultural uses such as barns and silos, which may exceed 30 feet, provided that for every 1 foot over 30 feet, 2 additional feet of setback from every lot line shall be provided

5. Dimensional Standards for Design Option RMD-3 (Conservation Lots 3).

Maximum Density:	One dwelling unit per one-half (1/2) acre of ATA			
Density Factor:	2.0			
Minimum Lot Size:	Single family dwelling: 8,000 square feet Duplex: 4,000 square feet Multiplex, townhouse, weaklink townhouse: 2,000 square feet per dwelling unit			
Dwelling Unit Mix:	No. of Proposed Dwelling Units	Required No. of Dwelling Unit Types	Maximum Percent, Any Type	Minimum Percent, Any Type
	1 – 49	1	100	100
	50 – 99	2	80	20
	100 – 299	3	60	10
	300 or more	4	55	5
Minimum Lot Width:	40 feet			
Minimum Front Yard: (Note: The developer is urged to consider variations in the principal building position and orientation, but shall observe the following minimum standards:	Principal Buildings: 12 feet from right-of-way, 6 feet to porches or steps Attached Garages (front-loaded): 10 feet behind front of dwelling Attached Garages (side-loaded): 10 feet from right-of-way Detached Garages: 40 feet from right-of-way			
Minimum Rear Yard:	Principal buildings: 30 feet Accessory buildings: 5 feet			
Minimum Side Yard:	10 feet			
Maximum Impervious Surface:	50% on each proposed lot			
Open Space Multiplier:	0.70 (70%)			
Maximum Height:	30 feet, except for agricultural uses such as barns and silos, which may exceed 30 feet, provided that for every 1 foot over 30 feet, 2 additional feet of setback from every lot line shall be provided			

Buffer Requirement:	A 50 foot landscaped buffer is required on the side and rear property boundaries of all multi-family land developments, consisting of deciduous and evergreen plant materials sufficient to provide a year-round landscaped effect.
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6. Dwelling Unit Mix. A mix of dwelling unit types is desirable to promote a balanced community. A mix is therefore required in Design Option RMD-3, based on the proposed number of dwelling units, as set forth in §305.E. above.

§304. Sewage Disposal.

1. Methods of sanitary sewage disposal shall be in keeping with methods set forth in Section 3 of West Sadsbury Township’s 1999 Sewage Facilities Base Plan, as it may be amended from time to time.
 - A. Individual Systems.
 - (1) In the RMD District, septic disposal drain fields may be located off-lot within open space conservation lands provided that the area for such fields are clearly delineated on the Final Land Development Plan or Final Subdivision Plan, as the case may be, with system ownership and maintenance responsibilities clearly defined.
 - (2) Where soil absorption is utilized, a one hundred percent (100%) permanently preserved and protected replacement area must be provided on the Final Plan. The alternate site must be noncontiguous to the original site.
 - B. Community Wastewater Systems.
 - (1) In developments that are proposed to be served by community wastewater disposal systems, the selection of the wastewater treatment technique shall be based on Section 5.3.2.3.1 “Selection Process” of the Township’s 1999 Sewage Facilities Base Plan and any subsequent amendments or revisions.
 - (2) Where soil absorption is utilized, an alternate replacement area must be provided on the Final Plan. The alternate site may be contiguous or noncontiguous to the original site.

§305. Mobile Home Park Regulations.

1. The following regulations shall apply to all Mobile Home Parks in the RMD District.
 - A. The minimum net lot area of a mobile home park shall be five (5) acres within West Sadsbury Township.
 - (1) The mobile home park must be served by offsite sewer and water service.
 - (2) A mobile home shall have yards on all four sides of the unit.
 - (3) Dimensional Requirements; Area and Bulk Regulations:

Maximum Density:	Four dwelling units per acre
Minimum Lot Size:	8,000 square feet
Minimum Lot Width:	40 feet
Minimum Rear Yard:	Principal buildings: 30 feet Accessory buildings: 5 feet
Minimum Side Yard:	10 feet

- B. Each mobile home shall be placed on a lot that has frontage on and direct access to a street within the mobile home park and shall be located to provide safe and convenient access for servicing and fire protection.
- C. The limits of each mobile home lot shall be clearly marked on the ground by permanent markers.
- D. Not less than twenty percent (20%) of the unrestricted land within the mobile home park shall be devoted to recreation areas for the use of all residents of the mobile home park. The owner of the mobile home park shall make provisions for the development, installation, and perpetual maintenance of such recreation areas
- E. The minimum allowable distance between any mobile home, service or accessory building, or parking facility and a boundary line of the mobile home park shall be fifty feet (50'), provided that no mobile home shall be located closer than seventy-five feet (75') to any street located outside the boundary lines of the park. No mobile home shall be located closer than twenty-five feet (25') to any street located within the boundary lines of the mobile home park. The minimum allowable distance between any mobile home and another mobile home, service or accessory building on another lot, or common parking facility shall be twenty feet (20').
- F. Two off-street parking spaces with minimum dimensions of ten feet (10') by twenty feet (20') shall be provided on each mobile home lot.
- G. Prior to placement of each mobile home, all applicable permits shall be obtained from the Township.
- H. An evergreen planting screen a minimum of five feet (5') in height shall be placed along all boundary lines of the mobile home park separating the mobile home park from adjacent properties and/or streets. The screen shall be a year-round screen which shall be maintained permanently and plant material which does not live shall be replaced within one year. The distance between trees shall be such that a full screen will be provided; the permissible distance between plants will vary with the species of planting. The species is subject to Board of Supervisors approval, and the plantings shall provide a sufficient screen within 3 years of installation.
- I. All requirements of the Pennsylvania Department of Environmental Protection shall be complied with.
- J. Permits and Administration are subject to:

- (1) The Use and Occupancy Permit issued for a mobile home park shall be valid for one year and shall be renewed each year. Each application for the original Use and Occupancy Permit for a mobile home park and for renewal of the Permit shall be accompanied by a valid Certificate of Registration issued by the Pennsylvania Department of Environmental Protection and an annual Permit fee established by the Township Board of Supervisors by Resolution from time to time.
- (2) A representative of the Township may inspect a mobile home park at reasonable intervals and at reasonable times to determine compliance with this Ordinance.
- (3) The mobile home park shall contain a structure clearly designated as the office of the park manager.
- (4) The person to whom a Use and Occupancy Permit for a mobile home park is issued shall operate the park in compliance with this Chapter 27 and shall provide adequate supervision to maintain the park, its facilities, and equipment in good repair and in a clean and sanitary condition.
- (5) A register containing the names of all park occupants, the make, model, and serial number of each mobile home, the date of arrival of each mobile home in the park, the lot number upon which the mobile home is parked, and the date of departure from the park shall be maintained by the park manager. The register shall be available to any person whom the Township Board of Supervisors authorizes to inspect the park and shall be kept in the office of the manager. A list of current residents shall be sent semiannually to the Township Secretary.
- (6) A space within a mobile home park shall be rented for periods of one hundred eighty (180) days or more.
- (7) All mobile home parks shall contain a pedestrian circulation system which shall be designed, constructed, and maintained for safe and convenient movement from all mobile home lots to principal destinations within the park and, if appropriate, shall provide safe and convenient access to pedestrian ways leading to destinations outside of the park. "Principal destinations" include such uses as recreation areas, service buildings, and management offices. All pedestrian walks shall have a minimum width of four feet (4') and shall be paved (6" crushed aggregate base course, 1-1/2" ID-2 binder course, 1" ID-2 wearing course). In addition, the walks shall be provided with lighting units spaced, equipped, and installed to allow safe movement of pedestrians at night.
- (8) All mobile home lots shall be connected to the above referenced pedestrian circulation system by individual walks a minimum of two feet (2') in width.
- (9) All service and accessory buildings, including management offices and indoor recreation areas, shall conform to the requirements of the Township

Building Code. Attachments to mobile homes in the form of sheds and lean-to's are prohibited.

- (10) Service and accessory buildings located in a mobile home park shall be used only by the occupants of the park and their guests.
- (11) Ground surfaces in all parts of a mobile home park shall be paved or covered with grass or other suitable vegetation capable of preventing soil erosion and the emanation of dust.
- (12) The ground surface in all parts of the mobile home park shall be graded and serviced by a storm drainage system such that all surface water will be drained in a safe and efficient manner.

K. Solid Waste and Vector Control and Electric Distribution System

- (1) The storage, collection, and disposal of solid wastes from the mobile home park shall be the responsibility of the mobile home park operator.
The park shall be kept free of litter and rubbish at all times.
- (2) The storage, collection, and disposal of solid wastes shall be conducted so as to prevent insect and rodent problems.
- (3) All solid wastes shall be stored in Township-approved fly-tight, rodent-proof and water-tight containers, and these containers shall be maintained in a clean condition.
- (4) Solid waste containers shall be distributed throughout the mobile home park in adequate numbers and be readily accessible to the mobile home spaces in use.
- (5) Exterior storage areas for solid wastes shall be completely screened on three sides with evergreen plantings.
- (6) Adequate measures shall be taken by the operator of the mobile home park to prevent an infestation of insects and rodents.
- (7) Every mobile home park shall be provided with an electrical distribution system to which every mobile home and service building shall be connected. Such system and connections shall be installed, inspected, and maintained in accordance with the specifications and rules of the appropriate utility company, the Township, and the State. The appropriate electric utility shall inspect all transformers and underground connections to all mobile homes located within mobile home parks and shall attach its dated "tag-of-approval" to each mobile home at a visible location before any mobile home is occupied.
- (8) Underground electric distribution lines are to be installed in all mobile home parks.

§306. Retirement Community Regulations.

1. A Retirement Community is permitted subject to:
 - A. Living units for the elderly, including single family detached dwellings, single family semi-detached dwellings, townhouses or apartment units, shall be the principal use within the Community. In addition, common facilities required to support the needs of persons living within the Community, including the elderly and disabled persons regardless of age, shall be provided. Such common facilities may include the following:
 - (1) Dining facilities including kitchens and accessory facilities for residents and their guests.
 - (2) Social rooms, chapels, meeting rooms, and overnight guest rooms for guests of residents.
 - (3) Health care facilities, including, but not limited to, clinic, rehabilitation services, nursing care, convalescent care, intermediate care, extended care, personal care, laboratory, and such other similar facilities required to supply the health care needs of the residents of the Community.
 - (4) Administration offices used in the management of the community and health care facilities.
 - (5) Activity, craft and hobby shops, recreation facilities, gift shops, personal services facilities, and similar type uses, exclusively for the use of residents and their guests.
 - (6) Accessory buildings and uses customarily incidental to the above uses.
 - B. The minimum net lot area shall be five (5) acres.
 - C. Maximum building height at any point shall be forty feet (40'). The number of full stories exposed shall not exceed three (3).
 - D. Minimum building setback from public streets shall be fifty feet (50').
 - E. All structures shall be located a minimum of fifty feet (50') from the property lines of the parcel.
 - F. No more than twenty percent (20%) of the net lot area shall be covered by buildings.
 - G. No more than twenty percent (20%) of the net lot area shall contain paved surfaces such as streets, interior access drives, parking areas, sidewalks, courts and similar impervious surfaces.
 - H. Common parking areas and interior access drives shall be located a minimum of twenty-five feet (25') from the property lines of the parcel.
 - I. All buildings shall be set back a minimum of twenty feet (20') from all common parking areas and internal access drives and streets, except for off-street loading areas and areas at entrances to buildings where residents will enter and leave standing vehicles.

- J. All principal buildings shall be separated by a minimum horizontal distance of fifty feet (50').
- K. No less than thirty percent (30%) of the total area of the parcel shall be permanently set aside for non-commercial common open space purposes, such as parks, recreation, or conservation of natural features. The common open space areas shall be suitable for the designated purpose and contain no structure or parking facilities except as related to and incidental to open space uses.
- L. Each Community shall be built as a single legal entity and shall be retained in single ownership. Fee simple absolute sale of units shall be prohibited.

All common facilities to support the needs of the residents of the Community shall remain under a single ownership.
- M. Minimum parking requirements shall be as follows:

Living units for the elderly: One (1) space per dwelling unit.

Nursing homes, personal care facilities, and other care facilities: One (1) space per employee on the premises at one time plus one (1) space for each four (4) beds.

Gift shops, personal services facilities, and similar type uses: One (1) space for each two hundred (200) square feet of gross floor area.
- N. A system of paved walkways a minimum of five feet (5') in width shall be provided for access between buildings and common parking areas, open space and recreation areas, and other community facilities.
- O. A landscaping plan for the retirement community prepared by a registered landscape architect shall be submitted to the Township, and is subject to approval by the Township. Provisions for the landscaping of the perimeter and interior of all common parking areas shall be included in such plan.
- P. Identification signs for retirement communities are permitted provided that no more than one such sign shall be erected at each exterior public street access to the retirement communities. No such sign shall be closer than ten feet (10') to a lot line, and the area on one side of any such sign shall not exceed twelve (12) square feet. No part of any sign shall exceed six feet (6') in height.
- Q. No more than six (6) townhouses shall be permitted in a continuous row. No more than three continuous townhouses shall have the same front setback and the variations in front setback shall be at least two feet (2').
- R. For buildings other than townhouses, there shall be no architecturally unbroken building face of more than one hundred sixty (160) lineal feet. A building face shall be considered architecturally broken if there is a deflection in the building axis of at least thirty degrees (30°) or, where there is no deflection in the building axis of at least thirty degrees (30°), an integral architectural feature of the building projects from the building face a minimum of ten feet (10') for a minimum distance of ten feet (10') along the building face. Such architectural feature shall extend the entire height of the building included within stories.

- S. The overall density of the retirement community shall not exceed eight (8) dwelling units per acre.
 - T. The retirement community shall be served by an off-site water supply and an off-site sewage treatment facility, however, if an on-site spray irrigation, or similar sewage treatment facility, is determined to be feasible then it shall be the alternative of choice over off-site facilities.
2. The following definitions shall apply:
- A. Living Unit for the Elderly - A dwelling unit in which at least one resident shall be at least 60 years of age.
 - B. Retirement Community - A development consisting of a building or group of buildings designed and used specifically for the residence and care of elderly and disabled persons.

§307. Group Home Regulations.

- 1. A Group Home is permitted within a single family detached dwelling, subject to:
 - A. No more than one (1) Group Home shall be located in any one dwelling;
 - B. The premises where the Group Home is located shall be owned or leased by the agency sponsoring the Group Home;
 - C. A licensed physician, licensed psychologist, counselor or social worker in the employ of or under contract to the sponsoring agency shall be responsible for the assignment of residents to the Group Home;
 - D. By design and intent, the Group Home shall provide for the long-term housing needs of its residents, not for the needs of transient individuals;
 - E. No less than one (1) and no more than two (2) live-in supervisors shall reside in the Group Home and at least one (1) of those supervisors shall be on the premises during all hours in which any resident of the Group Home is on the premises;
 - F. No Group Home shall be located within 750 feet of another Group Home;
 - G. The dwelling shall not be altered in any manner that would change the single family dwelling character of the Group Home;
 - H. One (1) off-street parking space shall be provided for each supervisor assigned to the Group Home;
 - I. The sponsoring agency shall document to the Township Supervisors that all plumbing, heating, electrical, sanitary sewer, storm sewer, and similar facilities meet the applicable ordinances, rules, regulations, and laws of the Township and/or the Commonwealth of Pennsylvania.

§308. Other Applicable Standards.

1. Residential Design Regulations. Development in the RMD Medium Density Residential District shall comply with all applicable requirements of Part 11A, Design Standards for Site Planning and Open Space in Residential Developments.
2. Development in the RMD Medium Density Residential District shall comply with all applicable requirements of the Environmental and Floodplain Regulations in Part 8B.
3. Development in the RMD Medium Density Residential District shall comply with all applicable requirements of Part 11B, Ownership and Maintenance of Open Space in Residential Developments.
4. Development in the RMD Medium Density Residential District shall comply with all applicable requirements of Part 12, General Provisions.
5. Development in the RMD Medium Density Residential District shall comply with all applicable requirements of Part 13, Signs.

PART 3B

RU – RURAL DISTRICT

§310. Purpose and Use Regulations.

1. Purpose. In addition to the general goals listed in the statements of General Intent and Purpose, §102, and Community Development Objectives, §103, the purpose of this district is:
 - A. To protect the prime agricultural soils in this district and preserve the viability of agricultural in the Township.
 - B. To provide greater design flexibility and efficiency in the siting of services and infrastructure, including the opportunity to reduce the length of roads, utilities, and the amount of paving and impervious surface required.
 - C. To promote the protection and conservation of sensitive environmental resources, including streams, floodplains, wetlands, wet soils, steep slopes, woodlands, areas with variable groundwater yields, prime agricultural soils, and areas conditionally suitable for on-site sewage disposal systems.
 - D. To discourage road frontage development and preserve the character of the scenic roads identified in the West Sadsbury Township Comprehensive Plan.
 - E. To limit the residential demand for public services in areas which generally lack adequate transportation facilities and utilities to serve a suburban population.
 - F. Protect natural resources and preserve open space through the provision of development options that allow for flexible designs, promote open space preservation, and support groundwater sustainability.
2. Use Regulations.
 - A. A building may be erected, altered, or used, and a lot may be used for any one of the following purposes and no other:
 - (1) Single family detached dwelling.
 - (2) Agriculture, Extensive subject to the provisions of Part 12, Section 1203 and any other applicable provision of this Chapter 27.
 - (3) Any of the following accessory uses shall be permitted:
 - a. Residential and agricultural accessory uses.
 - b. Swimming pool.
 - c. Sale of farm products.
 - d. Non-commercial greenhouses.
 - e. Animal shelter.
 - f. Home Occupation Level 1.

- g. Geothermal Energy System subject to the regulation of Section 1230.
 - h. Outdoor Heating Source subject to the regulation of Section 1231.
 - i. Solar Energy System subject to the regulation of Section 1232.
 - j. Wind Energy System subject to the regulation of Section 1233.
- B. The following uses may be permitted as a special exception when authorized by the Zoning Hearing Board.
- (1) Non-commercial recreation uses.
 - (2) Municipal use.
 - (3) Home Occupation Level 2
3. **Adult Entertainment Establishments Prohibited.** There shall be no adult entertainment establishments permitted in a RU Rural District.

§311. Area and Bulk Requirements for Existing Development.

1. **Existing Dwellings and Non-residential Uses.** Dwellings and non-residential uses existing at the time of adoption of this ordinance shall not be reduced further than the following dimensional requirements.

Net Minimum Lot Area:	Three (3) Acres
Maximum Building Coverage:	Ten Percent (10%)
Minimum Front Yard:	Local Access Roads: 50 feet Collector Roads: 55 feet Arterial Roads: 60 feet
Minimum Rear Yard:	50 feet
Minimum Side Yard:	50 feet
Minimum Lot Width at Setback:	200 feet

§312. Area and Bulk Regulations for Proposed Development.

1. **Design Options for the RU District.** The following flexible Design Options are permitted as of right in the RU Rural Zoning District:
- A. Design Option RU-1: RU Estate Lots
 - B. Design Option RU-2: RU Country Properties
 - C. Design Option RU-3: RU Rural Lots
 - D. Design Option RU-4: RU Conservation Lots
2. **Dimensional Requirements, Design Option RU-1 (RU Estate Lots).**

Maximum Density:	One dwelling unit per 10 acres
Density Factor:	0.1
Minimum Lot Size:	5 Acres
Minimum Front Yard:	100 feet from centerline of right-of-way of existing roads;

	50 feet from right-of-way of new streets, lanes, or common driveways
Minimum Rear Yard:	Principal buildings: 50 feet Accessory buildings: 15 feet
Minimum Side Yard:	25 feet
Maximum Impervious Surface:	6% for Total Tract Area based on a minimum 10 acre gross density per principal dwelling unit
Permitted Dwelling Units Formula:	$PDU = 0.1 \times \text{TOTAL TRACT AREA}$
Maximum Height:	30 feet, except for agricultural uses such as barns and silos, which may exceed 30 feet, provided that for every 1 foot over 30 feet, 2 additional feet of setback from every lot line shall be provided

3. Site Capacity Determination, Design Options 2 through 4. The following formulae shall be utilized to determine the maximum permitted lots for Design Options 2 through 4. The applicable dimensional standard requirements set forth in §312.4, 5, and 6 below, will provide the necessary data to perform the required calculations.

- A. Step 1: Calculate the Adjusted Constrained Lands (ACL). Calculation of the area of Adjusted Constrained Lands defines the acres unsuited for development and shall be utilized to determine the Adjusted Tract Area.

The following multipliers shall be applied to Constrained Lands when calculating the ACL:

	Constraint Type	Percentage of Land to be Deducted	Multiplier
1.	Floodplains	100%	1.00
2.	Floodplain Soils (see Section 802.2)	100%	1.00
3.	Streams	100%	1.00
4.	Lakes or ponds	100%	1.00
5.	Wetlands	100%	1.00
6.	Limestone Geology (see Section 802.12)	90% or 40%	0.90 or 0.40
7.	Steep Slopes (15%-25%)	80%	0.80
8.	Steep Slopes (25% or more)	90%	0.90
9.	Woodlands	66% ²	0.66
10.	Agricultural Soil	80%	0.80
11.	Pond Shore	80%	0.80
12.	Lake Shore	80%	0.80

1. Where Constrained Lands overlap, use the more restrictive Constraint Type
2. Unless a smaller ratio is approved by the Board of Supervisors as a conditional use.

The general formula for calculation of an individual Constraint Type is as follows: ***ACRES OF CONSTRAINT TYPE X MULTIPLIER = ACL***

The sum of all calculated individual Constraint Types yields the total ACL. If any portion of the tract is underlain by more than one natural feature subject to a multiplier as shown in the above table, the acreage shall be subject to the most restrictive (greatest) multiplier.

- B. Step 2: Calculate the Adjusted Tract Area (ATA). In order to determine the ATA, the following general formula shall be used:

$$ATA = TTA - ACL \text{ where } TTA = \text{Total Tract Area and } ACL = \text{Adjusted Constrained Lands (in acres).}$$

- C. Step 3: Calculate the maximum Permitted Dwelling Units (PDU). The PDU shall be determined using the Density Factor (DF) provided for each Design Options 2 through 4 below. To calculate the PDU, the following general formula shall be used:

$$PDU = DF \times ATA$$

- D. Step 4: Calculate the minimum Required Open Space (ROS). The ROS shall be determined using the Open Space Multiplier provided for Design Options 2 through 4 below. To calculate the ROS, the following general formula shall be used:

$$ROS = ATA \times OPEN \text{ SPACE MULTIPLIER}$$

4. Dimensional Standards for Design Option RU-2 (RU Country Properties).

Maximum Density:	One dwelling unit per 4 acres of ATA
Density Factor:	0.25
Minimum Lot Size:	40,000 square feet
Minimum Lot Width:	130 feet
Minimum Front Yard:	100 feet from centerline of right-of-way of existing roads; 50 feet from right-of-way of new streets, lanes, or common driveways
Minimum Rear Yard:	Principal buildings: 50 feet Accessory buildings: 10 feet
Minimum Side Yard:	25 feet
Maximum Impervious Surface:	15% on each proposed lot
Open Space Multiplier:	0.5 (50%)
Maximum Height:	30 feet, except for agricultural uses such as barns and silos, which may exceed 30 feet, provided that for every 1 foot over 30 feet, 2 additional feet of setback from every lot line shall be provided

5. Dimensional Standards for Design Option RU-3 (RU Rural Lots).

Maximum Density:	One dwelling unit per two (2) acres of ATA
Density Factor:	0.50
Minimum Lot Size:	20,000 square feet
Minimum Lot Width:	100 feet
Minimum Front Yard:	100 feet from centerline of right-of-way of existing roads; 20 feet from right-of-way of new streets, lanes, or common driveways
Minimum Rear Yard:	Principal buildings: 50 feet Accessory buildings: 10 feet
Minimum Side Yard:	20 feet
Maximum Impervious Surface:	30% on each proposed lot
Open Space Multiplier:	0.60 (60%)
Maximum Height:	30 feet, except for agricultural uses such as barns and silos, which may exceed 30 feet, provided that for every 1 foot over 30 feet, 2 additional feet of setback from every lot line shall be provided

6. Dimensional Standards for Design Option RU-4 (RU Conservation Lots).

Maximum Density:	One dwelling unit per 1.5 acres
Density Factor:	0.62
Minimum Lot Size:	12,000 square feet
Minimum Lot Width:	80 feet
Minimum Front Yard:	100 feet from centerline of right-of-way of existing roads; 20 feet from right-of-way of new streets, lanes, or common driveways
Minimum Rear Yard:	Principal buildings: 50 feet Accessory buildings: 10 feet
Minimum Side Yard:	20 feet
Maximum Impervious Surface:	30% on each proposed lot
Open Space Multiplier:	0.70 (70%)
Maximum Height:	30 feet, except for agricultural uses such as barns and silos, which may exceed 30 feet, provided that for every 1 foot over 30 feet, 2 additional feet of setback from every lot line shall be provided

§313. Sewage Disposal.

Methods of sanitary sewage disposal shall be in keeping with methods set forth in Section 3 of West Sadsbury Township’s 1999 *Sewage Facilities Base Plan*, as may be amended.

1. Individual Systems.
 - A. In Design Options RU-2, RU-3, and RU-4 in the RU District, septic disposal drain fields may be located off-lot within open space conservation lands provided that the area for such fields are clearly delineated on the Final Plan, with system ownership and maintenance responsibilities clearly identified.
 - B. Where soil absorption is utilized, a one hundred percent (100%) permanently preserved and protected replacement area must be provided on the Final Plan. The alternate site must be noncontiguous to the original site.
2. Community Wastewater Systems.
 - A. In developments that are proposed to be served by community wastewater disposal systems, the selection of the wastewater treatment technique shall be based on Section 5.3.2.3.1 “Selection Process” of the Township’s Sewage Facilities Base Plan, and subsequent amendments.
 - B. Where soil absorption is utilized, a permanently preserved and protected alternate replacement area must be provided on the Final Plan. The alternate site may be contiguous or noncontiguous to the original site.

§314. Other Applicable Standards.

1. Residential Design Regulations. Development in the RU Rural Residential District shall comply with all applicable requirements of Part 11A, Design Standards for Site Planning and Open Space in Residential Developments.
2. Development in the RU Rural Residential District shall comply with all applicable requirements of the Environmental and Floodplain Regulations in Part 8B.
3. Development in the RU Rural Residential District shall comply with all applicable requirements of Part 11B, Ownership and Maintenance of Open Space in Residential Developments.
4. Development in the RU Rural Residential District shall comply with all applicable requirements of Part 12, General Provisions.
5. Development in the RU Rural Residential District shall comply with all applicable requirements of Part 13, Signs.

PART 3C

RLD – LOW DENSITY RESIDENTIAL DISTRICT

§320. Purpose and Use Regulations.

1. Purpose. In addition to the general goals listed in the statements of General Intent and Purpose, §102, and Community Development Objectives, §103, the purpose of this district is:
 - A. To allow for low-density residential development compatible with existing development and appropriate to environmental concerns within this District.
 - B. To provide a transition from agricultural areas to existing residential areas.
 - C. To protect streams, floodplains, wetlands, wet soils and steep slopes predominate in this district
 - D. To limit the residential demand for public services in areas which generally lack adequate transportation facilities and utilities to serve a suburban population.
 - E. Protect natural resources and preserve open space through the provision of development options that allow for flexible designs, promote open space preservation, and support groundwater sustainability.
2. Use Regulations.
 - A. Single family detached dwelling.
 - B. Bed and Breakfast Facility subject to Section 1221.
 - C. Agriculture, Extensive subject to the provisions of Part 12, Section 1203 and any other applicable provision of this Chapter 27.
 - D. Any of the following accessory uses shall be permitted:
 - (1) Residential and agricultural accessory uses.
 - (2) Swimming pool.
 - (3) Sale of farm products.
 - (4) Non-commercial greenhouses.
 - (5) Animal shelter.
 - (6) Home Occupation Level 1.
 - (7) Geothermal Energy System subject to the regulation of Section 1230.
 - (8) Outdoor Heating Source subject to the regulation of Section 1231.
 - (9) Solar Energy System subject to the regulation of Section 1232.
 - (10) Wind Energy System subject to the regulation of Section 1233.

- E. The following uses may be permitted as a special exception when authorized by the Zoning Hearing Board.
 - (1) Day care facility.
 - (2) Non-commercial recreation uses.
 - (3) School or church.
 - (4) Community buildings.
 - (5) Municipal use.
 - (6) Home Occupation Level 2.
- 3. Adult Entertainment Establishments Prohibited. There shall be no adult entertainment establishments permitted in a RLD Low Density Residential District.

§321. Area and Bulk Regulations for Existing Development.

- 1. Existing Dwellings & Non-residential Uses. Dwellings and non-residential uses existing at the time of adoption of this ordinance shall not be reduced further than the following dimensional requirements.

Net Minimum Lot Area:	One (1) Acre
Maximum Building Coverage:	Ten Percent (10%)
Minimum Front Yard:	Local Access Roads: 50 feet Collector Roads: 55 feet Arterial Roads: 60 feet
Minimum Rear Yard:	40 feet
Minimum Side Yard:	30 feet

§322. Area and Bulk Regulations for Proposed Development.

- 1. The following flexible Design Options are permitted as of right in the RLD Zoning District:
 - A. Design Option RLD-1: RLD Estate Lots
 - B. Design Option RLD-2: RLD Country Properties
 - C. Design Option RLD-3: RLD Rural Lots
 - D. Design Option RLD-4: RLD Conservation Lots.
- 2. Density and Dimensional Standards for Design Option RLD-1 (RLD Estate Lots).

Maximum Density:	One dwelling unit per 10 acres
Density Factor:	0.1
Minimum Lot Size:	5 acres
Minimum Lot Width:	One hundred thirty (130) feet
Minimum Front Yard:	100 feet from centerline of right-of-way of existing roads; 50 feet from right-of-way of new streets, lanes, or common driveways

Minimum Rear Yard:	Principal buildings: 50 feet Accessory buildings: 15 feet
Minimum Side Yard:	25 feet
Maximum Impervious Surface:	6% for Total Tract Area based on a minimum 10 acre gross density per principal dwelling unit
Permitted Dwelling Units Formula:	PDU = 0.1 X TOTAL TRACT AREA
Maximum Height:	30 feet, except for agricultural uses such as barns and silos, which may exceed 30 feet, provided that for every 1 foot over 30 feet, 2 additional feet of setback from every lot line shall be provided

3. Site Capacity Determination, Design Options 2 through 4.

The following formulae shall be utilized to determine the maximum permitted lots for Design Options 2 through 4. The applicable dimensional standard requirements set forth in §322.4, 5, and 6, below, will provide the necessary data to perform the required computations.

- A. Step 1: Calculate the Adjusted Constrained Lands (ACL). Calculation of the area of Adjusted Constrained Lands defines the acres unsuited for development and shall be utilized to determine the Adjusted Tract Area.

The following multipliers shall be applied to Constrained Lands when calculating the ACL:

	Constraint Type	Percentage of Constrained Land to be Deducted	Multiplier
1.	Floodplains	100%	1.00
2.	Floodplain Soils (see Section 802.2)	100%	1.00
3.	Streams	100%	1.00
4.	Lakes or ponds	100%	1.00
5.	Wetlands	100%	1.00
6.	Limestone Geology (see Section 802.12)	90% or 40%	0.90 or 0.40
7.	Steep Slopes (15%-25%)	80%	0.80
8.	Steep Slopes (25% or more)	90%	0.90
9.	Woodlands	66% ²	0.66
10.	Agricultural Soil	80%	0.80
11.	Pond Shore	80%	0.80
12.	Lake Shore	80%	0.80

1. Where Constrained Lands overlap, use the more restrictive Constraint Type
2. Unless a smaller ratio is approved by the Board of Supervisors as a conditional use.

The general formula for calculation of an individual Constraint Type is as follows:

$$\text{ACRES OF CONSTRAINT TYPE} \times \text{MULTIPLIER} = \text{ACL}$$

The sum of all calculated individual Constraint Types yields the total ACL.

If any portion of the tract is underlain by more than one natural feature subject to a multiplier as shown in the above table, the acreage shall be subject to the most restrictive (greatest) multiplier.

- B. Step 2: Calculate the Adjusted Tract Area (ATA). Calculation of the Adjusted Tract Area is required in order to determine areas best suited for development. In order to determine the ATA, the following general formula shall be used:

$$\text{ATA} = \text{TTA} - \text{ACL}, \text{ where TTA} = \text{Total Tract Area and ACL} = \text{Adjusted Constrained Lands (in acres)}.$$

- C. Step 3: Calculate the maximum Permitted Dwelling Units (PDU). The PDU shall be determined using the Density Factor (DF) provided for each Design Options 2 through 4 below. To calculate the PDU, the following general formula shall be used:

$$\text{PDU} = \text{DF} \times \text{ATA}.$$

- D. Step 4: Calculate the minimum Required Open Space (ROS). The ROS shall be determined using the Open Space Multiplier provided for Design Options 2 through 4 below. To calculate the ROS, the following general formula shall be used:

$$\text{ROS} = \text{ATA} \times \text{OPEN SPACE MULTIPLIER}$$

4. Dimensional Standards for Design Option RLD-2 (RLD Country Properties).

Maximum Density:	One (1) dwelling unit per four (4) acres of ATA
Density Factor:	0.25
Minimum Lot Size:	40,000 square feet
Minimum Lot Width:	One hundred thirty (130) feet
Minimum Front Yard:	100 feet from centerline of right-of-way of existing roads; 50 feet from right-of-way of new streets, lanes, or common driveways
Minimum Rear Yard:	Principal buildings: 50 feet Accessory buildings: 10 feet
Minimum Side Yard:	25 feet
Maximum Impervious Surface:	15% on each proposed lot
Open Space Multiplier:	0.50 (50%)
Maximum Height:	30 feet, except for agricultural uses such as barns and silos, which may exceed 30 feet, provided that for every 1 foot over 30 feet, 2 additional feet of setback from every lot line shall be provided

5. **Dimensional Standards for Design Option RLD-3 (RLD Rural Lots) .**

Maximum Density:	One (1) dwelling unit per two (2) acres of ATA
Density Factor:	0.50
Minimum Lot Size:	20,000 square feet
Minimum Lot Width:	One hundred (100) feet
Minimum Front Yard:	100 feet from centerline of right-of-way of existing roads; 20 feet from right-of-way of new streets, lanes, or common driveways
Minimum Rear Yard:	Principal buildings: 50 feet Accessory buildings: 10 feet
Minimum Side Yard:	20 feet
Maximum Impervious Surface:	30% on each proposed lot
Open Space Multiplier:	0.60 (60%)
Maximum Height:	30 feet, except for agricultural uses such as barns and silos, which may exceed 30 feet, provided that for every 1 foot over 30 feet, 2 additional feet of setback from every lot line shall be provided

6. **Dimensional Standards for Design Option RLD-4 (RLD Conservation Lots).**

Maximum Density:	One (1) dwelling unit per one (1) acre of ATA
Density Factor:	1.0
Minimum Lot Size:	10,000 square feet
Minimum Lot Width:	Sixty (60) feet
Minimum Front Yard:	100 feet from centerline of right-of-way of existing roads; 20 feet from right-of-way of new streets, lanes, or common driveways
Minimum Rear Yard:	Principal buildings: 50 feet Accessory buildings: 10 feet
Minimum Side Yard:	20 feet
Maximum Impervious Surface:	30% on each proposed lot
Open Space Multiplier:	0.70 (70%)
Maximum Height:	30 feet, except for agricultural uses such as barns and silos, which may exceed 30 feet, provided that for every 1 foot over 30 feet, 2 additional feet of setback from every lot line shall be provided

§323. Sewage Disposal.

1. Methods of sanitary sewage disposal shall be in keeping with methods set forth in Section 3 of West Sadsbury Township’s 1999 *Sewage Facilities Base Plan*, as may be amended.

2. Individual Systems.

- A. In Design Option RLD-4 of the RLD District, septic disposal drain fields may be located off-lot within open space conservation lands provided that the area for such fields are clearly delineated on the Final Plan, with system ownership and maintenance responsibilities clearly identified.
- B. Where soil absorption is utilized, a one hundred percent (100%) permanently preserved and protected replacement area must be provided on the Final Plan. The alternate site must be noncontiguous to the original site.

3. Community Wastewater Systems.

- A. In developments that are proposed to be served by community wastewater disposal systems, the selection of the wastewater treatment technique shall be based on Section 5.3.2.3.1 “Selection Process” of the Township’s 1999 *Sewage Facilities Base Plan*, which is included as an appendix to this ordinance.
- B. Where soil absorption is utilized, a permanently preserved and protected alternate replacement area must be provided on the Final Plan. The alternate site may be contiguous or noncontiguous to the original site.

§324. Other Applicable Standards.

- 1. Residential Design Regulations. Development in the RLD Low Density Residential District shall comply with all applicable requirements of Part 11A, Design Standards for Site Planning and Open Space in Residential Developments.
- 2. Development in the RLD Low Density Residential District shall comply with all applicable requirements of the Environmental and Floodplain Regulations in Part 8B.
- 3. Development in the RLD Low Density Residential District shall comply with all applicable requirements of Part 11B, Ownership and Maintenance of Open Space in Residential Developments.
- 4. Development in the RLD Low Density Residential District shall comply with all applicable requirements of Part 12, General Provisions.
- 5. Development in the RLD Low Density Residential District shall comply with all applicable requirements of Part 13, Signs.

PART 3D

AG – AGRICULTURAL DISTRICT

§340. Purpose and Use Regulations.

1. Purpose – In addition to the general goals listed in the statements of General Intent and Purpose, §102 and Community Development Objectives, §103, the purpose of this district is :
 - A. To encourage the preservation of large rural areas for agricultural, forest, and conservation purposes.
 - B. To minimize incompatible land uses and manage their potential impacts on the district’s agricultural and open lands.
2. Use Regulations - A building may be erected, altered, or used, and a lot may be used for any one of the following purposes and no other:
 - A. Agriculture, Extensive subject to the provisions of this Part 3D, Section 1203 and any other applicable provision of this Chapter 27.
 - B. Agriculture, Intensive subject to the provisions of this Part 3D, Section 1203 and any other applicable provision of this Chapter 27.
 - C. Single family detached dwelling, located on non-prime agricultural soils.
 - D. Any of the following accessory uses shall be permitted:
 - (1) Agricultural and residential accessory uses.
 - (2) Swimming pool.
 - (3) Sale of farm products.
 - (4) Non-commercial greenhouses.
 - (5) Animal shelter.
 - (6) Home Occupation Level 1.
 - (7) Geothermal Energy System subject to the regulation of Section 1230.
 - (8) Outdoor Heating Source subject to the regulation of Section 1231.
 - (9) Solar Energy System subject to the regulation of Section 1232.
 - (10) Wind Energy System subject to the regulation of Section 1233.
 - E. The following uses may be permitted as a **special exception** when authorized by the Zoning Hearing Board.
 - (1) Non-commercial recreation uses, located on non-prime agricultural soils.
 - (2) Municipal use, located on non-prime agricultural soils.
 - (3) Home Occupation Level 2

- F. The following uses may be permitted as a **conditional use** when authorized by the Township Supervisors
 - (1) Supplemental Farm Businesses
 - (2) Residential uses subject to Section 347 of the Zoning Ordinance.
 - (3) Kennel

§341. Area and Bulk Regulations.

- 1. The following area and bulk regulations shall apply:
 - A. All permitted uses unless otherwise regulated by this Chapter 27:
 - (1) Requirements:
 - (a) Net lot area minimum, one acre (1 Ac.).
 - (b) Maximum building coverage, ten (10%) percent.
 - (c) Maximum floor area ratio, twenty (20%) percent.
 - (d) Minimum yard depth:
 - (i) Front - fifty (50') feet on Local Access road, fifty-five feet (55') on Collector road, sixty feet (60') on Arterial road.
 - (ii) Side - thirty (30') feet.
 - (iii) Rear - forty (40') feet.
 - (e) Minimum lot width at setback, one hundred fifty (150') feet.
 - (f) Minimum lot width at street line, one hundred (100') feet.

§342. Environmental and Floodplain Regulations.

Development in the AG-Agricultural District shall comply with all applicable Environmental Regulations and Floodplain Regulations included in Part 8.

§343. Design Standards.

Development in the AG-Agricultural District shall comply with all applicable Design Standards included in Part 11.

§344. General Provisions.

Development in the AG-Agricultural District shall comply with all applicable General Provisions included in Part 12.

§345. Sign Regulations.

Development in the AG-Agricultural District shall comply with all applicable Sign Regulations included in Part 13.

§346. Adult Entertainment Establishments Prohibited.

There shall be no adult entertainment establishments permitted in a AG-Agricultural District.

§347. Residential Development within the Agricultural District.

1. The Residential Site Capacity Determination (Part 9A) indicates that eighty percent (80%) of prime agricultural soils are to be protected, however, in the case of the AG-Agricultural District, this Part 3D, one hundred percent (100%) of the prime agricultural soils are to be protected, except as permitted in Section 347.2 below.
2. Lots of no less than one acre (1 Ac.) and no more than sixty-five thousand square feet (65,000 S.F.) may be created for residential development in accordance with the following schedule:

Total Area of the Parent Tract as of 7/9/96	Permissible Rate of Subdivision	Limit of Subdivision
More than 100 Acres	Not more frequently than 1 lot each year ⁽¹⁾	Maximum of 20% of prime agricultural soils; maximum of 20% of road frontage
50 - 100 Acres	Not more frequently than 1 lot each 2 years ⁽²⁾	Maximum of 20% of prime agricultural soils; maximum of 20% of road frontage
Less than 50 Acres	Not more frequently than 1 lot each 3 years ⁽³⁾	Maximum of 20% of prime agricultural soils; maximum of 20% of road frontage

The Board of Supervisors may permit, as a conditional use, an accelerated rate of development, provided the "Limit of Subdivision", as stated in the table above, is not exceeded and the applicant can demonstrate to the satisfaction of the Board of Supervisors a compelling need to do so.

For the purpose of this section, all contiguous land under single ownership shall be considered one tract of land.

Lots created under this section shall not be further subdivided and are restricted to single family detached dwelling use.

- (1) "Each Year" meaning a consecutive 12 month period
- (2) "Each 2 Years" meaning a consecutive 24 month period
- (3) "Each 3 Years" meaning a consecutive 36 month period

§348. Supplemental Farm Business

In providing opportunities for supplemental farm businesses, it is the Township's intent that any supplemental farm business shall be compatible with other existing and permitted uses on the property and within the surrounding neighborhood and zoning district(s).

1. The supplemental farm business shall be deemed accessory and secondary to the principal residential and/or agricultural use of the property.
2. A supplemental farm business shall be permitted by conditional use in the Agricultural District in accordance with the provisions of this section.
3. A maximum of two (2) employees shall be permitted in conjunction with the supplemental farm business in addition to family members or farm laborers employed in the primary farm business.
4. Supplemental farm business uses may include but are not limited to:
 - A. Sales of seeds and fertilizers.
 - B. Blacksmith, farrier, tinsmith, tool sharpening or farm equipment shop.
 - C. Butcher shop, bakery, or candlestick maker.
 - D. Processing of locally produced agricultural products.
 - E. Preparation of food or food products to be sold or served off-site.
 - F. Veterinary office, which primarily serves farm animals.
 - G. The manufacturing, assembly, warehousing, sales, repair and/or servicing of household articles, including such items as chairs, tables, clocks, cabinets and other similar carpentry-type items, as well as decorative iron work and other articles for use in the home.
 - H. Sales and repair of appliances and small engines.
 - I. Dry goods store or sales of craft items.
 - J. Greenhouse.
 - K. Harness shop, plumbing shop, upholstery shop, shoe shop, printing shop, tailor/dressmaking/sewing/hatters shop, quilt shop.
 - L. Home builder/remodeling business.
5. Prohibited uses include such businesses as grain mills; feed supply; animal rendering; fuel and fertilizer distribution; composting and other farm waste storage facilities; recycling businesses; heavy manufacturing such as the building and repair of dumpsters; automobile, truck, boat or other motor vehicle sales, service and repair facilities; wholesale distribution of industrial products, including lumber and coal yards, building material storage yards, contractors' equipment and storage yards, and commercial warehouses; any custom or commercial hauling or spreading of solid, slurry or liquid wastes.
6. Excluding wastewater treatment, no use that requires application or permitting by the PA DEP for the handling of hazardous waste or other substances shall be permitted. The applicant shall demonstrate that the proposed supplemental farm business complies with all the applicable performance criteria stated in Article X of the Ordinance.
7. The party proposing to conduct the supplemental farm business use shall own, and either he or a member of his immediate family shall reside on, the property on which

the use is to be located. Immediate family shall be defined as the parents, grandparents, children, grandchildren and great grandchildren.

8. Only one supplemental farm business use shall be permitted on any eligible property.
9. A use and occupancy permit is required prior to beginning a supplemental farm business. The issuance of a use and occupancy permit for a supplemental farm business shall be deemed an authorization of the Township Zoning Officer to inspect annually and reissue the use and occupancy permit, based on compliance with all requirements of the Ordinance.
10. The applicant shall set forth in his application that he will comply with all rules and regulations of all government authorities having jurisdiction over the applicant's business.
11. When there is a change in ownership or occupancy of the property where a supplemental farm business exists or when there is a proposed change in the type of business, the Zoning Officer shall review the proposed change to see if it conforms to the original approval.
12. A supplemental farm business does not require the deed restricting of a parcel of land, and further subdivision of the parcel shall be permitted only as long as the existing parcel continues to meet all criteria outlined in the Ordinance or any subsequent amendment to the Ordinance.
13. The supplemental farm business shall be conducted within a completely enclosed accessory building, and may also utilize a separate building not to exceed one thousand (1000) square feet or the fully enclosed storage of materials or to house generator equipment. The buildings may be existing, accessory buildings at the time of adoption of this ordinance or newly constructed conforming buildings. If a new building is constructed for the supplemental farm business, it shall be located to the side or rear of the principal residence, and shall be set back a minimum of one hundred (100) feet from all property lines and road rights-of-way. Each building shall be designed to be consistent with traditional farmsteads and residential properties and shall afford minimal external evidence of the nature of the supplemental farm business.
14. All off-street parking and loading spaces shall conform to §1109. Parking lots shall be provided only at the side or to the rear of the buildings housing the supplemental farm business.
15. Materials, products or supplies comprising any part of the supplemental farm business shall be contained within an enclosed building, unless outdoor storage of such materials, products, or supplies connected with a supplemental farm business is permitted by the Board of Supervisors during the conditional use hearing. In no case shall outdoor storage be permitted in the front yard of the building housing the supplemental farm business, nor shall materials be stacked to a height greater than six (6) feet. If the Board of Supervisors approves outdoor storage as part of the conditional use hearing, then a vegetative screen comprised of evergreens at a height of not less than four (4) feet at the time of planting shall be provided. Screening shall

- be permanently maintained. One (1) commercial vehicle with no more than two (2) axles may be parked out of doors as part of the supplemental farm business.
16. When a supplemental farm business involves retail sales, the sales and display area shall not exceed fifteen percent (15%) of the first floor area of the building in which the supplemental farm business is located. The fifteen percent (15%) retail sales and display area shall not be in addition to the first floor area of the building.
 17. Any outdoor facility for petroleum products shall be a double-walled tank or shall be located on impervious pavement completely enclosed by an impervious dike high enough to contain the total volume of liquid kept in the storage area, plus the accumulated rainfall of a fifty (50) year storm. Storage tanks for any petroleum products not exceeding two hundred seventy-five (275) gallons in size may be exempted from this requirement. Any proposed facility shall be in accordance with the requirements of any applicable governmental agencies or the standards contained in this Ordinance, whichever are more restrictive.
 18. All roof-mounted storage/fuel tanks and other equipment shall be suitably screened or enclosed so as not to be visible from any property line or road, using materials compatible with the building on which they are located.
 19. All driveway intersections, whether existing or proposed, shall conform to the sight distance requirements of the Township or the Pennsylvania Department of Transportation, whichever governmental body has jurisdiction. The applicant shall demonstrate that the land use provides for the safe and efficient movement of traffic.
 20. Any supplemental farm business shall have a paved driveway apron extending thirty (30) feet into the parcel from the roadway. In addition, access drives and parking areas shall be of sufficient length and size to accommodate the off-road stacking of delivery and customer vehicles.
 21. The applicant shall furnish evidence from the Chester County Health Department and/or the Pennsylvania Department of Environmental Protection that an approved means of sewage disposal shall be utilized.
 22. All trash dumpsters shall be located within a side or rear yard of the building used for the supplemental farm business and be completely enclosed within a masonry or opaque fenced enclosure equipped with a self-latching door or gate.
 23. Evidence shall be provided indicating that the disposal of all material and wastes shall be accomplished in a manner that complies with Township, County, State and Federal regulations. The burning of waste shall not be permitted, except that non-toxic wood scraps may be used for heating purposes. Proper disposal of materials and wastes shall be done on a regular basis. All solid wastes generated by a supplemental farm business shall be disposed of in a trash dumpster or stored inside until the wastes can be disposed of properly.
 24. Supplemental farm businesses shall only be conducted between the hours of 6:00 a.m. and 9:00 p.m.

