

# SADSBURY TOWNSHIP ZONING ORDINANCE

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**ARTICLE I  
GENERAL PROVISIONS**

**SECTION 101: SHORT TITLE AND EFFECTIVE DATE**

This Zoning Ordinance shall be known and may be cited as “The Sadsbury Township Zoning Ordinance” as amended. The Zoning Ordinance shall become effective five (5) days following its official adoption date.

Adopted the \_\_\_\_\_ Day of \_\_\_\_\_, 2022

**SECTION 102: PURPOSE**

The Zoning Ordinance is enacted under and pursuant to the Pennsylvania Municipalities Planning Code, Act 247 of 1968 (as amended) and has been modified in accordance with the Sadsbury Township Comprehensive Plan (as revised) Sadsbury Township Open Space, Recreation and Environmental Resources Plan (as revised) and the Sadsbury Township Sewage Facilities (Act 537) Plan (1998, as revised) and the Sadsbury Township Subdivision and Land Development Ordinance (as revised). In addition, the Zoning Ordinance is enacted in accordance with an overall program that seeks to preserve the character of the Township in terms of its suitability for particular uses and structures, and is designed and enacted:

- A. To promote, protect and facilitate one or more of the following:
1. The public health, safety and general welfare;
  2. Coordinated and desired community development;
  3. Proper density of population and land use intensity;
  4. Emergency management preparedness and operations, airports, and national defense facilities;
  5. The provision of adequate light and air, police protection, vehicle parking and loading spaces;
  6. The provision of transportation, water and sewage disposal facilities, schools, recreational facilities, and public grounds;
  7. The provision of a safe, reliable, and adequate water supply for domestic commercial, agricultural or industrial use and other public requirements;
  8. The preservation of natural resources (forests, wetlands, aquifers, steep

slopes, floodplains), scenic and historic resources; and,

9. Provision of necessary retail and service establishments.

B To prevent the following:

1. Overcrowding of the land, blight, danger and congestion in travel and transportation;
2. Loss of health, life or property from fire, flood, panic or other dangers; and
3. Noise and light pollution.

C. To preserve agriculture and conserve prime farmland considering the topography, soil type and classification, and present use.

D. To provide for the use of land within the Township for residential uses of various dwelling types encompassing all basic forms of housing, including single-family and two-family dwellings, and a reasonable range of multi-family dwellings in various arrangements, mobile home parks, provided, however, that this Zoning Ordinance shall not be deemed invalid by a court of law with competent jurisdiction for failure to provide for any other specific housing type heretofore not mentioned.

E. To accommodate reasonable overall community growth, including population and employment growth, and opportunities for development of a variety of residential dwelling types and non-residential uses.

### **SECTION 103: REPEALER**

Any resolution, ordinance, or parts of an ordinance or resolution, including the Sadsbury Township Zoning Ordinance of 2001 (as amended) inconsistent with the provisions of the Zoning Ordinance are hereby repealed. The adoption of the Zoning Ordinance, however, shall not affect nor prevent any pending or future prosecution of or action to abate any existing violation of said Zoning Ordinance of 2001 (as amended) if the violation is also a violation of the provisions of the Zoning Ordinance.

### **SECTION 104: INTERPRETATION**

From and after the effective date of this Ordinance, the use of all land and every building and portion of a building erected or altered with respect to height and area, added to or relocated, and every use within a building or use accessory thereto, in the Township of Sadsbury, shall be in conformity with the provisions of the Zoning Ordinance. In interpreting and applying the provisions of the Zoning Ordinance, the provisions shall be held to be the minimum requirements for the promotion of the health, safety and general welfare of Township residents.



## **SECTION 105: COMMUNITY DEVELOPMENT OBJECTIVES**

- A. The provisions of the Zoning Ordinance shall be held to be the minimum requirements for the promotion of the health, safety, and general welfare of Township residents.
  
- B. The Zoning Ordinance is enacted for the accomplishment of specific goals and objectives which appear to be feasible within the foreseeable future, while remaining within the framework of the Comprehensive Plan, the Open Space, Recreation, and Environmental Resources Plan, and long-range objectives which are summarized as follows:
  - 1. Guide the development of the community in the direction of a rural-suburban residential character, with sufficient commercial facilities to satisfy community needs and enough industrial employment to assure fiscal health.
  - 2. Implement and maintain standards of construction which protect the health, safety, and general welfare of Township residents, both individually and collectively.
  - 3. Promote, through the form and design of new residential construction, a wide range of housing types.
  - 4. Encourage variety and efficient land use in residential development through provision by ordinance for flexibility in design, density, and building type.
  - 5. Provide for commercial and industrial uses in the Township under appropriate standards of design and construction and at a scale consistent with Township goals and objectives.
  - 6. Limit the growth of higher density residential uses and commercial facilities to those locations of the Township where adequate infrastructure is available, and promote greater efficiency and improved appearance in commercial uses through the careful application of design standards. Residential developments of a higher density should have the neighborhood commercial facilities within a close proximity.
  - 7. Promote the most beneficial relationship between land use and circulation of traffic throughout the Township, having particular regard for traffic and the avoidance of congestion and the provision of safe and convenient access to and between the various land uses.
  - 8. Implement the gradual conformity of land use to the provisions of The Zoning Ordinance and, therefore, minimize conflicts among land uses.

9. Establish, and or strengthen protection measures for environmental resources including, but not limited to: prime agricultural soils, wetlands, steep slopes, hydric soils, floodplains, and woodlands.
10. Encourage the preservation of open space and natural resources through the open space development options.
11. Promote the repurposing of residential properties as necessary to adaptive reuses as deemed appropriate.

**SECTION 106: RELATIONSHIP TO OTHER LAWS**

The Zoning Ordinance is not intended to repeal, abrogate, annul or interfere with any existing ordinance or enactment, or with any rule, regulation or permit adopted or issued thereunder, except insofar as the same may be inconsistent or in conflict with any of the provisions of the Zoning Ordinance. Provided, however, that where the Zoning Ordinance. Provided, however, that where the Zoning Ordinance. Provided, however, that where the Zoning Ordinance imposes greater restrictions upon larger open spaces than are required by the provisions of such ordinance, enactment, rule, regulation, or permit, then the provisions of such ordinance, enactment, rule, regulation, or permit, then the provisions of The Zoning Ordinance shall prevail.

**SECTION 107: SEVERABILITY**

In the event that any article, part, sentence, paragraph, provision, subsection, section or clause be declared by a court of competent, jurisdiction to be invalid, such decision shall not affect the validity of the Ordinance as a whole or of any other part thereof.

## **ARTICLE II DEFINITIONS**

### **SECTION 201: DEFINITIONS AND WORD USAGE**

- A. Word Usage. The present tense includes the future; the singular number includes the plural, and the plural the singular, except that such interchange of meaning shall not apply where the numbers in the text refer to specific, minimum, and maximum quantities. The masculine gender includes the feminine and neuter.
- B. Definitions. Unless otherwise expressly stated, the following words and phrases shall be construed throughout this Zoning Ordinance to have the meaning indicated in this Article:

**ABANDONMENT** - A use of property, land, or buildings which is discontinued with no intent to resume the use.

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

**AREA, GROSS** - The entire area of a tract inclusive of existing public rights-of-way (whether interior or exterior), interior parking areas and access lanes, sidewalks, parks, playgrounds and common open space.

**AREA, NET** - The actual area proposed for development exclusive of existing and proposed rights-of-way, easements/restrictive covenants, common open space, streets, sidewalks, parks, playgrounds and other non-residential uses.

**ACT 247** - The "Pennsylvania Municipalities Planning Code" Act of July 31, 1968, P.L. 805, No. 247 as reenacted and amended by Act of December 21, 1988. P.L. 1329. No. 170, 53 P.S. §10101 et seq., and any subsequent amendments thereto.

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

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

**ADULT ENTERTAINMENT** - Live or non-live entertainment containing "specified sexual activities" or displaying or presenting "specified anatomical areas."

ADULT ENTERTAINMENT USE - Adult entertainment uses shall include the following:

1. A store or shop where the principal use is devoted to the display and selling of any pornographic materials. These materials can be identified as pictures, drawings, photographs, films, digital media, or other depictions or printed matter and paraphernalia.
2. Adult entertainment such as cabarets, nightclubs, movie theaters, bars, or similar establishments providing live or media entertainment.
3. Any other business, establishment, or club which offers its patrons services, entertainment, or retail goods or commercial services characterized by an emphasis on activities or matter depicting, describing, relating to, or displaying sexual or erotic activities.

AGE RESTRICTED COMMUNITY - A residential community comprised of a combination of dwelling types and providing amenities designed for persons aged fifty-five (55) and older. Such a community must be governed by declarations of covenants, conditions and restrictions that limit the occupancy of dwellings to persons aged fifty-five (55) and older, however a spouse younger than fifty (50) years of age, of a person aged fifty-five (55) or older, shall be permitted occupancy. A person eighteen years of age or younger may reside in the community for no longer than sixty (60) days.

AGRICULTURAL OPERATION - An enterprise that is actively engaged in the commercial production and preparation for market of crops, livestock and livestock products and in the production, harvesting and preparation for market or use of agricultural, agronomic, horticultural, silvicultural and aquacultural crops and commodities. The term includes an enterprise that implements changes in production practices and procedures or types of crops, livestock, livestock products or commodities produced consistent with practices and procedures that are normally engaged by farmers or are consistent with technological development within the agricultural industry.

AGRICULTURAL RELATED BUSINESS - An establishment primarily engaged in the following activities: soil preservation services, crop services, landscaping, horticultural services, veterinary or other animal services, farm labor and management services, feed, seed and fertilizers stores, sale and repair of farm machinery and farm vehicles, stables, aquaculture, or apiaries.

AGRICULTURE - The commercial production and preparation for market of crops, livestock and livestock products and in the production, harvesting and preparation for market or use of agricultural, agronomic, horticultural, silvicultural and aquacultural crops and commodities. This definition does not include intensive agriculture (see following definition)

**AGRICULTURE, INTENSIVE** - Specialized agricultural activities which, due to the intensity or nature of the activity or mode of operation, emit frequent, reoccurring odors or noises considered obnoxious to a residential environment. These include, but are not limited to, feedlots, pig farms and poultry houses which may necessitate development of special sanitary or other facilities and controls. Mushroom production, including mushroom growing and substrate preparation, is included within intensive agriculture.

**AIRPORT ELEVATION** - With respect to the Airport Overlay Zone, the highest point of the Chester County Airport's usable landing area measured in feet from sea level.

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

**ALTERATIONS, STRUCTURAL** - Any change or rearrangement in the supporting members of an existing building or structure, such as bearing walls, columns, beams or girders, joists or rafters or enclosing walls or any enlargement to or diminution of a building or structure, whether horizontally or vertically, or the moving of such building from one location or position to another.

**ALTERNATIVE ENERGY** - Any source of power, other than electricity or a conventional source relying on the availability of fossil fuels. Examples of alternative energy sources would be solar collection or geothermal or wind.

**AMUSEMENT PARK** - A recreational use involving permanent structures or buildings where there are various devices for entertainment, including rides, booths for the conduct of games or sale of items, and buildings for shows or entertainment.

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

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

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

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

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

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

**ANTENNA SUPPORT STRUCTURE** - Any pole, telescoping mast, tower, tripod, or any other structure which supports a device used in the transmitting or receiving of radio frequency energy.

**APPLICANT** - A landowner or developer, as herein defined, who has filed an application for development, a building permit application, or application before the Zoning Hearing Board including his heirs, successors, and assigns or the equitable owner of property with the owners permission.

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

**APPROACH SURFACE** - With respect to the Airport Overlay Zone, a surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope set forth in Section II02, herein. In plan the perimeter of the approach surface coincides with the perimeter of the approach zone.

**AQUIFER** - A water bearing stratum of permeable rock, sand, or gravel.

**AREA and BULK REGULATIONS** - Standards that control the height, density, intensity and location of structures, including, but not limited to setbacks or yard requirements.

**ASSISTED LIVING FACILITY** - A residential complex that may include one, or any combination of senior center, independent living, personal care, and acute care arrangements for a group of older adults.

**AUTOMOTIVE SALES** - The use of any building, land area, or other premise for the display and sale or hire of new or used automobiles, panel trucks, vans, recreational vehicles, or automotive equipment. This shall be interpreted to include auto accessory sales but not the sale of junked automobiles or parts thereof.

**AUTOMOTIVE SERVICE/GAS STATION** - Any area of land, including structures thereon that is used for the sale of motor vehicle fuel at retail direct from pumps and storage tanks and which may include accessory facilities for rendering services, such as lubrication, washing, and repairs.

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

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

**BASE FLOOD** - 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).

**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).

**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 1-percent or greater chance of being equaled or exceeded in any given year.

**BASEMENT** - Any area of the building having its floor below ground level on all sides.

**BED AND BREAKFAST FACILITY** - A single-family detached dwelling occupied by a resident innkeeper containing eight (8) or fewer guest rooms for the temporary lodging of guests for compensation and providing to the guests such lodging services as maid service and accessory eating and drinking facilities limited to the serving of breakfast and conducted as a home occupation, provided that all of the following criteria are also met:

1. Guests are served one (1) meal a day.
2. Guests are accepted by advance reservation only.
3. All other criteria for a home occupation are complied with.

**BLOCK** - An area of land bounded by streets, roads or other types of rights-of-way

**BOARDINGHOUSE** - A rooming house offering meals, in addition to, lodging, to and only to the residents thereof and their guests. The use of the premises as a "boardinghouse shall not be deemed to include the offering of meals for compensation to the general public or the accessory use of the premises as a restaurant.

**BOARD OF SUPERVISORS** - The Board of Supervisors of the Township of Sadsbury, Chester County, Pennsylvania.

**BUFFER (BUFFER AREA, BUFFER YARD)** - A designated area of land, which may contain a Landscaped Screen, as defined herein, between two (2) uses intended to protect one use from another use that is incompatible, or to provide privacy between two (2) uses, or intended to protect the view(s) of or from a use. Buffer areas shall not include -stormwater management facilities or parking facilities.

**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.

**BUILDING, ACCESSORY** - A building subordinate to the principal building on a lot and used for purposes customarily incidental to those of the principal building.

**BUILDING AREA** - The aggregate of the maximum horizontal cross-section areas of the buildings on a lot, excluding cornices, eaves, gutters or chimneys projecting not more than 18 inches, bay windows not extending through more than one story and not projecting more than five feet, one-story open porches projecting not more than 10 feet, steps, porches, decks, and balconies.

**BUILDING COVERAGE** - The ratio of the total ground floor area of all buildings on a lot to the total gross area of the lot on which they are located.

**BUILDING ENVELOPE** - The area of a lot within which a structure is permitted to be built and that is defined by maximum height standards and minimum yard setbacks.

**BUILDING HEIGHT** A building's vertical measurement from the mean level of the finished grade surrounding the building to the top of the roof parapet or to the midway point between the highest and lowest portions of the roof, excluding clock towers and the chimney and/or mechanical equipment above the roof, such as a stair or elevator penthouse and water towers.

**BUILDING LINE, FRONT** - A line drawn at the façade of a building on which any customer entrance is located and on which primary wall sign(s) with regard to the use(s) conducted within such building is/are installed. Also referred to as the front line of a building. A building may have more than one front building line.

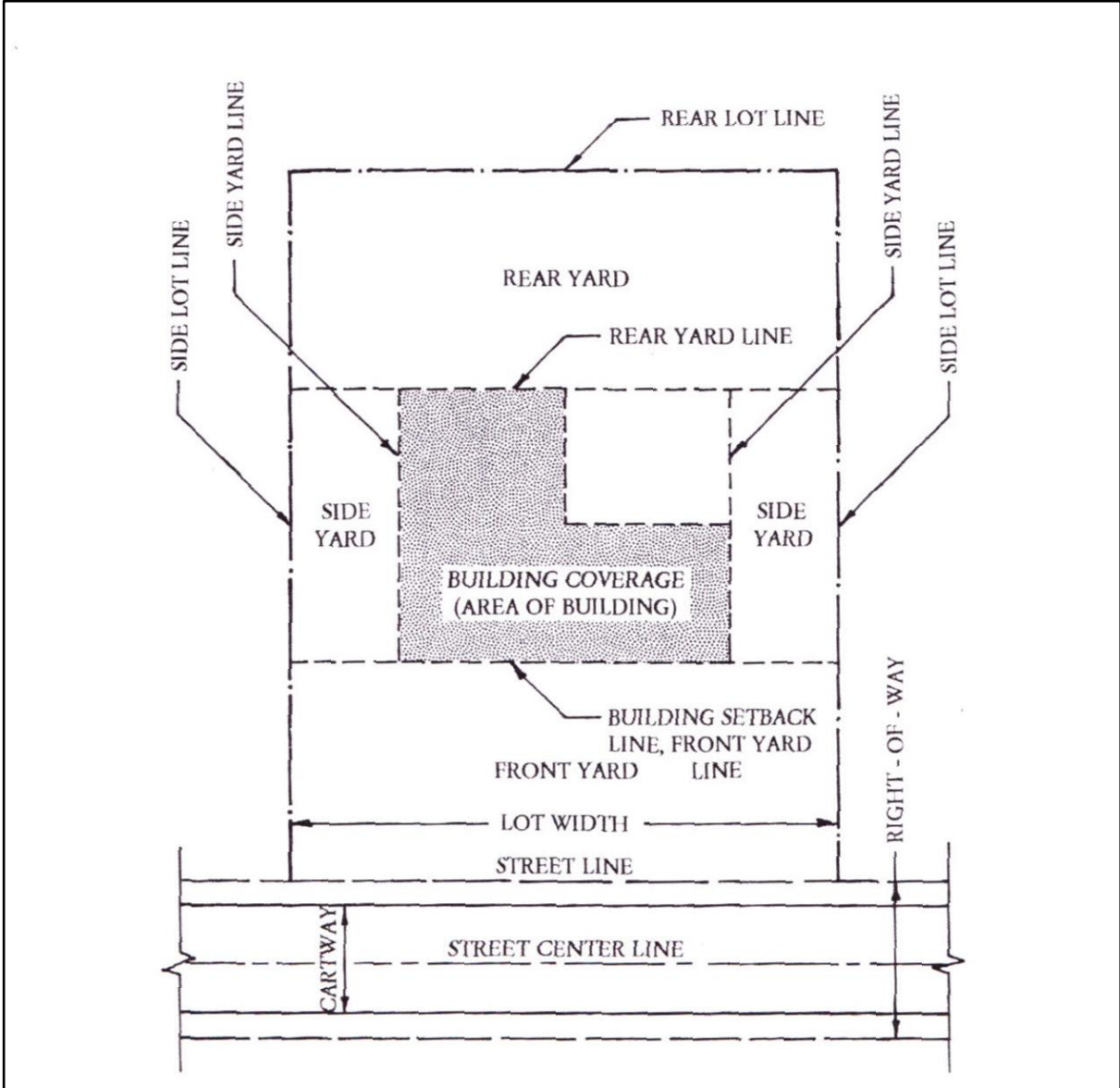


BUILDING LINE, SIDE - A building line not a front building line or a rear building line on which a customer entrance may be located. Also referred to as the side line of a building.

BUILDING LINE, REAR - A line drawn at the façade of a building on which no customer entrances are, or are intended to be (as to be determined based on building permit plans for the subject building), located. Also referred to as the rear line of a building.

BUILDING SETBACK LINE (BUILDING LINE) -

- A. Except in the case of an interior lot, the Building Setback Line shall be a line, within and extending the full width of a lot, parallel to the street line and setback a distance therefrom equal to the depth of the minimum required front yard. In the case of an interior lot (where preexisting or approved by relief), the Building Setback Line shall be a line, within and extending the full width of the lot, which is (a) parallel to the intervening lot line nearest the street line, and (b) setback from such intervening lot line a distance equal to the depth of the minimum required front yard, or in the case of an existing interior lot of record a distance equal to seventy-five (75) feet in accordance with Section 1306, herein.
- B. For the purpose of measuring lot width at and along the building setback line, the following shall apply:
  - 1. Except as otherwise provided in Subsection 2, below, the building setback line, for the purpose of measuring lot width, shall be the minimum building setback line as defined in Subsection A, above.
  - 2. In the case of a lot having its entire street frontage within the turnaround, measured from reverse curve to reverse curve, of a cul-de-sac street, the building setback line, for the purpose of measuring lot width, shall be a curved line that is (a) parallel to and concentric with the street line and (b) setback from the street line a distance equal to at least the depth of the minimum required front yard but in no case more than twice the depth of the minimum required front yard.



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

**CALIPER** - The diameter of a tree trunk taken six (6") inches above the ground level for field grown stock and from the soil line for container grown stock, at or near the top of the root flare, and six (6") inches above the root flare for bare root plants, up to and including the four (4") inch caliper size interval. If the caliper is measured at six (6") inches is four and one half (4 ½") inches or more, the caliper shall be measured at twelve (12") inches above the ground level, soil line, or root flare, as appropriate. The measurement applies to newly installed trees.