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|-------------------------------------|--|
| 3. Minimum lot width at street line | Two hundred (200') feet |
| 4. Minimum yard depth: | |
| A. Front | Fifty (50') feet on a Local Access road, fifty five (55') feet on Collector road, sixty (60') feet on Arterial road. |
| B. Side | Forty (40') feet |
| C. Rear | Fifty (50') feet |
| 5. Maximum impervious surface ratio | 0.60 |
| 6. Maximum building height | 2 stories not to exceed thirty (30') feet. |

§403. Environmental and Floodplain Regulations.

Development in the CS Community Service District shall comply with all applicable Environmental Regulations and Floodplain Regulations included in Part 8.

§404. Design Standards.

Development in the CS Community Service District shall comply with all applicable Design Standards included in Part 11 with the following additions:

1. A minimum of thirty (30%) percent of the lot shall be landscaped. At least one-half (½) of the area so landscaped shall be in the front yard.
2. Gasoline pumps and service facilities shall be set back from the street right-of-way line a minimum of thirty (30') feet.
3. Without limiting the general applicability of Part 11 to development in the CS Community Service District, motor vehicles or other equipment awaiting repair that are not kept indoors shall be deemed to be storage and subject to the design standards of Part 11, Section 1102.

§405. General Provisions.

Development in the CS Community Service District shall comply with all applicable General Provisions included in Part 12.

§406. Sign Regulations.

Development in the CS Community Service District shall comply with all applicable Sign Regulations included in Part 13.

§407. Adult Entertainment Establishments Prohibited.

There shall be no adult entertainment establishments permitted in a Community Service District (CS).

§408. Industrial/Commercial Site Capacity Determination.

Part 9B, will apply to the CS Community Service District.

PART 5

GC – GENERAL COMMERCIAL DISTRICT

§501. Use Regulations.

A building may be erected, altered, or used, and a lot may be used for any one of the following purposes and no other:

1. Retail sales.
2. Shops for personal service.
3. Corporate Center.
4. Financial institutions.
5. A. Restaurant.
B. Restaurant, Fast Food.
6. Medical and laboratory facilities.
7. Funeral parlor.
8. Automotive/Mechanical Repair Shop
9. Automobile Service Station.
10. Car wash.
11. Theater.
12. Laundry.
13. Automobile/Machinery Retail Sales/Service Facility.
14. Shopping center.
15. Convenience Store
16. Contractor Establishment.
17. Fitness Center.
18. Accessory uses to permitted uses.
19. The following uses may be permitted as a **special exception** when authorized by the Zoning Hearing Board:
 - A. Public recreational facilities other than those above.
 - B. Wholesale sales.
 - C. Municipal, County, State or Federal uses.
 - D. Nursing Home

E. Mini-Storage/Personal Storage Facility

20. The following use may be permitted as a conditional use pursuant to §509 when authorized by the Board of Supervisors:

Multi-family Dwelling(s), including but not limited to townhouse, carriage home and duplexes, but excluding apartment buildings, regardless of form of ownership (including but not limited to fee simple ownership, condominium ownership pursuant to the Pennsylvania Uniform Condominium Act of 1980, as amended).

§502. Area and Bulk Regulations.

The following area and bulk regulations shall apply:

1. Net lot area minimum 2 acres
2. Minimum lot width at setback line Two hundred (200)' feet
3. Minimum lot width at street line Two hundred (200)' feet
4. Maximum impervious surface ratio 0.60
5. Minimum yard depth:
 - A. Front Seventy five (75)' feet
 - B. Side Fifty (50)' feet
 - C. Rear One hundred (100)' feet

§503. Environmental and Floodplain Regulations.

Development in the GC General Commercial District shall comply with all applicable Environmental Regulations and Floodplain Regulations included in Part 8.

§504. Design Standards.

Development in the GC General Commercial District shall comply with all applicable Design Standards included in Part 11 with the following additions:

1. A minimum of twenty (20%) percent of the lot shall be landscaped. At least one-half (½) of the area so landscaped shall be in the front yard.
2. Gasoline pumps and service facilities shall be set back from the street right-of-way line a minimum of thirty (30)' feet.
3. Without limiting the general applicability of Part 11 to development in the GC General Commercial District, motor vehicles or other equipment awaiting repair that are not kept indoors shall be deemed to be storage and subject to the design standards of Part 11, Section 1102.

§505. General Provisions.

Development in the GC General Commercial District shall comply with all applicable General Provisions included in Part 12.

§506. Sign Regulations.

Development in the GC General Commercial District shall comply with all applicable Sign Regulations included in Part 13.

§507. Adult Entertainment Establishment Regulations.

1. Purpose and Legislative Intent.

- A. It is hereby declared a matter of legislative declaration and belief that the morals of minors of West Sadsbury Township are threatened by the presence of adult entertainment establishments as said term is hereinafter defined. These establishments, and the type and character of the merchandise, paraphernalia and services sold in them, create an atmosphere of enticement for minors of West Sadsbury Township that is increased by the lascivious and suggestive advertising often employed to promote the availability of these products and services. It is the intent of the Board of Supervisors to minimize the exposure of these establishments.
- B. It is the firm belief of the legislative body that it has a vital duty and role to protect the moral fiber and standards of its residents, in particular the minors of the community.
- C. The location of adult entertainment establishments is of vital concern to society with regard to their location near areas where minors may learn, play, pass by, or would be exposed to the advertising, window displays, or the general atmosphere encompassing their operation. The legislative body finds that adult entertainment establishments, because of their very nature, are recognized as having objectionable operational characteristics, particularly when several of them are concentrated under certain circumstances, thereby having a deleterious effect upon adjacent areas. Special regulation of these businesses is necessary to insure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhoods. One of the purposes of this regulation is to prevent the concentration or clustering of these establishments in any one area.
- D. Further, these regulations are enacted to promote, protect and facilitate the public health, safety, morals and general welfare of all residents of West Sadsbury Township.

2. Definitions. It is the purpose of this Subsection (2), together with its subparagraphs, to provide clear and concise definitions of those words, terms, and phrases most commonly utilized in the provisions of these regulations in order to assist in the interpretation of said provisions and to insure uniformity of application. It is intended that the following words, terms and phrases, whenever used, shall be construed as defined in the following subsections and subparagraphs unless from the context a different meaning is clearly intended. The following definitions are intended to supplement the definitions contained in Part 2 and intended to be applicable to this Part 5 only. For the purpose of this Part 5 "adult entertainment establishments" are defined as follows:

- A. ADULT BOOK STORES – any establishment which has a substantial or significant portion of its stock in trade:
 - (1) Books, films, magazines or other periodicals or other forms of audio or visual representation which are distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas;
 - (2) Instruments, devices or paraphernalia which are designed for use in connection with specified sexual activities.
- B. ADULT CABARET – a nightclub, theater, bar or other establishment which features live or media representations of performances by topless or bottomless dancers, go go dancers, exotic dancers, strippers, or similar entertainers, where such performances are distinguished or characterized by an emphasis on specified sexual activities or specified anatomical area.
- C. ADULT MINI MOTION PICTURE THEATER – an enclosed or unenclosed building with a capacity of more than five (5), but less than fifty (50) persons used for presenting any form of audio or visual material, and in which a substantial portion of the total presentation time measured on an annual basis is devoted to the showing of material which is distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas.
- D. ADULT MODEL STUDIO – any place where, for any form of consideration or gratuity, figure models who display specified anatomical areas are provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by persons paying such consideration or gratuity, except that this provision shall not apply to any "figure studio" or "school of art" or similar establishment which meets the requirements established in the Education Code of the Commonwealth of Pennsylvania for the issuance or conferring of, and is in fact authorized thereunder, to issue and confer a diploma.
- E. ADULT MOTION PICTURE ARCADE – any place to which the public is permitted or invited wherein coin or slug operated or electronically or mechanically controlled still or motion picture machines, projectors, or other image producing devices are maintained to show images to five (5) or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas.
- F. ADULT MOTION PICTURE THEATER – an enclosed or unenclosed building with a capacity of fifty (50) or more persons used for presenting any form of audio or visual material; and in which a substantial portion of the total presentation time measured on an annual basis is devoted to the showing of material which is distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas.

- G. ADULT NEWSRACK – any coin-operated machine or device which dispenses material substantially devoted to the depiction of specified sexual activities or specified anatomical areas.
- H. ADULT THEATER – a theater, concert hall, auditorium or other similar establishment, either indoor or outdoor in nature which regularly features live performances which are distinguished or characterized by an emphasis on specified sexual activities or by exposure of specified anatomical areas for observation by patrons.
- I. BATH HOUSE – an establishment or business which provides the services of baths of all kinds, including all forms and methods of hydrotherapy during which specified anatomical areas are displayed or specified sexual activity occurs. This §505 shall not apply to hydrotherapy treatment practiced by, or under the supervision of a medical practitioner. A medical practitioner, for the purpose of this Part 5 shall be a medical doctor, physician, chiropractor or similar professional licensed by the Commonwealth of Pennsylvania.
- J. BODY PAINTING STUDIO – any establishment or business which provides the service of applying paint or other substance whether transparent or nontransparent to or on the human body when specified anatomical areas are exposed.
- K. MASSAGE ESTABLISHMENT – any establishment or business which provides the services of massage and 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 Commonwealth. This definitions does not include an athletic club, health 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.
- L. OUTCALL SERVICE ACTIVITY – any establishment or business which provides an outcall service which consists of individuals leaving the premises upon request or by appointment to visit other premises for a period of time for the purpose of providing any service during which time specified anatomical areas are displayed or specified sexual activity occurs.
- M. SEXUAL ENCOUNTER CENTER – any business, agency, or person who, for any form of consideration or gratuity, provides a place where two (2) or more persons, not all members of the same family may congregate, assemble or associate for the purpose of engaging in specified sexual activity or exposing specified anatomical areas, excluding psychosexual workshops, operated by a medical practitioner as defined in this §505(2)(I), licensed by the Commonwealth, to engage in sexual therapy.
- N. Any other business or establishment which offers its patrons services or entertainment characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas."

- O. SPECIFIED ANATOMICAL AREAS – shall mean and include any of the following:
 - (1) Less than completely and opaquely covered human genitals, pubic region, buttocks, anus or female breasts below a point immediately above the top of the areola; or;
 - (2) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.
- P. SPECIFIED SEXUAL ACTIVITIES – include the following:
 - (1) Actual or simulated sexual intercourse, oral copulation, anal intercourse, oral-anal copulation, bestiality, direct physical stimulation of unclothed genitals, flagellation or torture in the context of a sexual relationship, or the use of excretory functions in the context of a sexual relationship, and any of the following depicted sexually oriented acts or conduct: anilingus, buggery, coprophagy, coprophilia, cunnilingus, fellatio, necrophilia, pederasty, pedophilia, piquerism, sapphism, zooerasty; or
 - (2) Clearly depicted human genitals in a state of sexual stimulation arousal or tumescence; or
 - (3) Use of human or animal masturbation, sodomy, oral copulation, coitus, ejaculation; or
 - (4) Fondling or touching of nude human genitals, pubic region, buttocks or female breast; or
 - (5) Masochism, erotic or sexually oriented torture, beating, or the infliction of pain; or
 - (6) Erotic or lewd touching, fondling or other contact with an animal by a human being; or
 - (7) Human excretion, urination, menstruation, vaginal or anal irrigation.
- 3. Permits Required. No person shall operate an adult entertainment establishment without first obtaining a Use and Occupancy Permit as provided by Part 16 of this Chapter 27 and all other applicable permits required by law.
- 4. Minimum Spacing and Proximity Requirements.
 - A. Any and all adult entertainment establishments shall be located in areas designated as "shopping centers" as long as such areas are at least five (5) acres in size.
 - B. No adult entertainment establishment shall be located within one thousand (1,000) feet of any other adult entertainment establishment.
 - C. No adult entertainment establishment shall be located within specified distances of certain land uses as set forth below:
 - (1) No such establishment shall be located within eight hundred (800') feet of a residential district.

- (2) No such establishment shall be located within one thousand (1,000') feet of any parcel of land which contains any one or more of the following specified land uses:
 - (a) Amusement park;
 - (b) Camp (for minors' activity);
 - (c) Child care facility;
 - (d) Church or other similar religious facility;
 - (e) Community center;
 - (f) Museum;
 - (g) Park;
 - (h) Playground;
 - (i) School
- D. The distance between any two adult entertainment establishments shall be measured in a straight line, without regard to intervening structures, from the closest point on the exterior parcel line of each establishment. The distance between any adult entertainment establishment and any land use specified in Subsection (B) of this §505(4) shall be measured in a straight line, without regard to intervening structures, from the closest point on the exterior parcel line of the adult entertainment establishment to the closest point on the property line of said land use.
5. Visibility from the Street. No person operating an adult entertainment establishment shall permit, or cause to be permitted, any stock in trade which depicts, describes or relates to specified sexual activities and/or specified anatomical areas as defined herein, to be viewed from the street, sidewalk or highway.

§508. Industrial/Commercial Site Capacity Determination.

Part 9B will apply to the GC General Commercial District.

§509. A. Purpose. The purpose of this Section is to provide an optional set of design standards that seek to achieve a synthesis of residential and commercial uses in a manner that is compatible architecturally and visually with the Township's historic development as a farming community. While some of the following requirements deal with issues that typically transcend zoning jurisdiction, they are provided as optional regulations that make available an additional residential use not otherwise available within the District with substantial density and, therefore, are considered voluntarily self-imposed by prospective developers, but enforceable by the Township.

§509. B. Definitions. The following definitions shall be applicable only to the conditional uses permitted pursuant to Part 5, Section 501.17.

BUILDING COVERAGE – The ratio of the total building area on a lot to the Developable Area of that lot.

DEVELOPABLE AREA – The total horizontal area of land lying within the existing legal right-of-way , or when the land does not lie within an existing legal right-of-way, the proposed legal boundary line of all land submitted as part of a subdivision and land development application for the multi-family development (including both the residential and commercial portions) excluding flood plains, wetlands and wetland buffers, riparian buffer zones, steep slopes, existing easements, and 40% of the tract area occupied by the Conestoga Formation.

PERMANENT OPEN SPACE – Shall include, but is not limited to, all green area which may include underground utilities, utility easements, underground stormwater management, sidewalks, parks and recreation areas (specifically excluding above ground basins). This definition supersedes any requirement of the SALDO. Permanent Open space shall be calculated utilizing the criteria of Section 509 D. H.15, below.

TOWNHOUSE BUILDING COMPLEX – A building containing townhouse units.

TRACT AREA – The total horizontal area of land lying within the ultimate legal right of way or proposed legal boundary line of all land submitted as part of a subdivision and land development application for the multi-family development (including both the residential and commercial portions).

TRACT PERIMETER – Shall be the boundary of the property corresponding to the ultimate legal right-of-way line or, when the land does not correspond to the ultimate right-of-way, the proposed legal boundary of the property.

§509. C. Certain Commercial Uses Not Permitted as a Part of Multi-Family Development. Exclusion of Existing Developed Property as a Part of Calculating Minimum Acreage for Multi-Family Development.

A. The following commercial uses shall not be permitted in connection with Multi-Family Development under this Section:

1. Automotive/Mechanical Repair Shop
2. Car Wash
3. Automobile Service Station
4. Automotive/Machinery Retail Sales/Service Facility
5. Adult Entertainment Establishment
6. Mini-Storage/Personal Storage Facility

- B. It is the intention of this Section to synthesize the design of certain commercial uses with certain residential uses. Consequently, lands that are developed prior to the application for a Conditional Use pursuant to Section 501.17 shall be ineligible to form a part of the minimum acreage necessary for a Multi-Family Development in the GC Zoning District.

§509 D. Multi-Family Development Regulations

- A. The following development standards shall apply to all multi-family development(s) in the GC Zoning District.

A.	Minimum Tract Area	50 acres
B.	Minimum percent of Tract Area to be preserved as Permanent Open Space	35%
C.	Residential Use Requirements:	
1.	Maximum Building Coverage (% of Developable Area of the residential portion of Tract)	30%
2.	Maximum Impervious Surface (% of Developable Area of the residential portion of Tract)	50%
3.	Maximum residential density ¹ (number of units per acre of Developable Area of the residential portion of Tract)	5
	(a) Minimum percent of townhouses	25%
	(b) Maximum length of Townhouse Building Complex	150 feet
	(c) Maximum number of townhouse units per townhouse building complex	6
	(d) Minimum percent of other permitted Multi-Family Dwellings	40%

¹ When calculating density, the number yielded shall be rounded to the nearest whole number (.5 and above rounded up, below .5 rounded down).

5.	Maximum Building Height	40 feet
6.	Total minimum tract width along an existing legal right-of-way (contiguous feet along a road)	300 feet
7.	Minimum tract width along an existing legal right-of-way at building setback line (contiguous feet on any section of a road)	300 feet
8.	Minimum setback from street (feet):	
	(a) Minimum distance to any part of any building (other than the front face) to arterial or collector street ultimate right-of-way	50 feet
	(b) Minimum distance between a building front face to arterial or collector street ultimate right-of-way	70 feet
	(c) The greater of, 25 feet from any front building face to interior roads (cartway) or 20 feet measured from the back of the sidewalk.	
9.	Minimum principal structure setback from Tract Perimeter (feet) ¹	50 feet
10.	Minimum accessory structure setback from Tract Perimeter	50 feet
11.	Minimum surface parking areas, driveways, interior roadway setback from Tract Perimeter (feet) (except for entrance roads or driveways)	50 feet
12.	Minimum principal building spacing wall to wall (feet) ²	

¹ Decks, porches, and patios may be no closer than twenty feet (20') to the tract perimeter.

² Decks, porches, and patios are permitted within the wall to wall spacing; however no deck or patio shall be closer than twenty feet (20') from the adjacent deck, patio or wall of a separate building complex.

	Front to front	50 feet
	Rear to rear	50 feet
	End to end	25 feet
	Front to rear	50 feet
	Front to end	40 feet
	Rear to end	40 feet
13.	Minimum landscaped buffer ¹ for Tract Perimeter (feet)	20 feet
14.	Perimeter Setback (measured from the ultimate right-of-way or property line, whichever is applicable)	50 feet
D.	Minimum percent of Tract for other permitted non-residential uses in the GC Zoning District	14%
E.	Other permitted non-residential use requirements:	
1.	Minimum Gross Lot Area	5 acres
2.	Minimum Building Setbacks:	
	(a) Front yard (measured to ultimate right of way) ²	75 feet
	(b) Side yard	25 feet
	(c) Rear yard	20 feet
3.	Minimum separation distance between commercial building	30 feet
4.	Maximum Impervious Surface (% of Developable Area of the commercial portion of Tract)	80%
5.	Maximum Building Coverage (% of Developable Area of the commercial portion of Tract)	25%
6.	Minimum Lot Width at setback	300 feet
7.	Minimum Lot Width at street line	200 feet

¹ The term “landscaped buffer” as it is used in this Section 509, shall include the use of a 3 foot berm.

² Except for any existing buildings that are in excess of 100 years of age that does not conform to this standard. Such nonconforming buildings may be doubled in size at a later time (not to exceed an additional 3,000 s.f.).

8.	Maximum Building Height	45 feet
9.	Minimum structure setback from Tract Perimeter (excluding all utility structures and signs)	25 feet
10.	Surface parking areas, driveways and interior roadways (except for entrance roads) shall not encroach within the ultimate right-of-way.	
F.	Minimum separation between commercial lot and proposed residential buildings	50 feet
G.	Minimum landscaped buffer within the fifty foot (50') separation between commercial lot and proposed residential buildings	20 feet
H.	Minimum separation between proposed commercial buildings, parking areas, and driveways and property line of existing residential use or residential zoning district	50 feet
I.	Minimum landscaped buffer within the 50 foot buffer separation between proposed commercial buildings, parking areas, and driveways and property line of existing residential use or residential zoning district	20 feet

The residential portion of the tract shall not be further subdivided.

- B. The line of demarcation between residential and commercial tracts shall be shown on the site plans.
- C. Sewer and Water Facilities. Any multi-family development in the GC Zoning District shall be provided with and served by public water and public sewers subject to the approval of the Pennsylvania Department of Environmental Protection or its successor agency and the Board of Supervisors of West Sadsbury Township.
- D. Natural and Landscaped Areas. Except as provided for in specific sections of this Part, all portions of the property not occupied by buildings and improvements shall be permanently maintained as landscaped areas consisting of natural environmental features and/or planted vegetation in compliance with the following landscaping and visual enhancement requirements:

1. All required landscaped areas shall be installed and maintained in accordance with a landscaping plan approved by the Board of Supervisors as part of the preliminary subdivision and/or land development plan. The required landscaping plan shall depict all proposed plantings required to create green areas and buffer planting strips and to compliment or visually enhance buildings, streets, parking areas, walkways, courtyards and other site features and structures.
2. All required landscaping plans shall be prepared by a registered landscape architect and shall be submitted with the preliminary subdivision and land development plan. Plans shall be based on and reflect the following:
 - (a) Functional and aesthetic criteria relative to the property and the buildings thereon.
 - (b) Visually enhancing building, parking and other structures.
 - (c) Creating visually pleasing views from the adjacent public roads.
 - (d) Using plant materials which are acclimated to the conditions of the property and within the Township.
 - (e) Where required by the Board of Supervisors, creating buffer planting strips along the existing public roads and existing or proposed property boundaries of a sufficient width to form a continuous year round visual buffer, including a mixture of ground cover, evergreen shrubs, evergreen trees (minimum of 8 feet in height at the time of planting) and deciduous trees (no less than 1 to 1-1/2 inch caliper). Within 3 years after planting, the visual buffer shall provide a year round visual screen at least 6 feet high in addition to the height of the berm. The Board of Supervisors may consider multiple factors including but not limited to, existing structures, potential for future widening of streets and location of maximum right-of-way, in the determination of landscape buffer planting strip location and width.
 - (f) Shade trees shall be provided along all proposed public and private streets. No less than two 1 to 1-1/2 inch caliper trees shall be placed for each 50 feet of street length. Each tree shall be at least eight (8') feet in height and one and one-half (1 1/2") inches in diameter. A list of proposed trees, selected from a list of approved trees maintained by the West Sadsbury Township, shall be submitted to the Board of

Supervisors for approval. The spacing of trees may be flexible to accommodate the layout of the improvements on the site as approved by the Board of Supervisors. These requirements shall take precedence over the Street Tree requirements of Section 511 of the West Sadsbury Subdivision and Land Development Ordinance.

- (g) Other landscaping, including trees, shrubs and ground cover, shall be provided along walkways, in courtyards and at the entrance to the property.
 - (h) The location, type, size, height and other characteristics of landscaping shall be subject to review and approval of the Board of Supervisors.
 - (i) Any tree or shrub which dies shall be replaced within six (6) months of written notice by the Township by the legal owner of the property on which the tree or shrub is located.
 - (j) It shall be the responsibility of the landowner and/or homeowners association responsible for the premises on which the landscaping is located, or which fronts on the premises, to adequately and properly maintain the landscaped areas, which responsibility shall include watering, clearing of weeds and debris, pruning and trimming, replacement of dead or diseased planting and fertilizing to maintain healthy growth.
- E. The Conditional Use Plan for multi-family development shall include other uses permitted in the GC Zoning District (except as excluded by Section 509 C. A.) which must meet the requirements set forth in this §509.
- F. Conditional Use procedures and criteria shall be set forth in Part 15, Section 1506 of the Zoning Ordinance of West Sadsbury Township. In addition, the plan prepared in accordance with Section 1506 of the Zoning Ordinance shall include:
1. The total number of dwellings proposed and the mix of dwelling types.
 2. The total number and location of buildings proposed for other GC Zoning District uses and the total square footage of each.
 3. The approximate size and location of dwellings.
 4. Typical street cross-sections shall be provided showing development scenarios considering all building types proposed (i.e. carriage homes,

townhomes, etc.) and considering no on-street parking, one-side on-street parking, and two side on-street parking.

5. The project shall be designed as a comprehensive scheme of development so that the residential and non-residential components complement each other in terms of the layout of the site and visually. The design of both residential and non-residential development shall be reflected upon the conditional use plan and upon any land development or subdivision plan.
6. The application shall include the preparation of textual and (typical) graphic descriptions by a Commonwealth-registered architect, of proposed architectural features and styles, which shall be presented for Township approval during the conditional use hearing process.

G. Street Design Standards and Parking. In order to further safe internal circulation, pedestrian friendly mobility, the following regulations and design criteria shall apply to roads and streets within a multi-family development in the GC Zoning District (which are referred to as "Interior Streets").

1. Cartways. Materials and installation of streets shall be in accordance with Township requirements for public and private streets. The minimum width of Interior Streets shall be as follows:
 - a. 32 feet – parking permitted on both sides of the street
 - b. 25 feet – parking permitted on one side of the street
 - c. 22 feet – no parking permitted
2. Sidewalks. All streets shall have sidewalks of a minimum four feet (4') in width along both sides of the street. The Township may permit elimination of sidewalk along one side of the street where it deems appropriate. Sidewalks shall be constructed in accordance with the requirements of the West Sadsbury Township Land Development and Subdivision Ordinance, except that sidewalks may directly abut curbing without the use of a grass strip.
3. Curbing. Curbing shall be provided in accordance with Township requirements, except that Belgian block may be permitted by the Board of Supervisors.
4. Emergency Vehicular Circulation. All Interior Streets shall incorporate turning radii and curbing which allow for proper circulation of emergency vehicles such as ambulance and fire trucks subject to review by the fire marshal and approval by the Board of Supervisors.

5. Dedication. Internal Streets may be offered for dedication and accepted at the Board of Supervisors' discretion. Unless offered for dedication, right-of-way and cartway width requirements of the Zoning Ordinance and SALDO shall not apply to Interior Streets.
6. Parking for multi-family dwellings shall be 2.0 off-street parking spaces per unit which may be in the garage and/or driveway of the dwelling unit but shall not block sidewalks. In addition, 0.5 parking spaces per multi-family unit shall be provided in designated parking areas to provide for overflow parking. When permitted by the Board of Supervisors, the number of spaces may be reduced up to 25% as long as sufficient areas, in the opinion of the Board of Supervisors, for parking are set aside in dedicated reserve parking areas and when deemed necessary by the Board of Supervisors. Parking and loading for other permitted uses in the GC Zoning District shall comply with the requirements in Part 11 of the Zoning Ordinance.
7. Parking lots within the commercial lot shall include landscaped parking islands the size of a parking space for every 15 parking spaces in a row and each island shall include one (1) deciduous tree.
8. Local Postmaster Review. The layout of the streets and multi-family units shall be reviewed by the local postmaster to verify postal delivery methods (i.e. whether postal delivery shall be made door to door or to a centralized location).

H. Site Design Requirements.

1. Pedestrian areas shall include an interior walkway(s) within the Permanent Open Space. Walkways shall be a minimum of 4 feet wide, be made of either asphalt or concrete or other surface approved by the Board of Supervisors and constructed in accordance with Township Subdivision and Land Development Ordinance.
2. Development shall include interconnecting paths and walkways throughout the community. At various locations, the pedestrian walkways shall join large and small common green areas.
3. There shall be at least 3 different architectural types of townhouse complexes. The facade of every third townhouse unit shall be offset from the adjacent unit by at least two (2) feet.
4. Preserved Permanent Open Space shall be secured within an easement preventing further development as approved by the Board of Supervisors. Ownership of the Permanent Open Space shall be in accordance with Part 11B hereof.

5. Permanent Open Space shall not include above ground stormwater management facilities and no more than 50% of the area may be occupied by a combination of floodplains, wetlands, wetland buffers, riparian buffers, steep slopes, and easements that would interfere with the use of the Permanent Open Space.
6. Roadway and traffic signal improvements will be based on a traffic impact study approved by PADOT and the Township. Where permitted by PADOT, all proposed traffic signals shall be hardwired to existing signals with fiber optic cable and include LED bulbs and preemption devices with battery backup devices for all signals.
7. Applicant shall provide documents satisfactory to the Board of Supervisors and Township Solicitor, creating an entity or entities responsible to maintain common elements (hereinafter called the “association”) and providing for the ownership and maintenance of common elements (including but not necessarily limited to, detention ponds, pipes, inlets and outlet structures) shall be furnished prior to final plan approval. The covenants and restrictions shall at a minimum contain provisions; (i) restricting the Permanent Open Space from future development; (ii) providing for the perpetual ownership and maintenance of common elements; (iii) restricting the ability of the developer or the association to convey the common facilities or the Permanent Open Space without the prior consent of the Township; (iv) providing for snow removal from the pedestrian trail system and from any emergency access drives; (v) providing for an adequate reserve for the ongoing maintenance and repair of the common elements including but not limited to, the pedestrian trail system, sidewalks (whether or not part of a dedicated right-of-way to the Township), stormwater management facilities and private streets, (vi) requiring the treatment of lawns, shrubs, trees and other plantings by means that are organic in origin, (vii) requiring the control of pets when outdoors; (viii) restricting the parking or storage of recreational vehicles, trailers or boats and boat trailers along any streets or apartment parking areas within the development, (ix) requiring an annual inspection of storm water management facilities by a qualified expert at the expense of the developer or the association with a copy of such report to be delivered to the Township promptly after it is received, and (x) providing that the covenants and restrictions shall not be modified with respect to rights granted to the Township or with respect to the matters contained in this paragraph without the prior consent of the Board of Supervisors. It shall also be the responsibility of the developer or the Homeowner's Association, as applicable, to repair, maintain and remove snow from all sidewalks within the development whether or not such sidewalks are within a dedicated right-of-way to the Township and

the covenants and restrictions shall contain provisions to this effect. The Homeowner's Association or other responsible management organization shall provide the Township with the contact information of the person responsible for emergency issues that may occur in the development.

8. Where general development standards provided in the Zoning Ordinance of West Sadsbury Township and the West Sadsbury Township Land Development and Subdivision Ordinance are inconsistent with the specific standards set forth in this §509, the standards of this §509 shall govern all multi-family development in the GC Zoning District. In order to accomplish the design flexibility necessary for a unique development, the Board of Supervisors may in its sole discretion, at the request of the applicant and during conditional use or preliminary and/or final plan approval, modify any of the standards set forth in this ordinance upon a showing by the applicant and a finding by the Board of Supervisors that the required modification will result in a better design than would be possible under the stated standard.
9. Commercial land uses should be confined to one cohesive node or street corridor. The ideal location for commercial uses is central to the neighborhoods served; however, peripheral locations along existing streets are also acceptable; so long as the design of such areas adequately serve pedestrians and vehicles. Commercial areas should be fitted with buildings, signs and sidewalks that are oriented to provide pedestrian access from the adjoining neighborhoods. Off-street parking lots, loading areas and dumpsters should all be screened from view of adjoining residential neighborhoods.
10. All dumpsters shall be set back a minimum of fifty feet (50') from any adjoining properties used for a principal residence, Common Open Space or public or civic use. All waste receptacles shall be equipped with a self-latching door or gate.
11. At least one bus stop shall be placed at an appropriate location to be determined by the Board of Supervisors. Bus stops shall consist of a minimum pedestrian node consisting of one ten foot by twenty foot (10' x 20') sidewalk section, one permanently anchored park bench, street light and a shade tree. Such bus stops shall be provided, even if existing bus routes do not currently service the area.
12. Decorative streetlights shall be required along all interior public and private streets. Streetlights shall be required on exterior streets where required by the Board of Supervisors. The street light fixture style shall be subject to the approval of the Board of Supervisors. Streetlights shall not exceed 15 feet in height and shall

be installed on both sides of the street in a staggered pattern. The street lights shall be spaced at intervals of not less than two hundred (200) feet on each side of the street unless otherwise approved by the Board of Supervisors based upon guidance provided by the utility providing service to the street lights. The Board of Supervisors may permit flexibility regarding the location and spacing of streetlights around multi-family dwellings to prevent direct glare and reflection into nearby dwellings.

13. No on street parking shall be permitted within the required clear site triangles at street intersections whether public or private.
14. The maximum footprint of a commercial building shall not exceed twenty-thousand (20,000) square feet with the exception of an office building unless otherwise approved by the Board of Supervisors.
15. Permanent Open Space areas shall meet the following requirements:
 - a. At least one proposed Permanent Open Space area must equal or exceed twenty-five per cent (25%) of the open space area required as part of the project.
 - b. Land shall be suitable to serve the purpose of open space by reason of its size, shape, location and topography and shall be subject to approval of the Board of Supervisors. No Permanent Open Space area shall be less than five-thousand (5,000) contiguous square feet.
 - c. No part of a Permanent Open Space area shall have a dimension of length or width less than forty feet (40’).
16. A pedestrian circulation system shall be provided throughout the development, interconnecting all dwelling units with other dwelling units, non-residential uses and Common Open Space. The pedestrian circulation system shall promote pedestrian activity within each site and throughout the development; the pedestrian circulation system shall be separate and distinct from motor vehicle circulation, provide a pleasant route for users, promote enjoyment of the development and encourage incidental social interaction among pedestrians. The pedestrian circulation system shall be of a barrier-free design to the greatest extent possible. The pedestrian circulation system shall include gathering/sitting areas and provide benches, landscaping and other street furniture where appropriate.

§510. Shopping Center Regulations. The following regulations shall apply to Shopping Centers in the GC – General Commercial District, which shall supercede and replace any conflicting or inconsistent provision contained in this Zoning Ordinance.

1. Area and Bulk Regulations.

The following area and bulk regulations shall apply:

- A. Minimum net lot area minimum: 40 acres
- B. Minimum lot width at setback line: seven hundred and fifty (750') feet
- C. Minimum lot width at street line: seven hundred and fifty (750') feet
- D. Maximum impervious surface ratio: eight (80%) percent
- E. Minimum setback requirements for buildings measured from the ultimate right-of-way of the abutting public street: thirty-five (35') feet
- F. Minimum setback requirements for surface parking areas and interior roads, measured from the ultimate right-of-way of the abutting public street: ten (10') feet
- G. Minimum distance between buildings: The distance at the closest point between any two buildings shall not be less than twenty-five (25') feet.
- H. Maximum building height: The height of a building or structure shall not exceed forty-five (45') feet excluding parapet walls and screened roof top equipment.

2. Hotel Use. A “hotel” shall be a permitted use within a Shopping Center in the GC – General Commercial District.

3. Retail Sales of Gasoline.

- A. The retail sale of gasoline shall be a permitted use within a Shopping Center in the GC – General Commercial District.

- B. Fueling stations and service islands shall be set back a minimum of thirty (30') feet from the boundary of the lot. The number of fueling positions shall not exceed twenty-four (24).
 - C. Fuel tanks shall be placed underground and shall be made of materials, and shall be designed in a manner which conforms to all applicable federal and state regulations.
4. Off-Street Parking. Notwithstanding Sections 1109(4)(A) and 1109(4)(B) of this Ordinance, the number of off-street parking spaces required in a Shopping Center (including all restaurant uses but excluding any hotel use) shall conform with the following:
- A. Four (4.0) spaces for each 1,000 square feet of gross floor area, provided that the Board of Supervisors shall be authorized to decrease the number of required parking spaces per 1,000 square feet of gross floor area to a requirement of less than four (4.0) where it is demonstrated by a shared parking analysis or similar study, in form and substance satisfactory to the Board of Supervisors, that the projected need for parking spaces is a lesser figure.
 - B. The parking requirement applicable to a hotel shall be one (1) parking space for each rental unit in the hotel.
 - C. Except as provided in Subsection A and Subsection B above, Section 1109 of this Ordinance shall govern the off-street parking requirements applicable to a Shopping Center.
5. Buffer Yards.
- A. Notwithstanding the first sentence of Section 1110 of this Ordinance, a Shopping Center which adjoins a residential district shall maintain a twenty (20') foot wide buffer strip along the common boundary line. A buffer strip shall also be required along a minor collector street or local street which faces the rear of any building, provided that such buffer strip shall terminate a minimum of 300 feet from the intersection of such minor collector street or local street and any other street. No buffer strip shall be required along a major collector street or an arterial street.
 - B. Except as provided in Subsection A above, the requirements of Section 1110 of this Ordinance shall apply to buffer strips in a Shopping Center.
6. Traffic Control/Traffic Improvements. Notwithstanding the second sentence of Section 1103 of this Ordinance, entrances to Shopping Centers shall be located a safe distance from the center line of any intersecting street and shall be designed in a manner conducive to safe ingress and egress. An applicant shall comply with all

applicable regulations of the Pennsylvania Department of Transportation with respect to entrances onto state roads and such applicant shall be required to construct and install, at the applicant's sole cost and expense, all traffic control devices and road improvements required by the Pennsylvania Department of Transportation. Applicant is responsible for maintenance of and electrical costs for new traffic signals required.

7. Landscaping.

- A. Any portion of a Shopping Center which is not used for buildings or other structures, loading or parking spaces and aisles, access roads, sidewalks and designated storage areas shall be landscaped with an all-season cover.
- B. An all season cover shall be provided in all parking islands, of which an area not less than ten (10%) percent shall be landscaped with trees and shrubs. Planting along the perimeter of a parking lot, whether for required screening or aesthetic purposes, shall be considered as part of the required parking area landscaping.

8. Lighting.

- A. Notwithstanding Section 1106(4)(C)(4) and 1106 (4)(D)(2), light standards in a Shopping Center shall be located no more than two hundred (200') feet apart and shall not exceed thirty (30') feet in height above the finished grade.
- B. Except as provided in Subsection A above, the requirement of Section 1106 of this Ordinance shall apply to exterior lighting in a Shopping Center.

9. Permitted Signage.

- A. Entrance signs: No more than one (1) free-standing entrance sign shall be permitted at each entrance to the Shopping Center, subject to compliance with the following requirements:
 - (1) The maximum surface display area of each free-standing entrance sign shall not exceed 300 square feet on each side (maximum combined area of 600 square feet). The foregoing area calculation shall exclude the base or foundation of a free-standing sign which incorporates the Shopping Center name.
 - (2) A free-standing Shopping Center sign shall be set back a minimum of fifteen (15') feet from the ultimate right-of-way of the abutting public street.
 - (3) The maximum height of a free-standing entrance sign shall not exceed 30 feet.

- B. Signs mounted on the front or side of a building shall not exceed ten (10) square feet in area for each five (5) lineal feet of front or side (as applicable) building wall, and in no case shall a front or side mounted sign exceed thirty (30') feet in width or eight (8') feet in height for a building which is located at the minimum allowable building setback or side yard setback (as applicable). For each additional two (2') feet that a building is located beyond the building setback or the side yard setback (as applicable), the maximum height of a front or side mounted sign may be increased by one (1') foot, provided that no front or side mounted sign shall exceed twenty (20') feet in height and twenty (20%) percent of the face of the building.
 - C. Traffic control and directional signs: Signs for the control of vehicular traffic shall be permitted, provided that the area of each sign shall not exceed four square feet on each side. Except for street signs approved for use on public streets by the Pennsylvania Department of Transportation, no sign shall exceed three feet in height.
10. Public Sewer and Water. Shopping Centers shall be served by public water and public sewer services, provided that temporary sewer service, including holding tanks and pump and haul, or other methods, may be utilized until public sewer service is available.
11. Subdivision of Pad Site. A pad site located within a shopping center may be subdivided and separately conveyed to persons or entities, other than the owner of the shopping center, without regard to minimum lot size, or any other area and bulk requirement of this zoning ordinance and without regard to the subdivision plan review requirements and lot design requirements contained in the West Sadsbury Township Subdivision and Land Development Ordinance, subject to the conditions set forth in Sections A through E below. An owner of a shopping center may retain ownership of a pad site, but separately subject a pad site to one or more mortgage liens or other security interests.
- A. The subdivision of a pad site must be identified on the final, approved land development plan for the shopping center, or if not depicted as a separate pad site prior to final land development approval, the subdivision of a pad site must be approved by way of a separate subdivision application. A pad site subdivision shall be considered a minor subdivision in accordance with Section 304.2 of the Subdivision and Land Development Ordinance except that the requirements of Part 4 shall not apply. The pad site subdivision plan shall be submitted using the title sheet of the approved, final land development plan, and such plans shall clearly depict the title lines of the pad site and shall contain such notes and conditions as may be required by the Board of Supervisors in accordance with the provisions of this Section 510(11).

- B. Approval of the subdivision of a pad site shall be subject to recordation of a vehicular and pedestrian access easement which provides access to the pad site from a public street; a utility access easement which shall include the right to repair and maintain all necessary utilities; and a parking lot cross easement which shall satisfy the parking requirements of the pad site (including benefits derived from an approved shared parking allocation) [collectively, the “Required Easements”]. Required Easements shall be subject to the review and approval of the Township Solicitor.
 - C. Approval of the subdivision of a pad site shall be subject to the recordation of consents to the Required Easements of the shopping center and all other persons or entities holding any interest in all or any part of the shopping center (such as a mortgagee) who would have the right by virtue of an action at law or equity, or by operation of law, to divest one or more of the Required Easements, and the agreement of each such person or entity that such person or entity will take no action to disturb or to divest any such easement. The aforesaid consents shall be subject to the review and approval of the Township Solicitor.
 - D. Approval of the subdivision of a pad site shall be subject to confirmation, in form acceptable to the Board of Supervisors, that the separate ownership of the pad site will not in any way adversely affect or disturb required shopping center site improvements, shopping center stormwater management facilities and shall not modify or invalidate any conditions of approval of the shopping center final land development plan.
 - E. Approval of the subdivision of a pad site shall be subject to the recordation of such covenants, restrictions and easements in favor of the owner of the shopping center, permitting the owner of the shopping center to maintain and repair all required site improvements (such as outdoor lighting and stormwater management facilities) located on a pad site and requiring the owner of the pad site to maintain the buildings and structures and exterior areas of the pad site, which covenants, restriction and easements shall be subject to the review and approval of the Township Solicitor.
12. Determination of Site Capacity. The factor referenced in Section 908 – Net Buildable Site Area B – item (2) for calculating the Base Site Area (pursuant to Section 906) with respect to lands located within the GC – General Commercial District which are proposed for a shopping center use shall be changed from 0.60 to 0.80.
13. Provisions of Zoning Ordinance Inapplicable to Shopping Centers Located Within the GC – General Commercial District and/or Deleted Provisions. The sections of this ordinance identified below shall not apply to shopping centers unless otherwise expressly stated below.

- A. Section 802 – Agricultural Soils.
- B. Section 1102 – Storage. Outdoor storage shall be limited to seasonal items.
- C. Section 1103 – Access and Traffic Control.
- D. Sections 1109(4)(A) and (4)(B) – Off-Street Parking Regulations – Requirements.
- E. Section 1109(4)B)(20) is deleted and replaced for all purposes by Section 510(4)(A) above.
- F. Section 1113 – Driveways. Entrances to shopping centers from public streets shall be governed by Section 510(6) above.
- G. Section 1206 – Stripping of Topsoil.
- H. Section 1215 – Building Height.
- I. Section 1218 – Lot Frontage.

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§603. Environmental and Floodplain Regulations.

Development in the O-C Office Commercial District shall comply with all applicable Environmental Regulations and Floodplain Regulations included in Part 8.

§604. Design Standards.

Development in the O-C Office Commercial District shall comply with all applicable Design Standards included in Part 11 with the following additions:

1. A minimum of twenty (20%) percent of the lot shall be landscaped. At least one-half (½) of the area so landscaped shall be in the front yard.
2. Gasoline pumps and service facilities shall be set back from the street line a minimum of thirty (30') feet.

§605. General Provisions.

Development in the O-C Office Commercial District shall comply with all applicable General Provisions included in Part 12.

§606. Sign Regulations.

Development in the O-C Office Commercial District shall comply with all applicable Sign Regulations included in Part 13.

§607. Adult Entertainment Establishments Prohibited.

There shall be no adult entertainment establishments permitted in an Office-Commercial District (O-C).

§608. Industrial/Commercial Site Capacity Determination.

Part 9B will apply to the O-C Office-Commercial District.

PART 7

I – INDUSTRIAL DISTRICT

§701. Use Regulations.

A building or buildings may be erected, altered, or used, and a lot may be used for any or a combination of the following Industrial Manufacturing, Light purposes and no other:

1. Production, processing, cleaning, testing, repair, storage, and distribution of materials, goods, and foodstuffs except as included under special exceptions below.
2. Publishing/Printing Establishment.
3. Truck freight terminal and hauling contractors.
4. Contractor's establishment.
5. Wholesale Sales, Storage and Distribution.
6. Warehouse Storage Facility
7. Accessory uses:
 - A. Industrial accessory uses.
 - B. Retail sales.
8. Industrial Park Development Option pursuant to Section 709.
9. The following uses may be permitted as a **special exception** when authorized by the Zoning Hearing Board.
 - A. Communications tower.
 - B. The slaughtering of animals, provided that such activities are completely screened by either opaque fencing and/or evergreen planting from observance at the property lines. Provisions shall be made for the control of any offensive odors before such uses can be permitted.
 - C. Salvage or junk yards, subject to:
 - (1) The premises shall be maintained so as not to constitute a nuisance or a menace to the health of the residents and inhabitants of the Township and shall be maintained so as not to constitute a place for the breeding of rodents and vermin.
 - (2) No garbage or organic waste shall be stored on the premises.
 - (3) Whenever any motor vehicle or part thereof shall be received in the junk yard, all gasoline and oil shall be removed from the motor vehicle or part thereof.
 - (4) The manner of storage and arrangement of materials shall be such as to provide for adequate access for firefighting purposes.

provided in Section 802.12 of the Zoning Ordinance on lots utilizing on-site sewage disposal).

7. Where more than one principal building is or is proposed to be located on a lot, there shall be a separation distance between each such principal building of at least the greater of: (a) forty (40) feet; and (b) the distance equal to the height of the tallest such principal building. For example, on a property with two buildings with a building height of 35 feet and one building with a building height of 45 feet, the minimum distance between the two 35-foot high buildings shall be 40 feet, and the minimum distance between the 45 foot high building and the 35 foot high buildings shall be 45 feet.

§703. Environmental and Floodplain Regulations.

The regulations set forth in Part 8E shall not apply to development in the I-Industrial District. Development in the I – Industrial District shall comply with all applicable regulations included in Parts 8A, 8B, 8C, 8D and 8F.

§704. Design Standards.

Development in the I-Industrial District shall comply with all applicable Design Standards included in Part 11 with the following additions: A minimum of twenty (20%) percent of the lot shall be landscaped. At least one-half (½) of the area so landscaped shall be in the front yard.

§705. General Provisions.

Development in the I-Industrial District shall comply with all applicable General Provisions included in Part 12.

§706. Sign Regulations.

Development in the I Industrial District shall comply with all applicable Sign Regulations included in Part 13.

§707. Adult Entertainment Establishments Prohibited.

There shall be no adult entertainment establishments permitted in an Industrial District (I).

§708. Industrial/Commercial Site Capacity Determination.

Part 9B will apply to the I-Industrial District.

§709. Industrial Park Development Option .

1. Purposes. The purpose of this development option is to balance the goal of facilitating responsible industrial development in West Sadsbury Township in a manner and location consistent with the West Sadsbury Township Comprehensive Plan, the Octorara Area Economic Development Plan and the Community Development Objectives as set forth in the Zoning Ordinance, with the goal of protecting environmentally sensitive resources.
2. Qualifying Criteria. All properties in the Township that are zoned I-Industrial and that are being developed as an "Industrial Park" shall have the option of being developed pursuant to the Industrial Park Development Option regulations. For purposes of this Section 709, the phrase "Industrial Park" shall mean "a grouping of two (2) or more principal buildings used for one or more of the purposes permitted by Section 701 that are developed in accordance with a single, unified plan".
3. Applicability. Under the Industrial Park Development Option, the underlying zoning regulations applicable to properties zoned I-Industrial shall apply, except as otherwise provided in this Section 709.
4. Uses. Under the Industrial Park Development Option, the buildings may be erected, altered, or used, and a lot may be used, for any one or more of the purposes set forth in Section 701, and no other. Notwithstanding the requirements of Section 701.8D, the development of multiple industrial uses shall be permitted by right under the Industrial Park Development Option, provided that any individual use within the Industrial Park which would otherwise require special exception or conditional use approval under the Zoning Ordinance shall still require such approval. For example, if a communications tower was proposed to be located in an Industrial Park being developed under the Industrial Park Development Option, the communications tower only would require special exception approval under Section 701.8A, but the overall Industrial Park would be permitted by right.
5. Parts 8A, 8B, 8C, 8D and 8F.