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

**CELL SITE** - A tract or parcel of land that contains a commercial communication antenna, its support structure, accessory building(s), and parking, and may include other uses associated with, and ancillary to, commercial communication transmission.

**CEMETERY** - Land used or intended to be used for the burial of deceased persons or animals, including columbaria, mausoleums and mortuaries when operated in conjunction with the cemetery and within the boundaries, but excluding crematoriums.

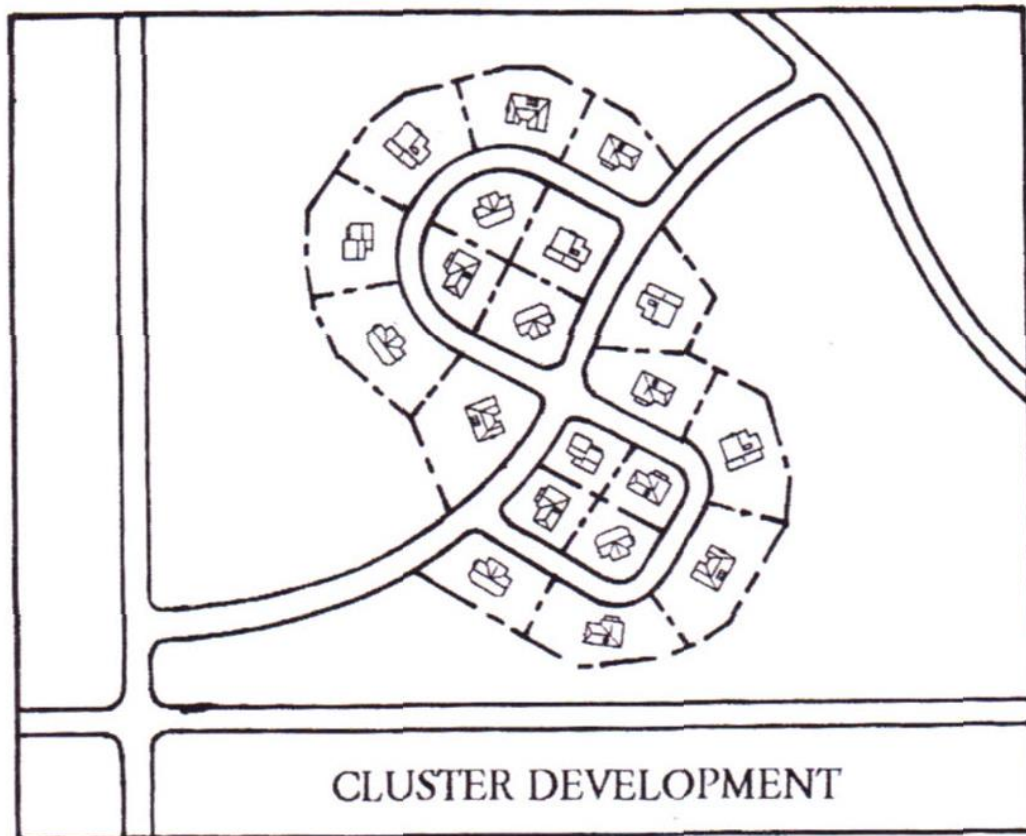
**CERTIFICATE OF USE AND OCCUPANCY** - A certificate issued and enforced by the Zoning Officer or other authorized Township official upon completion of the construction of a new building or upon a change or conversion of the structure or use of a building, which certifies compliance with all requirements and regulations as provided herein and with all other requirements herein incorporated by reference.

**CHURCH** - A building used principally for public worship and religious education.

**CLEAR CUTTING** - The removal of essentially all trees from a stand as defined herein.

**CLUB** - A building utilized by a private association offering restaurant and/or bar privileges to its members and guests.

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



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

**COMPLETELY DRY SPACE** - A space which will remain totally dry during flooding: the structure is designed and constructed to prevent the passage of water and water vapor.

**COMPREHENSIVE PLAN** - The Comprehensive Plan of Sadsbury Township, as amended.

**CONDOMINIUM** - Real Estate, portions of which are designed for separate ownership, the remainder of which is designed for common ownership solely by the owners of those portions, created under the Pennsylvania Uniform Condominium Act of 1980.

**CONICAL SURFACE** - With respect to the Airport Overlay Zone, a surface extending outward and upward from the periphery of the horizontal surface, as defined herein, at a slope of twenty (20) to one (1) for a horizontal distance of four thousand (4,000) feet.

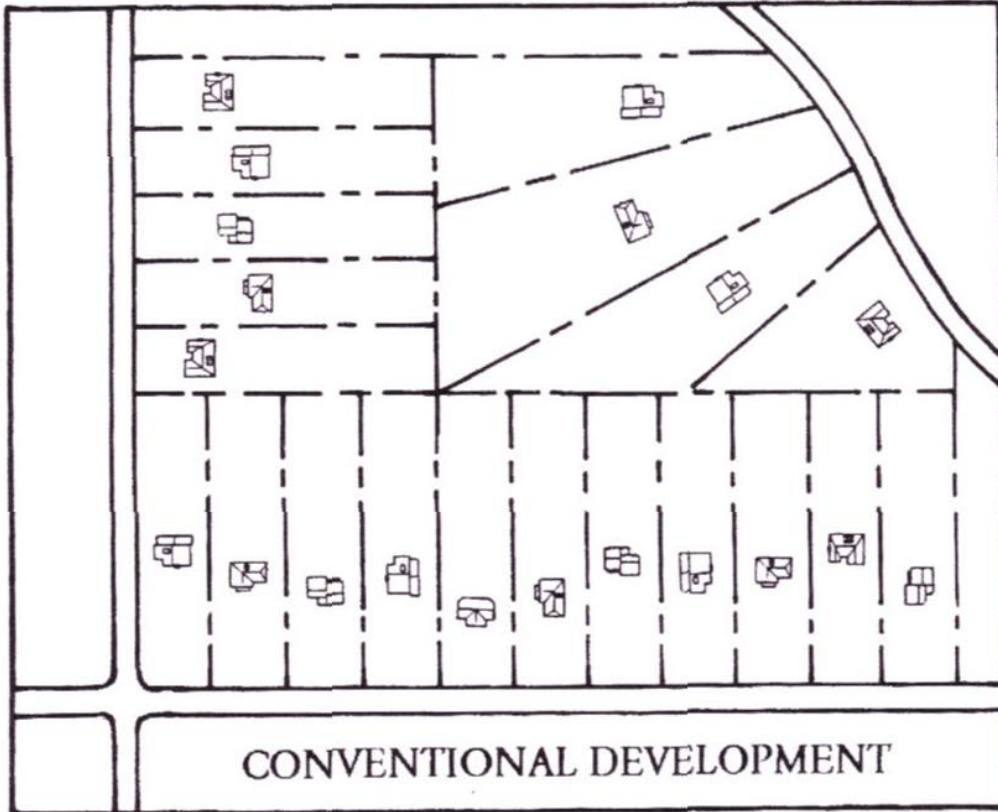
**CONSTRUCTION** - Any disturbance of the existing surface of the land or the erection of structures thereon, including the cutting of trees or clearing of brush, provided, however, that the entering upon premises for purposes of surveying, staking or the clearing of lines necessary to obtain data on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

**CONTINUING CARE RETIREMENT COMMUNITY** - A managed residential development, authorized to operate by the Commonwealth of Pennsylvania, designed

to provide a range of senior housing options. specialized services, support and security and three (3) levels of health care including independent living, assisted living, and long-term and short-term skilled nursing care, together with an array of ancillary facilities intended to meet the social, recreational, cultural and religious needs of the residents.

**CONVENIENCE STORE** - A retail activity designed to serve a local market which involves, but is not limited to, any of the following uses: delicatessen, small food market, sale of automotive fuel. Such buildings should be no larger than 5,000 square feet gross.

**CONVENTIONAL DEVELOPMENT** - Individual residential lots that encompass the entire development tract or area without retaining common open space associated with Cluster Development.



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

**CONVERSION, RESIDENTIAL** - The division of a single family detached dwelling into two (2) or more dwelling units; for example the conversion of a single-family home to two (2) or more apartments.

**COTTAGE-STYLE SINGLE FAMILY DETACHED DWELLING –**

A type of single-family detached dwelling designed with a ground floor master bedroom, have one or two stories, and having vehicular access via a front-entry driveway and garage.

**CUL-DE-SAC** - The end of a local street terminating at a permanent vehicular turnaround.

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.

CUSTOMER ENTRANCE An entrance to a commercial establishment or an office building through which members of the general public are allowed access on a regular basis and in the regular course of business during regular business hours and which is on the front line of the building or the side line of the building.

#### DAY CARE. COMMERCIAL

1. ADULT - A commercial facility where daytime supervision is provided for adults.
2. CHILD - A facility which exclusively provides supplemental parental care and/or instruction to children who are not related to the caregiver or operator; where tuition, fees, or other forms of compensation are charged; and which is licensed or approved to provide child care by the Commonwealth of Pennsylvania.

DAY CARE, HOME - A home occupation in which a private single-family detached residence is used for the care and supervision of a maximum of four (4) children or adults, not related to the caregiver.

DBH (Diameter at Breast Height) - The diameter of the trunk of a tree measured in inches at a height of four and one-half (4 ½ ') feet above the mean level of ground surface. If the tree divides or splits into multiple trunks, the largest trunk is measured at four and one half (4 ½') above mean ground surface level. This measurement applies to existing trees on site.

DEMOLITION - The act of demolishing, razing or removal of a structure or as defined in the International Property Maintenance Code, latest edition

DENSITY. GROSS - The total number of dwelling units existing and/or to be constructed on a lot or tract divided by the total gross area of the lot or tract, as defined herein as "Gross Lot Area" or Gross "Tract Area", expressed in dwelling units (DU) per acre.

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

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

DESIGN GUIDELINES & STANDARDS - A printed document comprised of narrative and images describing and depicting site design and amenities for a Town Center

Commercial Development and required pursuant to the Subdivision and Land Development Ordinance.

**DETERMINATION** - Any final action of the Zoning Officer, Code Enforcement Officer, or Township Engineer constituting a final approval or disapproval with conditions of any application for a building permit or use permit or a decision relative to the provisions of this Zoning Ordinance.

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

#### **DEVELOPMENT-**

- A. Any man-made change to improved or unimproved real estate, including but not limited to the construction, reconstruction, renovation, repair, expansion or alteration of buildings or other structures; the placement of manufactured homes; streets, and other paving; utilities: filling, grading and excavation; mining; dredging; drilling operations; storage of equipment or materials; and the subdivision of land.
- B. For other purposes of this Ordinance, 'development' shall have the meaning set forth in Subsection A, above, and shall also mean a land development as defined herein.