The regulations set forth in Parts 8A, 8B, 8C, 8D and 8F of the Zoning Ordinance shall apply to development under the Industrial Park Development Option, with the following modifications:

- A. Steep Slopes. The provisions of Section 802.3 shall not apply to properties developed under the Industrial Park Development Option except as noted in this Section 709.5A. The following steep slope regulations shall apply to properties developed under the Industrial Park Development Option:

- (1) Manmade steep slopes shall not be regulated. The determination of what constitutes natural, versus man-made, slopes will be made by the Zoning Officer.
 - (2) In areas of natural steep slopes exceeding twenty-five (25%) percent, no more than ten (10%) percent of such areas shall be developed and/or regraded or stripped of vegetation.
 - (3) In areas of natural steep slopes exceeding 15% but less than or equal to 25%, no more than the larger of the following shall be developed and/or regraded or stripped of vegetation:
 - (a) twenty (20%) percent of such natural steep slope areas;
and
 - (b) 1% of the gross Site area but not to exceed one acre.
 - (4) The controls set forth in Sections 802.3C(1)-(5) shall apply in all areas where the slope of the land of natural steep slopes at the site of earthmoving exceeds fifteen (15%) percent over a linear distance of more than ten feet (10'), unless the natural steep slopes are excluded from regulation under the provisions of Section 709.5A(3)(b) of the Zoning Ordinance.
 - (5) Natural steep slopes whose area constitutes less than 1% of the gross Site area [not to exceed one (1) acre] shall not be considered a protected resource for the purpose of Section 907 and shall not trigger the requirements of Sections 802.3C(1)-(5) of the Zoning Ordinance.
- B. Wetlands and Riparian Buffers. Buffer areas otherwise required by Section 802.11 ("Wetlands") of the Zoning Ordinance, by the Zoning Ordinance definition of "Riparian Buffer" or otherwise shall not be required where all of the following conditions are met:
- (1) A minimum setback of thirty-five (35) feet from the wetlands or top of bank of the watercourse, whichever is greater, is provided (subject to any greater setback otherwise required by Part 8B of the Zoning Ordinance); and
 - (2) One or more of the following "Best Management Practices" as set forth in the guidelines of the Pennsylvania Department of Environmental Protection entitled "Pennsylvania Stormwater Best Management Practices Manual", latest edition (the "Manual") is incorporated into the development plan:

1. Infiltration Trench
 2. Infiltration Basin
 3. Dry Well / Seepage Pit
 4. Constructed Filter with infiltration
 5. Recharge Garden / Bioretention Bed
 6. Hydrodynamic Structures; and/or
 7. Such other mitigation or water quality measure that is satisfactory to the Township Board of Supervisors upon recommendation by the Township Engineer; and
- (3) The BMP(s) required by Section 709.5B(2) to mitigate the reduction of any otherwise required wetlands buffer distance shall be in addition to stormwater management and infiltration facilities required by Township stormwater management regulations and PA DEP NPDES requirements; and
- (4) Runoff draining from impervious and semipervious areas to the wetland area shall flow into the proposed BMP(s) prior to being discharged into the wetland; and
- (5) Discharge from the BMP(s) to the wetland area shall be distributed along the wetland boundary in a manner similar to predevelopment conditions, or as otherwise agreed by the Township Engineer. The intent of this requirement is that post-developed conditions not "starve" the wetlands; and
- (6) The area of land draining to the wetland area in the post-development condition shall be within 10% of the area of land draining to the wetland area in the pre-development condition.
- C. Aquifer Regulations. Development of properties pursuant to the Industrial Park Development Option that are underlain with the Conestoga formation shall be subject to the provisions of Sections 843 and 844 of Part 8C of the Zoning Ordinance. Sections 841 and 842 shall not apply. Additionally, development of properties pursuant to the Industrial Park Development Option that are underlain with the Conestoga formation shall be subject to the following requirements:
- (1) The plan shall incorporate one or more "Best Management Practices" as set forth in the guidelines of the Pennsylvania Department of Environmental Protection entitled "Pennsylvania Stormwater Best Management Practices Manual", latest edition ("Manual"), or any other water quality protection technique approved by the Township Engineer, for the intended purpose of removing 85% of the post-development total suspended solids load

(TSS) and 85% of the post-development total phosphorous load (TP) and 40% of the post-development total nitrogen load (collectively the "Performance Standards").

- (2) The Performance Standards shall be deemed to be met where the Manual states that, or the applicant otherwise demonstrates to the reasonable satisfaction of the Township Engineer that, implementation of the BMP employed will result in achievement of the Performance Standards.
- (3) The applicant shall provide water table data from existing on-site wells if requested by the Township.
- (4) In areas of carbonate geology, the applicant shall provide a report from a professional geotechnical engineer or professional geologist indicating the potential for sinkholes, the feasibility of constructing the proposed improvements and any necessary measures to be taken regarding construction of buildings, structures and other improvements.
- (5) In areas of carbonate geology where stormwater management facilities are proposed, a geological evaluation prepared by a professional geotechnical engineer or professional geologist shall be provided to the Township. The report shall include a determination of the susceptibility of sinkhole formation, recommendations regarding the design of stormwater management, conveyance, and infiltration facilities, and measures designed to prevent groundwater contamination and sinkhole formation.
- (6) All existing and proposed storage of heating oil, gasoline, fuel, chemical solutions or other substances which, if released, would contribute pollutants to ground or surface waters shall meet current published and applicable Pennsylvania Department of Environmental Protection (PA DEP), Chester County Health Department, building code, and fire code storage and monitoring regulations. An existing underground storage tank can remain if a test performed in accordance with PA DEP regulations confirms that the structural integrity of the tank has not been compromised. The report shall be submitted to the Township.
- (7) The Township may require that any above ground storage facilities for certain substances which, if released, would contribute pollutants to ground or surface waters, have secondary containment, impervious liners, and/or monitoring devices.

- (8) The use of fill containing any material which would represent a potential contamination hazard to ground or surface waters is prohibited.
 - (9) The use of the property shall comply with applicable PA DEP regulations pertaining to storage, handling, processing or disposal of toxic materials and substances.
- D. Woodlands. Anything in the Zoning Ordinance to the contrary notwithstanding, Part 8F shall apply to properties developed pursuant to the Industrial Park Development Option only if there are "Significant Woodlands" on the property. For the purposes of this Section 709, the phrase "Significant Woodlands" shall mean areas, groves or stands of mature or largely mature trees (i.e. greater than twelve-inches (12") in caliper) growing closely together, such that the density of trees within any such area, grove or stand exceeds ten (10) trees within any 100-foot by 100-foot section of such area, grove or stand. Only Significant Woodlands shall be counted as a protected resource under Section 907 under the Industrial Park Development Option.
6. Public Water and Public Sewer. Properties developed pursuant to the Industrial Park Development Option shall be serviced by public water and public sewage disposal.
7. Master Plan Approval. Under the Industrial Park Development Option, the application and review process shall include the mandatory submission of a sketch plan (referred to herein as a "Master Plan") which shall conform to the following requirements in lieu of those requirements set forth in the West Sadsbury Township Subdivision and Land Development Ordinance ("SALDO").
- A. Application Criteria/Subdivision and Land Development Review Process. Applications for approval of a Master Plan shall include a Master Plan and accompanying support data as follows:
- (1) Master Plan. Except as waived, the Master Plan shall at a minimum contain the information required by §401.2A through N and P and by §402.3 (Existing Resources and Site Analysis Plan Contents) through and including §402.5 (General Information) of the SALDO, with the exception of §402.5B(7) and §402.5B(9) of the SALDO. However, under the Industrial Park Development Option: (i) a formal Zoning Officer Determination shall not be required under Section 401.2.O or Section 402.3B of the SALDO, but rather a calculation of Site Capacity by the applicant shall be required as set forth in Part 9B of the Zoning Ordinance, as amended; and (ii) the phrase "woodlands" as used in Section 402.3C(13) shall mean "Significant Woodlands" as defined in Section 709.5D of the Zoning Ordinance. In addition, the submission shall contain the following:

- (a) The anticipated general location of buildings proposed within the lot or Tract and the total building area being proposed, represented by total square footage of buildings.
 - (b) The general vehicular and non-vehicular circulation pattern for the entire lot or Tract, including points of access to the lot or Tract and the location, dimensions and rights-of-way of the major road networks that will service the lot or Tract.
 - (c) An estimate of required stormwater management facility size and volume (e.g. detention basin, infiltration facility) and location.
 - (d) A chart or other tabulation demonstrating compliance with the applicable area and bulk requirements of the I-Industrial District.
 - (e) The names of all existing subdivisions abutting the property and the locations and dimensions of any existing streets and easements on the property and adjacent properties.
- (2) Accompanying Data. The following documentation shall accompany the Master Plan and be made part of the application:
- (a) An environmental impact assessment or an environmental study done of the lot or Tract which gives consideration to Parts 8A through 8D and 8F; and
 - (b) A traffic impact study based on a scope of study approved by the Township; and
 - (c) A comprehensive narrative detailing the proposed method of public water and public sewer service, preliminary flow and capacity projections, current availability of capacity, and likely required improvements, upgrades, and extensions to the existing water and sewer systems.
- (3) Procedures. The following procedures shall apply to the review of applications.
- (a) Master Plan. The Master Plan shall be submitted to the Township, reviewed by the Township Planning Commission, and referred to the Board of Supervisors for decision thereon.
 - (1) The Board of Supervisors may:
 - (i) Grant approval of the plan as submitted.

- (ii) Grant approval of the plan subject to specified conditions not included in the plan as submitted.
 - (iii) Deny approval of the plan.
 - (2) Review and decisions on the Master Plan shall be in the time and manner as prescribed by Section 508 of the Pennsylvania Municipalities Planning Code, 53 P.S. §10508, for preliminary and final applications.
 - (b) Preliminary and Final Plans. Following approval of the Master Plan by the Board of Supervisors, the applicant shall be required to submit Preliminary and Final Subdivision and Land Development plans of the property [or that portion thereof intended for development] to the Township pursuant to the SALDO and the Pennsylvania Municipalities Planning Code. Any changes to the Master Plan depicted on approved preliminary or final land development plans shall be deemed revisions of the Master Plan without the need for formal revision thereof.
- B. Effect of Filing and Approval of Master Plan.
- (1) Filing. From the time an application for Master Plan approval is filed, and while such application is pending approval or disapproval, no change or amendment of the zoning, subdivision or other governing ordinance shall affect the decision on such application adversely to the applicant, and the applicant shall be entitled to a decision in accordance with the provisions of the governing ordinances or plans as they stood at the time the application was filed.
 - (2) Approval. The applicant or any successor to the applicant for all or any portion of the development plan shall have a vested right to proceed according to the approved Master Plan, including the total square footage and impervious coverage approved therein, and shall be entitled to preliminary and final approval in accordance with the terms of the Master Plan approval, subject to the applicant's demonstration of compliance with all applicable ordinance requirements (except as waived) during the preliminary and final plan review processes. In the event that the applicant shall fail to demonstrate compliance with all applicable ordinance requirements, except as waived, the applicant shall no longer have a vested right to proceed according to the approved Master Plan and shall make such modifications during the preliminary and final plan review process as necessary to comply with all applicable requirements of

the ordinances in effect at the time the Master Plan application was filed, except as waived.

No subsequent change or amendment to the Township Zoning, Subdivision and Land Development Ordinance or to any other governing ordinance, regulation or plan shall be applied to affect adversely the right of the applicant or any successor to seek preliminary and final approval based on the ordinances in effect at the time the Master Plan application was filed, and to commence and complete any aspect of the approved Master Plan for a period of five (5) years from the date of approval of the Master Plan and any revisions thereof.

8. Inconsistent Ordinances. In the event of inconsistencies between the Zoning Ordinance of the Township and any other applicable ordinances, the Zoning Ordinance shall control. In the event of inconsistencies between the provisions of this Section 709 and any other ordinance provisions, the provisions of this Section 709 shall control.

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PART 8A

ENVIRONMENTAL REGULATIONS

§801. General.

The developer or any other person engaging in any activities on the land which involve a development or any activities involving any of the standards as described in Section 802, below, shall determine what environmental features are present on the site and shall meet the following standards of environmental protection.

§802. Standards.

The following standards shall be held as minimum to adequately protect the natural environment and fulfill the intent of this Chapter 27 and the West Sadsbury Township Comprehensive Plan, except as otherwise provided in the regulations applicable to land zoned I-Industrial District and to land developed pursuant to the Industrial Park Development Option.

1. Floodplains. See Part 8B.
2. Floodplain Soils. The same standards as hereinbefore stated under "Floodplains" shall apply. Where floodplains are defined, they shall be used rather than floodplain soils.
3. Steep Slopes. In areas of steep slopes, i.e., those above fifteen (15%) percent, the following standards shall apply:
 - A. 15 - 25%: No more than twenty (20%) percent of such areas shall be developed and/or regraded or stripped of vegetation.
 - B. 25% or more: No more than ten (10%) percent of such areas shall be developed and/or regraded or stripped of vegetation.
 - C. The following controls shall apply in all areas where the slope of the land at the site of earthmoving exceeds fifteen percent (15%) over a linear distance of more than ten feet (10'), except for the construction of a driveway within a man-made slope within a street right-of-way. The determination of what constitutes man-made slopes will be made by the Zoning Officer.
 - (1) Before the issuance of a building permit, a grading plan shall be approved by the Township and an erosion and sedimentation control plan shall be approved by the Township and the County Conservation District. The erosion and sedimentation control plan shall meet the standards for such a plan established in the Township's Subdivision and Land Development Ordinance. The grading plan shall indicate existing and proposed contours at intervals of no more than two feet (2') in elevation. On the grading plan, all existing and proposed structures, other impervious surfaces, storm drainage facilities and utilities, retaining walls, and vegetation and other natural features shall be shown. The percentage of tree clearance and impervious coverage in the Steep Slope Areas shall be indicated.

- (2) The applicant shall indicate the methods whereby any structural and foundation problems caused by slope conditions will be overcome. Such methods shall be approved by the Township prior to the issuance of a building permit.
 - (3) Existing trees and shrubs shall be preserved whenever possible and desirable as determined by the Township. The location of trees must be considered when developing the site. The applicant shall indicate the means whereby trees and other natural features shall be protected during construction. The proposed development shall be accomplished without excessive earth moving and destruction of natural amenities.
 - (4) Natural features and important visual qualities of the site such as topsoil, hilltops, ridgelines, rock outcroppings and scenic views shall be preserved and incorporated into the final landscaping of the site whenever possible and desirable as determined by the Township.
 - (5) The applicant shall provide architectural plans, elevations and sections for proposed buildings and the plan, profile, and typical cross-section of impervious surfaces.
4. Woodland. See Part 8F.
 5. Lakes, Ponds or Watercourses. These areas shall be left as permanent open space. No development, filling, piping, or diverting shall be permitted, except for required roads.
 6. Lake Shorelines. The shorelines of lakes (bodies of water least two (2) acres in area) to a depth of one hundred fifty (150') feet from the shorelines shall contain no more than fifteen (15%) percent impervious surfaces. At least eighty (80%) percent shall be maintained as permanent open space. This provision applies to wetlands of less than two (2) acres in size.
 7. Pond Shorelines. The shorelines of ponds (bodies of water less than two (2) acres in area) shall, to a depth of seventy-five (75') feet from the shorelines, contain no more than ten (10%) percent impervious surfaces. At least eighty (80%) percent shall be maintained as permanent open space. This provision applies to wetlands of less than two (2) acres in size.
 8. Storm Water. All developments shall limit the rate of storm water runoff so that no greater rate of storm water runoff is permitted than that of the site in its natural condition. Where farm field or disturbed earth is the existing condition, meadow shall be used as the starting base for such calculations instead of the actual condition. All runoff calculations shall be based on the one hundred (100) year, twenty-four (24) hour storms. The method for such calculations shall be that contained in the United States Department of Agriculture Soil Conservation, "Engineering Field Manual Notice - 4," dated April 30, 1971, as amended, or method as approved by the Township.
 9. Soil Erosion and Sedimentation. All developments shall protect streams, lakes, and ponds from sedimentation and shall control erosion in accordance with the "Clean Streams Law, P.L. 1987," Chapter 102, except that in addition, all developments or

site alterations shall submit an erosion control plan as part of the preliminary and final land development plans, even if they are less than twenty-five (25) acres in extent.

10. Agricultural Soils. Prime agricultural land defined in the West Sadsbury Township Comprehensive Plan as Soil Capability Classes I-1 through and including IIe, as classified by the "Chester and Delaware Counties, Pennsylvania Soil Survey," 1959, No. 19, or most current version or successor document, shall have eighty (80%) percent of its extent maintained as permanent open space where required by Site Capacity calculations.
11. Wetlands. Wetlands, as defined in this Chapter, shall not be graded, regraded, altered, filled or otherwise developed except as permitted by the Pennsylvania Department of Environmental Resources and the U.S. Army Corps of Engineers. All lands determined to be wetland areas shall be buffered from surrounding development activity by an unimproved, vegetated strip of land. The buffer strip shall have a minimum width of one hundred (100) feet. Where permitted by the Township, pervious walking paths may be installed within the buffer strip but no closer than 40 feet to the wetland boundary and provided that the path is installed at grade with a maximum width of 6 feet.
12. Limestone. In areas within the limestone formations (Conestoga Formation), as defined by the Geologic Formations Maps prepared by the Chester County Planning Commission, as amended, Impervious Surfaces on lots utilizing on-site sewage disposal shall occupy not more than ten (10%) percent of the Gross Lot Area. Impervious Surfaces on lots utilizing public sewage disposal shall occupy not more than sixty percent (60%) of the Gross Lot Area. These provisions shall not supersede any smaller maximum Impervious Surface coverage limitation resulting from the application of Part 9A or Part 9B of the Zoning Ordinance, as applicable.
13. Hydric Soils. Hydric soils, as identified by the USDA, Soils Conservation Service, shall not be graded, regraded, altered, filled or otherwise developed until a wetlands investigation of the areas of hydric soils has been performed. If wetlands are identified, the land shall be subject to subsection 802.11 above. If wetlands are not identified, the land shall not be subject to Section 802.11 above, but shall be subject to all other applicable provisions of this ordinance.

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PART 8B

FLOODPLAIN REGULATIONS

ARTICLE I. SECTION 811. STATUTORY AUTHORIZATION

The Legislature of the Commonwealth of Pennsylvania has, by the passage of the Pennsylvania Flood Plain Management Act of 1978, delegated the responsibility to local governmental units to adopt floodplain management regulations to promote public health, safety, and the general welfare of its citizenry. Therefore, the Board of Supervisors of the Township of West Sadsbury does hereby order as follows.

ARTICLE II. SECTION 812. GENERAL PROVISIONS

§812.1 Intent

The intent of this Part 8B of Chapter 27 is to:

- A. Promote the general health, welfare, and safety of the community.
- B. Encourage the utilization of appropriate construction practices in order to prevent or minimize flood damage in the future.
- C. Minimize danger to public health by protecting water supply and natural drainage.
- D. Reduce financial burdens imposed on the community, its governmental units, and its residents, by preventing excessive development in areas subject to flooding.
- E. Comply with federal and state floodplain management requirements.

§812.2 Applicability

It shall be unlawful for any person, partnership, business or corporation to undertake, or cause to be undertaken, any construction or development anywhere within the Identified Floodplain Area of the Township of West Sadsbury unless a Permit has been obtained from the Floodplain Administrator.

§812.3. Abrogation and Greater Restrictions

This Chapter 27 supersedes any other conflicting provisions which may be in effect in Flood Hazard Districts. However, any other ordinance provisions shall remain in full force and effect to the extent that those provisions are more restrictive. If there is any conflict between any of the provisions of this Chapter 27, the more restrictive shall apply.

§812.4. Severability

If any section, subsection, paragraph, sentence, clause, or phrase of this Part 8B of Chapter 27 shall be declared invalid for any reason whatsoever, such a decision shall not affect the remaining

portions of the Ordinance, which shall remain in full force and effect, and for this purpose the provisions of this Part 8B of Chapter 27 are hereby declared to be severable.

§812.5. Warning and Disclaimer of Liability

The degree of flood protection sought by the provisions of this Part 8B of Chapter 27 is considered reasonable for regulatory purposes and is based on accepted engineering methods of study. Larger floods may occur or flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This Part 8B of Chapter 27 does not imply that areas outside any Flood Hazard Districts, or that land uses permitted within such areas will be free from flooding or flood damages.

This Part 8B of Chapter 27 shall not create liability on the part of the Township of West Sadsbury or any officer or employee thereof for any flood damages that result from reliance on this Part 8B of Chapter 27 or any administrative decision lawfully made thereunder.

ARTICLE III. SECTION 813. ADMINISTRATION

§813.1. Designation of the Floodplain Administrator

The Zoning Officer is hereby appointed to administer and enforce this Part 8B of Chapter 27 and is referred to herein as the Floodplain Administrator. The Floodplain Administrator may: (A) Fulfill the duties and responsibilities set forth in these regulations, (B) Delegate duties and responsibilities set forth in these regulations to qualified technical personnel, plan examiners, inspectors, and other employees, or (C) Enter into a written agreement or written contract with another agency or private sector entity to administer specific provisions of these regulations. Administration of any part of these regulations by another entity shall not relieve the community of its responsibilities pursuant to the participation requirements of the National Flood Insurance Program as set forth in the Code of Federal Regulations at 44 C.F.R. Section 59.22.

In the absence of a designated Floodplain Administrator, the Floodplain Administrator duties are to be fulfilled by the Township Manager.

§813.2. Permits Required

A Permit shall be required before any construction or development is undertaken within the Identified Floodplain Area of the Township of West Sadsbury.

§813.3. Duties and Responsibilities of the Floodplain Administrator

A. The Floodplain Administrator shall issue a Permit only after it has been determined that the proposed work to be undertaken will be in conformance with the requirements of this and all other applicable codes and ordinances.

B. Prior to the issuance of any permit, the Floodplain Administrator shall review the application for the permit to determine if all other necessary government permits required by state and federal laws have been obtained, such as those required by the Pennsylvania Sewage Facilities Act (Act 1966-537, as amended); the Pennsylvania Dam Safety and Encroachments Act (Act 1978-325, as amended); the Pennsylvania Clean Streams Act (Act 1937-394, as amended); and the

U.S. Clean Water Act, Section 404, 33, U.S.C. 1344. No permit shall be issued until this determination has been made.

C. In the case of existing structures, prior to the issuance of any Development/Permit, the Floodplain Administrator shall review the proposed cost of improvements or repairs and the pre-improvement market value of the structure, so that a substantial improvement/substantial damage determination can be made, in accordance with FEMA's Substantial Improvement/Substantial Damage Desk Reference.

D. In the case of existing structures, prior to the issuance of any Development/Permit, the Floodplain Administrator shall review the history of repairs to the subject building, so that any cumulative substantial damage concerns can be addressed before the permit is issued.

E. During the construction period, the Floodplain Administrator or other authorized official shall inspect the premises to determine that the work is progressing in compliance with the information provided on the permit application and with all applicable municipal laws and ordinances. He/she shall make as many inspections during and upon completion of the work as are necessary.

F. In the discharge of his/her duties, the Floodplain Administrator shall have the authority to enter any building, structure, premises or development in the Flood Hazard District, upon presentation of proper credentials, at any reasonable hour to enforce the provisions of this Chapter 27.

G. In the event the Floodplain Administrator discovers that the work does not comply with the permit application or any applicable laws and ordinances, or that there has been a false statement or misrepresentation by any applicant, the Floodplain Administrator shall revoke the Permit and report such fact to the Board of Supervisors for whatever action it considers necessary.

H. The Floodplain Administrator shall maintain in perpetuity, or for the lifetime of the structure, all records associated with the requirements of this Chapter 27 including, but not limited to, finished construction elevation data, permitting, inspection and enforcement.

I. The Floodplain Administrator is the official responsible for submitting a biennial report to FEMA concerning community participation in the National Flood Insurance Program as requested.

J. The responsibility, authority and means to implement the commitments of the Floodplain Administrator can be delegated from the person identified. However, the ultimate responsibility lies with the person identified in the floodplain ordinance as the floodplain administrator/manager.

K. The Floodplain Administrator shall consider the requirements of the 34 PA Code and the 2009 IBC and the 2009 IRC, or the latest revision thereof as adopted by the Commonwealth of Pennsylvania.

§813.4. Application Procedures and Requirements

A. Application for such a Permit shall be made, in writing, to the Floodplain Administrator on forms supplied by the Township of West Sadsbury. Such application shall contain the following:

1. Name and address of applicant.
2. Name and address of owner of land on which proposed construction is to occur.
3. Name and address of contractor.
4. Site location including address.
5. Listing of other permits required.
6. Brief description of proposed work and estimated cost, including a breakout of flood-related cost and the market value of the building before the flood damage occurred where appropriate.
7. A plan of the site showing the exact size and location of the proposed construction and development as well as any existing buildings or structures.

B. If any proposed construction or development is located entirely or partially within any Flood Hazard District, applicants for Permits shall provide all the necessary information in sufficient detail and clarity to enable the Floodplain Administrator to determine that:

1. all such proposals are consistent with the need to minimize flood damage and conform with the requirements of this and all other applicable codes and ordinances;
2. all utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damage;
3. adequate drainage is provided so as to reduce exposure to flood hazards;
4. structures will be anchored to prevent floatation, collapse, or lateral movement;
5. building materials are flood-resistant;
6. appropriate practices that minimize flood damage have been used; and
7. electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities have been designed and located to prevent water entry or accumulation.

C. Applicants shall file the following minimum information plus any other pertinent information as may be required by the Floodplain Administrator to make the above determination:

1. A completed Permit Application Form.
2. A plan of the entire site, clearly and legibly drawn at a scale of one (1) inch being equal to one hundred (100) feet or less, showing the following:
 - a. north arrow, scale, and date;
 - b. topographic contour lines, if available;
 - c. the location of all existing and proposed buildings, structures, improvements and other development, including the location of any existing or proposed subdivision and development;
 - d. the location of all existing streets, drives, and other access ways; and
 - e. the location of any existing bodies of water or watercourses, Flood Hazard Districts, and, if available, information pertaining to the floodway, and the flow of water including direction and velocities.
3. Plans of all proposed buildings, structures, improvements and other development, drawn at suitable scale showing the following:
 - a. the proposed lowest floor elevation of any proposed building based upon North American Vertical Datum of 1988;
 - b. the elevation of the base flood;
 - c. supplemental information as may be necessary under 34 PA Code, the 2009 IBC or the 2009 IRC, or the latest revision thereof as adopted by the Commonwealth of Pennsylvania.
4. The following data and documentation:
 - a. detailed information concerning any proposed floodproofing measures and corresponding elevations.
 - b. if available, information concerning flood depths, pressures, velocities, impact and uplift forces and other factors associated with a base flood.
 - c. documentation, calculations, plans and computer models (e.g. HEC-RAS) as determined to be necessary by West Sadsbury Township, certified by a registered professional engineer or architect, to show that the cumulative effect of any proposed development within any Flood Hazard District (See Section 814.1) when combined with all other existing and anticipated development, will not cause any increase in the base flood elevation.
 - d. a document, certified by a registered professional engineer or architect, which states that the proposed construction or development has been adequately designed to withstand the pressures, velocities, impact and uplift forces associated with the base

flood. Such statement shall include a description of the type and extent of flood proofing measures which have been incorporated into the design of the structure and/or the development.

e. detailed information needed to determine compliance with Section 815.3 F. Storage, and Section 815.4, Development Which May Endanger Human Life, including:

i. the amount, location and purpose of any materials or substances referred to in Sections 815. 3. F. and 815.4 which are intended to be used, produced, stored or otherwise maintained on site.

ii. a description of the safeguards incorporated into the design of the proposed structure to prevent leaks or spills of the dangerous materials or substances listed in Section 815.4 during a base flood.

f. the appropriate component of the Department of Environmental Protection's "Planning Module for Land Development."

g. where any excavation or grading is proposed, a plan meeting the requirements of the Department of Environmental Protection, Chester County Conservation District and West Sadsbury Township to implement and maintain erosion and sedimentation control.

D. Applications for Permits shall be accompanied by a fee, payable to the municipality as identified in the fee resolution established by West Sadsbury Township.

§813.5. Review by County Conservation District

A copy of all applications and plans for any proposed construction or development in any Flood Hazard District to be considered for approval shall be submitted by the Floodplain Administrator to the County Conservation District for review and comment prior to the issuance of a Permit. The recommendations of the Conservation District shall be considered by the Floodplain Administrator for possible incorporation into the proposed plan.

§813.6. Review of Application by Others

A copy of all plans and applications for any proposed construction or development in any Flood Hazard District to be considered for approval may be submitted by the Floodplain Administrator to any other appropriate agencies and/or individuals (e.g. planning commission, municipal engineer, etc.) for review and comment.

§813.7. Changes

After the issuance of a Permit by the Floodplain Administrator, no changes of any kind shall be made to the application, permit or any of the plans, specifications or other documents submitted with the application without the written consent or approval of the Floodplain Administrator. Requests for any such change shall be in writing, and shall be submitted by the applicant to Floodplain Administrator for consideration.

§813.8. Placards

In addition to the Permit, the Floodplain Administrator shall issue a placard, or similar document, which shall be displayed on the premises during the time construction is in progress. This placard shall show the number of the Permit, the date of its issuance, and be signed by the Floodplain Administrator.

§813.9. Start of Construction

Work on the proposed construction or development shall begin within 180 days after the date of issuance of the development permit. Work shall also be completed within twelve (12) months after the date of issuance of the permit or the permit shall expire unless a time extension is granted, in writing, by the Floodplain Administrator. The issuance of development permit does not refer to the zoning approval.

The actual start of construction means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first, alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Time extensions shall be granted only if a written request is submitted by the applicant, who sets forth sufficient and reasonable cause for the Floodplain Administrator to approve such a request and the original permit is compliant with the ordinance & FIRM/FIS in effect at the time the extension is granted.

§813.10. Enforcement

A. Notices

If it appears to the Floodplain Administrator or other authorized municipal representative that there has been a violation of any provisions of this Chapter 27, or of any regulations adopted pursuant thereto, the Floodplain Administrator shall initiate enforcement proceedings by sending an enforcement notice of such alleged violation as hereinafter provided. Such notice shall:

1. be in writing;
2. state the name of the owner of record and any other person against whom the municipality intends to take action;
3. state the location of the property in violation;

4. include a statement of the reasons for its issuance; the notice shall state the specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of the ordinance;

5. allow a reasonable time not to exceed a period of thirty (30) days for the performance of any act it requires, stating the date before which the steps for compliance must be commenced and the date before which the steps must be completed;

6. be sent to the property owner or his agent as the case may require; provided, however, that such notice or order shall be deemed to have been properly served upon such owner or agent when a copy thereof has been served with such notice by any other method authorized or required by the laws of this State;

7. contain an outline of remedial actions which, if taken, will effect compliance with the provisions of this Part 8B of Chapter 27;

8. state that the recipient of the notice has the right to appeal to the Zoning Hearing Board within a prescribed period of time in accordance with procedures set forth in the West Sadsbury Township Zoning Ordinance, Chapter 27 of the West Sadsbury Township Code of Ordinances (the "Zoning Ordinance");

9. state that failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation, with possible sanctions clearly described.

B. Penalties

Penalties for violation of the provisions as set forth in this Part 8B shall be as those set forth for violations of the Zoning Ordinance, as specified therein and/or as allowed by the Pennsylvania Municipalities Planning Code and amendments thereto.

§813.11. Appeals

A. Any person aggrieved by any action or decision of the Floodplain Administrator concerning the administration of the provisions of this Part 8B of Chapter 27, may appeal to the Zoning Hearing Board. Such appeal must be filed, in writing, within thirty (30) days after the decision, determination or action of the Floodplain Administrator.

B. Upon receipt of such appeal the Zoning Hearing Board shall consider the appeal in accordance with the Municipal Planning Code and any other local ordinance.

C. Any person aggrieved by any decision of the Zoning Hearing Board may seek relief therefrom by appeal to court, as provided by the laws of this State including the Pennsylvania Flood Plain Management Act.

ARTICLE IV. SECTION 814. IDENTIFICATION OF FLOODPLAIN AREAS (FLOOD HAZARD DISTRICT)

§814.1. Identification

The Flood Hazard District shall be:

A. any areas of the Township of West Sadsbury, classified as Special Flood Hazard Areas (SFHAs) in the Flood Insurance Study (FIS) and the accompanying Flood Insurance Rate Maps (FIRMs) dated September 29, 2017 and issued 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 and,

B. any Community Identified Floodplain Areas.

C. The above referenced FIS and FIRMs, and any subsequent revisions and amendments are hereby adopted by the Township of West Sadsbury and declared to be a part of Chapter 27.

§814.2. Description and Special Requirements of Flood Hazard Districts

The Flood Hazard District shall consist of the following specific areas:

A. The Floodway Area shall be those areas identified in the FIS and the FIRM as floodway and which represent the channel of a watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without increasing the water surface elevation by more than one (1) foot at any point. This term shall also include floodway areas which have been identified in other available studies or sources of information for those Special Flood Hazard Areas where no floodway has been identified in the FIS and FIRM.

1. Within any floodway area, no encroachments, including fill, new construction, substantial improvements, or other development shall be permitted unless it has been demonstrated through hydrologic and hydraulic analysis performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.

2. Within any floodway area, no new construction or development shall be allowed, unless the appropriate permit is obtained from the Department of Environmental Protection Regional Office and West Sadsbury Township.

B. The AE Area/District shall be those areas identified as an AE Zone on the FIRM included in the FIS prepared by FEMA for which base flood elevations have been provided.

1. The AE Area adjacent to the floodway shall be those areas identified as an AE Zone on the FIRM included in the FIS prepared by FEMA for which base flood elevations have been provided and a floodway has been delineated.

2. AE Area without floodway shall be those areas identified as an AE zone on the FIRM included in the FIS prepared by FEMA for which base flood elevations have been

provided but no floodway has been determined.

3. No permit shall be granted within any AE Zone, no encroachments, including fill, new construction, substantial improvements, or other development shall be permitted unless it has been demonstrated through hydrologic and hydraulic analysis performed in accordance with standard engineering practice that the proposed development together with all other existing and anticipated development, would not result in an increase in flood levels within the subject property and would not result in any increase in flood levels on upstream, downstream and nearby properties not owned by the applicant during the occurrence of the base flood discharge.

4. No new construction or development shall be located within the area measured fifty (50) feet landward from the top-of-bank of any watercourse, unless the appropriate permit is obtained from the Department of Environmental Protection Regional Office and West Sadsbury Township.

C. The A Area/District shall be those areas identified as an A Zone on the FIRM included in the FIS prepared by FEMA and for which no base flood elevations have been provided. For these areas, elevation and floodway information from other Federal, State, or other acceptable sources shall be used when available. Where other acceptable information is not available, the base flood elevation shall be determined by using the elevation of a point on the boundary of the Flood Hazard District which is nearest the construction site.

In lieu of the above, the municipality may require the applicant to determine the elevation with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough technical review by the municipality. In the absence of any of the above data or documentation, the community may require elevation of the lowest floor to be at least three feet above the highest adjacent grade.

D. The AO and AH Area/ District shall be those areas identified as Zones AO and AH on the FIRM and in the FIS. These areas are subject to inundation by 1-percent-annual-chance shallow flooding where average depths are between one and three feet.

E. Community Identified Floodplain Areas shall be those areas along watercourses where West Sadsbury Township has identified the watercourses, as delineated and adopted on a "Watercourses Impacted by Local Flood Hazards Map". The municipality may require the applicant to determine the elevation with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough technical review by the municipality. In the absence of any of the above data or documentation, the community may require elevation of the lowest floor to be at least three feet above the highest adjacent grade.

§814.3. Changes in Identification of Area

The Flood Hazard District may be revised or modified by the Board of Supervisors where studies or information provided by a qualified agency or person documents the need for such revision. However, prior to any such change to the Special Flood Hazard Area, approval must be obtained from FEMA. Additionally, as soon as practicable, but not later than six (6) months after the date such information becomes available, a community shall notify FEMA of the changes to the Special Flood Hazard Area by submitting technical or scientific data. See 815.1.B for situations where FEMA notification is required.

§814.4. Boundary Disputes

Should a dispute concerning any identified floodplain boundary arise, an initial determination shall be made by the Township of West Sadsbury and any party aggrieved by this decision or determination may appeal to the Zoning Hearing Board. The burden of proof shall be on the appellant.

§814.5. Jurisdictional Boundary Changes

Prior to development occurring in areas where annexation or other corporate boundary changes are proposed or have occurred, the community shall review flood hazard data affecting the lands subject to boundary changes. The community shall adopt and enforce floodplain regulations in areas subject to annexation or corporate boundary changes which meet or exceed those in CFR 44 60.3.

ARTICLE V. SECTION 815. TECHNICAL PROVISIONS

§815.1. General

A. Alteration or Relocation of Watercourse

1. No encroachment, alteration, or improvement of any kind shall be made to any watercourse until all adjacent municipalities which may be affected by such action have been notified by the municipality, and until all required permits or approvals have first been obtained from the Department of Environmental Protection Regional Office and West Sadsbury Township.

2. No encroachment, alteration, or improvement of any kind shall be made to any watercourse unless it can be shown that the activity will not reduce or impede the flood carrying capacity of the watercourse in any way.

3. In addition, FEMA and the Pennsylvania Department of Community and Economic Development, shall be notified prior to any alteration or relocation of any watercourse.

B. When the Township of West Sadsbury proposes to permit the following encroachments:

1. any development that causes a rise in the base flood elevations within the floodway; or
2. any development occurring in Zones A1-30 and Zone AE without a

designated floodway, which will cause a rise in the base flood elevation; or

3. alteration or relocation of a stream (including but not limited to installing culverts and bridges)

the applicant shall (as per 44 CFR Part 65.12):

1. apply to FEMA for conditional approval of such action prior to permitting the encroachments to occur.

2. Upon receipt of the FEMA Administrator's conditional approval of map change and prior to approving the proposed encroachments, a community shall provide evidence to FEMA of the adoption of floodplain management ordinances incorporating the increased base flood elevations and / or revised floodway reflecting the post-project condition.

3. Upon completion of the proposed encroachments, the-applicant shall provide as-built certifications. FEMA will initiate a final map revision upon receipt of such certifications in accordance with 44 CFR Part 67.

C. Any new construction, development, uses or activities allowed within any Flood Hazard District shall be undertaken in strict compliance with the provisions contained in this Part 8B of Chapter 27 and any other applicable codes, ordinances and regulations.

D. Permitted Uses.

The following uses and no other shall be permitted within the Flood Hazard District and then only to the extent that they are not prohibited by any other ordinance, will not result in increasing the elevation of the base flood, and are permitted by the underlying zoning district:

1. Customary agricultural operations that do not require permanent structures.
2. Pastures, grazing land, outdoor plant nursery, and orchard.
3. Wildlife, sanctuary, woodland preserve, arboretum.
4. Forestry, lumbering and reforestation, excluding storage and mill structures.
5. Game farm, hatchery, hunting and fishing preserves, excluding structures.
6. Recreation use such as park, day camp, picnic grove, golf course, hunting, fishing and boating club, excluding structures and buildings.
7. Maintenance of existing municipal infrastructure.
8. Streambank stabilization and floodplain restoration projects provided that a detailed engineering study is submitted showing no increase in the base flood elevation.
9. Three-quarters (3/4) of the required lot area for any lot contiguous to the Flood Hazard District except that no required front, side or rear yard areas shall be located within the Flood Hazard District, and provided further that no building or structure shall be placed within fifty (50) feet of the District Boundary line, where the rear yard requirements of any other zoning district under this Chapter is less than fifty (50) feet.

10. Accessory uses customarily incidental to any of the foregoing permitted uses when approved as a special exception by the Zoning Hearing Board.

E. Uses by Special Exception.

The following uses shall be permitted when a special exception is granted by the Zoning Hearing Board:

1. Sealed public water supply wells and water lines.
2. Utility transmission lines.
3. Storm sewers.
4. Sanitary sewers and manholes when properly sealed against seepage or leakage during flood conditions.
5. Culverts and bridges approved by the Department of Environmental Protection Regional Office and West Sadsbury Township.

§815.2. Elevation and Floodproofing Requirements

Within any Flood Hazard District any new construction or substantial improvements not listed in Section 815.1.E and Section 815.1.F shall be prohibited. If a variance is obtained for new construction or substantial improvements in the Flood Hazard District in accordance with the criteria in Article VIII, then the following provisions apply:

A. Residential Structures

1. In AE, A1-30, and AH Zones, any new construction or substantial improvement shall have the lowest floor (including basement) elevated up to, or above, the Regulatory Flood Elevation.
2. In A Zones and Community Identified Floodplain Areas, where there are no Base Flood Elevations specified on the FIRM, any new construction or substantial improvement shall have the lowest floor (including basement) elevated up to, or above, the Regulatory Flood Elevation determined in accordance with Section 814.2.C of this Part 8B of Chapter 27.
3. In AO Zones, any new construction or substantial improvement shall have the lowest floor (including basement) at or above the highest adjacent grade at least as high as the depth number specified on the FIRM.
4. The design and construction standards and specifications contained in the 2009 International Building Code (IBC) and in the 2009 International Residential Code (IRC) or the latest edition thereof adopted by the Commonwealth of Pennsylvania, and ASCE 24 and 34 PA Code (Chapters 401-405 as amended) shall be utilized, where they are more restrictive.

B. Non-residential Structures

1. In AE, A1-30 and AH Zones, any new construction or substantial improvement of a non-residential structure shall have the lowest floor (including basement) elevated up to, or above, the Regulatory Flood Elevation, or be designed and constructed so that the space enclosed below the Regulatory Flood Elevation:

- a. is floodproofed so that the structure is watertight with walls substantially impermeable to the passage of water and,
- b. has structural components with the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy:

2. In A Zones and Community Identified Floodplain Areas, where no Base Flood Elevations are specified on the FIRM, any new construction or substantial improvement shall have the lowest floor (including basement) elevated or completely floodproofed up to, or above, the Regulatory Flood Elevation determined in accordance with Section 814.2.C of this Part 8B of Chapter 27.

3. In AO Zones, any new construction or substantial improvement shall have their lowest floor elevated or completely floodproofed above the highest adjacent grade to at least as high as the depth number specified on the FIRM.

4. Any non-residential structure, or part thereof, made watertight below the Regulatory Flood Elevation shall be floodproofed in accordance with the W1 or W2 space classification standards contained in the publication entitled "Flood-Proofing Regulations" published by the U.S. Army Corps of Engineers (June 1972, as amended March 1992) or with some other equivalent standard. All plans and specifications for such floodproofing shall be accompanied by a statement certified by a registered professional engineer or architect which states that the proposed design and methods of construction are in conformance with the above referenced standards. There shall be a statement submitted with the permit application and a statement submitted with the as-built Floodproofing Certificate prior to the issuance of the Certificate of Occupancy.

5. Any non-residential structure that will be floodproofed must submit the following to the Floodplain Administrator along with the non-residential Floodproofing Certificate and prior to the issuance of the Certificate of Occupancy:

a. An Inspection and Maintenance Plan detailing the annual maintenance of floodproofed components ensuring that all components will operate properly under flood conditions. Components that must be inspected include at a minimum:

1. Mechanical equipment such as sump pumps and generators,
2. Flood shields and closures,
3. Walls and wall penetrations, and
4. Levees and berms (as applicable).

b. Flood Emergency Operation Plan detailing the procedures to be followed during a flooding event, and must include information pertaining to how all components will operate properly under all conditions, including power failures. The design professional must produce the plan. An adequate plan must include the following:

1. An established chain of command and responsibility with leadership responsibilities clearly defined for all aspects of the plan.
2. A procedure for notification of necessary parties when flooding threatens and flood warnings are issued. Personnel required to be at the building should have a planned and safe means of ingress and should have no other emergency response duties during a flood event. Alternates should be assigned in the event that the primary persons responsible are unable to complete their assigned duties under the plan.
3. A list of specific duties assigned to ensure that all responsibilities are addressed expeditiously. The locations of materials necessary to properly install all floodproofing components must be included in the list.
4. An evacuation plan for all personnel or occupants; those without duties for the flood emergency as well as those with duties for implementing the plan. All possible ingress and egress routes must be identified.
5. A periodic training and exercise program to keep personnel and occupants aware of their duties and responsibilities. Training drills should be held at least once a year and should be coordinated with community officials.
6. The design and construction standards and specifications contained in the 2009 International Building Code (IBC) and in the 2009 International Residential Code (IRC) or the latest revision thereof as adopted by the Commonwealth of Pennsylvania, and ASCE 24 and 34 PA Code (Chapters 401-405 as amended) shall be utilized, where they are more restrictive.

C. Space below the lowest floor

1. Fully enclosed space below the lowest floor (excluding basements) which will be used solely for the parking of a vehicle, building access, or incidental storage in an area other than a basement, shall be designed and constructed to allow for the automatic entry and exit of flood waters for the purpose of equalizing hydrostatic forces on exterior walls. The term "fully enclosed space" also includes crawl spaces.

2. Designs for meeting this requirement must either be certified by a registered professional engineer or architect, or meet or exceed the following minimum criteria:

- a. a minimum of two openings having a net total area of not less than one (1) square inch for every square foot of enclosed space installed on two (2) separate walls
- b. the bottom of all openings shall be no higher than one (1) foot above grade.
- c. openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

D. Historic Structures

Historic structures undergoing repair or rehabilitation that would constitute a substantial improvement as defined in this Part B of Chapter 27, must comply with all ordinance requirements that do not preclude the structure's continued designation as a historic structure. Documentation that a specific ordinance requirement will cause removal of the structure from the National Register of Historic Places or the State Inventory of Historic places must be obtained from the Secretary of the Interior or the State Historic Preservation Officer. Any exemption from ordinance requirements will be the minimum necessary to preserve the historic character and design of the structure.

§815.3. Design and Construction Standards

The following minimum standards shall apply for all construction and development proposed within any Flood Hazard District:

A. Fill

Within any Flood Hazard District the use of fill shall be prohibited. If a variance is obtained in accordance with the criteria in Article VIII, then the following provisions apply:

If fill is used, it shall:

- a. extend laterally at least fifteen (15) feet beyond the building line from all points;
- b. consist of soil or small rock materials only - Sanitary Landfills shall not be permitted;
- c. be compacted to provide the necessary permeability and resistance to erosion, scouring, or settling;
- d. be no steeper than one (1) vertical to three (3) horizontal feet unless substantiated data justifying steeper slopes are submitted to, and approved by the Floodplain Administrator; and
- e. be used to the extent to which it does not adversely affect adjacent properties.

B. Drainage Facilities

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

C. Water and Sanitary Sewer Facilities and Systems

1. All new or replacement water supply and sanitary sewer facilities and systems shall be located, designed and constructed to minimize or eliminate flood damages and the infiltration of flood waters.

2. Sanitary sewer facilities and systems shall be designed to prevent the discharge of untreated sewage into flood waters.

3. No part of any on-site waste disposal system shall be located within any Flood Hazard District except in strict compliance with all State and local regulations for such systems. If any such system is permitted, it shall be located so as to avoid impairment to it, or contamination from it, during a flood.

4. The design and construction provisions of the UCC and FEMA #348, "Protecting Building Utilities From Flood Damages" and "The International Private Sewage Disposal Code" shall be utilized.

D. Other Utilities

All other utilities such as gas lines, electrical and telephone systems shall be located, elevated (where possible) and constructed to minimize the chance of impairment during a flood.

E. Streets

The finished elevation of all new streets shall be above the regulatory flood elevation. When permitted by West Sadsbury Township, the finished elevation of all new streets shall be no more than one (1) foot below the Regulatory Flood Elevation.

F. Storage

All materials that are buoyant, flammable, explosive, or in times of flooding, could be injurious to human, animal, or plant life, and not listed in Section 815.4, Development Which May Endanger Human Life, shall be stored at or above the Regulatory Flood Elevation or floodproofed to the maximum extent possible.

G. Placement of Buildings and Structures

All buildings and structures shall be designed, located, and constructed so as to offer the minimum obstruction to the flow of water and shall be designed to have no effect upon the flow and height

of flood water.

H. Anchoring

1. All buildings and structures shall be firmly anchored in accordance with accepted engineering practices to prevent flotation, collapse, or lateral movement.
2. All air ducts, large pipes, storage tanks, and other similar objects or components located below the Regulatory Flood Elevation shall be securely anchored or affixed to prevent flotation.

I. Floors, Walls and Ceilings

1. Wood flooring used at or below the Regulatory Flood Elevation shall be installed to accommodate a lateral expansion of the flooring, perpendicular to the flooring grain without causing structural damage to the building.
2. Plywood used at or below the Regulatory Flood Elevation shall be of a "marine" or "water-resistant" variety.
3. Walls and ceilings at or below the Regulatory Flood Elevation shall be designed and constructed of materials that are "water-resistant" and will withstand inundation.
4. Windows, doors, and other components at or below the Regulatory Flood Elevation shall be made of metal or other "water-resistant" material.