**DEVELOPMENT PLAN** - The provisions for development, including a planned residential development, a plan of subdivision, all covenants relating to use, location and bulk of buildings and other structures, intensity of use or density of development, streets, ways and parking facilities, common open space and public facilities.

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

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

**DISTURBANCE** - Any activity which alters the existing ground cover whether it be wooded, vegetative, stone, paved, or other impervious cover by cutting, removal, or filling of vegetation or impervious cover. This includes stockpiling of material or any other activity, which exposes soils to erosive action or otherwise alters the existing topography.

**DRAINAGE** - The flow of water or other liquid and the means or structures for directing such flow, whether surface or subsurface, and whether natural or artificial.

**DRIPLINE** - The line extending vertically from the exterior edge of the outermost leaves



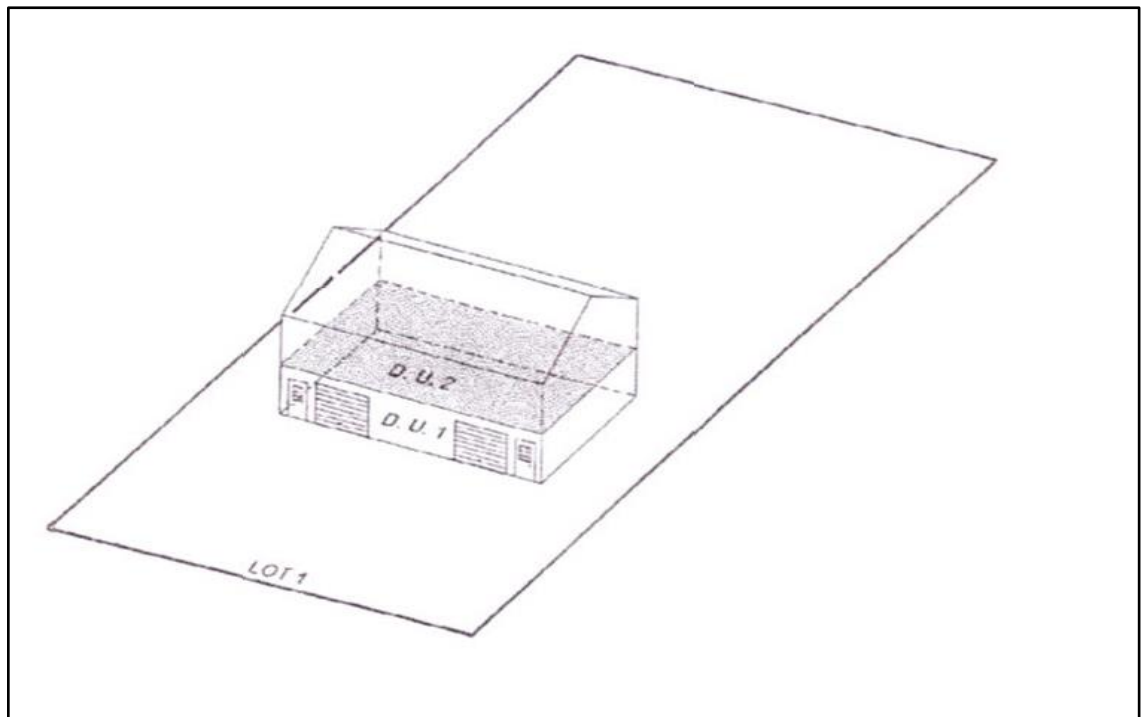
and branches on the tree to the ground.

**DRIVE-THRU** - An establishment that by design, physical facilities, service, or by packaging procedures encourages or permits customers to receive services or obtain goods while remaining in their motor vehicles.

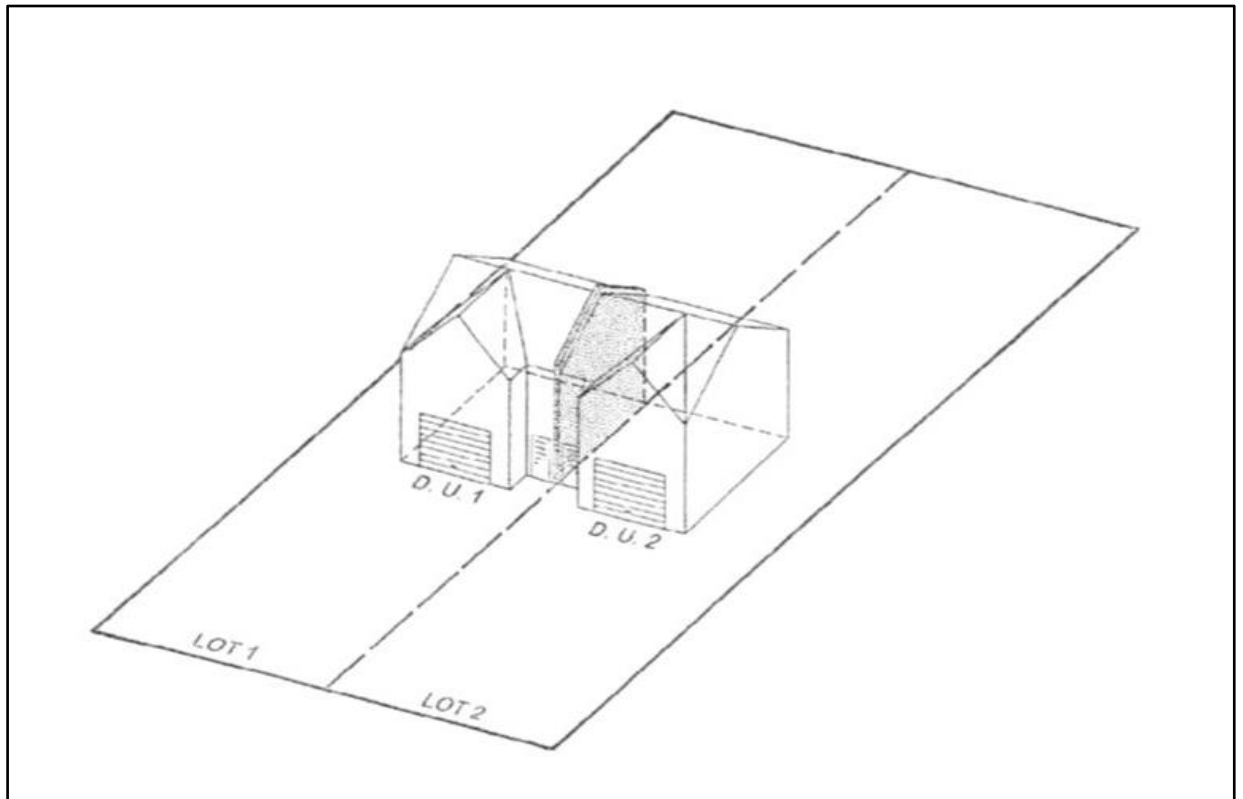
**DWELLING** - A building designed, modified and/or constructed for residential purposes.

**DWELLING TYPES:**

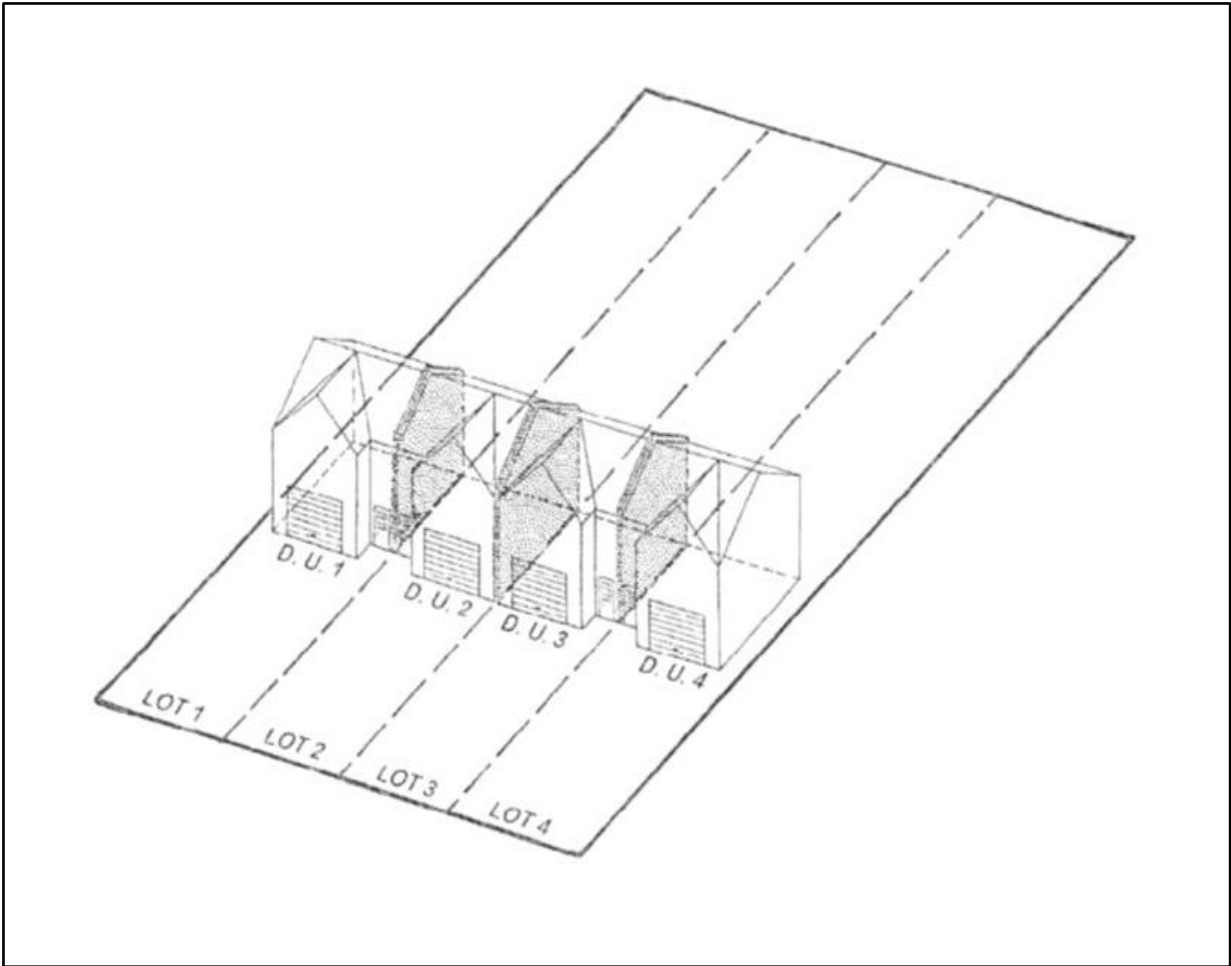
1. **SINGLE-FAMILY DETACHED** - A building designed for and occupied as a residence, containing one (1) dwelling unit and having no common or party wall with an adjacent dwelling. A mobile home affixed to a permanent foundation shall be considered a "single-family detached dwelling."
2. **TWO-FAMILY DETACHED (DUPLEX)** - A building designed for and occupied as a residence, containing two (2) dwelling units that share a common floor/ceiling but have no common or party wall with an adjacent dwelling and having yards on all sides.



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

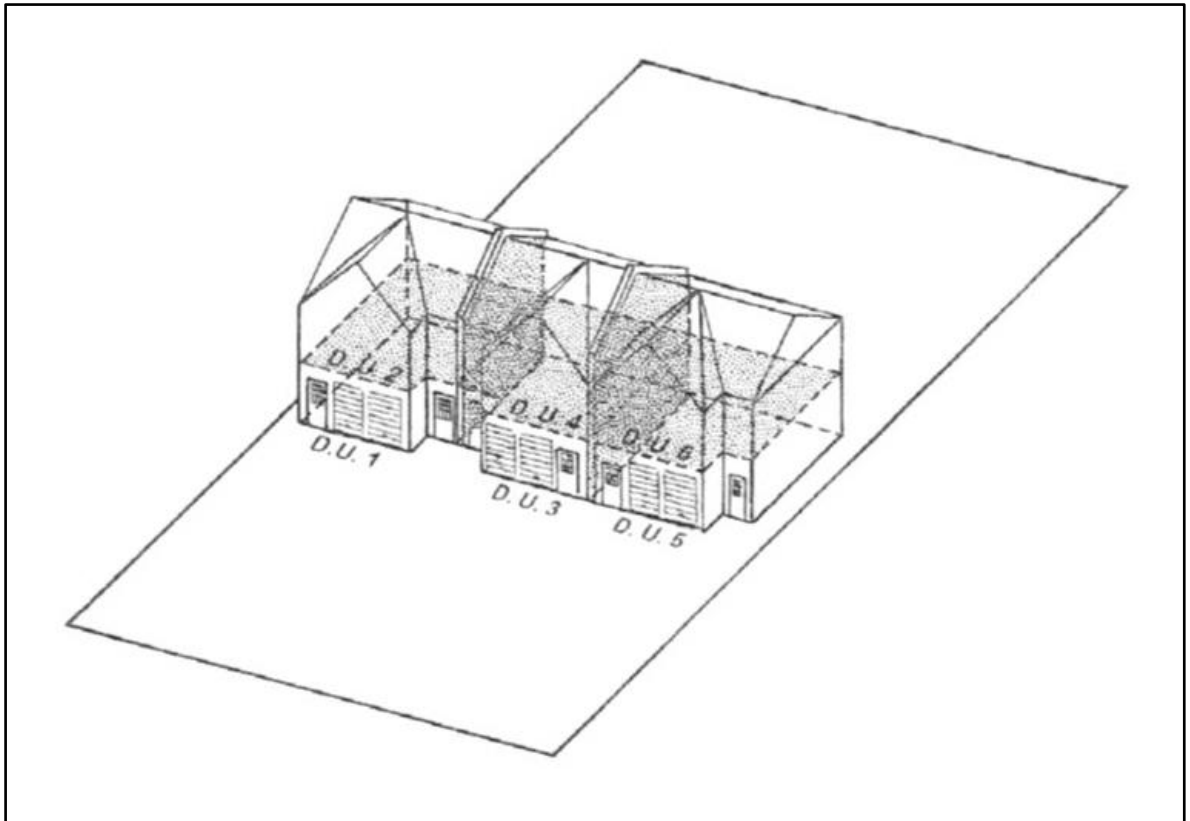


4. SINGLE-FAMILY ATTACHED (TOWNHOUSE) - A building designed for and occupied as a residence, containing one (1) dwelling unit and having no more than two (2) or more common or party walls with other buildings.



- 5. MULTI-FAMILY - A building designed for and occupied as a residence, containing three (3) or more dwelling units.

6. TWO-FAMILY ATTACHED - A building designed for and occupied as a residence, containing two (2) dwelling units that share a common floor/ceiling and having one (1) common or party wall with two (2) other dwelling unit that share that share a common floor/ceiling and having yards on all sides.



7. SENIOR HOUSING (CONTINUING CARE RETIREMENT HOUSING) - See Continuing Care Retirement Community.
8. AGE RESTRICTED HOUSING - See Age Restricted Community.

**DWELLING UNIT** - A room or rooms within a building connected together, constituting a separate, independent housekeeping establishment for one (1) family only and containing independent cooking and sleeping facilities. A single living space for one (1) family, excluding individual rental units in a motel, rooming house, tourist home, institutional home, dormitory, and the like.

**EASEMENT** - A permanent right granted for limited use of private land. normally for a public purpose (e.g., utility, drainage, public access).

**EASEMENT, CONSERVATION** - A legal agreement between a property

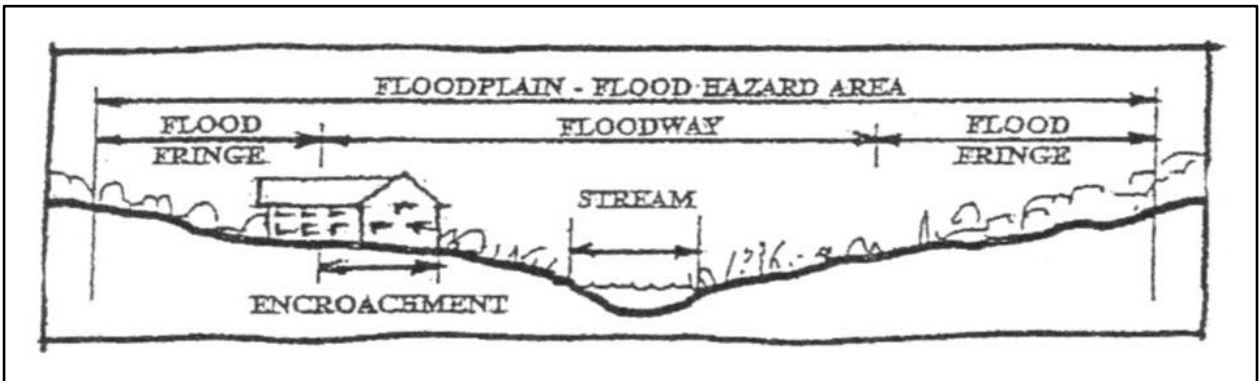
owner and an appropriate conservation organization or governmental entity through which the property owner establishes certain use restrictions over all or portions of the property for conservation purposes in perpetuity.

**EDUCATIONAL USE** - Use of land or building(s) for the establishment and maintenance of a public or private college, secondary or elementary school, or other educational institution for the primary purpose of instruction and learning.

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

**ELECTRIC or UTILITY SUBSTATION** - Buildings or structures and equipment erected and used for the purposes of transmission, switching or transforming of electrical current or transporting fuels, gases or other materials regulated by the PUC, between customers and the utility company facilities, not including the storage of materials, trucks, repair facilities, or repair crews.

**ENCROACHMENT** - Any obstruction or illegal or unauthorized intrusion in a delineated floodway, right-of-way, or on adjacent land



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

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

**EROSION** - The process by which soils, vegetation and man-made materials on the earth's surface are worn away by action of water, wind frost or a combination of such action by natural forces, but often intensified by human activity.

**ESSENTIALLY DRY SPACE** - A space which will remain dry during flooding, except for the passage of some water vapor or minor seepage; the structure is substantially impermeable to the passage of water.

**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.

**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),

**FAMILY** - A family is defined as:

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

**FARM** - A parcel of land use for agricultural activities. See Agricultural Operation

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

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

**FILL** - Material, exclusive of structures, placed or deposited to form an embankment or to raise the surface elevation of the land. Clean fill shall be defined by standards set forth by the Pennsylvania Department of Environmental Protection.

**FOOTCANDLE** – A unit of incident light quality measureable with an illuminance meter, a.k.a. footcandle meter or light meter.

**FLOOD** - A temporary inundation of normally dry land areas.

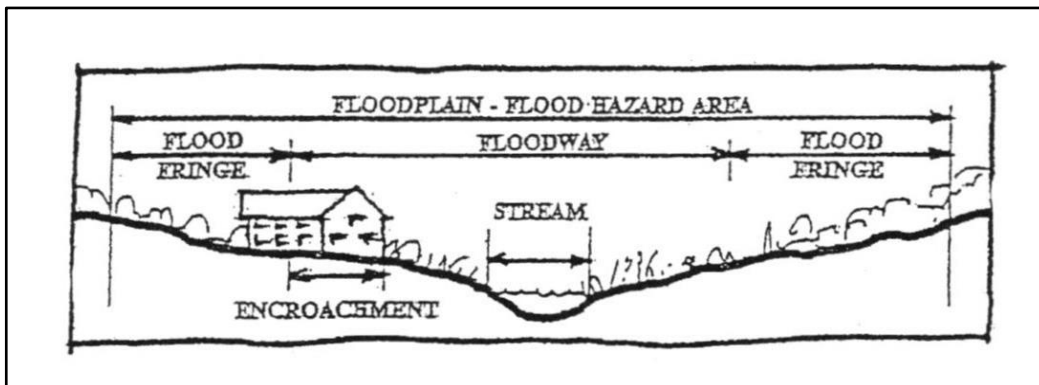
FLOOD. BASE - A flood which has a one percent chance of being equaled or exceeded in any given year (also called the "100-year flood" or one percent (1%) annual chance flood).

FLOOD, DISCHARGE BASE - 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).

FLOOD ELEVATION, BASE - 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 one percent or greater chance of being equaled or exceeded in any given year.

FLOOD ELEVATION, REGULATORY - The One-Hundred (100) Year Flood elevation, plus a freeboard safety factor of one and one-half (1 1/2) feet.

FLOOD FRINGE - Comprises that area of the one hundred (100) year floodplain not included within the floodway as delineated by the Flood Insurance Study. The basis for this outermost boundary of this area shall be the one hundred (100) year flood elevations as shown in the flood profiles contained in the Flood Insurance Study.



FLOOD. ONE HUNDRED (100) YEAR - The highest level of flooding that, on the average, is likely to occur every one hundred (100) years; that is, that has one (1) percent chance of occurring each year as delineated by the Federal Flood Insurance Agency Maps developed in the Flood Insurance program (see also BASE FLOOD).