J. Paints and Adhesives

1. Paints and other finishes used at or below the Regulatory Flood Elevation shall be of "marine" or "water-resistant" quality.
2. Adhesives used at or below the Regulatory Flood Elevation shall be of a "marine" or "water-resistant" variety.
3. All wooden components (doors, trim, cabinets, etc.) used at or below the Regulatory Flood Elevation shall be finished with a "marine" or "water-resistant" paint or other finishing material.

K. Electrical Components

1. Electrical distribution panels shall be at least three (3) feet above the base flood elevation.
2. Separate electrical circuits shall serve lower levels and shall be dropped from above.

L. Equipment

1. Water heaters, furnaces, air conditioning and ventilating units, and other

electrical, mechanical or utility equipment or apparatus shall not be located below the Regulatory Flood Elevation and shall be anchored to resist floatation, collapse, and lateral movement

2. Ductwork shall be elevated to or above the Regulatory Flood Elevation or floodproofed to remain water resistant.

M. Fuel Supply Systems

All gas and oil supply systems shall be designed to prevent the infiltration of flood waters into the system and discharges from the system into flood waters. Additional provisions shall be made for the drainage of these systems in the event that flood water infiltration occurs.

N. Uniform Construction Code Coordination

The Standards and Specifications contained in 34 PA Code (Chapters 401-405), as amended and not limited to the following provisions shall apply to the above and other sections and sub-sections of this Part 8B of Chapter 27, to the extent that they are more restrictive and supplement the requirements of this Part 8B of Chapter 27.

International Building Code (IBC) 2009 or the latest revision thereof as adopted by the Commonwealth of Pennsylvania:

Secs. 801, 1202, 1403, 1603, 1605, 1612, 3402, and Appendix G.

International Residential Building Code (IRC) 2009 or the latest revision thereof as adopted by the Commonwealth of Pennsylvania:

Secs. R104, R105, R109, R322, Appendix E, and Appendix J.

§815.4. Development Which May Endanger Human Life

Within any Flood Hazard District, any structure of the kind described in Subsection A., below, shall be prohibited. No variance shall be granted.

A. In accordance with the Pennsylvania Flood Plain Management Act, and the regulations adopted by the Department of Community and Economic Development as required by the Act, any new or substantially improved structure which:

1. will be used for the production or storage of any of the following dangerous materials or substances; or,

2. will be used for any activity requiring the maintenance of a supply of more than 550 gallons, or other comparable volume, of any of the following dangerous materials or substances on the premises; or,

3. will involve the production, storage, or use of any amount of radioactive substances;

shall be prohibited:

- Acetone
- Ammonia
- Benzene
- Calcium carbide
- Carbon disulfide
- Celluloid
- Chlorine
- Hydrochloric acid
- Hydrocyanic acid
- Magnesium
- Nitric acid and oxides of nitrogen
- Petroleum products (gasoline, fuel oil, etc.)
- Phosphorus
- Potassium
- Sodium
- Sulphur and sulphur products
- Pesticides (including insecticides, fungicides, and rodenticides)
- Radioactive substances, insofar as such substances are not otherwise regulated.

§815.5. Special Requirements for Subdivisions and Development

All subdivision proposals and development proposals where base flood elevation data are not available, shall be supported by hydrologic and hydraulic engineering analyses that determine base flood elevations and floodway information. The analyses shall be prepared by a licensed professional engineer in a format required by FEMA for a Conditional Letter of Map Revision (CLOMR) and Letter of Map Revision (LOMR). Submittal requirements and processing fees shall be the responsibility of the applicant.

§815.6. Special Requirements for Manufactured Homes

A. Within any Flood Hazard District manufactured homes shall be prohibited. If a variance is obtained in accordance with the criteria in Article VIII, then the following provisions of B. through I. apply:

B. All manufactured homes, and any improvements thereto that are approved by variance, shall be:

1. placed on a permanent foundation;
2. elevated so that the lowest floor of the manufactured home is at least one and one half (1 ½) feet above base flood elevation;
3. and anchored to resist flotation, collapse, or lateral movement.

C. Adequate surface drainage shall be provided.

D. Adequate access for a hauler shall be provided.

E. Where pilings are used for elevation, the lots shall be large enough to permit steps; piling foundations shall be placed in stable soil no more than ten (10') feet apart; reinforcement shall be provided for pilings that will extend for six (6') feet or more above the ground level.

F. Equipment requirement:

1. Water heaters, furnaces, air conditioning and ventilating units, and other electrical, mechanical or utility equipment or apparatus shall not be located below the Regulatory Flood Elevation and shall be anchored to resist floatation, collapse, and lateral improvement.

2. Ductwork shall be elevated to or above the Regulatory Flood Elevation or floodproofed to remain water resistant.

G. An evacuation plan indicating alternate vehicular access and escape routes shall be filed with the appropriate Township officials for manufactured home parks.

H. Installation of manufactured homes shall be done in accordance with the manufacturers' installation instructions as provided by the manufacturer. Where the applicant cannot provide the above information, the requirements of Appendix E of the 2009 "International Residential Building Code" or the "U.S. Department of Housing and Urban Development's Permanent Foundations for Manufactured Housing," 1984 Edition, draft or latest revision thereto and 34 PA Code Chapter 401-405, and any amendments thereto, shall apply.

I. Consideration shall be given to the installation requirements of the 2009 IBC, and the 2009 IRC or the latest revision thereto as adopted by the Commonwealth of Pennsylvania, and 34 PA Code, as amended where appropriate and/or applicable to units where the manufacturers' standards for anchoring cannot be provided or were not established for the proposed unit(s) installation.

§815.7. Special Requirements for Recreational Vehicles

Within any Flood Hazard District recreational vehicles shall be prohibited. If a variance is obtained in accordance with the criteria in Article VIII, then the following provisions apply:

A. Recreational vehicles in Flood Hazard Districts must either:

1. be on the site for fewer than 180 consecutive days, and
2. be fully licensed and ready for highway use,

or

3. meet the permit requirements for manufactured homes in Section 815.6.

ARTICLE VI. SECTION 816. PROHIBITED ACTIVITIES

§816.1. General

In accordance with the administrative regulations promulgated by the Department of Community and Economic Development to implement the Pennsylvania Flood Plain Management Act, the following activities shall be prohibited within any Flood Hazard District:

A. 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:

1. Hospitals
2. Nursing homes
3. Jails or prisons

B. The commencement of, or any construction of, a new manufactured home park or manufactured home subdivision, or substantial improvement to an existing manufactured home park or manufactured home subdivision.

ARTICLE VII. SECTION 817. EXISTING STRUCTURES IN FLOOD HAZARD DISTRICTS

§817.1. Existing Structures

The provisions of this Part 8B of Chapter 27 do not require any changes or improvements to be made to lawfully existing structures. However, when an improvement is made to any existing structure, the provisions of Section 817.2 shall apply. Historic structures as defined in this section undergoing repair or rehabilitation that would constitute a substantial improvement as also defined in this section must comply with all ordinance requirements that do not preclude the structure's continued designation as a historic structure. Documentation that a specific ordinance requirement will cause removal of the structure from the National Register of Historic Places must be obtained from the Secretary of the Interior. An exemption from ordinance requirements will be the minimum necessary to preserve historic character and design of the structure.

§817.2. Improvements

The following provisions shall apply whenever any improvement is made to an existing structure located within any Flood Hazard District:

A. No expansion or enlargement of an existing structure shall be allowed within any Flood Hazard District that would cause any increase in BFE. In A Area/District(s), BFEs are determined using the methodology in Section 814.2. C.

B. Any modification, alteration, reconstruction, or improvement of any kind to an existing structure to an extent or amount of fifty (50) percent or more of its market value, shall constitute a substantial improvement and shall be undertaken only in full compliance with the provisions of this Part 8B of Chapter 27.

C. The above activity shall also address the requirements of the 34 PA Code, as amended and the 2009 IBC and the 2009 IRC or most recent revision thereof as adopted by the Commonwealth of Pennsylvania.

D. Within any Flood Hazard Area (See Section 814.2.A, no new construction or development shall be allowed, unless the appropriate permit is obtained from the Department of Environmental Protection Regional Office when required, and West Sadsbury Township.

E. Any modification, alteration, reconstruction, or improvement of any kind to an existing structure, to an extent or amount of less than fifty (50) percent of its market value, shall be elevated and/or floodproofed to the greatest extent possible.

F. Any modification, alteration, reconstruction, or improvement of any kind that meets the definition of “cumulative substantial damage” shall be undertaken only in full compliance with the provisions of this Part 8B of Chapter 27.

ARTICLE VIII. SECTION 818. VARIANCES

§818.1 General

If compliance with any of the requirements of this Part 8B of Chapter 27 would result in an exceptional hardship to a prospective builder, developer or landowner, the Township of West Sadsbury Zoning Hearing Board may, upon request, grant relief from the strict application of the requirements.

§818.2 Application Requirements for Special Exceptions or Variances

- A. Eight (8) copies of plans drawn to scale showing the nature, location, dimensions, and elevations of the lot and the existing and proposed uses.
- B. Photographs showing existing uses and vegetation.
- C. Report detailing the soil type or types existing on the lot and of which it is comprised and any other pertinent information with respect thereto.
- D. A series of cross sections at twenty-five (25') foot intervals along the lot shore line, showing the stream channel or the lake or pond bottom, and elevation of adjoining land areas to be occupied by the proposed uses, and high water table information.
- E. Profile showing the slope of the bottom of the channel, watercourse, lake or pond.
- F. Specifications for building materials and construction, floodproofing, filling, dredging, grading, storage, water supply and sanitary facilities.
- G. Computation of any increased storm water runoff created by the proposed use.
- H. Computation of the increase, if any, in the height of flood stages which would be attributable to any proposed use.

§818.3 Consultation by the Zoning Hearing Board.

A. In considering any application for a special exception or variance, the Zoning Hearing Board may, before hearing, request reports from the following:

1. West Sadsbury Township Board of Supervisors
2. West Sadsbury Township Planning Commission
3. West Sadsbury Township Zoning Officer
4. West Sadsbury Township Engineer
5. West Sadsbury Township Planning Director
6. Chester County Planning Commission
7. Octorara Regional Planning Commission
8. Chester County Health Department
9. Chester County Conservation District
10. Pennsylvania Dept. of Environmental Protection, Regional Office

B. Reports from the above persons and agencies should ascertain the extent to which the proposed use would:

1. Diminish the capacity of the flood plain to store and absorb flood waters, to moderate flood velocities, and to accommodate sediment;
2. Be subject to flood damages;
3. Cause erosion and impair the amenity of the Flood Plain Conservation.

C. All written reports submitted to the Zoning Hearing Board in advance of or at the hearing shall be made available for inspection at the hearing by any party thereto.

§818.4 Standards for Review

A. In any instance where the Zoning Hearing Board is required to consider a request for a use by special exception or a variance from the provisions of this Part 8B of Chapter 27, in addition to any other criteria the Board shall, in considering whether the proposed use would be injurious to the public health, safety, and welfare, consider the following factors:

1. 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 encroachments including fill, new construction, substantial improvements, and other development in any floodway unless a technical evaluation demonstrated that the encroachment will not result in any increase in the base flood elevation.

2. The danger that materials may be swept on to other lands downstream to the injury of others.

3. The proposed water supply and sanitation systems and the ability of these systems to avoid causing disease, contamination, and unsanitary conditions.
4. The susceptibility of the proposed use to flood damage and the effect of such damage to the owner.
5. The importance of the proposed use to the community.
6. The requirements of the use for a waterfront location.
7. The availability of alternative locations not subject to flooding for the proposed use.
8. The compatibility of the proposed use with existing and foreseeable uses.
9. The relationship of the proposed use to the comprehensive plan and floodplain management program for the area.
10. The safety of access to the property in times of flood for ordinary and emergency vehicles.
11. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood water expected at the site.
12. Such other factors which are relevant to the purpose of this Part 8B of Chapter 27.

§818.5 Conditions of Special Exception or Variance

A. Upon consideration of the purpose of this Part 8B of Chapter 27, the Zoning Hearing Board may attach such conditions to the granting of a special exception or a variance as it deems necessary to further the purposes of this Part 8B of Chapter 27.

1. In reviewing any request for a variance, the Township shall consider, at a minimum, that there is good and sufficient cause and that failure to grant a variance would result in an exceptional hardship to the applicant. In any case where the Board shall grant a variance to permit the erection of a structure in the Flood Hazard District and it shall appear that such premises is to be offered for sale or lease, or shall grant a variance to permit a change in nonconforming use of a structure already existing in the District and it shall appear that the premises is to be offered for sale or lease, the Zoning Hearing Board shall, for the protection of prospective purchasers or lessees impose the following conditions:

a. Require the applicant to advise prospective purchasers and/or lessees that the lot is located either entirely or partially, as the case may be, in the Flood Hazard District.

b. Require that before settlement or change in nonconforming use, as the case may be, may take place, the purchaser or lessee shall signify in writing that he has been advised that the premises lies partially or entirely in the Flood Hazard District and a signed copy of such signification shall be delivered to the Township.

c. Where the premises is to be conveyed, the deed shall contain the following provisions: "This lot is entirely (partially) within the Flood Hazard District as defined by the West Sadsbury Township Floodplain Regulations Ordinance, Chester County, Pennsylvania".

2. When a variance or special exception is granted the Zoning Hearing Board shall notify the applicant in writing that the issuance of the variance and/or special exception to construct a structure below the base flood level will result in increased premium rates for flood insurance and such construction below the base flood level increases risk to life and property. Failure to give notice will not affect in any manner the validity of the Zoning Hearing Board decision.

3. The notification as listed in 818.A.2 above shall be maintained with a record of all variance actions, including justification for their issuance, and such action shall be reported to the FEMA in the Township's biennial report. [See section 813.3I.]

§818.6 Additional Variance Procedures and Conditions

Requests for variances shall be considered by the Township of West Sadsbury Zoning Hearing Board in accordance with the procedures contained in Section 813.11 and the following:

A. No variance shall be granted for Prohibited Activities (Article VI) or to Development Which May Endanger Human Life (Section 815.4).

B. In granting any variance, the Township of West Sadsbury Zoning Hearing Board shall attach whatever reasonable conditions and safeguards it considers necessary in order to protect the public health, safety, and welfare, and to achieve the objectives of this Chapter 27.

C. In reviewing any request for a variance, the Township of West Sadsbury Zoning Hearing Board shall consider, at a minimum, the following:

1. That there is good and sufficient cause.
2. That failure to grant the variance would result in exceptional hardship to the applicant.
3. That the granting of the variance will
 - a. neither result in an unacceptable or prohibited increase in flood heights, additional threats to public safety, or extraordinary public expense,
 - b. nor create nuisances, cause fraud on, or victimize the public, or conflict with any other applicable state or local ordinances and regulations.

Notwithstanding any of the above, however, all structures shall be designed and constructed so as to have the capability of resisting the one-percent (1%) annual chance flood.

ARTICLE IX. SECTION 819. DEFINITIONS

§819.1 General

Unless specifically defined below, words and phrases used in this Part 8B of Chapter 27 shall be interpreted so as to give this Part 8B of Chapter 27 its most reasonable application. If the Specific

Definitions in Section 819.2 differ from or conflict with the definitions set forth in Part 2 of this Chapter 27, then the definitions contained in Section 819.2 shall apply only to this Part 8B.

§819.2 Specific Definitions

1. Accessory use or structure - a use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.
2. Base flood - a flood which has a one percent chance of being equaled or exceeded in any given year (also called the "100-year flood" or one-percent (1%) annual chance flood).
3. Base flood discharge - the volume of water resulting from a Base Flood as it passes a given location within a given time, usually expressed in cubic feet per second (cfs).
4. Base flood elevation (BFE) - the elevation shown on the Flood Insurance Rate Map (FIRM) for Zones AE, AH, A1-30 that indicates the water surface elevation resulting from a flood that has a 1-percent or greater chance of being equaled or exceeded in any given year.
5. Basement - any area of the building having its floor below ground level on all sides.
6. Building - a combination of materials to form a permanent structure having walls and a roof. Included shall be all manufactured homes and trailers to be used for human habitation.
7. Cumulative substantial damage – flood related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on average, equals or exceeds 25 percent of the market value of the structure before the damages occurred.
8. Declaration of Land Restriction (Non-Conversion Agreement) - A form signed by the property owner to agree not to convert or modify in any manner that is inconsistent with the terms of the permit and these regulations, certain enclosures below the lowest floor of elevated buildings and certain accessory structures. The form requires the owner to record it on the property deed to inform future owners of the restrictions.
9. Development - any man-made change to improved or unimproved real estate, including but not limited to the construction, reconstruction, renovation, repair, expansion, or alteration of buildings or other structures; the placement of manufactured homes; streets, and other paving; utilities; filling, grading and excavation; mining; dredging; drilling operations; storage of equipment or materials; installing stone; and the subdivision of land.
10. Existing manufactured home park or subdivision – a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.
11. Expansion to an existing manufactured home park or subdivision – the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured

homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

12. Flood - a temporary inundation of normally dry land areas.
13. Flood Hazard District- this term is an umbrella term that includes all of the areas within which the community has selected to enforce floodplain regulations. It will always include the area identified as the Special Flood Hazard Area on the Flood Insurance Rate Maps and Flood Insurance Study, but may include additional areas identified by the community. See Sections 814.1 and 814.2 for the specifics on what areas the community has included in the Flood Hazard District. Also referred to as the Identified Floodplain Area.
14. Flood Insurance Rate Map (FIRM) - the official map on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.
15. Flood Insurance Study (FIS) - the official report provided by the Federal Emergency Management Agency that includes flood profiles, the Flood Insurance Rate Map, the Flood Boundary and Floodway Map, and the water surface elevation of the base flood.
16. Floodplain area - a relatively flat or low land area which is subject to partial or complete inundation from an adjoining or nearby stream, river or watercourse; and/or any area subject to the unusual and rapid accumulation of surface waters from any source.
17. Floodproofing - any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.
18. Floodway - the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.
19. Highest Adjacent Grade - The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.
20. Historic structures – any structure that is:
 - a. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
 - b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
 - c. Individually listed on a state inventory of historic places in states which have been approved by the Secretary of the Interior; or

d. Individually listed on a local inventory of historic places in communities with historic preservation that have been certified either:

i. by an approved state program as determined by the Secretary of the Interior or

ii. directly by the Secretary of the Interior in states without approved programs.

21. Identified Floodplain Areas- this term is an umbrella term that includes all of the areas within which the community has selected to enforce floodplain regulations. It will always include the area identified as the Special Flood Hazard Area on the Flood Insurance Rate Maps and Flood Insurance Study, but may include additional areas identified by the community. See Sections 814.1 and 814.2 for the specifics on what areas the community has included in the Identified Floodplain Area, also referred to as the Flood Hazard District.

22. Lowest floor - the lowest floor of the lowest fully enclosed area (including basement). An unfinished, flood resistant partially enclosed area, used solely for parking of vehicles, building access, and incidental storage, in an area other than a basement area is not considered the lowest floor of a building, provided that such space is not designed and built so that the structure is in violation of the applicable non-elevation design requirements of this Part 8B of Chapter 27.

23. Manufactured home - a structure, transportable in one or more sections, which is built on a permanent chassis, and is designed for use with or without a permanent foundation when attached to the required utilities. The term includes park trailers, travel trailers, recreational and other similar vehicles which are placed on a site for more than 180 consecutive days.

24. Manufactured home park or subdivision – a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

25. New construction - structures for which the start of construction commenced on or after the effective start date of this floodplain management ordinance and includes any subsequent improvements to such structures. Any construction started after August 5, 1985 and before the effective start date of this floodplain management ordinance is subject to the ordinance in effect at the time the permit was issued, provided the start of construction was within 180 days of permit issuance.

26. New manufactured home park or subdivision – a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

27. Person - an individual, partnership, public or private association or corporation, firm, trust, estate, municipality, governmental unit, public utility or any other legal entity whatsoever, which is recognized by law as the subject of rights and duties.

28. Post-FIRM Structure - is a structure for which construction or substantial improvement occurred after December 31, 1974 or on or after the community's initial Flood Insurance Rate Map (FIRM) dated August 5, 1985, whichever is later, and, as such, would be required to be compliant with the regulations of the National Flood Insurance Program.

29. Pre-FIRM Structure - is a structure for which construction or substantial improvement occurred on or before December 31, 1974 or before the community's initial Flood Insurance Rate Map (FIRM) dated August 5, 1985, whichever is later, and, as such, would not be required to be compliant with the regulations of the National Flood Insurance Program.

30. Recreational vehicle - a vehicle which is:

- a. built on a single chassis;
- b. not more than 400 square feet, measured at the largest horizontal projections;
- c. designed to be self-propelled or permanently towable by a light-duty truck,
- d. not designed for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

31. Regulatory Flood Elevation - the base flood elevation (BFE) or estimated flood height as determined using simplified methods plus a freeboard safety factor of one and one-half (1 ½) feet. The freeboard safety factor also applies to utilities and ductwork.

32. Special flood hazard area (SFHA) - means an area in the floodplain subject to a 1 percent or greater chance of flooding in any given year. It is shown on the FIRM as Zone A, AO, A1-A30, AE, A99, or, AH.

33. Start of construction - includes substantial improvement and other proposed new development and means the date the Permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days after the date of the permit and shall be completed within twelve (12) months after the date of issuance of the permit unless a time extension is granted, in writing, by the Floodplain Administrator. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufacture home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

34. Structure – a walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.

35. Subdivision - the division or re-division of a lot, tract, or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs, or devisees, transfer of ownership or building or lot development: Provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than ten acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.

36. Substantial damage - damage from any cause sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed fifty (50) percent or more of the market value of the structure before the damage occurred.

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

38. Uniform Construction Code (UCC) – The statewide building code adopted by The Pennsylvania General Assembly in 1999 applicable to new construction in all municipalities whether administered by the municipality, a third party or the Department of Labor and Industry. Applicable to residential and commercial buildings, The Code adopted The International Residential Code (IRC) and the International Building Code (IBC), by reference, as the construction standard applicable with the State floodplain construction. For coordination purposes, references to the above are made specifically to various sections of the IRC and the IBC.

39. Variance- A grant of relief by a community from the terms of a floodplain management regulation.

40. Violation - means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations, except to the extent relief from compliance has been granted by the Zoning Hearing Board. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in 44 CFR §60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

ARTICLE X. SECTION 820. ENACTMENT

§820.1 Adoption

This Part 8B of Chapter 27 shall be effective September 29, 2017 and shall remain in force until modified, amended or rescinded by the Township of West Sadsbury, Chester County, Pennsylvania.

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PART 8C

AQUIFER PROTECTION REGULATIONS

§841. Designation of Area

Areas subject to this Section shall include all areas underlain by the Conestoga Formation.

In Conestoga Formation areas, alteration and development of land may be hazardous with respect to foundation safety of structures, the creation of unstable land as a result of changes in drainage, and the contamination of ground and surface waters. Within the limitations of the information available at the time of review of individual applications, the Township Zoning Officer shall make a judgment as to the applicant's compliance with the standards of Section 842. Under no circumstances shall the Township or any officer or employee of the Township assume any liability for any damages that may result from an applicant's or any interested party's reliance upon the regulations of Section 842 or any decisions made by the Township in the administration of such regulations.

Exempted from the standards and procedures of Aquifer Protection Regulations are:

1. The construction and alteration of a single family detached dwelling, structures accessory thereto, and an on-site sewer system to serve such a dwelling;
2. below ground tanks for the storage of not more than five hundred (500) gallons of heating oil; and
3. land subdivision not exceeding two (2) lots where uses are limited to one single-family detached dwelling per lot.

§842. Standards

1. Land grading or construction of buildings or other site improvements shall not directly or indirectly diminish the flow of natural springs or contaminate existing or potential water supplies. If warranted, as determined by the Township Zoning Officer, water table data from observation wells shall be provided by the applicant.
2. All buildings, structures, roads and other impervious surfaces and storm drainage facilities and other utilities shall be so situated, designed and constructed as to minimize the risk of structural damage from existing or future sinkholes. A recognized professional with competence in the field shall demonstrate that a minimal risk or structural damage due to sinkholes will exist or indicate mitigating measures to be taken to minimize the risk of structural damage.
3. Whenever a detention or retention basin for the control of stormwater will be located in an Aquifer Protection Area, a geological evaluation of the proposed location shall be conducted to determine susceptibility to sinkhole formation. The design of all facilities over limestone formations shall include measures to prevent groundwater contamination and, where necessary, sinkhole formation. Soils used for the construction of basins shall have low-erodibility factors ("K" factors). The Township Zoning Officer may require the installation of an impermeable liner in basins. All detention facilities shall be above ground unless otherwise approved by the Township.

4. No structure, land or water shall be used or developed, and no structure shall be located, extended, converted, or structurally altered in the Aquifer Protection Area unless the applicant takes all reasonable measures to minimize the adverse impacts of his proposed action, as set forth in paragraphs A through D below. To minimize shall not mean to eliminate, but to make the most substantial effort possible under the circumstances to reduce the adverse effect of the action required to be minimized.
 - A. The below ground storage of heating oil, gasoline, chemical solutions or other substances which, if released, would contribute pollutants to ground or surface waters. If warranted, as determined by the Township Zoning Officer, the applicant may be required to place tank(s) in a concrete vault, install other impervious liners, and/or install monitoring devices. The applicant shall also demonstrate compliance with all applicable regulations of the Pennsylvania State Police and Fire Marshal Division.
 - B. The use of fill containing any material which would represent a potential contamination hazard to ground or surface waters. Materials shall include but not necessarily be limited to wastes identified as hazardous by the Pennsylvania Department of Environmental Resources.
 - C. Storage, handling, processing or disposal of toxic materials or any other substance with the potential to contaminate ground and surface waters. The applicant shall also demonstrate compliance with Chapter 75 of the Rules and Regulations of the Pennsylvania Department of Environmental Resources and with the Resource Conservation and Recovery Act of 1976 (P.L. 94-580, as amended).
 - D. Land grading or construction of buildings or other site improvements which would directly or indirectly diminish the flow of natural springs. If warranted, as determined by the Township Zoning Officer, water table data from observation wells shall be provided by the applicant.
5. Should the Township Zoning Officer find that an applicant may create a significant risk to the public's health or safety, in spite of taking all reasonable actions to minimize such risks, or should the Township Zoning Officer determine that the applicant has not taken all reasonable actions to minimize such risks, the application may be denied.

§843. Construction Guidelines

The following guidelines shall be considered during construction activities:

1. Care should be taken to prevent collection and drainage of surface water into excavated or low lying areas of the site during excavation and construction.
2. Soft and wet conditions should be located wherever they may exist or be encountered.
3. Soft areas should be removed and replaced with suitable fill compacted in accordance with recognized standards, such as ASTM.
4. The bottom of all excavations should be inspected for soft or unusually moist conditions. A visual inspection of the excavated bearing surface, together with soundings or probes of the soil at regular intervals, should be done. Any soft or

unusually moist soil should be excavated and a determination made of the extent of the problem. Remedial measures should be adopted as necessary.

5. The low points of swales and outlet locations for drainage pipes should be lined with impermeable liners instead of stone rip-rap in order to prevent infiltration of runoff.
6. Excavation should be kept to a practical minimum.
7. Water from roof drains or other drainage systems should be collected and conveyed away from structures to prevent infiltration near foundations
8. Watertight pipe connections should be used for storm sewers.
9. Subsoil erosion/sinkholes that occur during the construction of a project should be corrected as quickly as possible under the supervision of a qualified Geotechnical Engineer.
10. Blasting should be avoided.

§844. Submission Requirements

The following information shall be submitted:

1. For areas proposed for grading, construction of buildings and other improvements, the applicant shall indicate the presence of any of the following carbonate features:
 - A. Depressions
 - B. Fissures, lineaments, faults or air photo fracture traces
 - C. "Ghost Lakes" occurring after rainfall events
 - D. Outcrops of bedrock
 - E. Seasonal high water tables
 - F. Sinkholes
 - G. Soil mottling, as defined by a soil scientist
 - H. Springs
 - I. Surface discharge entering the ground

Such information shall be supported by an explanation of its source, including the qualifications of the individuals directly responsible for preparing such information.

2. The applicant shall furnish a plan indicating existing and proposed drainage conditions, existing and proposed grading, the locations of existing private and public wells on adjoining properties and the locations and extent of all proposed uses and improvements.
3. An Environmental Assessment Report containing the following information:
 - A. Description of Existing Conditions. This section shall present a description of existing characteristics of the property with respect to geology, topography, ground and surface water hydrology, soils, vegetation, and existing improvements and uses.

- B. Description of the Proposed Action. This section shall describe the proposed action including: types, locations and phasing of proposed site disturbances and construction, as well as proposed future ownership and maintenance of the property and the proposed improvements.
- C. Proposed Measures to Control Potential Adverse Environmental Impacts. This section shall describe all adverse impacts which may occur as a result of the proposed action.
- D. List and qualifications of Preparers. The names, addresses, telephone numbers, and qualifications of persons directly responsible for preparing the Environmental Assessment shall be provided.

PART 8D

HISTORIC RESOURCE IMPACT STUDY AND MITIGATION

§851. Applicability.

An Historic Resource Impact Study, or any applicable portion thereof, shall be required, unless waived or modified, by the Township Zoning Officer or Zoning Hearing Board when any of the following are proposed:

1. Subdivision or land development plans which will lead to the new construction of buildings, structures, roads, driveways, parking areas, or other site improvements located within 100 feet of the exterior walls of an historic resource identified in the Township's Open Space, Recreation and Environmental Resources Plan, Comprehensive Plan, or resolution adopted by the Township Supervisors.
2. Subdivision or land development plans which propose adaptive reuse or demolition of an historic resource.

The Historic Resource Impact Statement shall be prepared by a qualified professional in historic preservation, historical architecture, planning, or related disciplines.

§852. Contents.

The Study shall contain the following information:

1. Background Information
 - A. If not otherwise provided by the applicant, a general site description, including topography, watercourses, vegetation, landscaping, existing drives, and other site features.
 - B. General description of all historic resources located on the subject tract, on tracts immediately adjacent to the subject tract or within 100 feet of the subject tract.
 - C. Physical description of all historic resources indicated in B. above.
 - D. Statement of the significance of each historic resource, both relative to the Township and region in general.
 - E. Sufficient number of photographs to show every historic resource identified in B. above, in its setting.
 - F. Narrative description of the historical development of the subject tract.
2. Proposed Change
 - A. General description of project, including time table or phases.
 - B. Description of impact on each historic resource identified in subsection 1.B, above, with regard to architectural integrity, historic setting, and future use.
 - C. General description of effect of noise and traffic and any other impacts generated by the proposed change on each historic resource.

3. Mitigation Measures

- A. A plan for mitigating the project's impact on historic resources, including design alternatives, buffering, landscaping, and any other appropriate measures permitted under the terms of this Chapter 27 and other Township Ordinances, shall be submitted for review and approval by the Township Zoning Officer.

PART 8E

SCENIC ROAD PROTECTION STANDARDS

§861. Applicability.

On properties with frontage on scenic roads identified in the Township Open space, Recreation and Environmental Resources Plan, Township Comprehensive Plan, or resolution adopted by the Township Supervisors, the following standards shall apply:

1. The applicant shall perform a Scenic Inventory which shall:
 - A. Identify the roadway viewshed on the site with lines.
 - B. Identify the location of scenic resources that development of the site will affect. Resources may be on the site itself or visible past the site from the roadway.
 - C. Identify important view sight lines from the roadway that should remain open to the scenic resources identified above.
 - D. Identify existing screening that could be preserved or intensified to conceal new development (such as tree rows, woodlots, mature landscaping plant masses, walls and fences, and existing buildings or structures).
 - E. Identify the site vicinity characteristics that are desirable to simulate, such as building architecture, construction materials and color, and native vegetation.
2. From the inventory information above, the applicant shall determine:
 - A. Areas outside the viewshed where development shall be located;
 - B. Critical visual areas that shall remain open so scenic resources can be seen from the best viewpoint.
 - C. Less critical visual areas within the viewshed where development can be placed if area outside the viewshed is inadequate. Such areas shall be to the side of critical views or behind existing or proposed screening.
3. Improvements such as buildings, structures, parking areas and loading areas shall be located to minimize the impact on scenic views, minimize the disturbance of desirable natural vegetation, and maintain open views. The applicant shall consider the visual impact of proposed development and attempt to absorb development into the Scenic Corridor as inconspicuously as possible.
4. The following design guidelines shall be followed when developing the site:
 - A. Building design and siting shall lessen the contrast with the landscape, such as siting buildings in the lower portions of the site.
 - B. Natural screening shall be used or extended to screen buildings and other improvements when possible. Improvements shall be located behind woodlots or tree rows, extensions to woodlots or tree rows, or new woodlots or tree rows. Existing desirable vegetation shall be protected during construction.

- C. New plantings used in screenings shall be native species, and be arranged in a density and grouping that occurs naturally.
 - D. Parking and loading areas shall be located behind buildings or otherwise screened from view by plantings or berms.
 - E. If berms are used to screen improvements, the slope of the mounding shall simulate natural slope in the vicinity of the berm.
 - F. New buildings shall use architecture, construction materials and colors which are consistent with desirable characteristics of existing buildings on the site.
5. The height of a building or structure shall not exceed two (2) stories maximum.
 6. The minimum building setback line from scenic roads shall be fifteen (15) feet greater than established in the applicable zoning district regulations. The minimum rear yard may be decreased by up to fifteen (15) feet.
 7. The Township Zoning Officer shall submit all applications for improvements on properties with frontage on scenic roads to the Board of Supervisors for determination of compliance with this Section. The Board of Supervisors may submit such applications to the Township Planning Commission for comment.

PART 8F

WOODLAND AND TREE PRESERVATION

AND REGULATIONS FOR TIMBER HARVESTING AND TREE CLEARING

§870. Purpose and Applicability.

1. Purpose. The purpose of this Ordinance is to preserve existing trees, tree clusters, and their associated vegetation layers, noteworthy trees, and other vegetation while providing for the reasonable and responsible practice of timber harvesting, as permitted by the Municipalities Planning Code (Act 247 of 1968, as amended). In addition, West Sadsbury Township recognizes the importance of and encourages the use and preservation of native, non-invasive species of vegetation. This Ordinance establishes standards for vegetation preservation and timber harvesting including, but not limited to:
 - A. Maintaining air quality;
 - B. Reducing soil erosion and stream sedimentation;
 - C. Reducing dust and noise levels;
 - D. Protecting groundwater resources and watersheds from increased velocity of water run-off and pollutant levels;
 - E. Maintaining wildlife habitat;
 - F. Reducing the velocity of strong winds;
 - G. Maintaining species bio-diversity in the community;
 - H. Promoting good forest stewardship;
 - I. Protecting the rights of adjoining property owners;
 - J. Minimizing the potential for adverse environmental impacts resulting from irresponsible timber harvesting practices; and,
 - K. Avoiding unreasonable and unnecessary restrictions on the right to practice forestry.
2. Applicability. The requirements in this section shall apply to all proposed earth disturbances which would cause disturbance or removal of existing vegetation, and all timber harvesting or tree clearing in West Sadsbury Township, unless otherwise specified. These regulations do not apply to the cutting of trees for the personal use of the landowner of a single-family residence for firewood to be burned inside the fireplace of such residence or for pre-commercial timber stand development.

§871. Woodland and Tree Protection Standards.

The following standards shall be met for all land owners, subdivisions and land developments proposed in West Sadsbury Township:

1. Removal of Trees Prior to Plan Approval.

No clearing or earth disturbance (except for soil analysis for proposed sewage disposal systems) shall be permitted on a site before the approval of subdivision and land development plans. The determination of site distance clearances along roadways shall be determined graphically and not by clearing on-site prior to final plan approval.

2. Delay of Subdivision.

If thirty-four percent (34%) or more of a wooded area on a lot is harvested or clear-cut, the land shall not subsequently be approved for subdivision for a period of five (5) years.

3. Minimizing Disturbance to Existing Vegetation.

A. All cartways, buildings, other structures, and driveways shall be located in a manner so as to minimize disturbance to existing vegetation. Developers shall make reasonable efforts to harmonize their plans with the preservation of existing vegetation.

B. A minimum of sixty-six percent (66%) of any woodland as defined by this Chapter 27 shall be preserved in a natural, unimproved condition on each lot or tract of land. A maximum of thirty-four percent (34%) of any woodland as defined by this Chapter may be cleared from a tract of land. No person shall clear or substantially clear the woodland from a tract of land two (2) or more acres in area and then further subdivide the whole and resell subdivided lots as non-woodland lots within five (5) years from the date of recording an approved subdivision or land development plan. This restriction shall be placed as a note on the final subdivision or land development plan.

4. Areas Specified for Vegetation Removal.

A. Except for approved tree harvesting operations and tree clearing operations with an approved Timber Harvesting or Tree Clearing Plan prepared as set forth in §872 below, existing trees, tree clusters and their associated vegetation layers shall be preserved to the maximum extent possible. Tree removal shall be limited to terminally-diseased or dead trees and those trees located within the following:

- (1) The ultimate right-of-way of a proposed street or other public improvement along with the minimum associated grading necessary;
- (2) Twenty-five (25) feet from the foundation of a new building or structure and minimum associated grading necessary;
- (3) Utility easements and individual property services along with the minimum associated grading necessary;
- (4) Driveways;
- (5) Soil erosion control devices and minimum associated grading necessary;
- (6) Stormwater management facilities and minimum associated grading necessary.

- (7) No native, mature trees shall be removed unless clearly necessary for completion of the proposed subdivision or land development.
- B. Woodland Corridors. Except for approved tree harvesting operations or tree clearing operations with an approved Timber Harvesting or Tree Clearing Plan prepared in accordance with §872 below, where possible, woodlands which remain undisturbed shall interconnect with existing woodlands or wooded areas of adjacent properties to preserve continuous woodland corridors and allow for the natural movement and migration of wildlife and the dispersion of native vegetation.
- C. Riparian Buffer Zone (RBZ). Except for approved activities, the Riparian Buffer Zone shall remain undisturbed.
 - (1) An RBZ adjacent to "High Quality Waters" and "Exceptional Value Waters" designated by the Department of Environmental Protection (DEP) shall be subject to the provisions of the most recent edition of DEP *Special Protection Waters Implementation Handbook* and its amendments. To the extent that the Township and DEP requirements are not consistent, the more restrictive requirements shall apply.
- 5. Tree Protection Zone. Trees, tree clusters and their associated vegetation layers, noteworthy trees, and other vegetation that are to be preserved shall be protected to the limits of a Tree Protection Zone (TPZ). Trees within a TPZ shall be clearly marked with landscape paint, colored tape, or other appropriate marker, at breast height (4½ feet from ground level). Where tree masses are to be preserved, only the trees on the edge of the mass need to be marked.
 - A. During construction, trees within a TPZ shall be clearly delineated with a proper barrier and signage, such as wood stakes, colored tape and snow fencing, to the limits of a TPZ to ensure that there is no encroachment and/or compaction of soil and roots within this area by:
 - (1) Change of grade;
 - (2) Excavation or trenching;
 - (3) Storage of building materials, topsoil, motor vehicles, or construction equipment;
 - (4) In addition, there shall be no storage of toxic materials, including petroleum-based products, within fifty (50) feet of a TPZ.
 - B. Trees scheduled to be removed that are adjacent to or within the TPZ of a tree that will be retained, should be left standing until grading is complete, to further protect the tree to be left standing from grading related impacts.
 - C. Roots from trees within the TPZ must be trimmed as a result of earth disturbance outside a TPZ, shall be cut by a backhoe or similar equipment aligned radially to the tree. This method reduces the lateral movement of the remaining roots, reducing the possibility of damage to the intertwined roots of surrounding trees and other vegetation.

- D. Within four (4) hours of any severance of any roots, all roots that have been exposed and/or damaged shall be trimmed cleanly and covered temporarily with peat moss, moist burlap, or biodegradable material to keep them moist and protected from disease until permanent cover is installed. Permanent cover shall be installed within seventy-two (72) hours of the initial severance of roots.
- E. Tree stumps located within ten (10) feet of a TPZ shall be removed by means of a stump grinder or similar device which shall minimize the effect on existing, intertwined roots within a TPZ. A stump shall be ground and removed to a point at least six (6) inches below ground level.
- F. Trees that are to be removed shall not be felled, pushed or pulled into a TPZ.
- G. Snow fencing placed around trees within a TPZ shall be placed at the drip line, unless determined to be appropriate at another location by West Sadsbury Township.

6. Minimum Tree Replacement Requirements.

- A. Replacement of Wooded Areas. Except in conjunction with routine tree maintenance and cases of alien/invasive species, the following regulations shall apply to tree clearing and timber harvesting operations:
- B. Tree Clearing Operations - Required Tree Replacement. If twenty percent (20%) or more of the ten (10) inch DBH or greater trees in a wooded area are cleared, tree replacement shall be required as set forth below:

Minimum Tree Replacement Standards	
Number and Size of Healthy Trees to be Removed	Minimum Number and Caliper of Replacement Trees
One tree, 10 to 24 inch DBH	One tree, 2-1/2 inch caliper
One tree, 24 inch DBH or greater	One tree, 3 to 3-1/2 inch caliper

- (1) The determination of the number of existing trees at the ten (10) to twenty-four (24) inch DBH size and the twenty-four (24) inch DBH or greater size may be made either by a survey of all individual trees or by the preparation of a Forest Density Survey. A Forest Density Survey is prepared by surveying a representative sample of trees on the subject tract. The typical size distribution of trees in the sample area is used as a basis for assigning the total number of trees at various sizes over the tract.
- (2) If the number of replacement trees proposed to be planted cannot be installed due to existing features and site constraints, the Board of Supervisors may allow the installation of fewer larger trees instead of more smaller trees. Any substitutions must be reviewed by the Township Engineer and approved by the Board of Supervisors.

C. Timber Harvesting Operations-Required Tree Replacement. If twenty percent (20%) or more of the ten (10) inch DBH or greater trees in a wooded area are cleared then tree replacement shall be required as set forth below:

- (1) Two saplings, a minimum of twenty-four (24) inches in height shall be replaced for each tree removed for the purposes of timber harvesting.

7. Land Development Plans - Applicant Responsibility.

A standardized note shall be required to be placed on all final land development plans stating:

“The applicant is responsible for the installation of shade trees on the lots as depicted on the final plans and in accordance with the West Sadsbury Township Subdivision and Land Development Ordinance. A Certificate of Occupancy for the development or a portion of the development shall not be issued by the Township Building Inspector until the required shade trees are installed or until an escrow agreement satisfactory to West Sadsbury Township is finalized to ensure installation of such shade trees.”

8. Native Tree List.

A. Shade Trees. A landscape architect, or similarly qualified professional, should be consulted to analyze existing site conditions and establish which trees from the following list should be used for specific site applications. The following list of native shade trees shall be utilized to fulfill any shade tree or tree replacement requirements. The list includes a sampling of species which range in mature height from fifteen (15) to fifty (50) feet.

BOTANICAL NAME	COMMON NAME	MATURE HEIGHT
Alnus rugosa	Speckled Alder, Smooth Alder, Tag Alder, Gray Alder, Hazel Alder	20 – 35 feet
Alnus serrulata	Common Alder	15 – 25 feet
Amelanchier arborea	Downy Serviceberry, June Berry, Shadbush, Service-tree	15 – 25 feet
Amelanchier canadensis	Shadblow Serviceberry	35 – 50 feet
Amelanchier laevis	Allegheny Serviceberry	20 – 35 feet

B. Trees Near Vehicular Uses. The following list of native street trees shall be utilized when tree planting is proposed within twenty (20) feet of any vehicular use, such as driveways, roadways, or parking lots. These species will tolerate street conditions, such as salt, drought, and soil compaction. In addition, they have a deep root system that will not interfere with sidewalks, curbs or roadway surfaces. A landscape architect, or similarly qualified professional, shall be consulted to analyze existing site conditions and establish which trees from the following list should be used for specific site applications. The following list of native shade trees includes a sampling of species which range in mature height from fifteen (15) to fifty (50) feet.

BOTANICAL NAME	COMMON NAME	MATURE HEIGHT
Carpinus caroliniana	Musclewood, Ironwood, American Hornbeam, Waterbeech	35 – 50 feet
Crataegus crusgalli	Cockspur Hawthorne	30 – 35 feet
Ostrya virginiana	American Hophornbeam, Ironwood	35 – 50 feet
Oxydendrum arboreum	Sourwood, Sorrel Tree, Lily-of-the-Valley tree	35 – 50 feet
Quercus imbricaria	Shingle Oak, Laurel Oak	30 – 45 feet

§872. Timber Harvesting and Tree Clearing Regulations.

The Township recognizes a significant difference between Timber Harvesting – the selective cutting of timber for sale or commercial processing and Tree Clearing - the clearing of land prior to subdivision or land development. In an effort to protect the natural resources of the Township, all logging operations require a permit. As per Section 871.2, any lot from which 34% or more of the wooded area is cleared is not eligible for subdivision for a period of five years.

1. Timber Harvesting Notification of Commencement and Completion. The following standards shall be met for all Timber Harvesting operations in West Sadsbury Township.
 - A. For all Timber Harvesting operations the developer or landowner shall notify the Township Zoning Officer and obtain a Land Disturbance Permit as per Part 10, § 1003 of this Ordinance at least seventy-two (72) hours before the operation begins. No Timber Harvesting shall occur until a permit has been duly issued.
 - B. Notification shall be in the form of a letter identifying the property on which harvesting will occur, the expected size of the area to be harvested expressed in acres and square feet, and the anticipated starting and completion date of the operation. The approximate number of trees to be harvested and the average diameter at breast height (DBH) shall be provided, together with a sketch plan including the following information:
 - (1) Property owner’s name, address and telephone number;
 - (2) Size of property, in acres and square feet;
 - (3) Zoning information applicable to the tract;
 - (4) Approximate location of property boundaries;
 - (5) Approximate location of woodland area(s) and approximate size of woodlands, in acres and square feet;
 - (6) Approximate location of tree masses in areas not to be disturbed;
 - (7) Approximate location of individual trees having a diameter at breast height of ten (10) inches or greater in areas to be disturbed;

- (8) Other land cover characteristics of the tract, such as orchard, pasture, cropland, meadow, lawn or garden;
 - (9) Approximate location of individual trees to be removed and the DBH of each;
 - (10) Number of trees to be removed and the number of saplings to be planted as replacement trees;
 - (11) Approximate location, design, construction, maintenance and retirement of the access system, including haul roads, skid roads, skid trails and landings;
 - (12) Approximate location, design, construction, maintenance, and retirement of water control measures and structures, such as culverts, broad-based dips, filter strips, and water bars;
 - (13) Approximate location, design, construction, and maintenance of stream and wetland crossings;
 - (14) The general location of the proposed operation in relation to Township and state highways, including accesses to those highways;
 - (15) Approximate location of significant topographic features related to potential environmental problems;
 - (16) Approximate location of all earth disturbance activities, such as roads, landings, and water control measures and structures; and
 - (17) Approximate location of all crossings of waters of the Commonwealth.
- C. Replacement of Wooded Areas. Except in conjunction with routine tree maintenance and cases of alien/invasive species, the replacement schedule, as set forth in §871.6, shall apply.
- D. The Timber Harvesting Plan shall address and comply with the requirements of all applicable State laws and regulations, including, but not limited to, the following:
- (1) Erosion and Sedimentation Control Regulations contained in Section 25 of the Pennsylvania Code, Chapter 102, promulgated pursuant to the Clean Streams Law (35 P.S. §691.1, *et seq*) and any successor statute or regulations.
 - (2) Stream crossing and wetlands protection regulations contained in Section 25 of the Pennsylvania Code, Chapter 102, promulgated pursuant to the Dam Safety and Encroachments Act (32 P.S. §693.1, *et seq*) and any successor statute or regulations.
 - (3) Stormwater management plans and regulations issued pursuant to the Stormwater Management Act (32 P.S. §680.1, *et seq*) and any successor statute or regulations.
2. Tree Clearing Notification of Commencement and Completion. The following standards shall be met for all Tree Clearing Plans in West Sadsbury Township.