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.

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.

**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.

**FLOODPLAIN AREA. IDENTIFIED** - 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 4.01 and 4.02 for the specifics on what areas the community has included in the Identified Floodplain Area.

**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.

**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 and as defined in 25 PA Code, Section 105.1 including its most recent revisions.

**FLOOR AREA** - Total gross area of all floors as measured to the outside surfaces of exterior walls, excluding crawl spaces, garages, carports, breezeways, attics without floors and open porches, balconies and terraces.

**FLOOR SPACE** - Floor areas of all floors as measured from the inside surfaces of the walls enclosing the part of a building occupied by a single occupant or shared by a distinct group of occupants, excluding therefrom common halls, stairwells, sanitary facilities and storage and other areas to which patrons do not have regular access.

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

**FULL CUTOFF** - A term that describes a lighting fixture from which no light is emitted at or above a horizontal plane through the bottom of light-emitting aperture portion of the fixture and no more than ten (10%) percent of the lamp's intensity is emitted at any angle within ten (10°) degrees below that horizontal plane, at all lateral angles around the fixture.

**FREEBOARD** - A dimension or distance above a flood plain or flood hazard area, utilized



as a margin of safety.

**FRONTAGE** - The length of a front lot line coinciding with a street line, with the exception of a flag lot. See Lot. Flag.

**GARAGE, PRIVATE** - An accessory building or part of a principal building for the storage of one (1) or more automobiles and/or other vehicles, accessory and incidental to the primary use of the premises and owned and used by the owner or tenant of the premises.

**GARAGE, PUBLIC** - A building other than a private garage, used exclusively for the storage or parking of motor vehicles.

**GARAGE/YARD SALE** - The temporary display and sale of goods and craft items on a residentially used property

**GLARE** – The sensation produced by excessive direct or reflected light that causes annoyance, discomfort or loss in visual performance of the eye. Sensitivity to glare increases with the viewer's age.

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

**GRADING** - The changing of the surface of the ground by excavation or fill or combination of the two; the act of moving earth.

**GREENHOUSE, COMMERCIAL** - A building whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature or humidity can be regulated for the cultivation of delicate or out-of-season plants for subsequent sale. Greenhouse also includes High Tunnels.

**GREENWAY LANDS** - That portion of a tract set aside for the protection of sensitive natural features, farmland, scenic views, and other unique features. Greenway lands may be accessible to the residents of a development and/or municipality, or it may contain areas of conservancy lots that are not accessible to the public.

**GROSS LEASEABLE AREA** - The total floor area of any building or structure in which some or all spaces are leased.

**GROUP HOME** - A licensed community-based living arrangement functioning as a single household and providing rehabilitative services and which provides residential services to persons who, due to age, disability or handicap, are not able to live without professional care or supervision. Group homes do not include a disciplinary facility, or facility confining adjudicated delinquents or convicted criminals, parolees or supervised probationers under the custody of the courts or county, state or federal correctional

agencies, drug or alcohol rehabilitation facilities, nor shall the use be deemed to include facilities for the treatment of mentally ill or physically injured or disabled persons wherein psychiatric or medical care is administered beyond that incidental care normally provided in a single-family residence.

**HAZARD TO AIR NAVIGATION** - An obstruction determined to have a substantial adverse effect on the safe and efficient utilization of the navigable airspace.

**HEDGEROW** - A linear plant community, either natural or planted, dominated by trees and/or shrubs, an occurring along roads, fence lines, property lines or between fields.

**HEIGHT** - With respect to the Airport Overlay Zone and for the purpose of determining the height limits in all zones set forth in—Section 1102, herein, and shown on the Airport Zoning Map, the datum shall be mean sea level elevation unless otherwise specified.

**HELIPORT** - An area of land or a structural surface which is designed. used, or intended to be used for the landing and take-off of helicopters, and which may include appurtenant areas which are designed to be used for helicopter support facilities such as maintenance, refueling, and hangers.

**HIGHEST ADJACENT GRADE** – The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

**HIGH VALUE SPECIES** - Trees of the following species that are twelve (12) inches DBH or greater: Sugar Maple; Bitternut Hickory; Pignut Hickory; Shagbark Hickory; Mockernut Hickory; White Ash; American Beech; Eastern Black Walnut; White Oak; Swamp White Oak; Scarlet Oak; Chestnut Oak; Pin Oak; Northern Red Oak; Black Oak.

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

**HISTORIC STRUCTURE** - Any structure that is

1. Listed individually in the National Register of Historic Places (a listing maintained by the department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. 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;
3. Individually listed on a state inventory of historic places in states which have been approved by the Secretary of the Interior; or

4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
  - a. By an approved state program as determined by the Secretary of the Interior: or
  - b. Directly by the Secretary of the Interior in states without approved programs.
  - c. Historic American Building Survey, located at the Sadsbury Township office.

HOME OCCUPATION - An accessory use which is clearly incidental or secondary to the residential use of a dwelling unit and is an activity conducted for profit by persons residing on the premises. Home occupations are further divided into two (2) categories, no-impact home based business, and major home occupation. as defined below:

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

- b. The business shall employ no employees other than family members residing in the dwelling.
  - c. There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.
  - d. There shall be no outside appearance of a business use, including, but not limited to, parking, signs or lights.
  - e. The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including Interference with radio or television reception, which is detectable in the neighborhood.
  - f. The business activity may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with a residential use in the neighborhood.
  - g. The business activity shall be conducted only within the dwelling and may not occupy more than 25% of the habitable floor area.
  - h. No delivery vehicles or equipment stored outside of the building shall be permitted.
  - i. The business may not involve any illegal activity.
2. MAJOR HOME OCCUPATION - A home occupation which requires additional review and regulation because of its potential impact on the area in which it is located. A major home occupation is specifically defined as a home occupation which does not meet one (1) or more of the criteria of a no-impact home based business.

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

HORIZONTAL SURFACE - With respect to the Airport Overlay Zone, a horizontal plane, one hundred and fifty (150) feet above the established airport elevation, the perimeter of which in plan coincides with the perimeter of the horizontal zone.

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

HOSPITAL - An institution providing primary health services and medical or surgical care to persons, primarily in-patients, suffering from illness, disease, injury, deformity, or other

abnormal physical or mental conditions, and including as an integral part of the institution, related facilities such as laboratories, outpatient facilities or training facilities.

**HOTEL** - An establishment open to transient guests and in which lodging with or without meals is offered for compensation and in which access to guest rooms is from an interior lobby, corridor or hallway accessed from a common entrance. Additional services, such as conference and meeting facilities may also be provided in conjunction with the primary use. (See also "motel")

**HYDRIC SOIL** - A soil that formed under saturated conditions with hydric inclusions in the Township, as classified by the U.S. Department of Agriculture, Soil Conservation Service for Delaware and Chester Counties, include Guthrie silt loam (Gu), Lawrence silt loam (LaA, LaB), Linside silt loam (Ls), Melvin silt loam (Mn), Worsham silt loam (W0A, W0B, W0B2), and Worsham very stony silt loam (W5B). Glenville silt loam (GnA, GnB) may be considered hydric, subject to soils analysis to determine if there are hydric inclusions.

**IDENTIFIED FLOODPLAIN AREA** - The term is an umbrella term that includes all of the areas within which the Township 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 4.01 and 4.02 for the specifics on what areas the community has included in the Identified Floodplain Area.

**ILLUMINANCE** – The quantity of incident light measured with a light meter in footcandles.

**IMPERVIOUS SURFACE** - Areas [or materials, such as] that do not absorb water including, but not limited to buildings, structures, and paved areas.

**INDUSTRIAL PARK** - A grouping of two (2) or more industrial establishments which are subdivided and developed according to a unified plan that includes the common use of streets and utilities.

**INDIVIDUAL SEWAGE SYSTEM** - A system of piping, tanks, other facilities serving a single lot and located thereon, which is approved by the Pennsylvania Department of Environmental Protection and/or the Chester County Health Department.

**INSTITUTION** - A building and grounds, a portion of which is used for the residence of more than three (3) unrelated persons who occupy the building for a common purpose, including hospitals, convents, school dormitories, nursing homes, reformatories. etc.

**INVASIVE PLANT SPECIES** - Plants, not native to the area, including, but not limited to, multi-flora rose, autumn olive, Japanese honeysuckle, oriental bittersweet, Norway maple, mile-a-minute weed and all poisonous plants.

JUNK VEHICLE - A wrecked, disabled vehicle or a vehicle which is unregistered or unlicensed under the Pennsylvania Vehicle Code, or without current and valid state inspection, or which would not, in its current condition, pass a Pennsylvania inspection as required by the Pennsylvania Vehicle Code.

JUNK YARD or SALVAGE YARD - An area of land, with or without buildings, used for storage of used and/or discarded materials outside a completely enclosed building, including but not limited to wastepaper, rags, rubbish, trash, refuse, 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 or the deposit or storage on a lot of two (2) or more unlicensed, un-inspected, wrecked, or disabled vehicles. Except in the case of an automotive repair facility, where automobiles are awaiting repair.

KENNEL - The use of land, building, or structure where four (4) or more cats and/or dogs ten (10) weeks of age or older are kept for remuneration for boarding, grooming, breeding and/or selling purposes on a single lot or contiguous lots under single ownership or lease.

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

LAND DEVELOPMENT - Any of the following activities:

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

3. A subdivision of land.
4. Development in accordance with the Pennsylvania Municipalities Planning Code

**LAND DISTURBANCE** - Any activity that exposes soils, or alters topography and/or vegetation, except for removal of invasive vegetation. Customary agricultural practices such as tilling, plowing, mowing and harvesting are excluded from the definition of land disturbance.

**LANDING** - Within the context of a timber harvesting operation, a place where logs, pulpwood and firewood are assembled for transportation to a processing facility or otherwise off-site.

**LANDOWNER** - A 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 the land.

**LANDSCAPE SCREEN** - The use of plant material, walls, fencing or earthen berms, or combinations thereof, to: (i) aid in the concealment of such features as parking and loading areas; (ii) to provide privacy and/or protection between two (2) incompatible land uses; or, (iii) to provide a visual or sound barrier.

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

**LITTER** - Discarded items not naturally occurring on a site, such as, tires, oil cans, equipment parts, and other refuse.

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

**LODGE** - A building or grounds utilized by a private association offering such recreational pursuits as climbing, hunting, fishing, gunning, nature observation and the like. It does not include restaurant and/or bar facilities.

**LOP** - The cutting of tops, as defined herein, and slash, as defined herein, into smaller pieces to allow settlement of such material close to the ground.

**LOT** - A designated parcel, tract or area of land established by a plan or otherwise as permitted by law and to be used, developed or built upon as a unit in accordance with

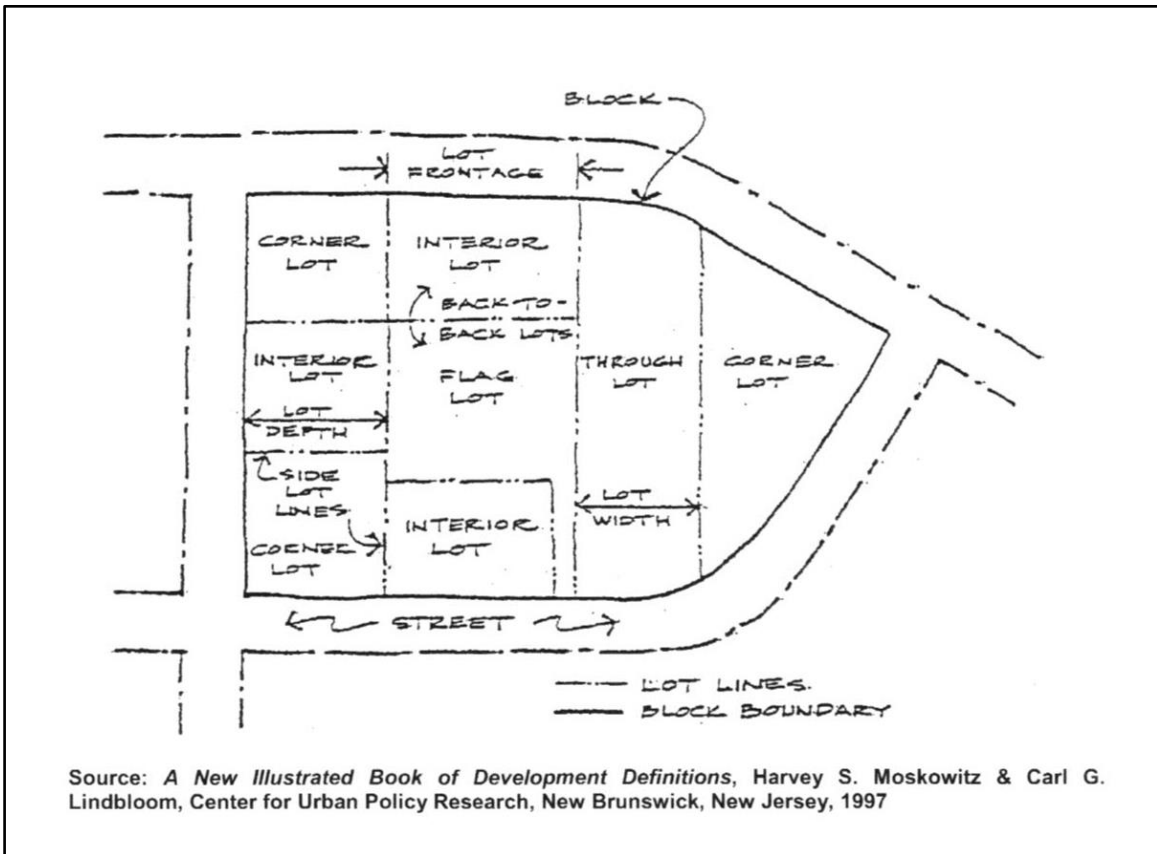
this Ordinance, the Subdivision and Land Development Ordinance and/or other applicable law.

LOT OR TRACT AREA. GROSS - The total planar area within the lot lines of any lot or tract of land.

LOT OR TRACT AREA, NET - The gross area of a lot or tract of land reduced by the following: The entire area of all lands lying within (i) any road right-of-way, existing or proposed, public or private. For the purpose of the computation of a private road, such road shall be deemed to have a right-of-way equal to the right-of-way required for a comparable public road with the centerline of each being congruent; (ii) 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; (iii) 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; (iv) lands under conservation easements or prohibitory building restrictions; (v) all areas within the floodplain overlay district, and all areas comprised of wetlands, prohibitive slopes, seasonally high water table soils, surface water, and riparian buffers. 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".

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





**LOT COVERAGE** - That ratio of the total ground floor area which is covered by impervious materials, including buildings, structures, sidewalks, driveways and parking lots to the total lot area of the lot on which they are located.

**LOT, FLAG** - A lot not meeting minimum frontage requirements and where access to the public road is by a narrow private right-of-way or driveway.

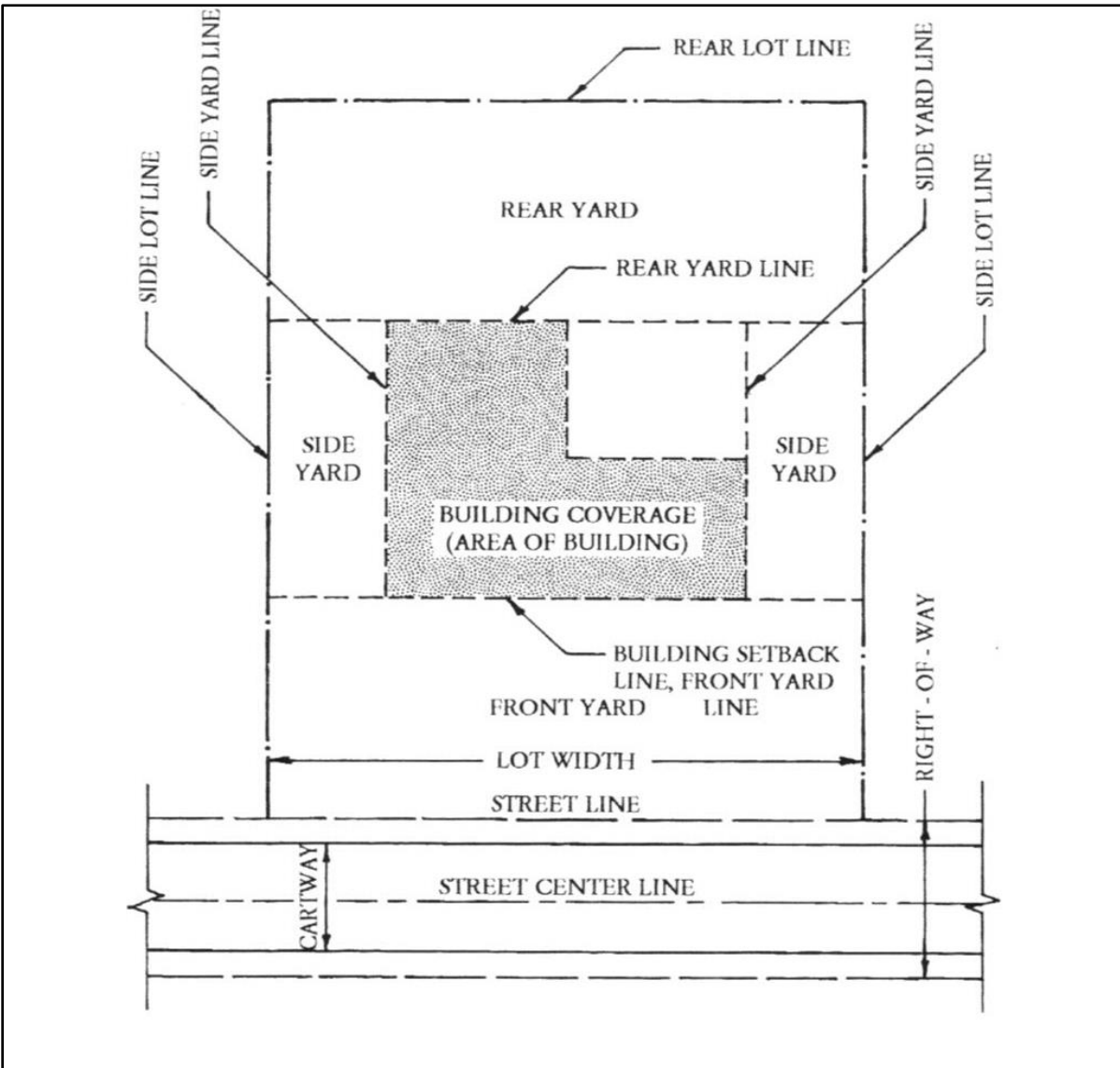
**LOT, INTERIOR** - A pre-existing lot or lot approved to provide relief, having limited frontage on a public or private road, where such frontage is intended primarily to provide access to the lot. The strip of land used for access shall be a fee simple part of the lot. An interior lot shall include,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

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

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

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

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



LOT, MOBILE (MANUFACTURED) HOME - A parcel of land in a mobile home park,

improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single mobile home.

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

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

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

**MAIN STREET COMPONENT** - A discrete portion of a Town Center Commercial Development characterized by a pedestrian scale of buildings, one or more center square(s) or plaza(s), site amenities in accordance with design guidelines & standards pursuant to the Subdivision and Land Development Ordinance, and in which not less than two (2) of the use types permitted within a Town Center Commercial Development shall be located. A Main Street Component shall be comprised of buildings measuring not less than 40,000 square feet of floor area, in the aggregate, and shall be constructed at a Town Center Commercial Development parcel not later than the time set forth in the decision and order of the Board of Supervisors pursuant to which the Board of Supervisors shall grant conditional use approval for a Town Center Commercial Development.

**MANUFACTURED HOME** - A structure, transportable in one or more sections, which is built on a permanent chassis, and is designed for use with or without a permanent foundation when attached to the required utilities. The term includes park trailers, travel trailers, recreational and other similar vehicles which are placed on a site for more than 180 consecutive days.

**MANUFACTURED HOME PARK OR SUBDIVISION** - A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

**MEDICAL CLINIC** - A facility for the provision of urgent care services and/or examination and treatment of primarily outpatient, ill or afflicted humans, and those obtaining elective medical procedures and which may include offices for licensed professionals working at the clinic.

**MINIMUM BUILDABLE AREA** - The area of a lot that has no development restrictions. The minimum buildable area shall not include the area of any required setbacks (except driveways which cross yards), buffer yards, natural features with one hundred (100) percent protection as specified and defined within this Ordinance and the percentage of other protected natural features that may not be developed or intruded upon as defined herein.

**MIXED USE** - The use of a building or a lot for two (2) or more principal uses.

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

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

**MOBILE (MANUFACTURED) HOME PARK** - A parcel or contiguous parcels of land which has been so designed and improved that it contains two (2) or more mobile home lots for the placement thereon of mobile homes for non-transient use.