- A. Every landowner or developer on whose land tree clearing is proposed shall prepare a Tree Clearing Plan in accordance with the standards set forth in this section and the plan shall be developed using the most current guidelines and criteria for such plans as may be available from the Department of Environmental Protection Bureau of Forestry or its successor agency. The plan shall be prepared and submitted to West Sadsbury Township for review at the applicant's expense.
- B. No tree clearing shall occur until the Tree Clearing Plan has been prepared by the developer and/or landowner, and reviewed and approved by the Township. The provisions of the plan shall be followed throughout the operation. The plan shall be available at the harvest/clearing site at all times during the operation.
- C. Responsibility for Compliance. The landowner/applicant, and the operator shall be jointly and severally responsible for complying with the terms of the Tree Clearing Plan.
- D. Contents of the Tree Clearing Plan. When any of the following required information has already been prepared as part of an application under the Subdivision and Land Development Ordinance, then it shall be reformatted to be included on the Tree Clearing Plan. The Tree Clearing Plan shall contain the following information:
 - (1) A Base Map of the developer and/or landowner's property shall meet the requirements for preliminary plan approval, as set forth in the Subdivision and Land Development Ordinance with respect to sheet size, scale, property area, delineation of boundaries, street rights-of-way and easements.
 - (2) The following information shall be indicated on the Property Base Map:
 - (a) Names of adjoining property owners
 - (b) Residential and Institutional structures within one hundred feet (100') of the developer's or landowner's property
 - (c) Existing zoning and setback requirements applicable to the developer's or landowner's property
 - (d) Existing Natural Resources, including:
 - (i) Tree masses in areas not to be disturbed and individual trees having a diameter at breast height of ten (10) inches or greater in areas to be disturbed.
 - (ii) Other land cover characteristics of the tract, such as orchard, pasture, cropland, meadow, lawn or garden.
 - (iii) Pennsylvania Natural Diversity Inventory (PNDI) or Chester County Natural Areas sites.
- E. The Tree Clearing Plan shall also contain the following information:

- (1) Location, design, construction, maintenance and retirement of the access system, including haul roads, skid roads, skid trails and landings.
 - (2) Location, design, construction, maintenance, and retirement of water control measures and structures, such as culverts, broad-based dips, filter strips, and water bars.
 - (3) Location, design, construction, and maintenance of stream and wetland crossings.
 - (4) The general location of the proposed operation in relation to Township and State highways, including accesses to those highways.
 - (5) A Site Map containing the following information:
 - (a) Site location and boundaries, including property boundaries.
 - (b) Delineation of the location/extent of the wooded area or areas to be cleared, together with a tabulation of the acreage of the wooded area or areas to be cleared.
 - (c) Delineation of Tree Replacement Areas.
 - (d) Significant topographic features related to potential environmental problems.
 - (e) Location of all earth disturbance activities such as roads, landings, and water control measures and structures.
 - (f) Location of all crossings of waters of the Commonwealth.
- F. The Tree Clearing Plan shall address and comply with the requirements of all applicable State laws and regulations including, but not limited to, the following:
- (1) Erosion and Sedimentation Control Regulations contained in Section 25 of the Pennsylvania Code, Chapter 102, promulgated pursuant to the Clean Streams Law (35 P.S. §691.1, et seq) and any successor statute or regulations.
 - (2) Stream crossing and wetlands protection regulations contained in Section 25 of the Pennsylvania Code, Chapter 102, promulgated pursuant to the Dam Safety and Encroachments Act (32 P.S. §693.1, et seq) and any successor statute or regulations.
 - (3) Stormwater management plans and regulations issued pursuant to the Stormwater Management Act (32 P.S. §680.1, et seq) and any successor statute or regulations.
- G. Any permits required by State laws and regulations shall be attached to and become part of the Tree Clearing Plan. An Erosion and Sedimentation Pollution Control Plan that satisfies the requirements of Section 25 of the Pennsylvania Code, Chapter 102, or any successor regulations shall also satisfy the minimum requirements for the Tree Clearing Plan specified in this Section, provided all information required by this Section is included or attached.
- H. Review of the Tree Clearing Plan.

- (1) Every plan submitted by an applicant shall be reviewed by the Township Planning Commission and the Township Engineer at the applicant's expense.
 - (2) The Township shall render a decision on a plan within sixty (60) days after the date of the application. The Township shall provide reasons for rejection, in the form of a letter, for any plan that is not approved.
 - (3) Any plan that is approved may be approved with conditions.
 - (4) If thirty percent (34%) or more of a wooded lot is harvested or clear-cut, the land shall not subsequently be approved for subdivision for a period of five (5) years.
3. Timber Harvesting and Tree Clearing Practices. The following requirements shall apply to all Timber Harvesting or Tree Clearing operations in West Sadsbury Township:
- A. Trees that are to remain standing shall not be used for roping, cables, signs, fencing, or lighting. Nails and spikes shall not be driven into trees.
 - B. The area around the base of existing trees shall be left open. No impervious cover, storage of equipment, debris, or fill shall be allowed within the drip line of any existing tree.
 - C. Grade changes to occur at any location on the property shall not result in the alteration to soil or drainage conditions that would adversely affect existing vegetation to be retained following site preparation activities and/or site disturbance of trees, unless adequate provisions are made to protect such vegetation and its root systems.
 - D. The Township may, at its discretion, require trees and shrubs that would otherwise be removed during site preparation activities are transplanted elsewhere on the site, to the extent practicable.
 - E. No specimen tree shall be marked for cutting or cut.
 - F. Felling or skidding on or across any public thoroughfare is prohibited without the express written consent of West Sadsbury Township or the Pennsylvania Department of Transportation whichever is responsible for maintenance of the thoroughfare.
 - G. No tops or slash shall be left within twenty-five (25) feet of any public thoroughfare or private roadway providing access to adjoining residential properties.
 - H. All tops and slash between twenty-five (25) feet and fifty (50) feet of any public thoroughfare or private roadway providing access to adjoining residential property or within fifty (50) feet of adjoining residential property shall be lopped to a length of no more than ten feet and piled no higher than four (4) feet above the surface of the ground.
 - I. No tops or slash shall be left within twenty-five (25) feet of the boundary of any property adjoining the operation.

- J. Litter (trash) resulting from a timber harvesting or tree clearing operation shall be removed from the site before it is vacated by the operator.
4. Relationship of State Laws, Regulations, and Permits to the Timber Harvesting Plan. Any permits required by state laws and regulations shall be attached to and become part of the Timber Harvesting Plan. An Erosion and Sedimentation Pollution Control Plan that satisfies the requirements of Section 25 of the Pennsylvania Code, Chapter 102, or any successor regulations shall also satisfy the minimum requirements for the Timber Harvesting or Tree Clearing Plan specified in this Section, provided that all information required by this Section is included or attached.
 5. Responsibility for Road Maintenance and Repair, Road Bonding. The landowner/applicant and the operator shall be responsible for repairing any damage to roads caused by traffic associated with the timber harvesting /tree clearing operations to the extent the damage is in excess of that caused by normal traffic. Pursuant to Section 67 of the Pennsylvania Code, Chapter 189, the Township may require the landowner/applicant or operator to furnish a bond to guarantee the repair of such damages.
 6. Replacement of Wooded Areas. Except in conjunction with routine tree maintenance and cases of alien/invasive species, the replacement schedule, as set forth in §871.6 shall apply.
 7. Inspections. The Zoning Officer may enter upon the site of any timber harvesting/tree clearing operation to review Timber Harvesting or Tree Clearing Plans or any other required documents for compliance with this section, and to inspect the operation for compliance with the Tree Clearing Plan and other on-site requirements of these regulations.
 8. Enforcement Notice. Any violation of this Section shall be governed by Part 10.
 9. Causes of Action. Causes of Action shall be governed by §1012.
 10. Enforcement Remedies. Enforcement Remedies shall be in accordance with §1013.

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PART 9A

RESIDENTIAL SITE CAPACITY DETERMINATION

§900. General.

In order to promulgate the objectives of the West Sadsbury Township Comprehensive Plan, this Chapter 27 requires that prior to development of any tract or parcel of land a determination be made as to the intensity of development appropriate for the site.

These regulations shall apply to any tract or parcel of land or fraction thereof under single ownership where specific residential site capacity calculations are not otherwise provided in this Zoning Ordinance for a specific lot as of the effective date of this Chapter 27.

1. If a Special Exception has been granted by the Zoning Hearing Board permitting a use within a Residential Zoning District, the applicant may utilize the Site Capacity Calculations associated with the Zoning District where the permitted use is a use by right. For example, a special exception granted for a place of religious worship use within the RMD Zoning District would be permitted to use the Industrial/Commercial Site Capacity Determination calculations since a place of religious worship use is permitted by right within the CS Zoning District.

§901. Base Site Area.

Certain portions of tracts may not be usable for the proposed activities and should be subtracted from the site area to determine the Base Site Area:

- | | | | |
|----|--|---------|-----|
| 1. | Site Area as determined by survey | _____ | Ac. |
| 2. | Subtract land which is not contiguous: | | |
| | A. A separate parcel which does not abut or adjoin the development | - _____ | Ac. |
| | B. Land which is cut off from the main parcel by a road, railroad, existing land use, or so that it is isolated and unavailable for development purposes | - _____ | Ac. |
| 3. | Subtract land previously reserved as permanent open space | - _____ | Ac. |
| 4. | Subtract land used or zoned for another use | - _____ | Ac. |
| 5. | Equals Base Site Area | _____ | Ac. |

§902. Resource Protection Land.

All land within the base site area shall be mapped and measured for the purpose of determining the amount of open space needed to protect it.

RESOURCE	Open Space Ratio	Acres of Land in Resource	Resource Protection Land (Acres in Resource X Open Space Ratio)
Floodplains	1.00		
Floodplain soils	1.00		
Streams	1.00		
Lakes or ponds	1.00		
Wetlands	1.00		
Limestone	0.90 +		
Steep Slope (25% or more)	0.90		
Woodland	0.66 *		
Agricultural soil	0.80 ♦		
Pond shore	0.80		
Lake shore	0.80		
Steep slope (15% to 25%)	0.80		

Total Acres of Land in all Resources _____ Ac.

Total Acres of Resource Protection Land _____ Ac.

+ See §802.12

* Unless a smaller ratio is approved by the Board of Supervisors as a conditional use.

♦ 1.00 in the case of the AG-Agricultural District, except as noted in §347.

§903. Recreation Land.

While some of the open space required may be resource protection land, the intent of this §903 is to provide for usable public or common open space as near to each residential unit as possible. Thus, there is a need for specific guidelines insuring that a minimum amount of land not restricted by §901 and §902 is retained for this purpose.

1.	Base Site Area as determined under §901		_____ Ac.
2.	Subtract total land with resource restrictions as determined under §902	-	_____ Ac.
3.	Equals Total Unrestricted Land		_____ Ac.
4.	Multiply total unrestricted land by one of the following as applicable		_____
	A. 0.10 for residential developments wherein the net lot area of the lots is less than one (1) acre or utilizing attached or semi-detached dwellings	X	_____
5.	Equals Total Recreation Land		_____ Ac.

§904. Determination of Site Capacity.

Individual site capacity is found by calculating the net buildable site area. The number of allowable dwelling units is determined by multiplying the net buildable site area by the permitted dwelling unit density.

1.	Base Site Area as determined under §901		_____ Ac.
2.	Subtract Resource Protection land as determined under §902	-	_____ Ac.
3.	Subtract Recreation Land as determined under §903	-	_____ Ac.
4.	Equals Net Buildable Site Area		_____ Ac.

5.	Multiply Net Buildable Site Area by the appropriate dwelling unit density provided for in the applicable zoning district.	X	_____
6.	Equals Total Number of Dwellings Units Permitted (Do not round off.)		_____ D.U.

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PART 9B

INDUSTRIAL/COMMERCIAL SITE CAPACITY DETERMINATION

§905. General.

In order to promulgate the objectives of the West Sadsbury Township Comprehensive Plan, this Chapter 27 requires that prior to development of any tract or parcel of land, a determination be made as to the intensity of development appropriate for the site.

These regulations shall apply to any tract or parcel of land or fraction thereof under single ownership as of the effective date of this Chapter 27.

§906. Base Site Area.

Notwithstanding the definition of "Base Site Area" in Section 202 of the Zoning Ordinance, the Base Site Area on properties to which this Part 9B is applicable shall be calculated as set forth in this Section 906, as follows:

1. Site Area as determined by survey _____ Ac.
2. Subtract land within existing rights-of-way of public streets or roads _____ Ac.
3. Subtract land which is not contiguous: _____ Ac.
 - A. A separate parcel which does not abut or adjoin the development _____ Ac.
 - B. Land which is cut off from the main parcel by a road, railroad, existing land use, or so that it is isolated and unavailable for development purposes _____ Ac.
4. Subtract land previously reserved as permanent open space _____ Ac.
5. Subtract land used or zoned for another use _____ Ac.
6. Equals Base Site Area _____ Ac.

§ 907. Resource Protection Land.

All land within the Base Site Area calculated in Section 906 shall be mapped and measured for the purpose of determining the amount of open space (i.e. non-impervious Surfaces) needed to protect it.

RESOURCE	Open Space Ratio	Acres of Land in Resource ¹	Resource Protection Land (Acres in Resource X Open Space Ratio)
Floodplains	1.00		
Floodplain soils ²	1.00		
Streams	1.00		
Lakes or ponds	1.00		
Wetlands	1.00		
Limestone	0.90 OR 0.40 ³		
Steep slope (25% or more) ⁴	0.90		
Steep slope (15% to 25%) ⁴	0.80		
Woodland	0.66 ⁵		
Pond Shore	0.80		
Lake Shore	0.80		
Total Acres of Land in all Resources			_____ Ac
Total Acres of Resource Protection Land			_____ Ac

¹ Where Resource areas overlap, use the more restrictive Open Space Ratio.

² See Section 802.2.

³ See Section 802.12.

⁴ See Section 709.5A regarding 1% or 1 Acre exemption and exemption of manmade slopes under the Industrial Park Development Option.

⁵ Unless a smaller ratio is approved by the Board of Supervisors as a conditional use. See Section 709.5D for qualifying woodlands under the Industrial Park Development Option.

§ 908. Determination of Site Capacity.

The maximum amount of Impervious Surface coverage permitted on a property shall be determined by applying the following formula:

Net Buildable Site Area A:

1. Base Site Area as determined in Section 906 _____ Ac.
2. Subtract Resource Protection Land as determined in Section 907 _____ Ac.
3. Equals Net Buildable Site Area A _____ Ac.

Net Buildable Site Area B:

1. Base Site Area as determined in Section 906 _____ Ac.
2. Multiply Base Site Area by .6 _____ Ac.
3. Equals Net Buildable Site Area B _____ Ac.

Compare Net Buildable Site Area A to Net Buildable Site Area B.

The lesser value equals the permitted development intensity stated as amount of Impervious Surfaces permitted. _____ Ac.

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PART 10

ADMINISTRATION AND ENFORCEMENT

§1001. Application of Regulations.

1. Hereafter, no land shall be used or occupied, and no building or structure shall be erected, enlarged, used or occupied, except in conformity with the regulations herein established for the district in which such land, building or structure is located.
2. In cases of mixed occupancy, the regulations for each use shall apply to the portion of the building or land so used.

§1002. Appointment and Powers of Zoning Officer.

1. For the administration of this Chapter 27, a zoning officer, who shall not hold any elective office in the Township of West Sadsbury, shall be appointed.
2. The zoning officer shall meet the qualifications established by the Township of West Sadsbury and shall be able to demonstrate to the satisfaction of the Township Supervisors a working knowledge of municipal zoning.
3. The zoning officer shall administer this Chapter 27 in accordance with its literal terms, and shall not have the power to permit any construction or any use or change of use which does not conform to this Chapter 27.
4. The zoning officer is hereby authorized to institute civil enforcement proceedings as a means of enforcement when acting within the scope of his employment.

§1003. Requirement of Building Permits and Land Disturbance Permits.

A Building Permit shall be required prior to the erection, enlargement or conversion of any building or other structure or portion thereof. It shall be unlawful for any person to commence work for the erection, enlargement or conversion of any building or structure or portion thereof until a permit has been duly issued therefor. This does not include regular/routine maintenance and repair of existing structures.

If a Building Permit is not otherwise required, a Land Disturbance Permit shall be required prior to engaging in any activity associated with the environmental standards as set forth in Part 8A, Section 802 of this Chapter 27. It shall be unlawful for any person to commence work to engage in any activities in connection with Part 8A, Section 802 until a permit has been duly issued therefor.

§1004. Application for Building Permit or Land Disturbance Permit.

1. Application for a Building Permit or a Land Disturbance Permit may be made by the landowner or a contractor performing the building work or work in connection with Part 8A of this Chapter 27 for the owner.
2. All applications for Building Permits or Land Disturbance Permits shall be made in writing on a form furnished by the Zoning Officer and shall be accompanied by a plot

plan drawn accurately or an approved Final Land Development Plan if one is otherwise required for the project, showing: (1) in the case of application for a Building Permit, the exact size and location of any buildings or other structures existing on the lot in question or upon abutting land within fifty (50') feet of the side and rear lines of such lot, and the lines within which the proposed building or other structures will be erected or enlarged, or (2) in the case of application for a Land Disturbance Permit, information sufficient to show compliance with the requirements of Part 8A, Section 802 for the proposed activity. There shall, in addition, be included with all applications such other plans, documents, and information as may be necessary to enable the Zoning Officer to ascertain compliance with this Chapter 27 and all other pertinent ordinances, including a permit from the Chester County Health Department or applicable State or Federal agency.

§1005. Issuance of Building Permits or Land Disturbance Permits.

1. No Building Permit or Land Disturbance Permit shall be issued until the Zoning Officer has certified that the proposed building, structure, enlargement, conversion or activity in connection with Part 8A, Section 802 as the case may be, complies with the provisions of this Chapter 27 and other applicable Ordinances. Upon completion of the erection, enlargement or conversion of any building, structure, or portion thereof, authorized by any building permit obtained in compliance with this Chapter 27 and prior to use or occupancy, the holder of such permit shall notify the Zoning Officer of such completion. Use and occupancy shall not be authorized until the Zoning Officer has certified that the work has been inspected and approved as being in conformity with this Chapter 27 and other applicable ordinances and has issued a Use and Occupancy Permit as provided hereunder.
2. Any Building Permit or Land Disturbance Permit issued hereunder shall expire and be of no further force and effect after one (1) year following issuance thereof. It shall be necessary, before any further work may be done on the premises, or any further activity in connection with Part 8A, Section 802, to reapply for a new Building Permit or Land Disturbance Permit under the requirements of the regulations and ordinances then in effect.

§1006. Requirement of Use and Occupancy Permits.

It shall be unlawful for any person to use or occupy any building or other structure or land until a use and occupancy permit, if required, has been duly issued therefor. A Use and Occupancy Permit shall be required prior to any of the following:

1. Use and occupancy of any building or other structure hereafter erected, enlarged or converted for which a Building Permit is required.
2. Change in use of any building or structure.
3. Use of land or change in the use thereof, except that the placing of vacant land under cultivation shall not require a Use and Occupancy Permit.
4. Change in use or extension of a nonconforming use.

5. Use and occupancy of any building or other structure for the purpose of an adult entertainment establishment, regardless of any previous use.

§1007. Application for Use and Occupancy Permits.

1. Application for a Use and Occupancy Permit may be made by a landowner, or by a tenant with the written consent of the landowner, who must acknowledge his agreement to the proposed use.
2. All applications for Use and Occupancy Permits shall be made in writing on forms furnished by the Zoning Officer and shall include all information necessary to enable the Zoning officer to ascertain compliance with this Chapter 27.

§1008. Issuance of Use and Occupancy Permits.

No Use and Occupancy Permits shall be issued until the Zoning Officer has certified that the proposed use complies with the provisions of this Chapter 27. Pending completion of a building or of enlargements thereto, or conversion thereof, a temporary Use and Occupancy Permit may be issued by the Zoning Officer for temporary occupancy of part or all of the building, provided that the Zoning Officer determines that such temporary occupancy or use will not tend in any way to jeopardize life or property.

§1009. Issuance or Refusal of Permits.

1. If the Zoning Officer determines that an application is in compliance with the provisions of this Chapter 27, it shall be his duty to issue the appropriate Permit; and if he determines that an application is not in compliance with the provisions of this Chapter 27, it shall be his duty to refuse the Permit.
2. The Zoning Officer shall make such determination and either issue a permit or refuse an application within thirty (30) days of completion of each application.

§1010. Fees.

Fees for Building Permits, Use and Occupancy Permits, and other fees required in the administration of this Chapter 27, shall be paid in advance in accordance with a Schedule of Fees adopted by the Board by resolution and as may be from time to time amended.

§1011. Enforcement Notice.

1. If it appears to the Zoning Officer that a violation of this Chapter 27 has occurred, the Zoning Officer shall initiate enforcement proceedings by sending an enforcement notice as provided in this Section.
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 state at least the following:
 - A. The name of the owner of record and any other person against whom the Township of West Sadsbury intends to take action.

- B. The location of the property in violation.
- C. The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of this Chapter 27.
- D. The date before which the steps for compliance must be commenced and the date before which the steps must be completed.
- E. That the recipient of the notice has the right to appeal to the Zoning Hearing Board within a period of ten (10) days.
- 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 possible sanctions clearly described.

§1012. Causes of Action.

In case any building, structure, landscaping or land is, or is proposed to be, erected, constructed, reconstructed, altered, converted, maintained or used in violation of this Chapter 27, the Board of Supervisors or, with the approval of the Board of Supervisors, an officer of the Township of West Sadsbury, 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, landscaping or land, or to prevent, in or about such premises, any act, conduct, business or use constituting a violation. When any such action is instituted by a landowner or tenant, notice of that action shall be served upon the Township of West Sadsbury at least thirty (30) days prior to the time the action is begun by serving a copy of the complaint on the Board of Supervisors. No such action may be maintained until such notice has been given.

§1013. Enforcement Remedies.

1. Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this Chapter 27 shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Township of West Sadsbury, pay a judgment of not more than one thousand (\$1,000.00) dollars plus all court costs, including reasonable attorney fees incurred by the Township of West Sadsbury as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the district justice or other appropriate judicial authority. If the defendant neither pays nor timely appeals the judgment, the Township of West Sadsbury may enforce the judgment pursuant to the applicable rules of civil procedure. Each separate violation shall constitute a separate offense. Each day that a violation continues shall constitute a separate offense, 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 27 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 (5th) day following the date of the determination of a violation by the district justice and thereafter each day that a violation continues shall constitute a separate offense.

2. The court of common pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem fine pending a final adjudication of the violation and judgment.
3. Nothing contained in this Section shall be construed or interpreted to grant to any person or entity other than the Township of West Sadsbury the right to commence any action for enforcement pursuant to this Section.
4. District justices shall have initial jurisdiction over proceedings brought under this Section.

§1014. Enactment of Zoning Ordinance Amendments.

1. The Board of Supervisors may from time to time amend, supplement, or repeal any of the regulations and provisions of this Chapter 27. The procedure for the preparation of a proposed zoning ordinance as set forth in §607 of the Pennsylvania Municipalities Planning Code, 53 P.S. §10607, is hereby declared optional.
2. Before voting on the enactment of an amendment, the Board of Supervisors shall hold a public hearing thereon, pursuant to public notice. In addition, if the proposed amendment involves a zoning map change, notice of said public hearing shall be conspicuously posted by the Township of West Sadsbury at points deemed sufficient by the Township of West Sadsbury along the tract to notify potentially interested citizens. The affected tract or area shall be posted at least one (1) week prior to the date of the hearing. Also, properties within 1,000 feet of the tract shall be notified by U.S. mail.
3. In the case of an amendment other than that prepared by the Planning Commission the Board of Supervisors shall submit each such amendment to the Planning Commission at least thirty (30) days prior to the hearing on such proposed amendment to provide the Planning Commission an opportunity to submit recommendations.
4. If, after any public hearing held upon an amendment, the proposed amendment is changed substantially, or is revised, to include land previously not affected by it, the Board of Supervisors shall hold another public hearing, pursuant to public notice, before proceeding to vote on the amendment.
5. At least thirty (30) days prior to the public hearing on the amendment by the Board of Supervisors, the Township of West Sadsbury shall submit the proposed amendment to the county planning agency for recommendations.
6. Within thirty days after enactment, a copy of the amendment to this Chapter 27 shall be forwarded to the county planning agency.
7. Submission of Impact Statement. With a request for a zoning amendment initiated by other than the Township Planning Commission or Township Supervisors, a statement indicating the impact of the zoning change on the Township shall be submitted with the application for rezoning. The statement shall compare the impact on the Township resulting from the existing zoning with the impact resulting from the proposed zoning, specifically discussing:

- A. Agricultural Impact - The acreage and productivity rating of soils to be taken out of production or agricultural use.
- B. Environmental Impacts - The impact on wooded areas, floodplains, wetlands, hydric soils, Conestoga Formation, headwater areas, steep slopes, archeological sites, scenic roads, scenic vistas, wildlife habitats, stormwater runoff, erosion and sedimentation, historic sites, water quality, air quality, solid waste generation, and noise levels.
- C. Traffic Impact - The impact on traffic generation per day and at peak hours, including number of vehicles and routes expected to be used. An analysis of traffic capacities of adjacent roads and intersections to be significantly affected by the zoning change shall be prepared.
- D. Services Impact - The demand for school, police, sewer, water, sanitation, and road maintenance services.
- E. Fiscal Impact - The costs and revenues to the Township.

When addressing the environmental impact, the instructions for preparing an Environmental Assessment Statement found in Appendix I shall be followed.

§1015. Procedure for Landowner Curative Amendments.

1. A landowner who desires to challenge on substantive grounds the validity of this Chapter 27 or the Zoning Map or any provision thereof, which prohibits or restricts the use or development of land in which he has an interest may submit a curative amendment to the Board of Supervisors with a written request that his challenge and proposed amendment be heard and decided as provided in §916.1 of the Pennsylvania Municipalities Planning Code (hereinafter "MPC"), 53 P.S. §10916.1. The curative amendment and challenge shall be referred to the Planning Commission and the county planning agency as provided in §609 and notice of the hearing thereon shall be given as provided in §610 and §916.1 of the MPC, 53 P.S. §10609, §10610, and §10916.1.
2. The hearing shall be conducted in accordance with §908 of the MPC and all references therein to the Zoning Hearing Board shall, for purposes of this Section be references to the Board of Supervisors. If the Township of West Sadsbury does not accept a landowner's curative amendment brought in accordance with this subsection and a court subsequently rules that the challenge has merit, the court's decision shall not result in a declaration of invalidity for this entire Chapter 27 and Zoning Map, but only for those provisions which specifically relate to the landowner's curative amendment and challenge.
3. The Board of Supervisors, if it determines that a validity challenge has merit, may accept a landowner's curative amendment, with or without revision, or may adopt an alternative amendment which will cure the challenged defects. The Board of Supervisors shall consider the curative amendments, plans and explanatory material submitted by the landowner and shall also consider:
 - A. the impact of the proposal upon roads, sewer facilities, water supplies, schools and other public service facilities;

- B. if the proposal is for a residential use, the impact of the proposal upon regional housing needs and the effectiveness of the proposal in providing housing units of a type actually available to and affordable by classes of persons otherwise unlawfully excluded by the challenged provisions of this Chapter 27 or Zoning Map.
- C. the suitability of the site for the intensity of use proposed by the site's soils, slopes, woodlands, wetlands, flood plains, aquifers, natural resources and other natural features;
- D. the impact of the proposed use on the site's soils, slopes, woodlands, wetlands, flood plains, natural resources and natural features, the degree to which these are protected or destroyed, the tolerance of the resources to development and any adverse environmental impacts; and
- E. the impact of the proposal on the preservation of agriculture and other land uses which are essential to public health and welfare.

§1016. Procedure for Township Curative Amendments.

1. If the Township of West Sadsbury determines that this Chapter 27, or any portion hereof, is substantially invalid, it shall take the following actions:
 - A. The Township of West Sadsbury shall declare by formal action, this Chapter 27 or portions hereof substantially invalid and propose to prepare a curative amendment to overcome such invalidity. Within thirty (30) days of such declaration and proposal the Board of Supervisors shall:
 - (1) By resolution make specific findings setting forth the declared invalidity of this Chapter 27 which may include:
 - (a) references to specific uses which are either not permitted or not permitted in sufficient quantity;
 - (b) reference to a class of use or uses which requires revision; or,
 - (c) reference to this entire Chapter 27 which requires revisions.
 - (2) Begin to prepare and consider a curative amendment to this Chapter 27 to correct the declared invalidity.
2. Within one hundred eighty (180) days from the date of the declaration and proposal, the Township of West Sadsbury shall enact a curative amendment to validate, or reaffirm the validity of, this Chapter 27 pursuant to the provisions of §609 of the Pennsylvania Municipalities Planning Code (hereinafter "MPC"), 53 P.S. §10609, in order to cure the declared invalidity of this Chapter.
3. Upon the initiation of the procedures as set forth in subsection (1), the Board of Supervisors shall not be required to entertain or consider any landowner's curative amendment filed under §609.1 of the MPC, 53 P.S. §10609.1, nor shall the Zoning Hearing Board be required to give a report requested under §909.1 or §916.1 of the MPC, 53 P.S. §10909.1, §10916.1, subsequent to the declaration and proposal based upon the grounds identical or substantially similar to those specified by the resolution

required by subsection (1)(A). Upon completion of the procedures set forth in subsections (1) and (2), no rights to a cure pursuant to the provisions of §609.1 and §916.1 of the MPC, 53 P.S. §10609.1, §10916.1, shall, from the date of the declaration and proposal, accrue to any landowner on the basis of the substantive invalidity of this Chapter for which there has been a curative amendment pursuant to this Section.

4. The Township of West Sadsbury having utilized the procedures set forth in this Section may not again utilize said procedure for a period of thirty-six (36) months following the date of enactment of a curative amendment, or reaffirmation of the validity of this Chapter 27; Provided, However, if after the date of declaration and proposal there is a substantially new duty imposed upon the Township of West Sadsbury by virtue of a change in statute or by virtue of a Pennsylvania Appellate Court decision, the Township of West Sadsbury may utilize the provisions of this Section to propose a curative amendment to this Chapter 27 to fulfill said duty or obligation.

PART 11

DESIGN STANDARDS

§1101. Applicability.

The following standards shall apply to uses of the various Zoning Districts created by this Chapter 27 or amendments thereto.

§1102. Storage.

1. All storage shall be completely screened from view from any public right-of-way and all adjacent properties.
 - A. Screening shall consist of evergreen planting in accordance with the requirements of Section 1110.2 or an architectural screen.
 - B. Planting materials shall be permanently maintained, and any plant which does not live shall be replaced within one (1) year.
2. All organic rubbish or garbage shall be contained in tight, vermin-proof containers.
3. No highly flammable or explosive liquids, solids, or gases shall be stored above ground except for quantities incidental to normal household or industrial use.
4. All outdoor storage facilities for fuel, raw materials, and products, and all fuel, raw materials and products stored outdoors shall be protected pursuant to industry standards for the material being stored.
5. No materials or wastes shall be deposited upon a lot in such form or manner that they may be transported off the lot by natural causes or forces, nor shall any substance which can contaminate a stream or watercourse or otherwise render such stream or watercourse undesirable as a source of water supply or recreation, or which will destroy aquatic life, be allowed to enter any stream or watercourse.
6. All materials or wastes which might cause fumes or dust, or which constitute a fire hazard, shall be stored in containers adequate to eliminate such hazards.

§1103. Access and Traffic Control.

1. Access from a lot to a public street or highway shall be placed so that interference with adjacent street intersection traffic is prevented. Driveways and entrances shall be located a minimum of one hundred (100') feet from the street line of an intersecting street on the same side as the access and shall be designed in a manner conducive for safe ingress and egress. Where practical, exits shall be located on minor rather than major streets or highways.
2. Access to and from developments shall be done in a manner which least disrupts traffic flow along abutting roads. Access points must be properly located and designed. In so doing, the location of existing roads, land uses and access points in the vicinity must be taken into account, and access to streets should be coordinated among adjoining land owners.

3. The owner shall pay for the construction of any necessary traffic control devices or additional acceleration and/or deceleration lanes required by the Pennsylvania Department of Transportation or Township Engineer.
4. In office, commercial, and industrial zoning districts, plans for access to and from existing roads within the Township shall be reviewed by the Board of Supervisors in accordance with the standards and principles of this Section 1103, and are subject to approval by the Board.
5. In the design of access points, applicants shall consider the following factors.
 - A. Provision of marginal access roads or use of reverse frontage lots when appropriate.
 - B. Provision of acceleration and deceleration lanes.
 - C. Providing radii for driveways that are adequate to provide appropriate turning speeds for conditions.
 - D. Locating parking spaces away from access points.
 - E. Sharing driveways where possible.
 - F. Designing driveways to accommodate all vehicle types expected to use the driveways.
 - G. Thoroughly delineating ingress and egress lanes.
 - H. Adequately addressing left turns, including left turn lanes when necessary. Limit or prevent left turn movements where they are not appropriate.
 - I. Paving of access points.
 - J. Limit access to designated access points.
 - K. Construct access points at right angles to roads.
 - L. Utilize ingress only and egress only driveways where appropriate.
 - M. Construct opposing driveways opposite each other, without off-sets.
 - N. Provide adequate internal circulation for the development to avoid congestion at access points.
 - O. The cost of operation and maintenance of traffic signals installed as part of the project shall be the responsibility of the developer so long as permitted by law.

§1104. Visibility at Intersections.

On a corner lot or at a point of entry on a public road, nothing shall be erected, placed or allowed to grow in a manner which obscures vision:

1. Above the height of two and one-half (2½) feet measured from the center line grades of the intersecting streets; and
2. Within the area bounded by the street lines of such corner lots and a line joining points on these street lines seventy-five (75') feet from their intersection

§1105. Interior Circulation.

Interior drives shall be designed so as to prevent blockage of vehicles entering or leaving the site. Drives may be one-way or two-way. Areas provided for loading and unloading of delivery trucks and other vehicles, and for the servicing of shops by refuse collection, fuel, and other service vehicles shall be so arranged that they may be used without blocking or interfering with the use of accessways or parking facilities.

§1106. Lighting.

1. Purpose. This section sets forth minimum criteria for the installation, use and maintenance of exterior lighting, the purposes of which are the following:
 - A. To require lighting in outdoor public spaces where safety and security are concerns;
 - B. To protect drivers and pedestrians on nearby streets from glare from non-vehicular light sources that shine directly into their eyes and thereby impair safe travel;
 - C. To shield neighboring properties from glare resulting from excessive light sources and from nonexistent or improperly directed or shielded light sources;
 - D. To limit the height of light standards to preclude or lessen light pollution; and,
 - E. To promote efficient design and operation with regard to energy conservation.
2. Applicability. Lighting facilities shall be required for all off-street parking areas and off-street loading areas and for all driveways providing ingress and egress thereto and for all subdivisions and/or land developments for business, commercial, personal service, industrial, multifamily, recreational, institutional and public uses and for all construction or reconstruction or improvement of any such use for which land development approval is not required. In the approval of any subdivision or land development plan the Board of Supervisors shall have the authority to require lighting to be incorporated for other uses or locations where in their reasonable discretion such lighting is warranted. In addition, the provisions of this section shall apply to signs, architectural lighting, and landscape lighting.
3. Plan submission.
 - A. Lighting plans shall be submitted for review and approval for all subdivisions and land developments and for all uses identified in subsection (2) of this §1106, and shall include the following data:
 - (1) A schematic layout of all proposed exterior fixtures;
 - (2) International Organization for Standardization (ISO) footcandle data;
 - (3) A plat demonstrating intensities and uniformities within the limitations established in §1106.4.B. of this section;
 - (4) The manufacturer's description of the equipment (catalogue cut sheets) in the form of a detail on the plans;
 - (5) Glare control devices;

- (6) Mounting heights and means;
- (7) Proposed hours of operation of the lighting; and,
- (8) Maintenance schedule.
- (9) Illumination intensities shall be plotted to scale on a ten (10) foot by ten (10) foot grid.

4. Commercial Lighting Standards.

- A. Lighting facilities located in any off-street parking areas and loading areas and for uses and developments specified in §1106.2., or in connection with signs and recreational and institutional activities, shall provide an illumination level utilizing the current recommended standards of the Illuminating Engineering Society of America (IESNA) except as otherwise modified by the provisions of this §1106.4.A. However, in any instance in which the principal use of the property requires the granting of either a special exception or conditional use, the Zoning Hearing Board may impose a more stringent lighting standard requiring less illumination as a condition of any such approval when it determines the same to be necessary to protect the adjoining properties or streets from light pollution or glare.
- B. When illumination is required, it shall have the intensity and uniformity ratios in the Lighting Handbook of the Illuminating Engineering Society of America (IESNA), 9th Edition, except as modified herein as follows:

Maintained Footcandles (MFC) Use	Uniformity, Average: Minimum
Parking, Multifamily	0.20 mm; 4:1
Medium vehicular/pedestrian activity	0.60 mm; 4:1
Parking, Industrial, Commercial, Institutional, Municipal	0.60 mm; 4:1
High Activity (Regional Shopping Centers, Fast Food Facilities, Major Athletic, Civic or Cultural Events)	0.90 mm; 4:1
Medium Activity (Community Shopping Center, Office Parks, Hospitals, Commuter Lots, Civic or Cultural Events)	0.60 mm; 4:1
Low Activity (Neighborhood Shopping Area, Industrial Employee Parking, Schools, Church Parking)	0.50 avg; 5:1
Building entrances	5.0 avg.
Canopy over Gas Dispensing Devices, Service Station Pump Islands	35.0 avg.
Car Dealerships	35.0 max [1]

[1] Note: 35.0 MFC is the maximum permitted and is limited to the first 100 feet of outdoor display or parking along any street frontage, subject to otherwise applicable setbacks mandated by the district regulations. The remainder of the property shall be limited to 20.0 MFC, except for the rear yard, which shall be limited to 10 MFC.

- C. In the application of the above standards, the following regulations shall apply:

- (1) Illumination levels shall be defined as maintained horizontal footcandles on the area, for example, on the pavement or area surface.
- (2) Uniformity ratios dictate that average illumination values shall not exceed minimum values by more than the product of the minimum value and the specified ratio. For example, in the case of high activity commercial parking, the average footcandles shall not be in excess of 3.6 (0.9 x 4).
- (3) In no case shall illumination exceed 0.2 footcandle measured at the property lines, except at driveway entrances, provided the illumination at the cartway centerline of the contiguous street shall not exceed 1.0 footcandle, unless a more stringent standard is required by another provision of this §1106.4; and the amount of illumination projected onto a property zoned or in residential use from another property shall not exceed 0.1 footcandle at the property line.
- (4) Lighting standards in parking areas shall be located no more than one hundred (100) feet apart, provided the Zoning Officer shall apply the standards of this §1106.4 by prohibiting the location of lighting standards in such close proximity to each other as would result in the violation of the footcandle and light spillage restrictions imposed by §1106.4B.
- (5) Lamp types and colors shall be in harmony with the adjacent community, any special circumstances existing on the site, and with surrounding installations. Lamp types and colors shall be consistent with the use and setting and shall not create a mix of colors.
- (6) Canopy lighting shall be located on the surface (ceiling) of the canopy and shall be limited to flush-lens fixtures mounted on the canopy ceiling. Drop-lens fixtures are prohibited. Up-lens lighting fixtures mounted on the canopy structure above the level of the gas pumps are permitted if they have the effect of reducing glare from the lighting fixtures mounted on the canopy ceiling. In no event shall any other lighting fixtures be located on or otherwise attached to or used to light a canopy or any area of the property adjacent to the canopy. Outdoor canopies include, but are not limited to, the following applications:
 - (a) Fuel island canopies associated with service stations and convenience stores;
 - (b) Exterior canopies above store fronts in shopping centers and malls;
 - (c) Exterior canopies above driveways and building entrances; and,
 - (d) Pavilions and gazebos.
- (7) All lighting proposed for use after 10:00 pm for commercial, industrial, institutional and recreational applications shall be reduced by seventy-five percent (75%) from then until dawn, unless a variance is granted by the Zoning Hearing Board upon cause shown related to public health, welfare and safety.

D. Glare Control.

- (1) All lighting fixtures shall meet IESNA cutoff criteria. No lighting shall be permitted which shines directly into residential units, or results in glare beyond the angle of thirty (30) degrees from a vertical plane, measured from the light source.
- (2) Light fixtures including mounting base, shall not exceed twenty (20) feet in height above the finished grade. On-lot residential light fixtures shall not exceed fifteen (15) feet in height above the finished grade.
- (3) All lighting sources shall be effectively shielded and shall be installed and/or aimed so as to shield nearby public or private streets and neighboring properties from direct-glare light radiation, or light pollution which may create a safety hazard or nuisance.
- (4) All lighting sources shall be effectively shielded from any public right-of-way.
- (5) Illuminated signs shall have an indirect lighting source or shielded source.
- (6) All lighting sources shall be controlled by automatic timing devices to extinguish light, except for demonstrably necessary security lighting after 10:00 pm prevailing time, to mitigate the adverse consequences of light pollution when such action is necessary to protect adjacent properties and uses.
- (7) Glare control shall be accomplished primarily through the proper selection and application of lighting equipment. Only after those means have been exhausted shall vegetation, fences, and similar screening methods be considered acceptable for reducing glare.
- (8) Fixtures used for architectural lighting, such as façade, feature and landscape lighting, shall be aimed or directed so as to preclude light projection beyond the immediate objects intended to be illuminated. All such lighting shall be extinguished between the hours of midnight prevailing time and dawn.
- (9) In all residential districts or in connection with residential uses, floodlighting, spotlighting, and other high intensity lighting over one hundred (100) watts shall be located so that glare or reflection is not greater than 0.2 footcandle at the lot line of the receiving land. Such lighting fixtures shall be installed and/or aimed so that they do not project their output into windows of neighboring residences, adjacent uses, skyward, or onto a public street. All such lighting shall be extinguished after 10:00 pm prevailing time, except in the case of an emergency.
- (10) With the exception of all night operations, lighting for commercial, industrial, public recreational and industrial applications shall be controlled by automatic switching devices such as time clocks or combination motion detectors and photocells, to permit extinguishing

outdoor lighting fixtures between 10:00 pm and dawn, to mitigate nuisance glare and sky-lighting consequences.

- (11) The operation of searchlights or laser source light for advertising purposes is prohibited.
- (12) All fixtures used for the lighting of active recreation facilities shall be fully shielded to prevent glare external to the property line.

E. Installation and maintenance.

- (1) The developer/landowner shall install or cause to be installed all lighting fixtures and facilities at his/its expense. Light fixtures and poles shall be in accordance with a lighting plan approved by the Township Engineer in those instances where subdivision or land development approval or conditional use approval is not involved or otherwise approved by the Board upon recommendation by the Planning Commission and Township Engineer, in compliance with §1106. The developer/landowner shall be responsible for all costs involved in the maintenance, upkeep and operation of all lighting of parking and loading areas and other areas required by §1106.
- (2) Electrical feeds to lighting standards shall be underground.
- (3) Lighting fixtures shall be maintained by the landowner so as to always meet the requirements for this §1106.

F. Compliance.

- (1) The Board of Supervisors' approval of a lighting plan upon the recommendation of the Planning Commission and/or Township Engineer does not relieve the developer/landowner of responsibility should any light standards or light fixtures, after construction, fail to conform or continue to conform to the provisions of this §1106. The Township reserves the right to conduct a post-installation nighttime inspection to verify compliance with the requirements of this §1106 and if, appropriate, to require remedial action at the expense of the landowner.
- (2) Authority for the determination of correct lighting installation in accordance with the requirements of this §1106 shall rest with the Zoning Officer, with advice from the Township Engineer. If the Zoning Officer determines that any lighting installation creates a safety or personal security hazard due to insufficient illumination levels or produces unacceptable levels of nuisance glare, light pollution, or skyward light, the landowner or other person/entity then responsible for the use, maintenance and operation of the lighting shall be so notified and required to take timely remedial action at the expense of the landowner or other responsible person/entity.

§1107. Shopping Cart Storage.

Any establishment which furnishes carts or mobile baskets as an adjunct to shopping shall provide definite areas within the required parking space areas for storage of said carts. Each designated storage area shall be clearly marked for storage of shopping carts. Such signs indicating storage shall not be considered as regulated by the sign controls listed in Part 13.

§1108. Off-Street Loading Regulations.

1. Standards.

- A. Off-street loading and unloading space, or spaces, with proper and safe access from the street shall be provided on each lot, either within a structure or in the open, to serve the uses within the district adequately.
- B. Loading and unloading spaces shall be at least twelve (12') feet wide, forty-five (45') feet long, and shall have at least a fourteen (14') foot vertical clearance.
- C. Loading and unloading spaces shall have all-weather surfaces to provide safe and convenient access during all seasons.
- D. Loading facilities shall not be constructed between the building setback line and a street right-of-way line.
- E. Required off-street parking spaces shall not be used for loading and unloading purposes except during hours when business operations are suspended.
- F. All loading and unloading facilities shall be located and designed so as not to interfere with the movement of other vehicles and pedestrians.

2. Requirements.

- A. Off-street loading and unloading shall be required of any new commercial or industrial construction.
- B. The required number of spaces shall be as determined to adequately serve the purpose intended.

§1109. Off-Street Parking Regulations.

1. General.

- A. Off-street parking, with proper and safe access from the street shall be provided on each lot, either within a structure or in the open, to serve the uses within the district adequately.
- B. Structures and uses in existence at the date of adoption of this Chapter 27 shall not be subject to the requirements of this Part 11 so long as the kind or extent of use is not changed, provided that any parking facility now serving such structures or uses shall not in the future be reduced below such requirements.
- C. Whenever there is an alteration of a structure or a change or extension of a use which increases the parking requirements according to the standards of this Part 11, the total additional parking required for the alteration, change or extension shall be provided in accordance with the requirements of this Part 11.

- D. No parking area shall be used for any use that interferes with its availability for the parking need it is required to serve.
- E. All required facilities shall be provided and maintained so long as the use exists which the facilities were designed to serve. Off-street parking facilities shall not be reduced in total extent after their provisions, except upon the approval of the Zoning Hearing Board as a special exception and then only after proof that, by reason of diminution in floor area, seating area, the number of employees, or change in other factors controlling the regulation of the number of parking spaces, such reduction is in conformity with the requirements of this Part 11. Reasonable precautions shall be taken by the owner or sponsor of particular uses to assure the availability of required facilities to the employees or other persons whom the facilities are designed to serve. Such facilities shall be designed and used in such a manner as to at no time constitute a nuisance, a hazard, or an unreasonable impediment to traffic.
- F. Two or more uses may provide for required parking in a common parking lot if the total space provided is not less than the sum of the spaces required for each use individually. However, the number of spaces required in a common parking facility may be reduced below this total by special exception if it can be demonstrated to the Zoning Hearing Board that the hours or days of peak parking needed for the uses are so different that a lower total will provide adequately for all uses served by the facility.
- G. All parking spaces shall be on the same lot as the principal building and/or use, except as herein prescribed. Parking spaces may be located within a structure or in the open.

The parking spaces required in Section 4 herein may be located elsewhere other than on the same lot as the principal building and/or use when authorized by the Zoning Hearing Board as a special exception, subject to the following condition:

- (1) Some portion of the off-site off-street parking area shall lie within three hundred (300') feet of the principal building and/or use it is intended to serve.
- H. No parking or paved area, except for permitted access-ways, shall directly abut a street. Each such parking or paved area shall be separated from the street by a planting strip which shall be a minimum of ten (10') feet wide measured from the street right-of-way line of a local road and shall be a minimum of twenty (20') feet wide measured from the street line of an expressway, arterial or collector road to the parking or paved area.

In addition to the requirement for a planting strip as described herein, there shall be a curb, wall, guiderail or other suitable barrier constructed within the planting strip which shall prevent vehicles from crossing through the planting strip and entering an abutting street.
 - I. For all residential dwellings, the parking spaces shall be within one hundred (100') feet of the dwelling unit they serve.

- J. Required off-street parking facilities shall remain accessory to uses listed herein and shall be solely for the parking of passenger automobiles of patrons, occupants and/or employees.

2. Standards.

- A. Parking spaces shall have a minimum height clearance of eight (8') feet.
- B. Size and dimensions of parking spaces and aisle shall be as follows:
- (1) The required parking areas shall be measured exclusive of interior drives, access aisles or maneuvering areas.
 - (2) In the layout of parking lots, the minimum required stall depth, stall width and aisle shall be as follows:

Parking Angle (degrees)	Space Width (feet)	Space Length		Aisle Width		Width at Curb	
		(feet)	(inches)	One-Way (feet)	Two-Way (feet)	(feet)	(inches)
90	9	18	0	24	24	9	0
60	9	21	0	18	20	10	5
45	9	19	10	15	20	12	9
30	9	16	10	12	20	18	0
Parallel parking	8	24	0	12	24	N/A	N/A

- (3) Up to one-third (1/3) of the total number of parking spaces provided may be designed for compact motor vehicles. Directional signs shall designate these spaces. The minimum dimensions of parking spaces and aisles for compact cars shall be as follows:

Parking Angle (degrees)	Space Width		Space Length		Aisle Width		Width at Curb	
	(feet)	(inches)	(feet)	(inches)	One-Way (feet)	Two-Way (feet)	(feet)	(inches)
90	8	0	16	0	24	24	7	6
60	8	0	16	8	18	20	8	8
45	8	0	16	6	15	20	10	7
30	8	0	14	0	12	20	15	0
Parallel parking	6	6	21	0	12	24	N/A	N/A

- C. Design of parking lots.
 - (1) Internal circulation within parking lots shall be in accordance with the provisions of Section 1105 of this Part 11.
 - (2) Parking spaces shall open directly into an access aisle.
 - (3) Parking lots shall be landscaped in accordance with Section 1112 of this Part 11.
 - (4) Parking lots shall be illuminated at night in accordance with Section 1106 of this Part 11.
 - D. Parking areas, including driveways, shall be graded, surfaced with asphalt or other suitable material, and drained to the satisfaction of the Township Engineer to the extent necessary to prevent dust, erosion, or excessive water flow across streets or adjoining property. All off-street parking spaces shall be marked so as to indicate their location.
 - E. Parking lots for over twenty (20) vehicles shall be so divided by permanent raised curbing that access lanes and parking bays are clearly defined and that moving traffic will be confined to designated access lanes.
 - F. Handicapped parking spaces shall be provided as required by The Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities for all commercial, industrial, office, institutional and educational uses.
3. Maintenance. Failure to keep parking areas in satisfactory condition, i.e., free from holes, clearly delineated, continual maintenance of landscaping, etc., shall be considered a violation of this Chapter 27.
4. Requirements.
- A. There shall be sufficient parking spaces provided for each use so that there is a minimum of one (1) space for each employee. In the event of overlapping of arrival and departure of employee shifts, sufficient additional parking spaces shall be provided equal to the total number of employees on both shifts.
 - B. Additional parking spaces shall be provided according to the application of the appropriate formula listed below for each use.
 - (1) Single-Family Dwelling, Detached and Semi-Detached - two (2) parking spaces for each dwelling unit.
 - (2) Single-Family Dwelling, Attached and Apartments - two and one-half (2½) parking spaces for each dwelling unit.
 - (3) Hotel, Motel, Tourist Home - one (1) parking space for each rental unit. Bed and Breakfast - one (1) parking space per guest room as more fully set forth in Section 1222 (9).
 - (4) Restaurant, Tavern - one (1) parking space for each four (4) seats.
 - (5) Golf Course - four (4) parking spaces for each tee.
 - (6) Church - one (1) parking space for each five (5) seats.

- (7) Theater, Auditorium - one (1) parking space for each five (5) seats.
- (8) Club, Lodge - one (1) parking space for each two (2) members the facility is designed to accommodate.
- (9) Hospitals, Convalescent Homes - one (1) parking space for each seven hundred and fifty (750) square feet of floor area.
- (10) Bowling Alley - five (5) parking spaces for each alley.
- (11) Mortuary, Funeral Home - one (1) parking space for each three (3) visitors the facility is designed to accommodate.
- (12) Medical or Dental Clinic - four (4) spaces for each doctor practicing at the clinic.
- (13) Offices, Financial Institutions - one (1) parking space for each four hundred (400) square feet of floor area.
- (14) Auto Service Stations, Repair Shops and Garages - four (4) parking spaces for each service bay or area.
- (15) Elementary and Intermediate Schools - one (1) parking space for each twenty (20) students.
- (16) High School - one (1) parking space for each ten (10) students.
- (17) Food Stores - one (1) parking space for each one hundred (100) square feet of sales area.
- (18) Retail and Personal Service Establishments - one (1) parking space for each two hundred (200) square feet of sales area.
- (19) Wholesale Sales or Storage - one (1) parking space for each one thousand (1,000) square feet of floor area.
- (20) Shopping Center - five (5) parking spaces for each one-thousand square feet of gross leasable area.
- (21) Convenience Store – One off-street parking space shall be provided for each one hundred (100) square feet of gross floor area and one (1) space for each employee on the largest shift.
- (22) Industrial Uses - a sufficient number of spaces shall be provided based upon the estimated number of patrons or customers to be served.
- (23) All Other Uses - the number of parking spaces shall be as determined by the Township.

§1110. Buffer Yards.

All commercial, industrial and institutional developments which adjoin a residential use shall maintain a fifty (50') foot wide buffer strip along the common property line as follows:

1. The buffer strip shall form a continuous dense year round visual screen, including a mixture of ground cover, evergreen shrubs, evergreen trees and deciduous trees.

Within 3 years after planting, the buffer strip shall provide a year round visual screen at least 6 feet high.

2. Plant materials shall be permanently maintained, and any plant material which does not live shall be replaced within one (1) year. Minimum sizes of plant materials shall be as follows:
 - A. Deciduous 1½ - 1 ¾ inch cal.
 - B. Flowering 1½ - 1 ¾ inch cal.
 - C. Coniferous 6 - 8 feet in height
 - D. Shrub 3 - 4 feet in height
3. The buffer yard may be coterminous with required front, side, or rear yards and in case of conflict, the larger yard requirements shall apply.
4. All buffer yards shall be maintained and kept free of all debris, rubbish, weeds and tall grass.
5. No structure, manufacturing or processing activity or storage of materials shall be permitted in the buffer yard; however, parking of passenger automobiles shall be permitted in the portion of the buffer yard exclusive of the exterior thirty (30') foot width.

§1111. DELETED.

§1112. Landscaping.

Any part of the site which is not used for buildings, other structures, loading or parking spaces and aisles, sidewalks, and designated storage areas shall be planted and continually maintained with an all-season ground cover and shall be landscaped in accordance with an overall landscape plan.

§1113. Driveways.

1. No single use or group of attached buildings or uses designed as a single unit shall have more than two (2) driveways.
2. Driveways between the existing paved cartway and the building setback line shall be paved with either asphalt or cement.
3. Driveways shall be no wider than thirty (30') feet.

§1114. DELETED.

§1115. Modification of Standards.

The Board of Supervisors, pursuant to specific design standards contained in the Subdivision and Land Development Ordinance (Chapter 22), may modify the design standards contained in this Part 11 as they relate to a specific plan and/or circumstance in order to promote sound planning and design and to achieve the level of protection deemed appropriate by the Board of Supervisors. However, prior to acting on a request to modify

the design standards contained in this Part 11 as they relate to a specific plan and/or circumstance, the request shall be referred to the Planning Commission for review. The Planning Commission shall examine the basis for the request and the specific modification sought and shall make a recommendation thereon to the Board of Supervisors.

PART 11A

DESIGN STANDARDS FOR SITE PLANNING

AND OPEN SPACE IN RESIDENTIAL DEVELOPMENTS

§1100-A. Purpose.

The design standards established under this ordinance have been established to support the natural resource conservation objectives of the Township *Comprehensive Plan* and its *Open Space, Recreation and Environmental Resources Plan*, while accommodating new development. The purposes of these standards are to:

1. To conserve open land, including those areas containing unique and sensitive natural resources such as woodlands, steep slopes, streams, floodplains, and wetlands, by setting them aside from development.
2. To provide greater design flexibility and efficiency in the siting of services and infrastructure, including the opportunity to reduce length of roads, utilities, and the amount of paving and impervious surface required for residential development.
3. To reduce erosion and sedimentation through the retention of existing vegetation, the minimization of development on steep slopes, and the reduction of earth disturbance.
4. To provide development options for landowners which minimize impacts on sensitive environmental resources, reduce disturbance of natural and cultural features, and conserve scenic views.
5. To provide flexible standards for addressing varying circumstances and interests of individual landowners and the unique characteristics of their properties.

§1101-A. General Regulations.

The design of new subdivisions created under this Part shall be governed by the following minimum standards:

1. Ownership. The tract of land may be held in single and separate ownership or in multiple ownership. However, when a tract is held in multiple ownership, it shall be planned as a single entity with common authority and common responsibility.
2. Site Suitability. The tract incorporating these design options shall be suitable for supporting development in terms of health, safety, and welfare considerations, environmental conditions, its size, and configuration as evidenced by the required site analysis of the Subdivision and Land Development Ordinance and compliance with the natural resource protection standards, performance standards, and other applicable requirements of this and other Township ordinances.
3. Combining the Design Options. The various layout and density options for Conservation Lots, Estate Lots, and Rural Lots described in this Part may be combined at the discretion of the Board of Supervisors, based upon demonstration by the applicant that such a combination would better fulfill the intent of the Township

Comprehensive Plan and this Ordinance, in particular the stated purposes of this Part, as compared with applying a single option to the property.

4. Sensitive Area Protection. The proposed design shall strictly minimize disturbance of environmentally sensitive areas and comply with the Site Capacity Determination calculations set forth in the corresponding Zoning District. Demonstration by the applicant that these features will be protected by the proposed application shall be prerequisite to approval of all preliminary and final plans.
5. Community Wastewater Systems.
 - A. In developments that are proposed to be served by community wastewater disposal systems, the selection of the wastewater treatment technique shall be based on Section 5.3.2.3.1 “Selection Process” of the 1999 Sewage Facilities Base Plan, or subsequent amendments. The recharge of groundwater is a primary consideration in the hierarchy of preferred treatment systems.
 - B. Where subsurface soil absorption is utilized, an alternate replacement area must be provided on the Final Plan. The alternate site may be contiguous or noncontiguous to the original site.

§1102-A. Additional Lot and Yard Area Requirements.

In subdivisions using the Conservation Lot, Country Property, or Rural Lot design options, the following lot and yard area regulations shall apply to any principal buildings or any other buildings whether the buildings are located on the same lot or on a separate lot.

1. Minimum separation distances between buildings, except as provided for accessory buildings in subsection b. below, shall be as follows:
 - A. The minimum separation shall be fifty (50) feet measured perpendicularly from the rear wall of any residential building at any point to any other building not accessory to such residential building.
 - B. Minimum separation distances from any other points between buildings shall be twenty (20) feet.
2. Principal or accessory buildings shall be located no less than eight (8) feet from any lot line, except where specifically approved through the conditional use process and, in no case, shall principal or accessory buildings be located less than three (3) feet from any lot line. Where a setback of less than eight (8) feet has been approved, an easement shall be provided between the lot line and a distance of no less than eight (8) feet from the approved building envelope.
3. Minimum separation at any point between accessory buildings (e.g., detached garages or sheds) and the principal buildings to which they are accessory shall not be less than twelve (12) feet; minimum separation distances between accessory buildings and any other building shall comply with Subsection A. above.
4. Accessory buildings shall not be permitted on residential lots of less than ten-thousand (10,000) square feet in gross area, except where specifically approved through the conditional use process.

5. No exterior windows (except for clerestory windows), doors, or other openings shall be permitted in any portion of principal or accessory buildings located less than five (5) feet from any lot line. Clerestory is defined as an outside wall of a room or building which rises above an adjoining roof and contains windows.
6. Where greater setbacks do not otherwise apply, front facing garages, whether attached or detached, shall be set back a minimum of thirty-five (35) feet from the edge of the right-of-way or from the sidewalk, whichever results in the greatest setback. In addition, front-facing garages shall be set back a minimum of eight (8) feet from the front façade of the dwelling unit. If the front façade is not uniform, the eight (8) foot setback shall be measured from the point of the façade nearest the street.
7. Minimum setback from the edge of the cartway (or outside edge of the curb if applicable) of any new local road which is part of the proposed subdivision/land development shall not be less than twenty-five (25) feet. Where abutting a new arterial or collector street within the proposed subdivision/land development, the setbacks shall be as follows: Principal or Minor Arterial Streets: seventy-five (75) feet, Major or Minor Collector Streets: sixty-five (65) feet.
8. In addition to the individual building lot setback requirements, new structures shall meet the following guidelines for minimum setbacks whether the adjacent use is on or off the site. These setbacks may be modified subject to approval by conditional use:
 - A. From external road future rights-of-way: 75 feet
 - B. From other tract boundaries: 50 feet
 - C. From crop or pasture land: 100 feet
 - D. From buildings or barnyards housing livestock: 250 feet
 - E. From active recreation areas such as courts or playing fields: 150 feet
9. For each lot created under the permitted design options in the applicable zoning district, Parts 3A-RMD District, 3B-RU District, and 3C-RLD District of Chapter 27 the applicant shall indicate a building envelope that complies with the dimensional standards above.
10. Additional Design Standards for Residential Lots.
 - A. Views of residential lots from exterior roads and abutting properties shall be minimized by the use of changes in topography, existing vegetation, or additional landscaping which meets the landscaping and screening requirements of this Ordinance, and the West Sadsbury Township Subdivision and Land Development Ordinance.
 - B. Residential lots shall, to the maximum extent possible, be accessed from interior streets, rather than from roads bordering the tract.
 - C. At least seventy-five (75) percent of the lots shall directly abut Estate Lots or open space land or face such land across a street.

§1103-A. Open Space Regulations.

Open space to be protected under the provisions of this ordinance shall meet the use and design standards as set forth below.

1. Uses Permitted in Open Space. The following uses shall be permitted within the Designated Open Space lands:
 - A. Conservation of open land in its natural state (e.g., woodland, fallow field, or managed meadow);
 - B. Non-intensive agricultural and horticultural uses, including raising crops or livestock, wholesale nurseries, and associated buildings. Related agricultural residences may be located on the same lot as the agricultural uses, but the footprint of the residential building shall not be counted towards the minimum required open space. Agricultural uses specifically excluded are intensive agricultural uses and commercial livestock operations involving cows, swine, poultry, mink, and other animals likely to produce highly offensive odors.
 - C. Pasture land for horses used solely for recreational purposes. Equestrian related structures (stables, indoor riding rings, run-in sheds, etc.) shall be permitted, but the impervious coverage created by such structures shall not exceed two (2) percent of the required open space or increase the total impervious surface of the subdivision beyond the maximum permitted for each design option in the applicable zoning district, Parts 3A-RMD District, 3B-RU District, and 3C-RLD District of Chapter 27.
 - D. Forestry, if conducted in compliance with Part 8F, Woodland and Tree Preservation and Regulations for Timber Harvesting and Tree Clearing. Clearcutting shall not be permitted in the open space.
 - E. Neighborhood open space uses such as village greens, commons, picnic areas, community gardens, trails, and similar low-impact passive recreational uses specifically excluding motorized off-road vehicles, rifle ranges, and other uses similar in character and potential impact as determined by the Board of Supervisors.
 - F. Active non-commercial recreation areas, such as playing fields, playgrounds, courts, and bikeways, provided such areas do not consume more than fifty (50) percent of the minimum required open space or five (5) acres, whichever is less. The impervious coverage created by such structures shall not exceed two (2) percent of the required open space or increase the total impervious surface of the subdivision beyond the maximum permitted for each design option in the applicable zoning district, Parts 3A-RMD District, 3B-RU District, and 3C-RLD District of Chapter 27.
 - (1) Playing fields, playgrounds, and courts shall not be located within one hundred and fifty (150) feet of abutting residential properties.
 - (2) Parking facilities for playing fields, playgrounds, and courts shall also be permitted, and they shall be gravel-surfaced or other pervious material, unlighted, properly drained, provide safe ingress and egress, and the

number of parking spaces shall be consistent with the parking requirements of §1109 of this Ordinance. Any parking spaces above ten (10) shall not be counted towards the minimum required open space.

- G. If permitted within the applicable zoning district, golf courses may comprise up to fifty percent (50%) of the minimum required open space, but shall not include driving ranges or miniature golf. Associated parking areas and structures shall not be included within the minimum open space requirement. The number of parking spaces provided shall be consistent with the parking requirements of §1109 of this Ordinance. Golf courses with lights for nighttime play shall not be permitted.
 - H. Water supply systems, sewage disposal systems (including individual off-lot systems) and stormwater retention areas designed, landscaped, and available as an integral feature of the open space area and capable of being used or enjoyed (e.g., a scenic feature, open meadow) by the residents of the development or Township, where applicable. Such features must specifically be approved by the Board of Supervisors as provided for in §601 of the Subdivision and Land Development Ordinance.
 - I. Easements for drainage, access, sewer or water lines, or other public uses; Underground utility rights-of-way. (Above ground utility and rights-of-way may traverse open space and conservation areas, but shall not count towards the minimum required open space.)
2. Open Space Design Standards. Open space shall meet the following design standards:
- A. Designated Open Space shall be laid out in general accordance with the Primary Conservation Areas and Secondary Conservation Areas to ensure that an interconnected network of open space will be provided. To the maximum extent possible, all Primary Conservation Areas shall be included in the Designated Open Space.
 - B. For Design Options RMD-1, RMD-2, RMD-3 (Conservation Lots), RU-2 (Country Properties), RU-3 (Rural Lots), RU-4 (Conservation Lots), RLD-2 (Country Properties), RLD-3 (Rural Lots), and RLD-4 (Conservation Lots) the required open space shall generally remain undivided and may be owned and maintained by a homeowners' association, land trust, Township, other conservation organization acceptable to the Township, or by a private individual (typically as part of the original farmhouse) as outlined in Part 11B, Ownership and Maintenance of Open Space in Residential Developments.
 - (1) The above listed ownership options may be combined so that different entities may own different sections of the open space.
 - (2) Except where the primary purpose of the open space is the preservation of agricultural uses or conservation purposes, no less than thirty (30) percent of the land comprising the adjusted tract area in the RMD district and fifty (50) percent of the land comprising the adjusted tract area in the RU and RLD Districts shall be available for the common use and passive

enjoyment of the subdivision residents or Township residents, if applicable.

C. Buffers for Adjacent Public Parkland.

- (1) Where the proposed development adjoins public parkland, a natural buffer of at least one hundred and fifty (150) feet in depth shall be provided within the development along its common boundary with the parkland, within which no new structures shall be constructed, nor shall any clearing of trees or understory growth be permitted, except as may be necessary for street or trail construction.
- (2) Where the required buffer is unwooded, the Board of Supervisors may require vegetative screening to be planted, or that it be managed to encourage natural forest succession through “no mow” policies and the periodic removal of invasive plant species.¹
- (3) Proposed maintenance of the parkland buffer shall be included in the required Open Space Management Plan as set forth in Part 11B, Ownership and Maintenance of Open Space in Residential Developments.

3. Other Open Space Requirements.

- A. No portion of any building lot may be used to meet the minimum open space requirements except for active agricultural land with farm buildings (excluding associated residences).
- B. Pedestrian and maintenance access, excluding those lands used for agricultural or horticultural purposes, shall be provided for open space land in accordance with the following requirements:
 - (1) Each neighborhood shall provide one (1) centrally located access point per fifteen (15) lots. Such access points shall be a minimum of thirty-five (35) feet in width.
 - (2) Access to open space land used for agriculture may be appropriately designated for public safety and to prevent interference with agricultural activities.
- C. Open space areas that are not wooded or farmed shall be landscaped in accordance with the landscaping requirements of the Subdivision and Land Development Ordinance.
- D. Areas of active recreation within open space areas that are dedicated to the Township shall generally have hours from dawn until dusk. Hours of use for open space areas owned by a homeowners association shall be determined by the homeowners association. Hours of use for open space areas owned by a land trust or conservancy shall be determined by the Township and the land trust or conservancy.

¹See Invasive Plant Species, Article II, Definitions.

- E. Ownership and Maintenance. The applicant shall demonstrate compliance with Part 11B, Ownership and Maintenance of Open Space in Residential Developments.

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PART 11B

OWNERSHIP AND MAINTENANCE OF

OPEN SPACE IN RESIDENTIAL DEVELOPMENTS

§1100-B. Ownership and Maintenance of Open Space and Common Facilities.

1. Permanent Protection of Open Space.

A. Designated open space created under any residential design option shall be permanently restricted from future subdivision and land development. Except as otherwise specified in this Part 11, development shall not be permitted in the open space at any time. Lots created under Design Option RU-1 and RLD-1, Country Properties, shall be permanently deed restricted from future subdivision and land development.

B. Where subsequent disturbance of open space is proposed, an application for a Land Disturbance Permit is required. The determination of necessity for such disturbance shall lie with the Board of Supervisors.

(1) Disturbance shall be kept to the minimum necessary. (For example, clearing of woodland habitat shall generally be prohibited, except as necessary to create trails, passive recreation facilities, or to install septic disposal systems or spray or drip irrigation facilities.)

2. Ownership Options for Open Space and Common Facilities.

Subject to permanent conservation restrictions, Designated Open Space land in any land development or subdivision may be owned by a homeowners' association, the Township, a land trust, another conservation organization acceptable to the Township, or by a similar entity approved by the Township, or may remain in private ownership. A note shall be added to the Final Record Plan regarding ownership and the restriction against future development.

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

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

(1) The developer shall provide the Township with a description of the association, proof of incorporation of the association, a copy of its bylaws,

and satisfactory proof of adoption thereof, a copy of the declaration of covenants, easements or restrictions or similar document(s) regulating the use of the property and setting forth methods for maintaining the open space.

- (2) The association shall be organized by the developer and operated with financial subsidization from the developer before the sale of any lots within the development.
- (3) Membership in the association shall be mandatory for all purchasers of homes therein and their successors. The conditions and timing of transferring control of the association from developer to the homeowners shall be identified.
- (4) The association shall be responsible for maintenance and insurance on open space owned by the association, enforceable by liens placed by the homeowners' association. Maintenance obligations also may be enforced by the Township, which may place liens to recover its costs. Any governmental body with jurisdiction in the area where the development is located may place liens on the owners of the open space to collect unpaid taxes.
- (5) The members of the Association shall share equitably the costs of maintaining open space 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 relating to the repair of any capital facilities (which shall be deposited in a sinking fund reserved for just such purposes).
- (6) In the event of a proposed transfer, within the methods here permitted, of open space by the homeowners' association, or of the assumption of maintenance of such land by the Township, notice of such action shall be given to all members of the association.
- (7) The Association shall have or hire adequate staff to administer common facilities within the open space and to properly and continually maintain the open space.
- (8) 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 at all times have access to the open space lands contained therein (except that access to land that is actively farmed shall be limited to times of the year when the fields are fallow);
 - (b) That the open space lands to be leased shall be maintained for the purposes set forth in this Ordinance; 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.
 - (i) The lease referred to in subsection 2.B. 8 above 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 Secretary of the Township.
 - (ii) Homeowners' association documentation approved by the Township demonstrating compliance with the provisions herein 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 for the property. At the time of Preliminary Plan submission, the applicant shall provide draft homeowners' association documentation with sufficient detail to demonstrate feasible compliance with this Section.
- C. Condominium Ownership. The Designated 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 B.2 above. At the time of Preliminary Plan submission, the applicant shall provide draft condominium documents with sufficient detail to demonstrate feasible compliance with this Section. Condominium documents shall be recorded with the Final Subdivision and Land Development Plans.
- D. Dedication of Easements to the Township. The Township may, but shall not be required to, accept easements for public use of any portion or portions of designated open space land. Should the Township accept such an easement, title to the land shall remain in common ownership by condominium unit owners, homeowners' association, or private conservation organization.
- E. Private Conservation Organization or the County. With the permission of the Township, an owner may transfer either fee-simple title of the open space or easements on the open space to a private, nonprofit organization recognized by the Township, among whose purposes it is to conserve open space and/or natural resources, or the County, provided that:
 - (1) The organization is acceptable to Board of Supervisors, and is a bona fide conservation organization with perpetual existence;

- (2) 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;
- (3) The open space is permanently restricted from future development through a conservation easement and the Township is given the ability to enforce these restrictions; and,
- (4) A maintenance agreement acceptable to the Board of Supervisors is entered into by the developer and the organization.

F. Non-Common Private Ownership of Designated Open Space.

- (1) 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 designated open space herein. Such open space shall be permanently restricted from future development through a conservation easement and the Township shall have the ability to enforce these restrictions.
- (2) All or portions of the designated open space may be included within an individual lot where deemed appropriate by the Board of Supervisors (for example, in the case of a working farm). The Board of Supervisors may require that responsibility for maintenance of the privately owned designated open space be conferred upon the owner(s) of said open space.

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

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

- (1) Open Space Management Plan Information. Such a plan shall include a narrative discussion of the following items:
 - (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 money that will be available for such management, preservation and maintenance on a perpetual basis.
- (2) At the time of Preliminary Plan submission, the applicant shall provide a draft open space management plan with sufficient detail to demonstrate feasible compliance with the provisions required under this Section.
 - (3) The management plan shall be recorded with the Final Subdivision and Land Development Plans, in the Office of the Recorder of Deeds of Chester County.
 - (4) The Board may require as a condition of subdivision and/or land development approval that appropriate management contracts be established as evidence of the ability to adhere to the provisions of the approved management plan.
 - (5) In order to allow for the changing needs inherent in the perpetual management of land, the management plan shall contain a provision to the effect that it may be changed by written application to the Board of Supervisors. Approval of such application by the Board shall not be unreasonably withheld or delayed, so long as:
 - (a) The proposed change is feasible, is consistent with the purposes of preservation of open space set forth in this Section and with the approved subdivision and land development plans; and
 - (b) The plan for such change avoids a likelihood of the obligation for management and maintenance of the land falling upon the Township without the consent of the Board of Supervisors.

B. Provisions for Maintenance of Designated Open Space. In the event that a homeowners' association, condominium, any successor organization, or any owner of the open space shall, at any time after establishment of a development containing open space land, fail to maintain such land in reasonable order and condition in accordance with the development plan, the open space management plan and/or association or condominium documents as applicable, the Township may serve written notice upon the owner of record, setting forth the manner in which the owner of record has failed to maintain the open space land in reasonable order and condition.

- (1) Failure on the part of a homeowners' or condominium association or any owner to adequately maintain the open space land in reasonable order and condition shall constitute a violation of this Ordinance. The Township is hereby authorized to give notice, by personal service or by United States mail, to the owner or occupant, as the case may be, of any violation, directing the owner to remedy the same within twenty (20) days.
- (2) 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:

- (a) 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.
- (b) Any and all costs incurred by the Township in connection with such notice and maintenance shall be paid by the responsible individual, entity or association within ten (10) days after written demand by the Township. Upon failure of the responsible entity, association or individual to pay such costs by the time required, there shall be added thereto interest at the rate of fifteen (15) percent per annum as well as all costs incurred by the Township in collection thereof.
 - (i) 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.
 - (ii) Such lien shall extend to all property of such individual, entity or association within the development containing the affected open space.
 - (iii) 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.

4. Open Space Performance Bond.

Where intended as common or public amenities, all landscape improvements, plantings, access ways, and recreational facilities within designated open space areas shall be provided by the developer. A performance bond or other security acceptable to the Township shall be required to cover costs of installation of such improvements in the open space area. The performance bond or other security shall be in the same

form and adhere to the same conditions as otherwise required for proposed improvements by the Township Subdivision and Land Development Ordinance.

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PART 12

GENERAL PROVISIONS

§1201. Intent.

This Part 12 contains provisions which address certain additional matters which are not included elsewhere in this Chapter 27.

§1202. Construction and Space Regulation.

No yard or other space provided around any building or structure for the purpose of complying with this Chapter 27 shall be considered as a yard or other open space for another building or structure.

§1203. Agriculture.

1. Agriculture, farmhouses and usual farm buildings shall be permitted without restriction, except as follows:
 - A. To qualify as agricultural use under the provisions of this Section 1203, the minimum lot size shall be ten (10) acres.
 - B. No barn lot, feed lot, compost wharf or manure storage shall be established closer than one hundred (100') feet to any lot line.
 - C. Silos and bulk bins shall be exempted from area and bulk regulations when attached to a building existing on the effective date of this Ordinance.
 - D. Except for a dwelling, no structure or building shall be located within one hundred (100') feet of any abutting property.
 - E. All grazing or pasture areas shall be fenced.
 - F. Gardening, incidental to residential uses, shall be permitted without restriction in regard to lot size, or proximity to property lines.
 - G. If required by the Nutrient Management Act, a nutrient management plan shall be prepared, in compliance with any applicable regulations prepared by the State Conservation Commission.
2. Agricultural Nuisance Disclaimer. All lands within or abutting an Agricultural Area are located within an area where land is used for commercial agricultural production. Owners, residents and other users of this property may be subjected to inconvenience, discomfort and the possibility of injury to property and health arising from normal and accepted agricultural practices and operations including, but not limited to, noise, odors, dust, the operation of machinery of any kind including aircraft, the storage and disposal of manure, the application of fertilizers, soil amendments, herbicides and pesticides. Owners, occupants and users of this property should be prepared to accept such inconveniences, discomfort and possibility of injury from normal agricultural operations and are hereby put on official notice that §4 of the Pennsylvania Act 133

of 1982, the “Right to Farm Law,” may bar them from obtaining a legal judgment against such normal agricultural operations.

3. Agricultural Setback Requirement. On any separate non-farm parcel, no shrub shall be planted and no accessory structure residential structure or fence shall be placed within ten (10) feet of any land used for agricultural purposes. No tree shall be planted within thirty (30) feet of any land used for agricultural purposes.

§1204. Sale of Farm Products.

1. Where the display and sale of farm products are permitted, it shall be provided that:
 - A. At least fifty (50%) percent of annual gross sales of such products shall have been produced on the property on which they are offered for sale.
 - B. Parking spaces shall be sufficient for the use intended and shall provide for at least three (3) cars on the lot. Where building area exceeds six hundred (600) square feet, one (1) additional parking space shall be provided for each additional two hundred (200') square feet of building area or portion thereof. Parking areas shall be arranged to give safe and convenient access to the highway.
 - C. Sale of farm products shall be conducted from a portable stand, dismantled at the end of the growing season, or from a permanent building provided such building shall be located at least fifty (50') feet from the right-of-way line of the road.

§1205. Animals.

1. In any district up to four (4) dogs and/or cats over six (6) months old may be kept as pets provided that any shelter or exercise area is enclosed and located in the rear yard area at least ten (10') feet from any lot line and not less than fifty (50') feet from any dwelling other than that of their owner.
2. In any district up to twelve (12) fowl may be kept for non-commercial purposes provided that they are fenced or caged and that such fence or cage is at least fifty (50') feet from any lot line and not less than one hundred (100') feet from any dwelling other than that of their owner.
3. Any building or structure used for commercial poultry shall be located a minimum of one hundred (100) feet from any lot line.
4. The keeping of horses and ponies or other large animal, for private, non-commercial recreational use shall be permitted in residential districts, subject to the following limitations:
 - A. A lot size of two (2) acres shall be the minimum for keeping of one (1) animal; for each additional animal, one (1) additional acre of lot size will be required.
 - B. Stables for horses or ponies shall be set back a minimum of one hundred (100') feet from all lot lines, and two hundred (200') feet from any dwelling other than that of the owner.

- C. Lots shall be graded so that animal wastes from stables are confined, stored or disposed within the lot on which they originate and so as not to be directed to any watercourse. Animal waste shall be regularly removed from the property as required to minimize attracting vermin, flies, etc. and generating odors that are offensive to neighboring properties.
 - D. All animal waste shall be disposed of in a manner which protects public health and which is adequate to prevent any nuisance conditions.
 - E. Animal waste shall be stored in accordance with the same setback requirements for the barns and stables where the animals are housed. Animal waste shall be stored a minimum of 100 feet from wells.
5. The maximum number of horses permitted on a property, when used for private, noncommercial recreational use in residential districts, may be increased when a Conditional Use is approved by the Board of Supervisors, subject to the following limitations:

A. The maximum number of horses permitted on a property is as follows:

<u>Property Size (acres)</u>	<u>Number of Horses</u>
1.50 – 1.99	2
2.00 – 2.99	3
3.00 – 3.49	4
3.50 – 3.99	5
4.00 and greater	6

- B. The minimum size of the property shall be one and a half (1.50) acres.
- C. Other than the permitted number of horse(s), no other large animals may be kept on the property.
- D. Setbacks shall meet the requirements of 1205.4.B to the greatest extent possible. However, depending on site conditions, the Board of Supervisors may reduce setback distances, as part of the Conditional Use, to not less than the specified setback distances for the zoning district and not less than 100 feet from any dwelling other than that of the owner.
- E. The size of a horse barn that is constructed on a property in any residential district shall be in accordance with Section 1209.2.
- F. Lots shall be graded so that animal wastes from stables are confined, stored or disposed within the lot on which they originate and so as not to be directed to any watercourse. Animal waste shall be regularly removed from the property as required to minimize attracting vermin, flies, etc. and generating odors that are offensive to neighboring properties.

- G. All animal waste shall be disposed of in a manner which protects public health and which is adequate to prevent any nuisance conditions.
- H. Animal waste shall be stored in accordance with the same setback requirements for the barns and stables where the animals are housed. Animal waste shall be stored a minimum of 100 feet from wells.

§1206. Stripping of Topsoil.

Topsoil or sod may be removed from a property only under the following conditions:

- 1. For the purpose of construction or alteration of a street, building or parking lot, and then only to the extent necessary.
- 2. For agricultural pursuits, provided a minimum of two (2) inches of topsoil is left in place and reseeded within six (6) months with an appropriate ground cover, or that areas where topsoil is removed are recovered within six (6) months with four (4) inches of suitable substitute such as spent mushroom compost graded evenly over the stripped area.

§1207. Projections Into Required Yards.

Except as otherwise permitted in this Chapter 27 all required yards shall be unobstructed except an arbor, open trellis, flagpole, unroofed steps or an unroofed terrace, or recreational or drying yard shall be permitted with no restriction.

§1208. Apartment Conversions.

- 1. A dwelling existing at the time this Ordinance becomes effective may be converted into no more than three (3) dwelling units provided the following requirements are met:
 - A. The lot area per dwelling unit shall not be less than four thousand (4,000) square feet, with public water and sewerage. For on-lot sewage, the requirements of the site capacity determination for the underlying zoning district shall be met.
 - B. All other District requirements shall be met.
 - C. No structural alteration of the building exterior shall be made except as may be necessary for health and safety purposes.
 - D. Fire escapes shall be enclosed and shall not be on any wall facing a street.
 - E. No permit for an apartment conversion will be issued by the West Sadsbury Township Zoning Officer unless the applicant furnishes written approval from the Chester County Health Department concerning the adequacy of the on-site sewage system to serve the increased demand resulting from the apartment conversion. If the site is served by public sewer, there shall be proof of adequate sewer capacity.

§1209. Accessory Buildings and Structures.

1. Detached Garages. Detached private garages shall be permitted in any district subject to the following requirements:

A. Motorized Vehicle Storage – Maximum size: The maximum size of a Detached Garage for Motor Vehicle Storage shall be as follows:

<u>Property Size (acres)</u>	<u>Garage Size (sq. ft.)</u>
0.00 – 1.99	1,300
2.00 – 2.99	1,500
3.00 – 3.49	1,700
3.50 – 3.99	1,900
4.00 and greater	2,100

B. Maximum height: Twenty (20') feet to the peak or highest point of the structure.

C. Temporary buildings and structures are not permitted. Any building to be used as a garage shall be permanently affixed to a foundation or footing so as not to be movable or of a temporary nature.

D. No permanent building or structure shall be located within any required set back of a side or rear yard. A permanent building is one set on a permanent foundation. No permanent structure shall be located in any front yard.

E. No dwelling unit shall be permitted in any garage.

2. Horse Barns. Detached buildings for the purposes of housing horses and non-motorized carriages shall meet the following requirements:

A. The maximum size of a Horse Barn shall be as follows:

<u>Property Size (acres)</u>	<u>Horse Barn Size (sq. ft.)</u>
1.50 – 1.99	1,300
2.00 – 2.99	1,500
3.00 – 3.49	1,700
3.50 – 3.99	1,900
4.00 and greater	2,100

B. The maximum height of a Horse Barn in a residential district shall be 20 feet to the peak or highest point of the structure. In a residential district, the height may be increased up to 29 feet when a Conditional Use is approved by the Board of Supervisors. For lots within residential districts that are 3.0 acres or larger, and for lots located in non-residential districts, the maximum height of a Horse Barn shall be 29 feet.

- C. All Horse Barns shall be subject to the requirements of Section 1205.4 and Section 1205.5.
- 3. Other accessory buildings and structures, including storage and utility sheds, in Residential Districts.
 - A. Maximum height: Twelve (12) feet from the floor to the peak or highest point of the structure.
 - B. Maximum size: Five hundred (500) square feet, or ten percent (10%) of the total residential living space, whichever is less. *Note: See Level 1 Home Occupation in current zoning ordinance (p. 21).*
 - C. Minimum distance between buildings and/or structures: Ten feet (10').
 - D. No permanent or temporary structure shall be located in any front yard.
 - E. No dwelling unit shall be permitted in an accessory building or structure, except in the case of a bed and breakfast facility situated on a tract at least forty (40) acres in size.
 - F. Accessory buildings and/or structures shall not occupy more than twenty percent (20%) of the rear yard.
 - G. Utility or storage structures/sheds shall be set back a minimum of twenty (20) feet from side and rear property lines, unless as specifically required in the underlying zoning district. Any accessory building or structure larger than permitted in Subsection 3 shall be constructed within the setback lines in the applicable Section of this Chapter.
- 4. Pumping Stations and Water Towers.
 - A. Buildings containing pumping stations shall be designed with particular attention to the aesthetic and architectural character of the community, and insofar as possible, shall afford minimal external evidence of the nature of the operation conducted therein.
 - B. All buildings must be faced with wood, vinyl siding, stone, red brick, stucco, split face aggregate block or, when specifically authorized by the Planning Commission, nonreflective metal. No exposed plain or painted concrete block or any reflective material (except for windows) shall be permitted.
 - C. Water towers shall be set back from all property lines a distance of at least one and one half (1 ½) times the height of the structure.
 - D. Water towers shall be a neutral or earth tone color.
 - E. Pumping stations and water towers shall be screened in the following manner:
 - (1) A five (5) foot wide buffer area, located within the required setbacks containing vegetative screening consisting of coniferous and deciduous trees and shrubs shall be planted and maintained so as to create a dense, year-round visual screen.
 - (2) Plant materials shall be permanently maintained. Minimum plant sizes shall be as follows:

<u>Type</u>	<u>Size</u>
Deciduous	1 ½ - 1 ¾ inch caliper
Flowering	1 ½ - 1 ¾ inch caliper
Coniferous	6 – 8 feet in height
Shrub	3 – 4 feet in height

§1210. Home Occupations.

Home occupations may be permitted subject to the requirements of Part 2, §201 and the applicable zoning district.

§1211. Minimum Habitable Floor Areas.

The minimum habitable floor area of a dwelling unit shall be eight hundred fifty (850) square feet except for apartments which have been designed for occupancy by only one or two persons, in which case the minimum habitable floor area required shall be four hundred (400) square feet.

§1212. Private Swimming Pools.

1. Every swimming pool shall be completely enclosed by a fence or wall not less than four (4') feet nor greater than six feet (6') in height which shall be constructed so as to not have any openings, holes or gaps larger than four (4") inches in any dimension. A dwelling, accessory building, or other structure may be used as part of such enclosure.
2. All gates and doors opening through such enclosure shall be equipped with a self-closing and self-latching device for keeping such gate or door securely closed and latched at all times when not in use.
3. No pool shall be located in any required front, side or rear yard required setback area.
4. All pools shall be provided with a filtering system meeting all applicable County and State requirements.
5. Pools shall comply with the safety clearance standards between pools and overhead electric lines as established in the National Electric Code.
6. No pool shall be located in the front yard area.

§1213. Fences.

In Residential Districts, no fence shall be erected in any required front yard area that is more than four (4') feet in height and no fence shall be erected in any other required yard that is more than six (6') feet in height.

§1214. Residential On-Lot Storage.

1. Except for licensed automobiles, no vehicle, machinery, trailer, mobile home, boat or other similar items shall be parked for more than three (3) days or stored outside in any district within any required front, side, or rear area. No mobile home used as a temporary residence during construction of a dwelling may remain on the property for more than 90 days following issuance of the Use and Occupancy permit. In addition, no more than two (2) such items shall be stored outside at any one time on a single property.
2. The parking or storage of any such item in any front yard area shall occur only upon a driveway or other space specifically designed and constructed for such purpose.

§1215. Building Height.

For all permitted uses in all districts, the height of a building or structure shall not exceed two (2) stories or thirty (30) feet unless a determination has been made by the Zoning Officer that adequate fire protection equipment is readily available. If adequate fire protection equipment is not available, the developer may provide such equipment to the Township, at no cost to the Township or delay development until such time as adequate fire protection is available.

§1216. Underground Development.

Underground or subterranean land development, excluding basements, which exceeds ten (10) feet deep below the surface of the earth, shall require a special exception from the Zoning Hearing Board.

§1217. Exception to Height Limitations.

The height limitations contained in the district regulations do not apply to spires, belfries, cupolas, antennae, ventilators, chimneys, or other appurtenances usually located on or above or protruding through the roof of a building or structure or which are directly related to agricultural operations such as barns and silos.

§1218. Lot Frontage.

All lots shall abut an existing or proposed public street and meet the requirements of the applicable provisions of Chapter 22 and this Chapter 27. Where it is necessary to create interior lots in order to facilitate proper utilization of the land proposed to be subdivided such interior lots shall meet the requirements of the applicable provisions of Chapter 22 and this Chapter 27. Double frontage lots and through lots shall be prohibited unless granted as a special exception by the Zoning Hearing Board.

§1219. Sewage Disposal and Water Supply Regulations.

In any district where on-site sewage disposal and/or on-site water supply are utilized, the minimum lot size for any use shall be one (1) acre, except as permitted in the Residential Design Options in the RLD, RMD, and RU Zoning Districts.

§1220. Prohibited Uses.

In no instance shall any use or activity be permitted which, by reason of any of the following, creates a nuisance, hazard, or other adverse effect upon the value of reasonable enjoyment of surrounding properties:

1. Noise. No use shall produce a sound level that violates the *West Sadsbury Township Noise Ordinance – 2003-9-10*.
2. Smoke, Dust, Fumes, Vapors, and Gases. The emission of any of these items which can cause any damage, irritation, or discomfort to humans, animals, vegetation, or property at any point beyond the property line is prohibited.
3. Heat. No use shall produce heat perceptible beyond the property lines.
4. Odor. No use, other than agricultural, shall emit odorous gases or other odorous matter in such quantities as to be offensive at any point on or beyond the property lines.
5. Glare. No direct or sky-reflected glare, whether from a floodlight or from high temperature processes such as combustion welding or otherwise, shall be permitted so as to be visible at the lot line. Artificial lighting used to illuminate any parking area shall be so arranged that no direct rays from such lighting shall fall upon any neighboring property or roads. Luminaries shall be shielded to prevent shining beyond lot lines into neighboring lots or public ways.
6. Vibration. No use shall cause earth vibrations or concussions detectable beyond the property lines without the aid of instruments, with the exception of vibration produced as a result of temporary construction or demolition activities.
7. Radiation and Electrical or Magnetic Interference. No use shall cause radioactive substances in any form, configuration, volume, size, combination or concentration to be manufactured, stored, handled, transported or consumed within the corporate limits of West Sadsbury Township except in strict conformance with all sections of this Chapter 27, the applicable laws, rules and regulations of the federal government, state government and county government. No use shall result in electrical, magnetic or other interference with any use, process or equipment, applicant or device located beyond the property line of the property on which the use is located.

§1221. Communication Towers.

All communication towers constructed in the Township will comply with the following specifications:

1. All communication towers will be monopole construction.
2. All towers over thirty-five (35) feet in height must meet ANSI/EIA/TIA-222E (American National Standards Institute, Electrical Industry Association, Telecommunications Industry Association tower specifications) requirements or its latest revision. An independent structural engineer registered in Pennsylvania shall attest to the proposed tower's ability to meet this requirement and certify property construction of the foundation and erection of the tower.

3. The maximum height of a communication tower shall be one hundred (100) feet, except that a tower of up to two hundred fifty (250) feet may be permitted so long as: (1) there are no inhabited structures or electrical transmission lines within a two hundred fifty (250) foot radius, (2) the tower is located a distance equal to the height of the tower and all appurtenant structures to the tower, including guy wires, from the nearest property line; (3) the tower is lighted to prevent interference with air traffic; and (4) the Board of Supervisors are assured that all health, safety, and welfare issues have been properly addressed.
4. Owners of communications towers higher than thirty-five (35) feet will secure the property boundary, or at a minimum the tower base including any support structures, not including guy wires, with a chain link fence which shall be ten (10) feet in height. In addition to boundary security, all communication towers in excess of thirty-five (35) feet in height will have an integral security platform, or other means with locked access, to prevent unauthorized climbing of the tower. Landscaping will be provided around all fences and to screen them from public views and adjoining properties.
5. All communication tower owners will provide the Township with a statement that the emission of radio waves emanating from the tower will neither cause harm to an individual by its operation or cause measurable radio interference to the reception or operation of AM radios, TV and FM reception, car or cellular or portable phones, heart pacemakers, garage door openers, remote control units for models, and other radio dependent devices in general use within the Township and is in compliance with all FCC regulations.
6. If measurable radio interference does result from the installation and use of the communication tower, the owner of that tower will be required to cease operation immediately, until the problem is corrected, or if the problem is not correctable to abandon the operation entirely.
7. The owner of any communication tower higher than thirty-five (35) feet will be required to routinely submit to the Township, proof of an annual inspection and tower maintenance program. Any structure faults thus noted will be immediately corrected by the owner. Failure to provide proof of certified inspection will result in notification to the owner to cease operation and dismantle the tower.
8. The communication tower owner is required to post financial security with the Township in an amount sufficient to pay the cost of removing the tower and appurtenant structures. The communication tower owner is required to notify the Township immediately upon cessation or abandonment of the operation. The communication tower owner shall then have ninety (90) days in which to dismantle and remove the tower and all appurtenant structures from the property. If the owner fails to dismantle and remove the tower and all appurtenant structures from the property within ninety (90) days then the Township shall have the right to cause such removal and recover all costs associated therewith by exercising the provisions of the financial security agreement.
9. All communication towers must comply with yard setback requirements for the applicable district and, in addition, the combination of setbacks between the property in question and the adjoining property shall be at least one-third (1/3) the height of the

tower. The break point of the tower shall insure that the structure will fall within the setback except as otherwise provided in this Section 1220.

10. No communication tower shall be allowed within one and one-half (1 ½) miles of another tower.
11. If there is suitable space available on an existing communication tower within the geographic area that a new cell site would serve, no new cell shall be established.
12. The visual effects of antennae and antenna support structures shall be minimized by careful site location and proper design. The applicant proposing an antenna support structure must demonstrate that the structure has been designed to blend in with or mimic existing features in the landscape such as trees, light poles, flag poles or farm silos. An antenna support structure and/or antenna(e) attached to and principally supported by an existing structure shall be constructed to simulate the architectural façade and/or color of the building, structure or object to which it is attached. An antenna support structure and/or antenna(e) which is not attached to or principally supported by an existing structure shall be architecturally designed, screened and landscaped in such a manner as to simulate other structures and features existing in the area, and where such a structure is to be erected adjacent to trees or woodlands, it shall be camouflaged to resemble a large evergreen tree.
13. In addition to the above standards, all other applicable performance standards applicable to the zoning district in which the tower is to be located shall apply to the tower and any associated support facilities or structures. This would require that all applicable plans must be submitted for review and approval for any development application for a communications tower.
14. Communication towers greater than 200' in height shall comply with all applicable standards, rules and regulations of the Federal Aviation Administration or any other Federal Requirements which govern the construction, placement and use of such facilities

§1222. Bed and Breakfast Facility.

1. A bed and breakfast facility shall be permitted only in single-family detached, owner occupied dwellings, except that when the parcel of land on which the bed and breakfast facility is located consists of forty (40) or more acres, accessory buildings on that parcel of land may be used as guest rooms for the bed and breakfast facility. In no case however shall the total number of guest rooms for the bed and breakfast facility exceed four as provided in Section 1221(2).
2. No more than four guest rooms may be offered on any individual residential property.
3. No more than two (2) guest bedrooms shall share a bathroom, which shall at a minimum consist of a sink, toilet and shower, whether freestanding or within a bathtub.
4. Length of stay shall be not more than seven (7) uninterrupted days for any guest.

5. Meals shall consist of breakfast only, and only for guests of the establishment. Owner shall comply with all federal, state and local requirements for the preparation, handling and serving of food.
6. Any amenities (swimming pool, tennis court, etc.) shall be solely for the use of the resident owner and occupants of the bed and breakfast facility.
7. The owner shall maintain a current guest register and shall submit to the Township a yearly report of the number of guests and the average duration of stay.
8. Area and bulk standards shall be those that apply to single-family detached dwellings within the applicable Zoning District.
9. In addition to parking spaces required for the single-family residence, one on-site parking space shall be provided per guest room, and shall not be located in any required yard area.
10. One sign shall be permitted in association with a bed and breakfast operation. Any such sign shall comply with the standards set forth in Part 13 of this Chapter 27.
11. Each bed and breakfast facility shall be equipped, at minimum, with smoke detectors and fire extinguishers in accordance with the requirements of the Pennsylvania Department of Labor and Industry and with the stipulations of the West Sadsbury Township Fire Code. Guests shall be provided information regarding the floor plan of the dwelling and the location of emergency exits.
12. No permit for a bed and breakfast facility will be issued by the West Sadsbury Township Zoning Officer unless the applicant furnishes written approval from the Chester County Health Department concerning the adequacy of the on-site sewage system to serve the increased demand resulting from the and breakfast facility or if the site is served by public sewer, there shall be proof of adequate sewer capacity.

§1223. Convenience Stores.

The following requirements and/or standards shall be met for all convenience stores:

1. Setback, screening and buffering of parking and loading areas as well as outdoor common spaces shall be provided in accordance with Part 11.
2. A convenience store shall have one (1) point of ingress and egress and shall be from an approved Township or State road. Additional points of ingress and egress may be permitted when approved by the Township.
3. A traffic impact study shall be submitted and approved by the Township.
4. No arcade machines or games, such as video machines, pinball machines, or similar devices, shall be permitted.
5. All waste materials shall be store in closed containers which are screened from all streets and adjoining properties by a fence, wall or plant screen at least as high as the container.
6. No outdoor storage, sales or display of any merchandise shall be permitted beyond the sidewalk adjoining the store. This provision shall supersede any other provision of this Zoning Ordinance regarding outdoor storage, sales and displays.

§1224. Automotive/Mechanical Repair Shop & Automobile Service Station.

1. All service and/or repair activities shall be conducted within a completely enclosed building.
2. All uses involving drive-through service shall provide sufficient on-site stacking lanes to prevent vehicle backups onto roads and parking and pedestrian areas.
3. No outdoor storage of parts, equipment, lubricants, fuel or other materials used or discarded, as part of the service or repair operation, shall be permitted.
4. The storage of vehicles on the property without current registration is prohibited.
5. The demolition or junking of motor vehicles is prohibited.

§1225. Restaurant.

1. In the CS-Community Service District, the area of a restaurant used for walk-in/carry-out service shall not exceed 5% of the total patron seating area nor 80 square feet (whichever is less).
2. In the CS-Community Service District, a restaurant may contain an accessory area or use devoted to retail sales, meeting rooms, bars, taprooms and similar uses or outdoor eating area, provided the cumulative total area of the accessory use does not exceed 30% of the gross floor area of the restaurant.
3. The following activities shall not be permitted outdoors in connection with a restaurant in the CS-Community Service District:
 - (a) Bar or taproom, or
 - (b) Live or broadcast music.
4. A restaurant shall not include drive-thru services.

§1226. Places of Worship.

Places of Religious Worship shall be subject to the following requirements:

1. The minimum lot area shall be two (2) acres.
2. Uses permitted under this category:
 - (a) Church, synagogue, or other place of religious worship
 - (b) Accessory uses, including the following:
 - (1) Institutional classrooms or educational use.
 - (2) Kitchen.
 - (3) Gymnasium/recreational facility.
 - (4) Day care center (commercial and non-profit).

- (5) Rectory or other lodging for minister, priest, rabbi, or similarly qualified individual.
 - (6) Cemetery, where permitted by Zoning District.
 - (7) Columbarium
3. Bulk and Area requirements shall be as listed in the Community Service CS-District.
 4. Any driveway that will serve the parking areas of a place of worship that is in excess of 20,000 square feet shall have frontage on a road that is classified as a collector or arterial roadway. When full access to the site is not provided from a collector or arterial road, the road providing access to the site shall be improved to Collector street standards along the frontage of the property.
 5. All parking and loading areas shall be set back at least 25 feet from any land within a residential district or existing residential use. When adjacent to an existing residential dwelling, parking and loading areas shall be surrounded by a landscape strip and screen that is installed, maintained and contain such materials as required by Sections 1110.1 and 1110.2.
 6. Passenger drop-off and pick up areas shall be designed to prevent traffic congestion on public roads at points of ingress and egress to the place of worship. A common parking area or other means of pull-off shall be provided and be acceptable to the Township for the purpose of passenger drop-off or pickup. Passenger drop-off and pickup areas shall be arranged so that there will be no interference with the interior traffic circulation to other facility parking areas. Passenger drop-off and pickup areas shall be provided and arranged so that parishioners do not have to cross traffic lanes on or adjacent to the site.
 7. Rectories and convents shall comply with the following:
 - (a) All residential uses shall be accessory to the place of worship, and located upon the same lot or directly adjacent lot containing the place of worship.
 - (b) All residential uses shall comply with the location, height and bulk standards imposed upon other residences within the lot's zoning district.
 8. Place of Religious Worship Related Educational or Day Care Facilities.
 - (a) All educational or day care uses shall be accessory, and located upon the same lot as a place of religious worship.
 - (b) If day care is offered, the requirements of Section 1227 shall be met.
 - (c) If nursery or elementary education is offered, the requirements of Section 1229 shall be met.

9. Place of religious worship related recreational facilities, including, but not limited to, social halls, community centers, pavilions and other buildings commonly used for assembly shall comply with the following:
 - (a) All place of religious worship -related recreational facilities shall be accessory to, and be located upon, the same lot as the places of religious worship.
 - (b) Place of religious worship related recreational facilities shall be set back at least 50 feet from any adjoining land within a residential zone or lot available for residential use.
 - (c) Unless the applicant can demonstrate that the off-street parking associated with the place of worship is sufficient for the place of religious worship -related recreational facility, one off-street parking space shall be provided for every three estimated users of the facility.
10. Cemeteries shall comply with the requirements of Section 1228.
11. Off-street parking and loading shall comply with the requirements of Section 1109 and Section 1108, respectively.
12. Lighting shall comply with the requirements of Section 1106.
13. Signs shall comply with the requirements of Part 13.

§1227. Day Care Center (Commercial and Non-Profit).

Day Care Centers shall be subject to the following requirements:

1. Day Care Centers shall comply with the bulk and area regulations of the Community Service CS-District, with the exception of a Day Care as permitted by Home Occupation Level 1 and Home Occupation Level 2.
2. Approvals and Licensing. Operators are responsible for compliance with all pertinent approval and license requirements from appropriate state, county, and other agencies. Prior to issuing a permit by the Township Zoning Officer, the applicant shall have received and hold all pertinent approvals and licenses, and where applicable, the applicant shall also provide evidence that all conditions set by the Zoning Hearing Board during the special exception approval process have been met.
3. Child Day Care Center. Minimum indoor areas and outdoor play area requirements per child shall meet all applicable current Pennsylvania Department of Public Welfare requirements. In addition, an outdoor play area shall be provided according to the following:
 - (a) The outdoor play area shall be located to the rear or side of the building.

- (b) The outdoor play area shall be enclosed by a fence suitable to restrict children to the play area and fencing shall be a minimum of five (5) feet in height.
 - (c) The outdoor play area shall not include driveways, parking areas, or any other area unsuited to active recreation.
 - (d) The outdoor play area shall be on the same site as the principal structure.
 - (e) Outdoor play or recreation areas shall be set back at least 50 feet from any land within a residential district or existing residential use. When adjacent to an existing residential dwelling, outdoor play or recreation areas shall be surrounded by a landscape strip and screen that is installed, maintained and contain such materials as required by Sections 1110.1 and 1110.2. This requirement shall apply to a Home Occupation Level 2 Day Care unless determined not to be necessary by the Zoning Hearing Board. This requirement shall not apply to a Home Occupation Level 1 Day Care.
 - (f) Outdoor play shall be limited to daylight hours.
4. Adult Day Care Center. Minimum indoor and outdoor recreation area requirements shall meet all applicable current state requirements per adult. In addition, an outdoor recreation area shall be provided according to the following:
- (a) The outdoor recreation area shall be located to the rear or side of the building.
 - (b) The outdoor recreation area shall be enclosed by a fence suitable to restrict adults to the area and fencing shall be a minimum of five (5) feet in height.
 - (c) The outdoor recreation area shall not include driveways, parking areas, or any other area unsuited to active recreation.
 - (d) The outdoor recreation area shall be on the same site as the principal structure.
 - (e) Outdoor recreation areas shall be sufficiently screened as to protect adjacent residential areas from noise and disturbance.
5. Signage shall be permitted in accordance with Part 13.
6. Off-street parking and passenger unloading and loading space shall be provided to prevent interference with traffic flow on any adjacent street or road, in accordance with Section 1109 and Section 1108, respectively.
7. There shall be sufficient outdoor lighting and walkways from the principal building in which the use is located to parking areas. Lighting shall be in accordance with Section 1106.

§ 1228. Cemeteries.

Cemeteries shall be subject to the following requirements:

1. All cemeteries except those on the same lot as a place of religious worship shall be no less than five (5) acres in size.
2. Landscaping and ground cover shall be required and properly maintained at all times.
3. No buildings other than those directly associated with the cemetery, such as maintenance sheds, a caretaker's house, chapel, and mausoleums shall be permitted. Such buildings shall be no closer than two hundred (200) feet to any lot line or public street.
4. Markers and burial plots shall be setback at least twenty-five (25) feet from any lot line or public street right-of-way.
5. Cemeteries shall not be located in any floodplain, wetlands, riparian buffer or on hydric soils.
6. An application for cemetery use shall include the following:
 - (a) A master plan identifying the overall layout of plots, internal road network, buildings and other improvements and exhibiting perpetual care arrangements for landscaping and ground covers.
 - (b) A valid permit from the Pennsylvania Department of Health.
 - (c) A narrative of how the cemetery will be developed and maintained, including a detailed financial plan for the long-term maintenance of the cemetery.
7. A crematorium shall not be permitted in a cemetery.

§1229. Educational Use.

Educational Uses shall be subject to the following requirements:

1. Educational Uses shall comply with the bulk and area regulations of the Community Service CS-District, with the exception of an Educational Use as permitted by Home Occupation Level 1 and Home Occupation Level 2.
2. Public or Private Non-Profit School. A public or private non-profit school (one which is not conducted as a private gainful business) and is licensed under the proper governmental authority shall be subject to the following provisions:
 - (a) Where required by the Township, access shall be taken from a collector or arterial road, as designated in the Comprehensive Plan, and as herein defined.
 - (b) Outdoor play or recreation areas shall be set back at least 50 feet from any land within a residential district or existing residential use. When adjacent to an existing residential dwelling, outdoor play or recreation areas shall be surrounded by a landscape strip and screen that is installed, maintained and contain such materials as

required by Sections 1110.1 and 1110.2. This requirement shall apply to a Home Occupation Level 2 Educational Use unless determined not to be necessary by the Zoning Hearing Board. This requirement shall not apply to a Home Occupation Level 1 Educational Use.

3. Commercial (For-Profit) or Trade School.

(a) The minimum required lot size for a commercial (for-profit) school, including trade or professional schools and art, music, or dancing schools shall be one (1) acre.

(b) Building or structures associated with this use shall be setback a minimum of fifty (50) feet from residential uses or districts.

4. Off-street parking shall be in accordance with Section 1109.

5. All parking and loading areas shall be set back at least 25 feet from any land within a residential district or land that is available for residential use. When adjacent to an existing residential dwelling, parking and loading areas shall be surrounded by a landscape strip and screen that is installed, maintained and contain such materials as required by Sections 1110.1 and 1110.2.

6. Approvals and Licensing. Operators are responsible for compliance with all pertinent approval and license requirements from appropriate state, county, and other agencies. Prior to issuing a permit by the Township Zoning Officer, the applicant shall have received and hold all pertinent approvals and licenses, and where applicable, the applicant shall also provide evidence that all conditions set by the Zoning Hearing Board during the special exception approval process have been met.

7. All regulations of “educational use” shall also pertain to “school”. The intent of this Ordinance is that “educational use” and “school” shall be one and the same use.

§ 1230. Geothermal Energy Systems.

1. Geothermal energy systems shall be permitted in all zoning districts, subject to the following regulations:

(a) Accessory use. A geothermal energy system shall be permitted by right in all zoning districts as an accessory use.

(b) Design and permitting. The design and installation of geothermal systems and related boreholes for geothermal heat pump systems shall conform to all applicable industry standards, including those of the American National Standards Institute (ANSI), the International Ground Source Heat Pump Association (IGSHPA), the American Society for Testing and Materials (ASTM), the Air Conditioning and Refrigeration Institute (ARI), or other similar certifying organizations concerning such designs and installations, their successors or replacements, as the case may be, and shall comply with the Township

Building Code and with all other applicable Township requirements. The manufacturer specifications shall be submitted as part of the application. A zoning permit and building permit, under the Pennsylvania Uniform Construction Code, shall be required.

(c) Permitted types. Only the following types of geothermal energy systems shall be permitted:

- (1) Closed horizontal loop;
- (2) Closed vertical loop.

(d) Wellhead protection areas. All geothermal energy systems, due to their potential for contaminating, via surface water, the groundwater supplies upon which the residents of the Township, Atglen Borough and Christiana Borough depend, shall be prohibited from construction and use within Zone 1 of the designated wellhead protection areas. Within Zone 2 of the designated wellhead protection area, geothermal systems are limited to closed-loop systems as defined within this section. Design and installation of a geothermal energy system within 3,000 feet of a Township, Atglen Borough or Christiana Borough well shall not be permitted except as reviewed and coordinated with the Township Engineer.

(e) Carbonate geology. Recognizing that carbonate geology exists in West Sadsbury Township and is prone to subsurface erosion, (i.e. sinkholes, soil fluting, disappearing streams), all applicants for geothermal energy systems shall acknowledge, and by virtue of an application for and installation of a geothermal energy system acknowledge and agree to, the following:

- (1) In all situations when boreholes or trenches are (or have been) excavated, or natural conditions have otherwise been disturbed, the likelihood of subsurface erosion increases;
- (2) The applicant (or subsequent owner) accepts all responsibility and liability for any subsurface erosion that does form in association with the applicant's geothermal energy system; and
- (3) The applicant (or subsequent owner) agrees to repair any and all subsurface erosion that forms in association with the geothermal energy system.

(f) Appurtenances. All or any mechanical equipment (appurtenances) associated with and necessary for the operation of the geothermal energy system shall comply with all accessory setbacks for the district in which the system is installed.

(g) Setback requirements. Unless otherwise specified, geothermal systems shall be set back a minimum distance of 10 feet from any property line.

(1) Potential pollution sources. Geothermal boreholes or trenches (in the case of horizontal loop systems) shall be set back a minimum of 25 feet from on-lot sewage disposal systems or potable wells.

(h) Closed-loop geothermal systems. The following regulations shall apply to all closed-loop geothermal systems:

(1) Permitted fluids. Unless otherwise specified, for all closed-loop geothermal systems relying upon circulating fluids, the heat transfer fluid is potable or beneficial reuse water and may have approved nontoxic antifreeze, such as propylene glycol added, as defined within this ordinance. A permanent sign must be attached to the heat pump specifying that only approved heat-transfer fluids can be used.

(2) Geothermal heating and/or cooling system vertical heat exchange boreholes containing loop pipes shall be tremie grouted for the total depth of the borehole utilizing the IGSHPA Manual Grouting Procedure for Ground Source Heat Pumps. West Sadsbury Township shall be notified prior to grouting activities. At the discretion of the Township, the Township or its representative may perform inspections of the borehole grouting. Costs associated with the inspections will be the responsibility of the applicant.

(3) Construction standard. All materials and construction practices shall conform to all applicable industry standards for closed-loop geothermal heat pump systems, such as, but not limited to, standards for pressure testing, heat transfer fluids, etc. All materials and construction practices shall prevent contamination of groundwater.

(4) The applicant shall be required to submit complete specifications for the entire system (including well drilling and grouting procedures). For geothermal projects proposed in Zone 2, the project shall be reviewed and requires approval by the Township Engineer and the Township's Professional Geologist as part of the permit process.

(5) In Zone 2, no drilling or grouting shall be performed without inspections by the Township Engineer or the Township's Professional Geologist. A twenty-four-hour notice is required prior to starting the project, and to schedule inspections. Costs associated with the inspections will be the responsibility of the applicant.

(6) Discharge of water:

(a) Discharge of water from drill boreholes into sanitary sewer systems shall be prohibited.

(b) Discharge of water from drilling boreholes into storm sewers, neighboring properties and onto roads, shall be prohibited.

(c) Discharge of water from drilling boreholes into a watercourse shall comply with all federal, state, county and Township laws and regulations.

(1) If a horizontal or vertical closed loop system is proposed in an area of current or previous contamination as identified by state or federal agencies, the project shall be reviewed and requires approval by the Township Engineer and the Township's Professional Geologist as part of the permit process.

(i) Abandonment or disrepair. Before any construction can commence on any geothermal energy system, the property owner must acknowledge through a recorded agreement between the applicant and West Sadsbury Township that he/she is the responsible party for owning and maintaining the geothermal energy system. The agreement shall be written in language acceptable to the Township Solicitor and shall, at the request of the Township, include the posting of financial security in a form and amount acceptable to the Township for estimated expenses of removal. The agreement shall include that if the geothermal energy system is abandoned or is in a state of disrepair, it shall be the responsibility of the property owner to remove, permanently seal, or properly maintain the geothermal energy system within six months from the date the system enters such a state.

(j) Decommissioning. Any earth disturbance as a result of the removal or permanent sealing of the geothermal energy system shall be graded and reseeded.

(k) Design, installation or abandonment of a geothermal energy system shall comply with all federal, state, county and Township laws and regulations.

§1231. Outdoor Heating Source.

Outdoor hydronic heaters. Outdoor hydronic heaters shall be permitted as an accessory use subject to the following:

(a) The minimum lot size for such outdoor hydronic heater shall be three (3) acres.

(b) Fuel sources:

(1) Permitted fuel sources include clean wood or wood pellets made from clean wood; home heating oil, natural gas, or propane that complies with all applicable sulfur limits and is used as a starter or supplemental fuel for dual-fired boilers; or any other fuel specified by the manufacturer and approved by PA DEP.

(2) Combustion of the following fuel substances is expressly prohibited: industrial waste, rubber, plastics, used motor oil, toxic chemicals, contaminated waste, yard waste, household garbage, cardboard and wastepaper, animal waste and any material prohibited for combustion by federal or state statute.

(3) Storage of fuel sources shall be provided for in a safe manner and in accordance with applicable regulations.

(c) The outdoor hydronic heater shall be an EPA-qualified Phase 2 appliance under the Phase 2 Voluntary Partnership Program for Hydronic Heaters, or, if amended, meeting the most recent standards for emission levels. Such heater shall maintain the hang tag (i.e., white hang tag for Phase 2 demonstrating compliance on the boiler unit at all times). Manufacturer specifications shall be submitted as part of the application. Installation and maintenance shall be performed in strict accordance with manufacturer specifications.

(d) Such outdoor hydronic heater shall be setback a minimum of one hundred (100) feet from any property line, and no heater shall be located between the principal building and the street right-of-way line.

(e) All outdoor hydronic heaters shall have an attached stack with a minimum height of ten (10) feet above the heating unit.

(f) In the event that an outdoor hydronic heater is damaged, abandoned, or physically decayed to the point of becoming noncompliant with this section, the boiler shall be removed or replaced with a new unit within six months from the date the system enters such a state. In the event of replacement, all provisions of this section in effect at the time of replacement shall be complied with.

(g) The outdoor hydronic heater shall meet all applicable EPA and PA DEP regulations.

(h) The outdoor hydronic heater shall be an outside/remote facility and shall not be located within a structure normally intended for habitation by humans or domestic animals.

(i) The location of the outdoor hydronic heater shall be reviewed by the Fire Department to confirm accessibility to the heater and adherence to other fire safety regulations including fuel storage.

(j) The location of the outdoor hydronic heater shall be a minimum of 50 feet from dwellings and other structures occupied by humans or domestic animals.

§ 1232. Solar Energy Systems.

1. Purpose. It is the purpose of this section to permit the safe, effective and efficient use of solar energy and to reduce the on-site consumption of utility supplied energy while protecting the

health, safety and welfare of adjacent and surrounding land uses through appropriate zoning and land use controls. This section is intended to accomplish the following:

- A. To provide for appropriate locations and development of solar energy systems.
 - B. To protect West Sadsbury Township's natural environment by permitting solar energy systems.
 - C. To minimize adverse nuisance and visual impacts of solar energy systems through careful design and siting techniques.
 - D. To avoid potential damage to adjacent properties through engineering and careful siting for solar energy systems.
 - E. To permit the location of solar energy systems in areas not immediately adjacent to or adversely affecting residential uses.
 - F. To promote the effective utilization of renewable energy sources.
2. Accessory Solar Energy Systems and Principal Solar Energy Systems shall be subject to the following requirements. Energy produced by an Accessory Solar Energy System shall be primarily for personal use on the property where the system is located. Energy produced in excess of personal needs on the property may be sold to a local electric provider, but only as an ancillary and secondary result of the solar energy system. A Principal Solar Energy System is an area of land or other area used for a solar collection system principally used to capture solar energy, convert it to electrical energy or thermal power and supply electrical or thermal power primarily for off-site use.
3. Accessory Solar Energy Systems. Accessory systems are permitted in all zoning districts subject to the regulations below:
- A. A solar energy system shall be considered accessory only if it supplies electrical or thermal power primarily for on-site use, except that net metering shall be permitted per state law. Energy produced by a solar energy system shall be primarily for personal use on the property where the system is located. Energy produced in excess of personal needs on the property may be sold to a public electric distribution utility, but only as an ancillary and secondary result of the solar energy system.
 - B. The owner of the accessory solar energy source shall provide written confirmation that the public electric distribution utility has been informed of the customer's intent to install an interconnected customer-owned generator and that such connection meets applicable state and federal regulations. Off-grid systems shall be exempt from this requirement.
 - C. To the greatest extent feasible, accessory solar energy systems shall be roof mounted, or located on existing impervious surface. The applicant must demonstrate that roof mounting is infeasible prior to any application for a ground-mounted system.
 - D. Where accessory ground-mounted systems are permitted, such system shall meet the following:
 - (1) No ground mounted system and associated mechanical equipment shall be located in a front yard of any zoning district, except on farm parcels in the Ag District, where ground mounted systems may be located in a front yard, but shall be set back a minimum of 100 feet from the street line.

- (2) Ground mounted systems and associated mechanical equipment shall meet the side and rear setbacks for the underlying district.
 - (3) The surface area of a ground-mounted system, including all mounting, collection, and distribution equipment shall be calculated as part of overall lot coverage. The surface area of a ground mounted system shall not exceed 500 square feet. If additional panels are needed to meet existing or projected average monthly demand of the house, or other use being supplied with solar energy, additional panels may be added but shall not exceed lot coverage requirements and shall not exceed the number of panels needed to meet the average monthly demand for personal use. Calculations for average monthly demand shall be reviewed and confirmed by the Zoning Officer and/or the Township Engineer prior to installation of additional solar panels.
 - (4) Ground mounted systems shall not exceed 10 feet in height.
 - (5) Where a ground-mounted solar energy system is proposed to be located in a residential zoning district and/or adjacent to a residential use, such system and associated mechanical equipment shall be screened from view from adjacent properties in the neighborhood. Screening may be accomplished by vegetation, fences, or walls in accordance with the terms of this chapter. The Township may require the applicant to submit a glare study, in sufficient detail to determine whether additional screening will be required, and may further require such study to address specific areas of concern, such as road segments or neighborhoods that could be particularly susceptible to glare from the proposed system.
 - (6) All wiring for ground-mounted solar energy systems carrying electric current shall, to the maximum extent practicable, be buried underground to ensure safety. All wiring shall comply with the applicable version of the National Electric Code.
- E. Roof mounted systems shall be in accordance with the following requirements:
- (1) A roof-mounted solar energy system may be mounted on a principal or accessory building. The system shall in no place hang off or extend beyond the edge of the roof. For sloped roofs, the system shall not extend higher than the current peak of the roof. For flat roofs, the system shall not extend higher than five (5) feet vertically above the roof and shall not be higher than the maximum allowable height for buildings in the applicable zoning district. The system shall not be placed on a front roof unless the Zoning Officer determines that this represents the only feasible location where a solar energy system would be functional and also determines that this would not adversely impact adjacent properties.
 - (2) An applicant for any roof-mounted solar energy system with a pitch different from the roof (not flush-mounted) must, as part of the building permit application, submit justification for the proposed design and demonstrate: [i] how the design will accommodate potential impact from snow and wind; and [ii] how any potential off-site impact from glare will be mitigated. Such documentation shall be prepared by a professional or professionals qualified to provide such opinion and acceptable to the Township.
 - (3) For any proposed roof-mounted solar energy system, the building permit application shall include certification of the structural integrity of the roof, prepared by a

professional or professionals qualified to provide such opinion and acceptable to the Township.

(4) For roof-mounted systems, reasonable efforts shall be made to make the wiring and hardware blend in with the roof and building facade.

F. All power transmission lines from a solar energy system to any building shall be located underground.

G. Felling of healthy, mature trees in order to provide solar access is limited to 10% of the lot area up to a maximum of 0.5 acres that may be cleared. The proposed solar panels and equipment shall be located within the cleared area.

H. Accessory solar energy systems shall meet the general requirements listed in Subsection 4.

4. Principal Solar Energy Systems.

A. A Principal Solar Energy System shall be permitted in the Industrial and Agricultural Districts when approved by the Board of Supervisors as a Conditional Use.

B. Where a principal solar energy system is proposed in the Ag District, the applicant shall demonstrate that:

(1) The area proposed for the principal solar energy system does not consist of more than 10% of Prime Agricultural Soils, as defined in Section 802.10, and is generally unsuitable for agricultural purposes.

(2) To the greatest extent feasible, primary solar energy systems shall be roof mounted, or located on an existing impervious surface. The applicant must demonstrate that roof mounting is infeasible prior to any application for a ground-mounted system.

(3) The ground mounted system and associated mechanical equipment may be located in a front yard, but shall be set back a minimum of 100 feet from the street line.

C. Ground-mounted Principal solar energy systems shall not exceed 15 feet in height above the ground surface.

D. The applicant shall provide a summary of operations to the Township at the time of the conditional use hearing. Such summary shall include, but not be limited to: approximate generating capacity of the solar energy system; approximate number, representative types, and dimensions (including height when installed) of the Photovoltaic (PV) panels and racking/mounting system; approximate location and arrangement of the PV modules and arrays on the site; approximate description, dimensions, and location of all ancillary equipment, buildings and structures, including all distribution or transmission lines.

E. All solar panels, equipment and accessory structures shall be enclosed by a fence, barrier or other appropriate means to prevent unauthorized persons or vehicles from entering that area of the property. Such fencing shall be a minimum of eight feet high. Full screening of the solar panels, equipment and accessory structures shall be provided when installed adjacent to a residential district or residential use.

F. Clearly visible, warning signs shall be placed around the perimeter of the property and at the facility entrance to inform individuals of the potential voltage hazards.

- G. Facilities shall not have any artificial lighting beyond that required by any applicable federal or state laws.
- H. In order to determine that a proposed use or activity complies with the above standards, the Township may, at the expense of the applicant:
 - (1) Require the submission of impartial expert opinions or judgments from official agencies or private consultants.
 - (2) Require the submission of written assurances from the applicant.
 - (3) Require compliance with certain tests or provision of whatever safeguards may be considered necessary.
- I. All principal solar energy systems shall comply with bulk and area requirements for the underlying zoning district.
- J. Principal solar energy systems may be permitted on any Township-owned property at the sole discretion of the Board of Supervisors.
- K. The following shall be included in any application for conditional use approval:
 - (1) An application for a principal solar energy system that is to be connected to the electric grid may not be approved until written evidence is provided to the Township showing a written notice has been provided to the local electrical distribution utility company notifying them of the applicant's intentions to build an interconnected customer-owned principal solar energy system and confirmation of compliance with federal and state requirements.
 - (2) If the applicant is not the property owner, an affidavit or other satisfactory evidence of agreement between the applicant and property owner confirming that the former has the permission to apply for conditional use approval is required.
 - (3) The applicant shall provide any other relevant studies, reports, or approvals as may be reasonably requested by the Township.
 - (4) A decommissioning plan, detailing the expected duration of the principal solar energy system and how the facility will be deconstructed once it is no longer in use, shall accompany the application. The applicant shall provide financial security in a form and amount suitable to the Township to guarantee the removal of the equipment when its useful lifespan has been reached.
 - (5) Solar panels shall be placed such that concentrated solar radiation or glare shall not be directed onto nearby properties or roadways. The Township may require the applicant to submit a glare study in sufficient detail to demonstrate that this standard can be met. The glare study shall be consistent with the terms of Section 1232.5.J of this section and may be a basis to deny the conditional use application if deemed inadequate by the Board of Supervisors.
 - (6) A principal solar energy system shall be sited in such a way that it presents no threat to traffic or to public health and safety.
- L. All principal solar energy systems shall meet the general requirements in Subsection 3 below.

5. General Requirements.

- A. Advertising on solar energy systems, other than reasonable identification of manufacturer and operator, is prohibited. This includes any signage, streamers, ribbons, flags, banners, or similar materials, but does not include the posting of appropriate warning signs.
- B. Solar panels shall be located in a manner that will prevent glare toward adjacent properties and occupied structures, as well as toward any oncoming traffic.
- C. All solar energy systems shall be professionally constructed and shall be installed in accordance with all applicable codes, regulations, and manufacturer's specifications. Solar energy systems shall be certified by Underwriters Laboratories, Inc., and the National Renewable Energy Laboratory, the Solar Rating and Certification Corporation, or other certifying agency determined acceptable by the Township. The Township reserves the right to deny a building permit for proposed solar energy systems deemed to have inadequate certification.
- D. Decommissioning of Solar Energy System. The applicant shall sign an agreement stating that when all reasonable uses of the panels have expired they will be promptly removed at the applicant's expense. The agreement shall be written in language acceptable to the Township Solicitor and shall, at the request of the Township, include a financial security of a type and amount acceptable to the Township for estimated expenses of removal. Decommissioning shall include removal of all systems, equipment, buildings, cabling, electrical components, foundations and other associated facilities upon expiration of the useful life but in no event later than six months from notification by West Sadsbury Township.
- E. A building permit specific to a solar energy system is required for the installation of any such system greater than 20 square feet. The applicant shall reimburse the Township for any administrative costs and engineering and legal fees incurred during the application process, and for inspection costs incurred by the Township during installation of the system
- F. The local electric distribution utility company shall be contacted concerning the connection of a system to the grid and to address any further issues. The applicant shall provide written proof to the Township as part of the permit application that the local electric distribution utility company was contacted and informed of the applicant's intent to install a solar energy system and coordination with the public utility has taken place. Contacting the local electric company is not necessary for off-grid systems.
- G. The surface area of a ground-mounted solar energy system shall be considered impervious surface and subject to the applicable terms of this chapter. The surface area of the panel or panel array shall be calculated as the area of the shadow cast on the ground by the panel(s) with the sun directly overhead. Impervious areas constructed as part of the solar installation that are outside of the calculated shadow area shall be added to the impervious calculation to determine total impervious area.
- H. Passive solar energy systems installed during the construction of a building that do not include solar panels are not subject to the terms of this section. If improvements are being made to a building to increase its use of passive solar energy, the Township shall be contacted prior to construction to determine if a building permit will be required.

- I. Solar energy systems installed prior to enactment of this section are not required to comply with the terms of this section. However, any expansion of these systems at any point shall then require the updated system to be in compliance with this section.
- J. Where a ground-mounted solar energy system is proposed to be located in a residential zoning district and/or adjacent to a residential use, such system and associated mechanical equipment shall be screened from view from adjacent properties in the neighborhood. Screening may be accomplished by vegetation, fences, or walls in accordance with the terms of this chapter. The Township may require the applicant to submit a glare study, in sufficient detail to determine whether additional screening will be required, and may further require such study to address specific areas of concern, such as road segments or neighborhoods that could be particularly susceptible to glare from the proposed system.
- K. Before any construction can commence on any solar energy system, the property owner must acknowledge through a recorded agreement between the applicant and West Sadsbury Township that he/she is the responsible party for owning and maintaining the solar energy system. The agreement shall be written in language acceptable to the Township Solicitor and shall at the request of the Township include the posting of financial security in the form and amount acceptable to the Township for estimated expenses of removal. The agreement shall include that if the solar energy system is abandoned or is in a state of disrepair, it shall be the responsibility of the property owner to remove or maintain the solar energy system.

§ 1233. Wind Energy System (WES).

- 1. Purpose. It is the purpose of this section to permit the safe, effective and efficient use of wind energy and to reduce the on-site consumption of utility supplied energy while protecting the health, safety and welfare of adjacent and surrounding land uses through appropriate zoning and land use controls. This section is intended to accomplish the following:
 - A. To provide for appropriate locations and development of wind energy systems.
 - B. To protect West Sadsbury Township's natural environment by permitting wind energy systems.
 - C. To minimize adverse nuisance and visual impacts of wind energy systems through careful design and siting techniques.
 - D. To avoid potential damage to adjacent properties through engineering and careful siting for wind energy systems.
 - E. To permit the location of wind energy systems in areas not immediately adjacent to or adversely affecting residential uses.
 - F. To promote the effective utilization of renewable energy sources.
- 2. Accessory Wind Energy System. Accessory wind energy systems are permitted in all zoning districts subject to the following:
 - A. A wind energy system shall be considered accessory only if it supplies power primarily for on-site use, except that net metering shall be permitted per state law.
 - B. The owner of the accessory WES shall provide written confirmation that the public electric distribution utility company has been informed of the customer's intent to install an

interconnected customer-owned generator and that such connection meets applicable state and federal regulations. Off-grid systems shall be exempt from this requirement.

- C. Wind turbines shall meet all required setbacks.
 - D. Wind energy generation shall be limited to one wind turbine per lot.
 - E. Maximum Height is 75 feet, including to the highest point of all moving parts.
 - F. Wind turbines shall have a capacity of 10 KW or less.
 - G. All moving parts of a wind turbine shall be a minimum of 15 feet above the ground.
 - H. All on-site utility and transmission lines shall be located underground.
 - I. Any accessory equipment building shall have a maximum area of 250 square feet and shall comply with the accessory building requirements of §1209.
 - J. Residential Setback. All portions of a wind turbine shall be setback a minimum of 250 feet from any adjoining residential dwelling, excluding guy wires, accessory equipment buildings, and such dwelling unit located on the same lot, measured from the extended tip of the blade or nearest point of the wind energy system to the dwelling unit.
 - K. Wind energy systems shall meet the general requirements in Subsection 4 below.
3. Principal Wind Energy System. Principal wind energy systems shall be permitted in the Industrial zoning district when approved by Conditional Use by the Board of Supervisors subject to the following:
- A. All principal wind energy systems shall meet the applicable setback regulations of the underlying zoning district.
 - B. The minimum height of the lowest position of the wind turbine shall be 30 feet.
 - C. Maximum Height is 85 feet, including to the highest point of all moving parts.
 - D. Access to a wind turbine tower shall not be provided any lower than 15 feet above ground level. Turbines shall be equipped with anti-climbing device or similar protective device to prevent unauthorized access. Access doors to the wind energy system and electrical equipment shall be locked to prevent unauthorized entry.
 - E. Mechanical equipment associated with the use of the wind energy system shall comply with the following:
 - (1) All associated mechanical equipment and accessory structures shall be enclosed by a fence, barrier or other appropriate means to prevent unauthorized persons or vehicles from entering that area of the property. Such fencing shall be a minimum of eight feet high and fully screened.
 - (2) Any mechanical equipment associated with and necessary for the operation of the wind energy system that is not enclosed within the wind energy tower or within an accessory structure on the property shall comply with the following:
 - a. Mechanical equipment shall be screened from any adjacent property that is residentially zoned or used for residential purposes. The screen shall consist of shrubbery, trees, or other plant materials which provide a visual screen. In lieu

- of a planting screen, a decorative fence meeting the requirements of this ordinance may be used.
- b. Mechanical equipment shall not be located within the minimum front yard setback of the underlying zoning district.
- F. Clearly visible, warning signs shall be placed around the perimeter of the property and at the facility entrance to inform individuals of the potential voltage hazards.
- G. In order to determine that a proposed use or activity complies with the above standards, the Township may, at the expense of the applicant:
- (1) Require the submission of impartial expert opinions or judgments from official agencies or private consultants.
 - (2) Require the submission of written assurances from the applicant and proof that the applicant is the owner of the property or has permission from the property owner.
 - (3) Require compliance with certain tests or provision of whatever safeguards may be considered necessary.
- H. A report from a qualified engineer, licensed in the Commonwealth of Pennsylvania, documenting the following shall be submitted for review:
- (1) Description of the wind energy system, including overview, project location, the rated capacity for the on-site user, type and height of facility, including generating capacity, dimensions and respective manufacturers and a description of the ancillary facilities. Description should include technical, engineering, economic, and other pertinent factors governing selection of the proposed design.
 - (2) Evidence of structural integrity of each tower structure.
 - (3) Structural failure characteristics of each tower structure and demonstration that the site and setbacks are of adequate size to contain debris.
 - (4) Identification of the nearest wind energy system, telecommunications tower and residential homes.
 - (5) The applicant shall describe the technical options available and reasons why the technical option selected was chosen over the other options.
 - (6) Provide make, model, picture and manufacturer's specifications.
- I. Visual impact: demonstrations, including before and after photo simulations and elevation drawings showing the height, design, color, night lighting and proposed location of the facility as viewed from neighboring areas. The applicant shall demonstrate through project site planning and proposed mitigation that the wind energy system's visual impacts will be minimized for surrounding neighbors and the community. This may include, but is not limited to, information regarding site selection, turbine design or appearance, buffering and screening of mechanical equipment.
- (1) Clearing of natural vegetation shall be limited to that which is necessary for the construction, operation and maintenance of the wind energy system.
- J. Other relevant studies, reports, certifications and approvals as may be reasonably requested by the Township to ensure compliance with this ordinance.

- K. The owner of the principal WES shall provide written confirmation that the public utility company has been informed of the customer's intent to install an interconnected customer-owned generator and that such connection meets applicable state and federal regulations.
- L. All principal wind energy systems shall meet the general requirements in Subsection 4 below.

4. General Requirements.

- A. No wind turbine shall be placed in a required front yard.
- B. Wind turbines shall be set back from all property lines a distance at least equal to the height of the turbine plus 50 feet.
- C. Noise emitted from the operation of a wind energy system shall not exceed 55 decibels nor 10 decibels louder than ambient sound levels. Noise shall be measured at the property line of any adjoining residentially zoned or occupied dwelling.
- D. Reasonable efforts shall be made to minimize shadow flicker to any neighboring property.
- E. Wind turbines shall not be illuminated except as otherwise required by the Federal Aviation Administration, other regulatory authority or by law.
- F. There shall be no antennae, advertising, or other items or material affixed or placed on any component of a wind energy system, except those required for safety or identification of the manufacturer.
- G. The design and installation of wind energy systems shall use materials, colors, textures, screening and landscaping that will blend components of the system into the natural setting and existing environment.
- H. The design of the wind energy system shall conform to applicable industry standards, such as, but not limited to: National Standards Institute (ANSI), Underwriters Laboratories (UL), American Society for Testing and Materials (ASTM), or other similar certifying organizations. The manufacturer's specifications shall be submitted as part of the application.
- I. The minimum wind energy system setback distance from all aboveground utility lines, radio, television or telecommunication towers shall be a distance equal to the distance from the ground to the highest point of all moving parts plus 50 feet.
- J. The minimum distance from guy wires, accessory structure, and other appurtenances of the wind energy system shall be twenty (20) feet from the property lines.
- K. All power transmission lines from the wind energy system to any building or other structure shall be located underground. There shall be no exposed wiring.
- L. A site plan shall be prepared and certified by a registered professional engineer. In addition to the other requirements of this section, the site plan shall contain the following:
 - (1) Property boundaries and identification of neighboring property owners.
 - (2) Soil types where any tower foundation will be constructed.

- (3) Complete structural and engineering details, including narrative descriptions, demonstrating how the foundation, support and other parts of the wind energy system will be constructed, installed, and maintained.
 - (4) Information regarding the speed of operation and braking mechanism. No wind turbine shall be permitted that lacks an automatic braking, governing, or feathering system to prevent uncontrolled rotation, over-speeding, and/or excessive pressure on the turbine or any of its parts.
 - (5) Location of driveways, roadways, man-made structures and significant features within and adjacent to the subject property within five hundred (500) feet of the subject property boundaries.
 - (6) Location of the proposed wind energy system, foundations, guy anchors and associated equipment.
 - (7) Setback requirements as outlined in this ordinance and proposed setbacks.
 - (8) The location of any rights-of-way, easements, floodplains, or other covenants restricting the use of the property.
 - (9) Wind energy system specifications, including manufacturer, model, rotor diameter, tower height, and tower type.
- M. The Township may require the submission of additional information during the conditional use hearing(s) (principal systems only).
- N. Maintenance. All wind energy systems shall be maintained in compliance with Township standards contained in the applicable codes and ordinances so as to ensure the structural integrity of such facilities. If, upon inspection by the Zoning Officer or any code official, any such facility is determined not to comply with the applicable codes and ordinances or to constitute a danger to persons or property, then notice of such lack of compliance shall be provided to the owner of the property. Failure to bring such facility into compliance within 30 days or such earlier time as specified in the notice where warranted by an emergency or unsafe condition from notice from West Sadsbury Township shall constitute a violation of this ordinance.
- O. Decommissioning of Wind Energy System. The applicant shall sign an agreement stating that when all reasonable uses of the Wind Energy System are no longer necessary it will be promptly removed at the applicant's expense. The agreement shall be written in language acceptable to the Township Solicitor and shall, at the request of the Township, include posting financial security in a form and amount acceptable to the Township ~~a bond~~ for estimated expenses of removal. Decommissioning shall include removal of all systems, equipment, buildings, cabling, electrical components, foundations and other associated facilities, and the restoration and revegetation of the area within six months from the date the system enters such a state. Buildings may be reused as accessory buildings provided they comply with all sections of this ordinance.
5. Modifications.
- A. The Board of Supervisors may, in connection with its conditional use approval, permit the modification of the provisions of this section, including but not limited to provisions related to the number of turbines and associated appurtenances per lot, the height of the system

and the minimum yard dimensions. An applicant desiring to obtain conditional use approval shall, when making application for conditional use under this section, also make application for modifications simultaneously. However, granting of a modification shall not have the effect of making null and void the intent and purpose of the article. Any conditional use to permit a modification of the requirements of this section shall be subject to the following standards:

- (1) The proposed modification shall be in harmony with the purpose and intent of this section.
 - (2) The proposed modification shall not have an adverse impact on the surrounding neighbors.
 - (3) The proposed modification shall not result in any danger to the public health, safety or welfare.
 - (4) The applicant shall demonstrate that the proposed modification will allow equal or better results as determined by the Township and represents the minimum modification necessary to afford relief.
 - (5) The applicant must demonstrate to the satisfaction of the Board of Supervisors that, with respect to each request for a modification, literal compliance with the provisions of this ordinance is not feasible; causes undue hardship because of unique or unusual conditions pertaining to the subject property but meets the purpose and intent of this ordinance; and is unnecessary because an alternate standard can be demonstrated to provide equal or better results as determined by the Township.
- B. If the Board of Supervisors determines that the applicant has met his burden, it may grant a modification of the requirements of this section. In granting modifications, the Board of Supervisors may impose such conditions as will, in its judgment, secure the objectives and purposes of this section.

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PART 13

SIGNS

§1301. Signs.

Any sign erected or maintained after the effective date of this Chapter 27 shall conform to the following regulations. The following regulations shall be observed in all districts:

1. No sign shall be erected within the lines of a street right-of-way, except traffic signs and similar regulatory notices of a duly constituted governmental body.
2. No moving or flashing signs which may have the effect of distracting motorists on adjacent highways shall be permitted.
3. No sign which emits smoke, visible vapors or particles, sound, or odor shall be permitted.
4. No artificial light or reflecting device shall be used as a part of a sign where such light or device interferes with, competes for attention with, or may be mistaken for a traffic signal.
5. Lighting shall be arranged so that the source of light is not visible from any point off the lot and that only the sign is directly illuminated thereby.
6. No sign shall be erected containing information on it which states or implies that a property may be used for any purpose not permitted under the provisions of this Chapter 27 in the zoning district in which the property to which the sign relates is located.
7. Every sign permitted shall be constructed of durable material and kept in good condition and repair. Any sign which is allowed to become dilapidated shall be removed by the Township at the expense of the owner or lessee of the property on which it is located.
8. All distances provided for in this Part 13 shall be measured along straight lines between signs and from the near edge to near edge of sign or sign structure. This Subsection (8) shall apply in all cases, including locating new signs in relationship to currently existing nonconforming signs.
9. A permit shall be obtained before erecting any sign under these regulations, except as hereinafter provided.
10. No sign, other than official street signs, shall be erected or maintained nearer to a street line than a distance equaling the height of the sign, unless attached to the building.
11. No person shall place or cause to be placed or maintained in such a location as can be viewed by persons on any public street any sign or signs, photographic, pictorial or other graphic representation, that depict in whole or in part the following:
 - A. Act or simulated acts of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation, or any sexual acts which are prohibited by law.
 - B. Scenes wherein a person displays the vulva or the anus or other genitals.

- C. Scenes wherein artificial devices are employed to depict, or drawings are employed to portray any of the prohibited signs, photographs or graphic representations described in this Subsection (11).
- D. Any other graphic illustration pertaining to specified sexual activities and/or specified anatomical areas.

§1302. Exempt Signs.

No permit shall be required before erecting any of the following signs. These signs, however, shall conform to all other regulations set forth in §1301.

- 1. Directional, informative or public service signs such as those advertising availability of restrooms, telephone or similar public conveniences, and signs advertising meeting times and places of non-profit service or charitable clubs and organizations may be erected or maintained, provided that such signs do not advertise any commercial establishment, activity, organization, product, goods, or services except those of public utilities. Directional and informative signs provided for the guidance and convenience of the public within commercial establishments may also be erected. Such signs shall not exceed two (2) square feet in area.
- 2. Trespassing signs, or signs indicating the private nature of a road, driveway or premises, and signs prohibiting or otherwise controlling hunting or fishing upon particular premises may be erected and maintained, provided sign area does not exceed two (2) square feet in area.
- 3. Signs offering individual properties for sale or rent, or indicating that a property has been sold, provided that such signs shall be located entirely within the lot lines of the particular property to which they refer and shall not exceed six (6) square feet in area.
- 4. No sign shall be erected within the lines of a street right-of-way, except traffic signs and similar regulatory notices of a duly constituted governmental body.

§1303. Temporary Sign Regulations.

The following shall be observed in all districts:

- 1. Temporary signs include signs larger than six (6) square feet in area advertising land or premises available for purchase, development or occupancy, or other signs announcing special events, or the temporary sale of products and goods, such as Christmas trees, shall be permitted, provided that:
 - A. Permits shall run for a period of up to six (6) months as applicant chooses, except political signs, which shall be removed within thirty (30) days after the election.
 - B. Signs shall not exceed twenty-four (24) square feet in area.
 - C. Any free-standing sign shall be located at least ten (10') feet distant from any lot lines.
 - D. Signs shall be removed immediately upon expiration of permit.
 - E. The site or building on which the sign was erected shall be restored to its original condition upon removal of the sign.

- F. A permit must be obtained before erecting any temporary sign.
- G. No sign shall be erected within the lines of a street right-of-way, except traffic signs and similar regulatory notices of a duly constituted governmental body.

§1304. Business Signs.

Business signs accessory to permitted commercial uses shall be permitted, provided that:

1. Signs mounted on the front of a building shall not exceed ten (10) square feet in area for each five (5) lineal feet of front building wall, and in no case shall exceed thirty (30') feet in width or eight (8') feet in height at the minimum allowable building setback. For each additional two (2') feet of setback, the maximum height of the sign may be increased by one (1') foot, provided that no sign shall exceed twenty (20') feet in height and shall not exceed twenty (20%) percent of the face of the building.
2. Signs mounted on a side wall exposed to public view from either a street or parking area shall not exceed ten (10) square feet of area for each lineal foot of such side building wall, and in no case shall exceed thirty (30') feet in width.
3. Mounted signs shall be installed parallel to the supporting wall and project not more than ten (10") inches from the face of such wall.
4. Free-standing signs shall not exceed one hundred (100) square feet in area and shall be set back a minimum of twenty-five (25') feet from the road right-of-way.
5. Free-standing signs shall be erected only within the limits of the front yard of the property to which they pertain.
6. Signs shall not be spaced closer to each other than a distance equal to ten (10) times the largest dimension (height or width) of the sign having the largest dimension.
7. A single sign, not exceeding four (4) square feet may be erected within the lot line of a property where a home occupation is permitted

§1305. Billboards.

1. Billboards, also known within the industry as "outdoor advertising signs," are freestanding signs of comparatively great size which are designed specifically to attract the attention of the motoring public. Because billboards differ in these aspects from other freestanding signs, and because it is the expressed objective of this article to limit nuisance and insure the safety of motorists and pedestrians, the following regulations are hereby adopted.
2. Billboards shall be permitted, by conditional use, subject to the criteria of Section 1301 of this Chapter and subject to the following criteria. In the event of a conflict between the criteria of Section 1301 or another section of this Chapter and this section, the provisions of this section shall apply:
 - (a) Not more than one such sign shall be erected on any one premises under single and separate ownership;
 - (b) No such sign shall be permitted within 100 feet of any residential use, no matter in what district the use is located;

- (c) Such signs shall not be permitted closer than 25 feet from the ultimate right-of-way nor farther than 200 feet from the ultimate right-of-way;
- (d) The maximum sign size shall be 300 square feet per side; inclusive of any border and trim, but excluding the base or apron, supports and other structural members. Extensions, projections and/or add-ons beyond the rectangular perimeter face of the sign are prohibited.
- (e) No such sign shall be located closer than 2000 feet from any other such sign regardless of which side of the roadway such sign is on;
- (f) Such signs shall not be illuminated between the hours of 11:00 p.m. and 6:00 a.m.
- (g) All such signs must be constructed of durable materials and every billboard shall be firmly and solidly constructed so as to be able to bear a wind pressure of at least 30 pounds per square foot;
- (h) All billboards shall only be located on non-residential parcels located in any zoning district in the Township which have frontage on State Route 30, State Route 10, or State Route 41;
- (i) Electronic Graphic Displays (Digital Billboards), in addition to the foregoing criteria, must also meet the following standards:
 - (1) Electronic Graphic Displays (Digital Billboards) – An off-premise sign or portion thereof that displays electronic, static images, static graphics, or static pictures, with or without text information, defined by a small number of matrix elements using different combinations of light emitting diodes (LEDs), fiber optics, light bulbs or other illumination devices within the display area where the message change sequence is accomplished immediately or by means of fade. Electronic graphic display signs shall include, but shall not be limited to, computer programmable, microprocessor controlled electronic or digital displays. Electronic graphic signs include projected images or messages with these characteristics onto buildings or other objects.
 - (2) Message Duration – Any portion of the message must have a minimum duration (hold time) of twenty-five (25) seconds and must be a static display. Messages may change within one (1) second. No portion of the message may flash, scroll, twirl, twinkle, oscillate, rotate, blink, change color, or in any manner imitate movement.
 - (3) Brightness (Billboard Luminance) – The luminance of the display shall be controlled so as to not create glare, hazards, or nuisances. Such signs shall have a maximum luminance level of 5,000 nits (cd/m^2) during daylight hours and a maximum of 150 nits (cd/m^2) during nighttime hours (“nighttime hours” shall be from sundown until sunup), with all board face light sources set to white. Post-installation readings shall be taken by Applicant using a luminance meter that has been calibrated and NIST certified within the past year. Readings shall be taken from the area or roadway from which the sign will be visible and which is closest to being directly in front of the sign. Owner and/or operator shall submit an annual report certifying sign complies with motion, dwell time, brightness, and other requirements herein. Such signs

- shall be equipped with automatic dimming technology which automatically adjusts the sign's brightness based on ambient light conditions.
- (4) The maximum height to the top of the sign shall not exceed 35 feet from the existing adjacent grade.
 - (5) No such sign shall be erected within two hundred and fifty (250) feet of any existing free-standing, on-premises sign.
 - (6) No such sign shall be erected within one hundred (100) feet of any existing residential dwelling or residential zoning district.
 - (7) Applicant shall be required to coordinate/permit message access for local, regional, state, and national emergency services during emergency situations. Emergency messages are not required to conform to message standards listed herein.
 - (8) An engineering certificate shall accompany any application for a digital billboard. The certification shall indicate under seal of a professional engineer licensed in the Commonwealth of Pennsylvania that the sign has been designed in accordance with acceptable engineering practices.
 - (9) The applicant shall provide financial security, in a form acceptable to the Township, sufficient to secure to the Township the removal of any digital billboard upon which no advertising is located or otherwise ceases to be used for a period of three (3) consecutive months. The applicant shall further provide, in a form acceptable to the Township, proof that the record owner and the licensee or other person in control of the signage consents to the removal of the sign for reasons as set forth in this subsection, which said consent shall be in such form so as to be recorded of record with the Chester County Recorder of Deeds Office.
 - (10) Audio or Pyrotechnics – Audio speakers and/or any form of pyrotechnics are prohibited.
 - (11) Message Default Mechanism – All signs must be equipped with a properly functioning default mechanism that will stop the sign in the on position should a malfunction occur.
 - (12) Where applicable, such signs shall be located, constructed, and maintained in accordance with all applicable Pennsylvania Department of Transportation regulations, in addition all other regulations of West Sadsbury Township. Where there is a conflict between regulations, the more restrictive regulation shall apply.
- (k) No video billboard, as such term is hereinafter defined, shall be permitted in West Sadsbury Township.
- (1) Video Billboard – A billboard that changes its message or background in a manner or method of display characterized by motion or pictorial imagery, which may or may not include text and depicts actions or a special effect to imitate movement, the presentation of pictorials or graphics displayed in a progression of frames which mimic the illusion of motion, including but not

limited to moving objects, moving patterns or bands of light, or expanding and contracting shapes and/or fade, dissolve, travel or scrolling features. Video Billboards include projected images or messages with these characteristics onto buildings or other objects.

3. Billboards must be kept and maintained in good repair, subject to the following conditions:
 - (a) Weeds shall be kept out from in front of, underneath and around the base of such signs; and
 - (b) No rubbish or debris shall be permitted under or near such signs where such rubbish or debris could constitute a fire or health hazard.

§1306. Sign Permits.

Applications for sign permits shall be filed with the Zoning Officer on forms furnished by the Zoning Officer and shall be accompanied by detailed plans and specifications and such other information deemed necessary by the Zoning Officer to determine the location and details of construction of such sign. The sign fee shall be as determined by resolution of the Board of Supervisors.

PART 14

NONCONFORMITIES

§1401. Continuation.

Any nonconforming building or structure, nonconforming use of a building or structure, nonconforming use of a lot or use of a nonconforming lot existing on the effective date of this Chapter 27 may be continued, except as otherwise herein provided.

§1402. Extension, Enlargement or Additional Buildings.

The erection of new buildings, enlargement of existing buildings or structures, extension of existing uses of land, or establishment of a use on a lot where there is any legal nonconformity of use, size or location on the lot at the effective date of this Chapter 27, or amendment thereto, shall be regulated according to the type of nonconformity in accordance with the provisions of §1403 which regulates the type of nonconformity involved.

§1403. Nonconforming Use of Land.

A nonconforming use of land, exclusive of the buildings on the lot, or of land containing no buildings, may be extended on the lot so used at the effective date of this Chapter 27, but such extension shall conform to the area and bulk requirements and to the design standards for the district. The extension of nonconforming use of land shall be limited to that which was in single and separate ownership on the effective date of this Chapter 27, except that any portion of the lot which is subdivided after the effective date of this Chapter 27 and to which the nonconforming use has not been extended before subdivision, shall after subdivision be used only in conformity with all provisions of this Chapter 27.

§1404. Conforming Uses of Conforming Buildings on Nonconforming Lots.

Conforming buildings of which a conforming use is made and which are located on a lot which is nonconforming at the effective date of this Chapter 27 may be enlarged, or additional buildings may be erected, subject to the following:

1. Provided all area and bulk requirements and design standards for the district are met; except that
2. If the owner of such a lot owns or controls adjacent land sufficient to enable him to enlarge the lot in conformity with the West Sadsbury Township Subdivision and Land Development Regulations (Chapter 22) to the size required for the use and district, he shall be required to do so before any enlargement or additional buildings are permitted, unless such enlargement of the nonconforming lot would create nonconformity of any type on the adjacent land.

§1405. Conforming Uses of Nonconforming Buildings on Conforming Lots.

1. Buildings of which a conforming use is made, but which are nonconforming in area and bulk by exceeding the allowable lot coverage or height for the district in which they are located may not be enlarged unless the lot size is enlarged.

2. Buildings of which a conforming use is made, but which are nonconforming in location on a lot, may be enlarged or additional buildings may be constructed subject to the following:
 - A. Additional buildings and enlargement of existing buildings must conform to distances from lot and setback lines and all design standards for the district.
 - B. The additions and enlargements, together with the buildings existing on the lot shall not exceed lot coverage requirements for the district.

§1406. Conforming Uses of Nonconforming Buildings on Nonconforming Lots.

Nonconforming buildings existing on nonconforming lots at the effective date of this Chapter 27, if such buildings are used in conformity with the use provisions for the district in which they are located, may be enlarged or additional buildings may be constructed subject to the provisions of both §1404 and §1405.

§1407. Nonconforming Uses of Conforming Buildings on Conforming Lots.

A nonconforming use of a building which is conforming in area and bulk and location on a lot conforming in size shall be subject to the following provisions:

1. In all Commercial Districts, Office-Commercial Districts and Industrial Districts, such buildings may be increased in area by enlargement of existing buildings or by construction of additional buildings provided that the existing buildings, plus enlargements or additions, do not exceed the area, bulk and setback requirements for the district; and, provided that all design standards for the district are complied with. Enlargements and additional buildings for extension of a nonconforming use shall be limited to the lot which was in single and separate ownership on the effective date of this Chapter 27.
2. In the Residential Districts, such buildings, when used for agricultural purposes on the effective date of this Chapter 27, may be enlarged or additional buildings may be constructed subject to the area and bulk regulations and design standards for agricultural use.
3. Except as provided in Subsection (2) above, in all Residential Districts such buildings may be increased in area by not more than fifty (50%) percent of the area of such buildings as were on the lot at the date the use first became nonconforming. Such increase may be by enlargement of existing buildings or the construction of additional buildings, subject to the following:
 - A. The granting of a special exception by the Zoning Hearing Board under the provisions of Part 15 of this Chapter 27.
 - B. Provided that the buildings on the lot at the effective date of this Chapter 27, plus the enlargements or additions, do not exceed the area and bulk requirements for the district and provided that all design standards for the district are complied with.

- C. The enlargements and additional buildings for extension of the nonconforming use shall be limited to the lot which as in single and separate ownership at the effective date of this Chapter 27.

§1408. Nonconforming Uses of Conforming Buildings on Nonconforming Lots.

Nonconforming uses of conforming buildings located on nonconforming lots shall be subject to the provisions of §1407.

§1409. Nonconforming Uses of Nonconforming Buildings on Conforming Lots.

A nonconforming use of a nonconforming building located on a conforming lot shall be subject to the following provisions:

- 1. In all districts, buildings nonconforming in area and bulk by exceeding the allowable lot coverage or height for the district shall not be enlarged or additional buildings constructed.
- 2. Buildings nonconforming in location on the lot, by reason of being closer to a lot line or setback line than the minimum requirements for the district, may be enlarged or additional buildings may be constructed subject to the following provisions:
 - A. In all Commercial Districts, Office-Commercial Districts, and Industrial Districts:
 - (1) Provided that enlargements and additional buildings conform to all setback requirements for the district.
 - (2) Provided that the buildings on the lot at the effective date of this Chapter 27, plus the enlargements or additions, do not exceed the lot coverage requirements for the district and that all design standards for the district are complied with.
 - (3) The enlargements and additional buildings for the extension of a nonconforming use shall be limited to the lot which was in single and separate ownership at the effective date of this Chapter 27.
 - B. In all Residential Districts, such buildings, when used for agricultural purposes on the effective date of this Chapter 27, may be enlarged or additional buildings may be constructed provided that all enlargements or additional buildings comply with the area and bulk regulations and design standards for agricultural use and subject to the provisions of Subsections (A) (2) and (3).
 - C. Except as provided in Subsection (B), in all Residential Districts such buildings may be increased in area by not more than fifty (50%) percent of the area of such buildings as were on the lot at the date the use first became nonconforming. Such increase may be by enlargement of existing buildings or the construction of additional buildings, subject to the granting of a special exception by the Zoning Hearing Board under the provisions of Part 15 of this Chapter 27, and subject to the provisions of Subsection (3) of this §1409.

§1410. Nonconforming Uses of Nonconforming Buildings on Nonconforming Lots.

A nonconforming building of which a nonconforming use is made on a nonconforming lot may not be enlarged, nor any additional buildings by constructed.

§1411. Nonconforming Lots Containing No Buildings.

A nonconforming lot, which contains no buildings, and which is in single and separate ownership at the effective date of this Chapter 27, and which is not of the required minimum area or width, or which is of unusual dimension such that the owner could not provide the open spaces required for the district, may be used or a building erected thereon under the following conditions:

1. Provided that the owner does not own or control other adjoining property sufficient to enable him to comply with the area and bulk requirements for the district.
2. A Special Exception is granted by the Zoning Hearing Board subject to the provisions of Part 15 of this Chapter 27. In considering a Special Exception for this use, the Zoning Hearing Board shall impose the following requirements:
 - A. That the use of the lot and the building shall conform to the permitted uses in the district.
 - B. That the building height conform to the requirement for the district.
 - C. That the design standards for uses in the district be applied.
3. In any Residential District, a single-family dwelling may be constructed on a lot of this character without Special Exception by the Zoning Hearing Board if the conditions of Subsection (1) of this §1411 are met and if all the setback, yard and coverage requirements for the district are met; otherwise, the provisions of Subsection (2) of this §1411 shall apply.

§1412. Change of Use.

Any lawful nonconforming use of a building or land may be changed to another nonconforming use of substantially the same character. For such purpose, a building may be enlarged or additional buildings erected in accordance with the regulations pertaining to the type of nonconformity involved.

§1413. Abandonment of Use.

If a nonconforming use of land or of a building or other structure is abandoned or discontinued for a continuous period of one (1) year or more, subsequent use of such building or structure or land shall be in conformity with the provisions of this Chapter 27.

§1414. Restoration.

Any lawful nonconforming building or other structure which has been involuntarily damaged or destroyed by fire, explosion, windstorm or other similar active cause, to an extent of not more than seventy-five (75%) percent of its fair market value, may be reconstructed in the same location, provided that:

1. The reconstructed building or structure shall not exceed the height, area or volume of the damaged or destroyed building or structure; and
2. Reconstruction shall begin within one (1) year from the date of damage or destruction and shall be carried on without interruption.

§1415. Nonconforming Signs.

Any sign, signboard, billboard or advertising device existing at the effective date of this Chapter 27 that does not conform with the regulations of the district in which it is located, shall be considered a nonconforming sign and may be used in its existing location, provided it is maintained in good condition and repair at all times. Nonconforming signs, once removed, shall be replaced with conforming signs; however, legal nonconforming signs may be repainted or repaired or modernized, provided that such repaired or modernized sign does not exceed the dimensions of the existing sign.

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PART 15

ZONING HEARING BOARD

§1501. Zoning Hearing Board.

1. There is hereby created for the Township of West Sadsbury a Zoning Hearing Board in accordance with the provisions of Article IX of the Pennsylvania Municipalities Planning Code, 53 P.S. §10901 et seq.
2. The membership of the Board shall consist of three (3) residents of the Township of West Sadsbury appointed by resolution by the Board of Supervisors. The terms of office shall be for three (3) years and shall be so fixed that the term of office of one (1) member shall expire each year. The Board shall promptly notify the Board of Supervisors of any vacancies which occur. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members of the Board shall hold no other office in the Township of West Sadsbury.
3. Any Board member may be removed for malfeasance, misfeasance or nonfeasance in office or for other just cause by a majority vote of the Board of Supervisors which appointed the member, 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.
4. The 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 be not less than a majority of all the members of the Board, but the Board may appoint a hearing officer from its own membership to conduct any hearing on its behalf and the parties may waive further action by the Board as provided in this Chapter.
5. The Board may make, alter and rescind rules and forms for its procedure, consistent with ordinances of the Township of West Sadsbury and laws of the Commonwealth. The Board shall keep full public records of its business, which records shall be the property of the Township of West Sadsbury and shall submit a report of its activities to the Board of Supervisors as requested by the Board of Supervisors.
6. Within the limits of funds appropriated by the Board of Supervisors, the Board may employ or contract for secretaries, clerks, legal counsel, consultants and other technical and clerical services. Members of the Board may receive compensation for the performance of their duties, as may be fixed by the Board of Supervisors, but in no case shall it exceed the rate of compensation authorized to be paid to the members of the Board of Supervisors.

§1502. Hearings.

The Zoning Hearing Board shall conduct hearings and make decisions in accordance with the following requirements:

1. Public notice shall be given and written notice shall be given to the applicant, the zoning officer and to any person who has made timely request for the same. Written notices shall be given at such time and in such manner as shall be prescribed by rules of the Board. In addition to the written notice provided herein, written notice of said hearing shall be conspicuously posted on the affected tract of land at least one (1) week prior to the hearings. Also, property owners within 1,000 feet of the property shall be notified by U.S. mail.
2. The hearing shall be held within sixty (60) days from the date of the applicant's request, unless the applicant has agreed in writing to an extension of time.
3. The hearings shall be conducted by the Board or the Board may appoint any member as a hearing officer. The decision, or, where no decision is called for, the findings shall be made by the Board, however, the appellant or the applicant, as the case may be, in addition to the Township of West Sadsbury, may, prior to the decision of the hearing, waive decision or findings by the Board and accept the decision or findings of the hearing officer as final.
4. The parties to the hearing shall be the Township of West Sadsbury, any person affected by the application who has made timely appearance of record before the Board, and any other person including civic or community organizations permitted to appear by the Board. The Board shall have power to require that all persons who wish to be considered parties enter appearances in writing on forms provided by the Board for that purpose.
5. The chairman or acting chairman of the Board or the hearing officer presiding shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.
6. 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.
7. Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded.
8. The Board or the hearing officer, as the case may be, shall keep a stenographic record of the proceedings. The appearance fee for a stenographer shall be shared equally by the applicant and the Board. The cost of the original transcript shall be paid by the Board if the transcript is ordered by the Board or hearing officer or shall be paid by the person appealing from the decision of the Board if such appeal is made, and in either event the cost of additional copies shall be paid by the person requesting such copy or copies. In other cases the party requesting the original transcript shall bear the cost thereof.
9. The Board or the hearing officer shall not communicate, directly or indirectly, with any party or his representatives in connection with any issue involved except upon notice and opportunity for all parties to participate, shall not take notice of any communication, reports, staff memoranda, or other materials, except advice from 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.

10. The Board or the hearing officer, as the case may be, shall render a written decision or, when no decision is called for, make written findings on the application within forty-five (45) days after the last hearing before the Board or hearing officer. Where the application is contested or denied, each decision shall be accompanied by findings of fact and conclusions based thereon together with the reasons therefor. Conclusions based on any provisions of this Chapter 27 or of any law, ordinance, rule or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found. If the hearing is conducted by a hearing officer, and there has been no stipulation that his decision or findings are final, the Board shall make his report and recommendations available to the parties within forty-five (45) days and the parties shall be entitled to make written representations thereon to the Board prior to final decision or entry of findings, and the Board's decision shall be entered no later than thirty (30) days after the report of the hearing officer. Where the Board fails to render the decision within the period required by this subsection, or fails to hold the required hearing within sixty (60) days from the date of the applicant's request for a hearing, the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing or on the record to an extension of time. When a decision has been rendered in favor of the applicant because of the failure of the Board to meet or render a decision as hereinabove provided, the Board shall give public notice of the 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 subsection (1) of this Section. If the 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.
11. A copy of the final decision or, where no decision is called for, of the findings shall be delivered to the applicant personally or mailed to him not later than the day following its date. To all other persons who have filed their name and address with the Board not later than the last day of the hearing, the Board shall provide by mail or otherwise, brief notice of the decision or findings and a statement of the place at which the full decision or findings may be examined.
12. The Board of Supervisors shall establish, by resolution, fees with respect to hearings before the Zoning Hearing Board.

§1503. Jurisdiction.

1. The Zoning Hearing Board shall have exclusive jurisdiction to hear and render final adjudications in the following matters:
 - A. Substantive challenges to the validity of any land use ordinance, except those brought before the Board of Supervisors pursuant to §§609.1 and 916.1(a)(2) of the Pennsylvania Municipalities Planning Code (hereinafter "MPC"), 53 P.S. §§10609.1, 10916.1.

- B. Challenges to the validity of a land use ordinance raising procedural questions or alleged defects in the process of enactment or adoption which challenges shall be raised by an appeal taken within thirty (30) days after the effective date of said ordinance. Where the ordinance appealed from is the initial zoning ordinance of the Township of West Sadsbury and a Zoning Hearing Board has not been previously established, the appeal raising procedural questions shall be taken directly to court.
 - C. Appeals from the determination of the zoning officer, including, but not limited to, the granting or denial of any permit, or failure to act on the application therefor, the issuance of any cease and desist order or the registration or refusal to register any nonconforming use, structure or lot.
 - D. Appeals from a determination by the Township engineer or the zoning officer with reference to the administration of any flood plain or flood hazard ordinance or such provisions within a land use ordinance.
 - E. Applications for variances from the terms of this Chapter 27 and flood hazard ordinance or such provisions within a land use ordinance, pursuant to §910.2 of the MPC, 53 P.S. §10910.2.
 - F. Applications for special exceptions under this Chapter 27 or floodplain or flood hazard ordinance or such provisions within a land use ordinance, pursuant to §912.1 of the MPC, 53 P.S. §10912.1.
 - G. Appeals from the determination of any officer or agency charged with the administration of any transfers of development rights or performance density provisions of this Chapter 27.
 - H. Appeals from the zoning officer's determination under §916.2 of the MPC, 53 P.S. §10916.2.
 - I. Appeals from the determination of the zoning officer or Township engineer in the administration of any land use ordinance or provision thereof with reference to sedimentation and erosion control and storm water management insofar as the same relate to development not involving applications under Article V or VII of the MPC, 53 P.S. §§10501 et seq., 10701 et seq.
2. The Board of Supervisors, shall have exclusive jurisdiction to hear and render final adjudications in the following matters:
- A. All applications for approvals of planned residential developments under Article VII of the MPC pursuant to the provisions of §702 of the MPC, 53 P.S. §10702.
 - B. All applications pursuant to §508 of the MPC, 53 P.S. §10508, for approval of subdivisions or land developments under Article V of the MPC, 53 P.S. §10501 et seq.
 - C. Applications for conditional use under the express provisions of this Chapter 27.
 - D. Applications for curative amendment to this Chapter 27 or pursuant to §§ 609.1 and 916.1(a) of the MPC, 53 P.S. §§10609.1, 10916.1(a).

- E. All petitions for amendments to land use ordinances, pursuant to the procedures set forth in §609 of the MPC, 53 P.S. §10609.
- F. Appeals from the determination of the zoning officer or the Township engineer in the administration of any land use ordinance or provisions thereof with reference to sedimentation and erosion control and storm water management insofar as the same relate to applications for land development under Articles V and VII of the MPC, 53 P.S. §§10501 *et seq.*, 10701 *et seq.* Where such determination relates only to development not involving an Article V or VII application, the appeal from such determination of the zoning officer or the Township engineer shall be to the Zoning Hearing Board pursuant to this Section. Where the applicable land use ordinance vests jurisdiction for final administration of subdivision and land development applications in the Planning Commission, all appeals from determinations under this subsection shall be to the Planning Commission and all appeals from the decision of the Planning Commission shall be to court.

§1504. Variances.

1. The Zoning Hearing Board shall hear requests for variances where it is alleged that the provisions of this Chapter 27 inflict unnecessary hardship upon the applicant. The Board may by rule prescribe the form of application and may require preliminary application to the zoning officer. The Board may grant a variance, provided that all of the following findings are made where relevant in a given case:
 - 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.
2. In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Chapter and the Pennsylvania Municipalities Planning Code, 53 P.S. §10101 *et seq.*

§1505. Special Exceptions.

1. Where the Board of Supervisors, in this Chapter 27, has stated that special exceptions are to be granted or denied by the Zoning Hearing Board (the “Board) pursuant to express standards and criteria, the Board shall hear and decide requests for such special exceptions in accordance with such criteria. In addition, in connection with evaluating an application for a special exception, the Board shall require the applicant to provide information to indicate that the standards and criteria have been met. The applicant shall also provide information to insure that:
 - A. The proposed use is consistent with the purpose of the Article in which it is permitted, the general intent and purpose of the Zoning Ordinance as contained in Part 1 of this Chapter 27, and all applicable provisions of this Chapter 27.
 - B. The proposed use will satisfy all of the relevant provisions and requirements of the West Sadsbury Township Subdivision and Land Development Ordinance (Chapter 22) and any other applicable ordinance, code and/or regulation.
 - C. The proposed use and its location are consistent with and responsive to the Comprehensive Plan of West Sadsbury Township, in particular, the provisions for land use, traffic circulation, community facilities and utilities.
 - D. The proposed use will not adversely affect the health, safety, morals and general welfare of the Township.
 - E. The proposed use is consistent with the nature of the land uses existing on any immediately adjacent properties; and, it will not detract from or cause harm to neighboring properties and will be maintained in a manner in keeping with the character of the neighborhood.
 - F. The proposed use is consistent with the logical, efficient and economical extension of public services and utilities, such as public water, sewers, police and fire protection and will not have a negative effect on the public services and utilities of the adjacent and/or nearby properties.
 - G. Construction proposed in connection with an existing and/or proposed use will be consistent with sound planning, engineering and land development practices, and is in keeping with the scale, size and character of any existing buildings within the neighborhood.
 - H. The proposed use embraces an environmentally sensitive approach to land planning and design based on thorough site analysis and evaluation related to topography, soils, vegetation, hydrology, visual quality and related site conditions and characteristics.
 - I. The proposed use will incorporate safe and adequate access to roads and public services (existing or proposed) and will not result in excessive traffic volumes. Any improvements needed to guarantee compatibility with adjacent roads and public services will be made at the Applicant’s expense.
 - J. The proposed use will create screening and landscaping as required in this Chapter 27 and the West Sadsbury Township Subdivision and Land Development Ordinance; Chapter 22.

- K. The proposed use will create suitable landscaping in addition to that required by subsection J. herein, in areas such as the entrance, along property boundaries, in areas which are highly visible, such as along roads, walks or trails, and in other places where the use of trees, shrubs and groundcovers would be functional and appropriate as determined by the Board.
 - L. The proposed use will be sited so as not to be disruptive to existing topography, streams and ponds, vegetation and other natural resources and features, especially within Flood Plain areas and in areas of Steep Slopes as defined by this Chapter 27.
 - M. The proposed use will provide for off-street parking and loading in conformity with Part 11 of this Chapter 27.
 - N. The proposed use will provide for signage in conformity with Part 13 of this Chapter 27.
 - O. The proposed use will conform to the standards of environmental protection set forth in Part 8A of this Chapter 27.
 - P. The proposed water supply and/or sewage disposal systems conform to the requirements of this Chapter 27, Chapter 22 and all applicable rules and regulations promulgated, administered or enforced by the Chester County Health Department, the Pennsylvania Department of Environmental Protection, the United States Department of Environmental Protection or such agency or agencies as may lawfully have jurisdiction related to the proposed water supply and/or sewage disposal systems.
 - Q. The proposed use will be incorporate effective stormwater management techniques and facilities, and soil erosion and sedimentation control techniques consistent with the requirements contained in this Chapter 27 and Chapter 22.
 - R. All commercial or industrial parking, loading, access or service areas shall be adequately illuminated at night while in use, and that such lighting, including sign lighting, shall be arranged so as to protect the highway and neighboring properties from adverse impacts arising from the placement, type and/or use of such lighting and illumination.
2. Nothing contained herein is intended to preclude compliance with any applicable provisions of this Chapter 27. The Board may impose such conditions as are necessary to insure compliance with the general purpose and intent of this Chapter 27 and any or all of the above lettered subsections as well as compliance with any other relevant ordinances, regulations and codes. Such conditions may include, but are not limited to, harmonious design of buildings, planting and its maintenance as a sight or sound screen, and minimizing the creation of noxious, offensive, or hazardous elements and/or conditions.
 3. The Board shall review the recommendations of the Planning Commission related to the proposed Land Development Plan where such plan is required. The Board shall not be bound by such recommendations nor shall it be bound by the action of the Board of Supervisors in relation to the Land Development Plan.

§1506. Conditional Uses.

PROCEDURES AND CRITERIA

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 Township of West Sadsbury Subdivision and Land Development Ordinance, or other applicable ordinances.
2. The requirements of this section and the standards for specific types of Conditional Uses found elsewhere in this Ordinance 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. Ownership

The tract of land under application for a Conditional Use approval shall be under one (1) 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 under more than one (1) 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 Township Board of Supervisors upon recommendation of the Township of West Sadsbury Engineer. Such facilities shall be designed and constructed in compliance with the Township of West Sadsbury Subdivision and Land Development Ordinance and the Township of West Sadsbury Sewage Facilities (Act 537) Plan, amended and in accordance with the review and

approval of the Pennsylvania Department of Environmental Protection (PA DEP), Chester County Health Department, and the appropriate agencies responsible for the distribution, collection conveyance and treatment of water and/or sanitary sewer.

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 of West Sadsbury shall enter into said agreement embodying all details regarding compliance with this Ordinance to assure the binding nature thereof on the overall tract and its development, which agreement shall be recorded with the final development plan.

D. Existing easements, rights-of-way, covenants and other encumbrances shall be stated and shown on the plans.

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 of West Sadsbury Solicitor.

4. Application

A. The application for a Conditional Use shall be filed with the Township of West Sadsbury Secretary on such forms as may be prescribed for said purpose. The application shall be accompanied by a fee as established by resolution of the Township Board of Supervisors. The application shall state the following:

- (1) The name and address of the Applicant.
- (2) The name and address of the owner of the real estate to be affected by the proposed Conditional Use application.
- (3) Evidence of authorization to act on behalf of the property owner(s) where Applicant is other than a legal or equitable owner of the property;
- (4) A description and location of the real estate on which the Conditional Use is proposed.
- (5) A statement of the present zoning classifications of the real estate in question, the improvements thereon, and the present use thereof.

- (6) A narrative description of the proposed use and a statement of the section(s) of this Ordinance that authorize(s) the Conditional Use.
- (7) A narrative description of the site's suitability for the proposed development.
- (8) A narrative description of the proposed development's consistency with the purposes and objectives of the Township of West Sadsbury Comprehensive Plan.
- (9) A narrative description of the proposed development's consistency with the character of the surrounding uses and the Township of West Sadsbury in general.
- (10) A staging plan and narrative, if the development is to be carried out in progressive stages that demonstrates that all of the requirements and the intent of this section are met with the completion of each stage.

B. 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 Township of West Sadsbury.

With respect to exact building locations, shapes and dimensions, and similar requirements of the Development Plan, prescribed in the paragraph above, it is recognized that a fixed and dimensioned architectural layout, as would be required for issuance of a building permit, is not feasible, nor is it the intent of this Section of the Zoning Ordinance to require such detail in an application for Conditional Use. However, the plans, information and data, as herein required for Conditional Use approval, shall be indicated in sufficient detail to serve as a firm commitment by the Applicant to the design criteria and standards. The Development Plan shall be prepared at a scale of not more than one inch equals fifty feet (1" = 50'). Where specific Conditional Use application requirements are contained in other articles of

this Ordinance and are applicable to a particular Conditional Use authorized by this Ordinance, the Applicant shall comply with such requirements which shall prevail in the event of conflict or overlap.

The Development Plan shall generally include the following elements: Site Layout Plan, Existing Conditions and Environmental Resources Plan, Proposed Grading Plan, Landscape, Screening and Buffering Plan, and Lighting Plan. Other Plans or plan information may be required at the discretion of the Planning Commission or the Board of Supervisors.

C. 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) Flood Plain Districts as defined by Part 8B of this Ordinance;
- (4) Wetland 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 (i.e. Conestoga Formation), particularly in relation to areas of groundwater recharge;
- (8) Biotic resources as mapped and described in the Township of West Sadsbury Open Space, Recreation, and Environmental Resources Plan, and patterns of vegetation, including tree masses, rare or extraordinary individual species, any tree of six (6) 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 West Sadsbury Township 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; and

- (10) Sites and structures of historical or cultural significance, including but not limited to those sites recorded in the West Sadsbury Township Open Space, Recreation and Environmental Resources Plan, the Township of West Sadsbury Comprehensive Plan and the Chester County Historic Sites Survey of 1982.
- (11) Prime agricultural soils

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.

D. 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 ordinance and the Township of West Sadsbury Comprehensive Plan. The Township of West Sadsbury Engineer shall provide the Applicant the minimum scope of work to be included in the analysis. The Traffic Analysis shall be prepared utilizing generally accepted practices and procedures in the preparation of a Traffic Impact Study. Such studies shall quantify existing peak hour traffic volumes at the study area intersections, estimate trip generation for the proposed development, project future peak hour traffic volumes pre- and post-development, and determine the levels of service, as by the Transportation Research Board, for all movements at intersections in the study area. The conclusions of the Traffic Impact Study shall recommend action(s) toward mitigating the traffic impact of new traffic generated by the proposed development. The Township reserves the right to retain the services of another qualified Traffic Engineer to review the findings of the Traffic Impact Study. In granting Conditional Use approval, the Board of Supervisors may defined in the most recent edition of the Highway Capacity Manual published attach conditions requiring specific improvements, to roads and adjacent intersections (or such intersections as agreed to by the parties) within the study area in an effort to maintain a predevelopment level of service for all movements. Any improvement(s) on adjacent state maintained roadways required by the Board of Supervisors (or such roadways as agreed to by the parties) shall be subject to Penn DOT approval.

E. Storm Water Management and Drainage Analysis

The application for Conditional Use approval shall be accompanied by a conceptual Storm Water Management and Drainage Analysis. The analysis shall demonstrate, conceptually, to the satisfaction of the Township of West Sadsbury Engineer that compliance with the requirements of the Township of West Sadsbury Subdivision and Land Development Ordinance and the Township of West Sadsbury Stormwater Management Ordinance can be achieved. Supporting calculations for required detention basin volumes and groundwater recharge volumes shall be required. Off-site drainage problems in the vicinity of the development shall be identified and measures to mitigate such problems as a result of the Development shall be proposed. Any required PA DEP permits, floodplain encroachments, or other required permits shall be identified as part of the Storm Water Management and Drainage Analysis.

F. Fiscal Impact Assessment

The Township of West Sadsbury, 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 in accordance with the Practitioner's Guide To Fiscal Impact Analysis by Robert Burchell and David Listoken published by the Center for Urban Policy Research (Rutgers University) (latest edition) or other guidelines or guidance documents accepted by the Chester County Planning Commission. The assessment shall include a profile of the Township of West Sadsbury, County and School District revenues to be generated by the proposed development and the costs that it will impose on the Township of West Sadsbury, County and School District. The information shall be related to the initial, if staged, and completed subdivision or land development.

G. 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

H. The Board of Supervisors, if it shall determine in its sole discretion, that there shall be no or minimal impact upon stormwater, traffic and public utilities and services, may eliminate in whole or in part, the requirements of Section 1506.4 as they apply to applications for Supplemental Farm Business and Residential Uses in the Agricultural Zone and a Group Home Use in the RMD Zone.

5. Procedures

- A. Upon receipt of a complete application for Conditional Use approval per Section 1506.4, above, the Township of West Sadsbury Secretary 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 sixty (60) days of submittal to the Commission, including the forwarding of any recommendation to the Township of West Sadsbury. The Planning Commission may extend its period of deliberation beyond sixty 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 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 sixty (60) day review period shall start anew and prior plans shall be deemed withdrawn. The aforesaid period of review shall not start anew in the event a modification to the plans is made that is non substantive in the opinion of the Planning Commission in the exercise of its sole discretion. Plans that are deemed to be withdrawn as a result of substantive modifications requested by the Planning Commission or Township consultant shall not be subject to modifications of Township Ordinances for a period of sixty (60) days after the date of such request.
- 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 West Sadsbury Township in accordance with the requirements for public notice established in the Municipalities Planning Code. Abutting property owners and property owners within 1,000 feet of the property 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 Code Enforcement 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 West Sadsbury Township for which the notice was given. The Board of Supervisors shall commence its first hearing on the application within sixty (60) days from the date the application is filed with the West Sadsbury Township Secretary, unless extended by written authorization from the Applicant.
- (2) The parties to the hearing shall be the West Sadsbury 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 productions 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 written or graphic material received in evidence shall be made available 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

decisions 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 Pennsylvania Municipalities Planning Code, as amended.

C. In granting Conditional Use approval, where such use is authorized under this Ordinance, the Board of Supervisors may also attach such conditions and safeguards, in addition to those expressed in this Ordinance, as it may deem necessary to implement the purpose of the Pennsylvania Municipalities Planning Code, as amended, and this Ordinance. Conditional Uses shall be subject to compliance with particular standards contained in this Ordinance 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 or any other West Sadsbury Township ordinance. The Applicant shall be responsible for demonstrating compliance with all specific and objective standards and criteria required for Conditional Use approval. The conditions of approval may include, but need not be limited to:

- (1) Specific modifications to area and bulk requirements as might otherwise be applicable;
- (2) Provisions for additional utility or traffic safety facilities;
- (3) Securing of additional easements or property to assure proper site design;
- (4) Modification to the applicable design standards; or
- (5) Provisions requiring that any modification, enlargement or expansion of the use as approved shall require a new Conditional use approval.

D. The Applicant shall have the burden to prove, by a preponderance of the evidence, that the proposed use will comply (during the Land Development process) in all respects with this and other West Sadsbury ordinances, 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 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 eighteen (18) months from the date of such approval if, within that period, no application is made for a building permit, a use and occupancy permit, or subdivision or land development approval, as appropriate, unless so extended by the Board of Supervisors. Any request to extend the eighteen (18) 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 may grant up to two (2) additional eighteen (18) month extensions provided a reasonable argument is presented. No more than two (2) such extensions shall be granted per Conditional Use approval.

6. Criteria for Review of Conditional Use Applications.

The following criteria shall be used as a guide by the Board of Supervisors in the evaluation of a proposed Conditional Use. It shall be the burden of the Applicant to demonstrate compliance with all applicable specific or objective criteria:

- A. Any 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 proposed use(s) shall be limited to those authorized as Conditional Uses within the District in which the lot or parcel is situate. The property subject to 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 West Sadsbury Township Comprehensive Plan, Open Space, Recreation and Environmental Resources Plan, and Zoning D. The proposed use at

the location set forth in the application shall be in the public interest and serve the public health, safety, moral and general welfare.

- E. Consideration of the character and the type of development in the area surrounding the location of 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 building, will consist of a harmonious grouping of buildings or other structures.
- G. There will be no adverse effect 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, emergency management services, recreational opportunities, open space 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 Ordinance 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 of any movements at adjacent road segments and intersections as defined by the most recent edition of the Highway Capacity Manual from the Transportation Research Council. As a policy, proposed projects should incorporate designs that will assure safe and efficient access and maintain a level of service "C", or better for all movements at driveways or local roads that will provide direct access to the development. The Applicant shall achieve predevelopment levels of service at the adjacent intersections (or such intersections as agreed to by the parties) within the study area. Any improvement(s) on adjacent state maintained roadways required by the Board of Supervisors (or such roadways as agreed to by the parties) shall be subject to Penn DOT approval.
- K. The interior traffic circulation shall provide safe and efficient circulation of all uses, including pedestrian and vehicular modes of transit. 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 Applicant may either provide a certificate of adequacy of sewage and water facilities from a governmental health agency at the Conditional Use hearing or such adequacy shall be made a condition of Conditional Use approval.
- M. The adequacy of provisions for storm water management and drainage.
- N. 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.
- O. Consideration of any other development impacts and/or proposed mitigation identified by the submitted site analyses.
- P. As a condition of Conditional Use approval, uses shall meet the provisions and requirements of the West Sadsbury Township Subdivision and Land Development Ordinance and all other applicable ordinances and regulations of West Sadsbury Township during the Subdivision and Land Development process.
- Q. The Board of Supervisors may impose such conditions, in addition to those required, as are necessary to assure that the intent of the Zoning Ordinance 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 development plan, such approval plan shall accompany (1) any application for subdivision and land development as prescribed by the West Sadsbury Township Subdivision and Land Development Ordinance and (2) any application for a building permit.

7. Modifications.

- A. The Board of Supervisors may permit the modification of the provisions of this Ordinance regarding a Conditional Use in order to encourage a well-planned development.

- B. Any modification of the provisions of this Ordinance regarding a Conditional Use shall be subject to the following criteria:
1. The design and modification shall be in harmony with the purposes and land use standards contained in this Section and in the applicable section or sections permitting such Conditional Use.
 2. The design and modifications shall generally enhance the development plan or at least shall not be less desirable than the plan that could be created in conformance with the applicable provisions of this Ordinance.
 3. The design and modifications shall not produce lots or street systems that would be impractical or detract from the appearance of the District, and shall not adversely affect emergency vehicle access or deprive adjoining noncommercial properties of adequate light and air.
 4. Increased residential density or intensification of nonresidential uses shall be offset by corresponding special efforts by the applicant to improve the appearance of the development through enhanced architectural and landscaping efforts.
 5. The applicant shall demonstrate that the proposed modifications will produce equal or better results, from the Township's perspective, and represent minimum modifications necessary.
- C. If the Board of Supervisors determines that the applicant has met his, her or its burden, it may, but shall not be required to, grant a modification of the requirements of this Ordinance regarding a Conditional Use. In granting modifications, the Board may impose such conditions as will, in its judgment, secure the objectives and purposes of the applicable provisions of this Ordinance.

§1507. Appeals to be in Writing.

Appeals under §1503 may be filed with the Board in writing by the landowner affected, any officer or agency of the Township, or any other person aggrieved.

§1508. All Other Challenges and Appeals.

The Zoning Hearing Board shall hear all other challenges and appeals provided for in Section 910 and Article X of the Pennsylvania Municipalities Planning Code, Act 247 as amended, under the regulations set forth in that Act.

§1509. Time Limitations.

1. No person shall be allowed to file any proceeding with the Zoning Hearing Board later than thirty (30) days after an application for development, preliminary or final, has

been approved by the Township of West Sadsbury if such proceeding is designed to secure reversal or to limit the approval in any manner unless such person alleges and proves that he had no notice, knowledge or reason to believe that such approval had been given. If such person has succeeded to his interest after such approval, he shall be bound by the knowledge of his predecessor in interest. The failure of anyone other than the landowner to appeal from an adverse decision on a tentative plan or from an adverse decision by the zoning officer on a challenge to the validity of this Chapter 27 or an amendment hereto or map or an amendment thereto shall preclude an appeal from a final approval except in the case where the final submission substantially deviates from the approved tentative approval.

2. All appeals from determinations adverse to the landowner shall be filed by the landowner within thirty (30) days after notice of the determination is issued.

§1510. Stay of Proceedings.

1. Upon filing of any appeal proceeding before the Zoning Hearing Board and during its pendency before the Board, all land development pursuant to any challenged ordinance, order or approval of the zoning officer or of any agency or body, and all official action thereunder, shall be stayed unless the zoning officer or any other appropriate agency or body certifies to the Board facts indicating that such stay would cause imminent peril to life or property, in which case the development or official action shall not be stayed otherwise than by a restraining order, which may be granted by the Board or by the court having jurisdiction of zoning appeals, on petition, after notice to the zoning officer or other appropriate agency or body. When an application for development, preliminary or final, has been duly approved and proceedings designed to reverse or limit the approval are filed with the Board by persons other than the applicant, the applicant may petition the court having jurisdiction of zoning appeals to order such persons to post bond as a condition to continuing the proceedings before the Board.
2. After the petition is presented, the court shall hold a hearing to determine if the filing of the appeal is frivolous. At the hearing, evidence may be presented on the merits of the case. It shall be the burden of the applicant for a bond to prove the appeal is frivolous. After consideration of all evidence presented, if the court determines that the appeal is frivolous, it shall grant the petition for a bond. The right to petition the court to order the appellants to post bond may be waived by the appellee, but such waiver may be revoked by him if an appeal is taken from a final decision of the court.
3. The question whether or not such petition should be granted and the amount of the bond shall be within the sound discretion of the court. An order denying a petition for bond shall be interlocutory. An order directing the responding party to post a bond shall be interlocutory.
4. If an appeal is taken by a respondent to the petition for a bond from an order of the court dismissing a zoning appeal for refusal to post a bond and the appellate court sustains the order of the court below to post a bond, the respondent to the petition for a bond, upon motion of the petitioner and after hearing in the court having jurisdiction

of zoning appeals, shall be liable for all reasonable costs, expenses and attorney fees incurred by the petitioner.

§1511. Expiration of Special Exceptions and Variances.

Following the grant of a special exception or variance, the applicant must apply within six (6) months for a building permit or a use and occupancy permit, and unless the construction or use shall commence within one (1) year from the granting of the special exception or variance, same shall expire, and if construction, once begun, is abandoned for a period in excess of one (1) year, or if the use is abandoned for a period of one (1) year, the special exception or variance shall expire.

**From the
West Sadsbury Township
1999 Sewage Facilities Base Plan**

5.3.2.3.1 Selection Process

Applicants proposing the installation of multiple user systems within the Township shall begin their evaluation of treatment alternatives with Technology A, shown below, and continue the evaluation in sequence. The final selection will be the alternative which most closely accomplishes the adopted wastewater planning policies and life cycle costs developed by the Township.

Technologies

- A. Connection to an existing wastewater treatment plant (currently limited to the Route 372 corridor)
- B. Lagoon/pond system/slow rate land application (i.e., spray irrigation)
- C. Package plant/slow rate land application (i.e., spray irrigation)
- D. Septic tank with sand filter to sub-surface disposal*
- E. Package plant (tertiary treatment) with discharge to groundwater
- F. Package plant with spray irrigation of treated effluent in summer months and stream discharge of treated effluent in winter months
- G. Package plant with sand filter to stream discharge.

*Sand filtration is required in order to prolong the useful life of the subsurface disposal fields and to improve the quality of effluent.

The technologies listed above are not meant to be all inclusive or limiting. The listed alternatives establish the basic treatment and disposal/reclamation technologies available and the Township established order of desired selection and implementation.

The wastewater system selected and proposed by the developer will be evaluated by the Township as part of the Sewage Facilities Planning Module submission to determine if it is consistent with the established technology priorities and available alternatives. The applicant must submit, as part of the Sewage Facilities Planning Module, a narrative, with supporting documentation that fully describes each of the alternatives evaluated and full justification for selecting the proposed alternative for implementation. It will also be evaluated with respect to its potential to meet the sewage facilities needs of the proposed project. The Township will conduct a detailed design review of the proposed system in order to identify any particular concerns related to the design which would then be addressed as part of the system approval and permitting process.

APPENDIX I

ENVIRONMENTAL ASSESSMENT STATEMENT

Instructions

The primary purpose of the Environmental Assessment is to determine the impact of a project on the existing site, and the resultant changes the proposal will have on the immediate site, and surrounding area.

In the preparation of this document keep in mind that only factual information, not subjective qualitative statements, shall be presented.

1. Description of the Proposal

Describe the proposed or recommended actions, its purpose, where it is to be located, when it is proposed to take place, and its interrelationship with other projects or proposals, including information and technical data sufficient to permit assessment of environmental impact by reviewing agencies.

2. Description of the Environment

Include a comprehensive description of the existing environment without the proposal and the probable future environment with the proposal. This description should focus both on the environmental details most likely to be affected by the proposal and on the broader regional aspects of the environment, including ecological interrelationships. Particular attention should be given to the potential effects of past or present use of the site as a repository for toxic or hazardous wastes.

3. The Environmental Impact of the Proposed Action

Describe the environmental impacts of the proposed action. These impacts are defined as direct or indirect changes in the existing environment, both beneficial and detrimental. Whenever possible these impacts should be quantified. This discussion should include the impact not only upon the natural environment but upon land use as well. Provide separate discussions for such potential impacts as man caused accidents and natural catastrophes and their probabilities and risks. Specific mention should also be made of unknown or partially understood impacts.

4. Mitigating Measures Included in the Proposed Action

Include a discussion of measures which are proposed to be taken to enhance, protect, or mitigate impacts upon the environment, including any associated research or monitoring.

5. Any Adverse Effects Which Cannot Be Avoided Should the Proposal Be Implemented

Include a discussion of the unavoidable adverse impacts described in 3. and 4. above, the relative values placed upon those impacts, and an analysis of who or what is affected and to what degree affected.

6. The Relationship Between Local Short-Term Uses of Man's Environment and the Maintenance and Enhancement of Long-Term Productivity

Discuss the local short-term use of the environment involved in the proposed action in relation to its cumulative and long-term impacts and give special attention to its relationship to trends or similar actions which would significantly affect ecological interrelationships or pose long-term risk to health or safety. Short-term and long-term do not refer to any fixed time periods, but should be viewed in terms of the various significant ecological and geophysical consequences of the proposed action.

7. Any Irreversible and Irrecoverable Commitments of Resources Which Would Be Involved in the Proposed Action Should It Be Implemented

Discuss and quantify where possible, any irrevocable uses of resources, including such things as resource extraction, erosion, destruction of archaeological or historical sites, elimination of endangered species' habitat, and significant changes in land use.

8. Alternatives to the Proposed Action

Describe the environmental impacts, both beneficial and adverse, of the various alternatives considered.