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

**MODULAR HOME** - A home built in a factory and then carried in sections to a building site where it is assembled.

**MOTEL** - A building or group of buildings containing individual rooms or apartment accommodations primarily for transients, each of which is provided with a separate exterior entrance and a parking space, and offered principally for rental and use by motor vehicle travelers. Additional services, such as conference and meeting facilities may also be provided in conjunction with the primary use if consistent with the provisions found elsewhere herein. (See also "hotel")

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

**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 October 15, 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.

**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.

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

1. The business activity shall be compatible with the residential use of the property and surrounding residential uses.
2. The business shall employ no employees other than family members residing in the dwelling.
3. There shall be no display or sale of retail goods and no stockpiling inventory of a substantial nature.
4. There shall be no outside appearance of a business use, including, but not limited to, parking, signs or lights.
5. The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood

6. The business activity may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with a residential use in the neighborhood.
7. The business activity shall be conducted only within the dwelling and may not occupy more than 25% of the habitable floor area.
8. No equipment or vehicles utilized in the business shall be stored outside.
9. The business may not involve any illegal activity.

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

**NON-CONFORMING SIGN** - Any sign lawfully existing at the time of the passage of this Zoning Ordinance that does not conform in use, location, height, or size to the regulations regarding Signs.

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

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

**NON-PRECISION INSTRUMENT RUNWAY** - With respect to the Airport Overlay Zone, a runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in non-precision instrument approach procedure has been approved or planned.

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

**NURSING HOME or CONVALESCENT HOME** - A building, or series of buildings, for the housing and care of persons in need of specialized care and attention but not necessarily needing hospital level of services.

**OBSTRUCTION** - With respect to the Airport Overlay Zone, any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth elsewhere herein.

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

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

**OFFICE, BUSINESS** - An office where a particular kind of business is transacted or a service supplied and shall be limited to offices for management, consulting, record keeping, and clerical work of a commercial, industrial, mercantile, or personal service enterprise.

**OFFICE PARK** - A grouping of two (2) or more office buildings which are subdivided and developed according to a unified plan involving the layout of several lots, buildings, access streets, landscaping, and other improvements typically in a campus-like setting.

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

**OFF-SITE SEWER SERVICE** - The disposal of sewage by use of a sanitary sewer system served by a central sewage treatment plant approved by all governmental agencies having jurisdiction over such matters and either governmentally or privately owned or Public Utilities Commission (PUC) controlled.

**OFF-SITE WATER SERVICE** - A safe, adequate and healthful supply of water to more than one (1) user from a common source approved by all governmental agencies having jurisdiction over such matters and either governmentally or privately owned or PUC controlled.

**ON-SITE SEWER SERVICE** - The disposal of sewage by use of safe and healthful means within the confines of a lot as approved by the Chester County Health Department.

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

OPACITY - The state of being opaque.

OPAQUE - Not transmitting light or impenetrable to light.

OPEN SPACE, COMMON - A parcel or parcels of land or an area of water, or a combination of land and water, within a development site, designed and intended for the use and enjoyment by residents of such development and possibly the general public. Common open space shall be substantially free of structures, but may contain such improvements as are in the finally approved development plan, and shall not include individually owned private yards, streets, and off-street parking areas unless provided in conjunction with a recreational facility.

PARENT AGRICULTURAL TRACT - A tract of land containing at least ten (10) acres devoted to agricultural uses, together with a dwelling and accessory uses, located in the Rural Residential District on the effective date of this Ordinance, and held in single and separate ownership.

PARK, PRIVATE - A tract of land, designated and used for active and passive recreation.

PARK, PUBLIC - A tract of land, designated and used by the public for active and passive recreation.

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

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

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

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

PERSONAL SERVICE ESTABLISHMENT - A building or portion of a building in which the service of a person permitted to practice a specific profession is offered to the general public. Examples of such uses include, but are not limited to: agents, barbers, beauticians, cleaners, doctors, laundromats, lawyers, optometrists, photographers, post offices, repairing, tailors, undertakers, and utility collection offices.

PHOTOGRAMETRIC - Surveying through a photographic process.



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

PLAN, FINAL - See the Sadsbury Township Subdivision and Land Development Ordinance.

PLAN, PRELIMINARY - See the Sadsbury Township Subdivision and Land Development Ordinance.

PLAN. RECORD - The copy of the final plan which contains the original endorsements of the Chester County Planning Commission and the Township and which is intended to be recorded with the Chester County Recorder of Deeds.

PLAN. SKETCH - See the Sadsbury Township Subdivision and Land Development Ordinance.

PNDI - PENNSYLVANIA NATURAL DIVERSITY INVENTORY

POST-FIRM STRUCTURE - A structure for which construction or substantial improvement occurred after December 31, 1974 or on or after the Township's initial Flood Insurance Rate Map (FIRM) dated October 15, 1985, whichever is later, and, as such, would be required to be compliant with the regulations of the National Flood Insurance Program.

PRE-FIRM STRUCTURE - A structure for which construction or substantial improvement occurred on or before December 31, 1985, or before the Township's initial Flood Insurance Rate Map (FIRM) dated October 15, 1985, whichever is later, and, as such, would not be required to be compliant with the regulations of the National Flood Insurance Program.

PRECISION INSTRUMENT RUNWAY - With respect to the Airport Overlay Zone, a runway having an existing instrument approach procedure utilizing an Instrument Landing System (ILS) or a Precision Approach Radar (PAR). It also means a runway for which a precision approach system is planned and is so indicated on an approved airport layout plan or any other planning document.

PRIMARY SURFACE - With respect to the Airport Overlay Zone, a surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends two hundred (200) feet beyond each end of that runway; for military runways or when the runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of that runway. The width of the primary surface is set forth elsewhere herein. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.

PRIME AGRICULTURAL SOILS - Soils of the first, second, or third class as defined by

the United States Department of Agriculture.

**PRIVATE** - Any activity limited to members of an organization or to persons specifically invited where no advertisement or inducement has been made to the general public.

**PROFESSIONAL CONSULTING FORESTER** - A forester who has obtained a Certified Foresters® certification from the Society of Certified Foresters (SAF), or who is a full member of the Association of Consulting Foresters (ACF). In the alternative, the Board of Supervisors may approve an individual, not meeting the above qualifications, as a Professional Consulting Forester, if such individual petitions the Board, prior to any request for a timber harvesting permit, and submits his or her educational and Professional qualifications, samples of previous timber harvesting plans authored, and references from Pennsylvania municipalities.

The minimum requirements for consideration as a Professional Consulting Forester are; (1) the individual must have a Bachelor of Science degree in Forestry from a college accredited by the Society of American Foresters; (2) the individual must demonstrate that his or her principle business activity is forestry consulting; (3) the individual must demonstrate that he or she does not have an economic interest in a timber purchasing or procurement entity; and (4) the individual must demonstrate that he or she has prepared a minimum of five (5) timber harvesting plans within the Commonwealth of Pennsylvania.

**PROTECTED NATURAL FEATURES** - Natural Features, such as floodplains and steep slopes that have assigned to them a certain percentage of protection in order to avoid impact upon them or the proposed subdivision or land development. For example, 100% of floodplains shall be protected as herein defined elsewhere in this Ordinance.

**PUBLIC** - Any use in which the general public is involved.

**PUBLIC GROUNDS** - includes:

1. Parks. Playgrounds, trails, paths, and other recreational areas and other public areas.
2. Sites for schools, sewage treatment. refuse disposal, and other publicly owned or operated facilities.
3. Publicly owned or operated scenic and historic sites.

**PUBLIC HEARING** - A formal meeting held pursuant to public notice by the Board of Supervisors, the Planning Commission or the Zoning Hearing Board intended to inform and obtain public comment or to build an adjudicatory record prior to taking action in accordance with this Ordinance and Act 247.

**PUBLIC MEETING** - A forum held pursuant to notice under 65 Pa. CS-701-716 known as the Pennsylvania "Sunshine Act".

**PUBLIC NOTICE** - Notice of a hearing published once a week for two (2) successive weeks in a newspaper of general circulation in the Township. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than thirty (30) days and the second publication shall not be less than seven (7) days prior to the date of the hearing. Public notice all requirements established by the State of Pennsylvania as amended.

**PUBLIC SEWER** - A sewage collection and conveyance facility complying with all of the requirements and duly approved by Sadsbury Township and the Department of Environmental Protection.

**PUBLIC WATER SERVICE** - The supplying of safe, palatable and potable water in sufficient quantities for the proposed use, including fire protection. said water to be supplied by and only by a municipality, municipal authority or a public utility as defined and regulated by the Pennsylvania Public Utility Commission.

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

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

**RADIO, TELEVISION, OR MICROWAVE TRANSMITTER OR TOWER** - A structure that includes a transmitting, relay or antenna tower, and support structures and accessory buildings that is licensed by the Federal Communications Commission (FCC) for the specified purpose of transmitting or receiving television, radio, or telephone communications.

**RECREATION, ACTIVE** - Those recreational pursuits that require physical alteration to the area (whether paved or unpaved) in which they are performed. Such areas are intensively used and include, but are not limited to, playgrounds. ball courts and swimming pools.

**RECREATION, INDOOR** - The use of a building or part thereof for indoor sports such

as bowling, tennis, racquetball, squash, indoor basketball, indoor swimming, and those sports activities usually conducted indoors, but excluding target shooting or any other activities that create loud noises or may be dangerous or disturbing to surrounding residents.

**RECREATION. OUTDOOR** - A recreational use and associated facilities designed and equipped for the conduct of sports and leisure time activities, including swimming, tennis, and other court games, baseball and other field sports, playground and other outdoor activities, but excluding amusement parks, go-cart tracks, shooting ranges and other activities which generate noise objectionable to a residential environment.

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

**RECREATIONAL FACILITY** - A place designed and equipped for the conduct of sports, leisure time activities, and other customary and usual recreational activities.

**RECREATIONAL VEHICLE** - A vehicle which is:

1. built on a single chassis;
2. not more than 400 square feet, measured at the largest horizontal projections;
3. designed to be self-propelled or permanently towable by a light-duty truck;
4. not designed for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

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

**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 (1-1/2) feet.

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

**RENTAL UNIT** - An individual space offered for rent or lease within a motel, hotel, rooming house, tourist home, institutional home, dormitory, multi-family dwelling

structure, or in a professional, commercial office, or industrial building. This definition includes self-storage facilities as defined herein.

**RESTAURANT** - A place of business serving food and beverages prepared for consumption on the premises, and providing table or sit-down service or take-out service, but not including outdoor curb service. Outdoor dining may be permitted by special exception.

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

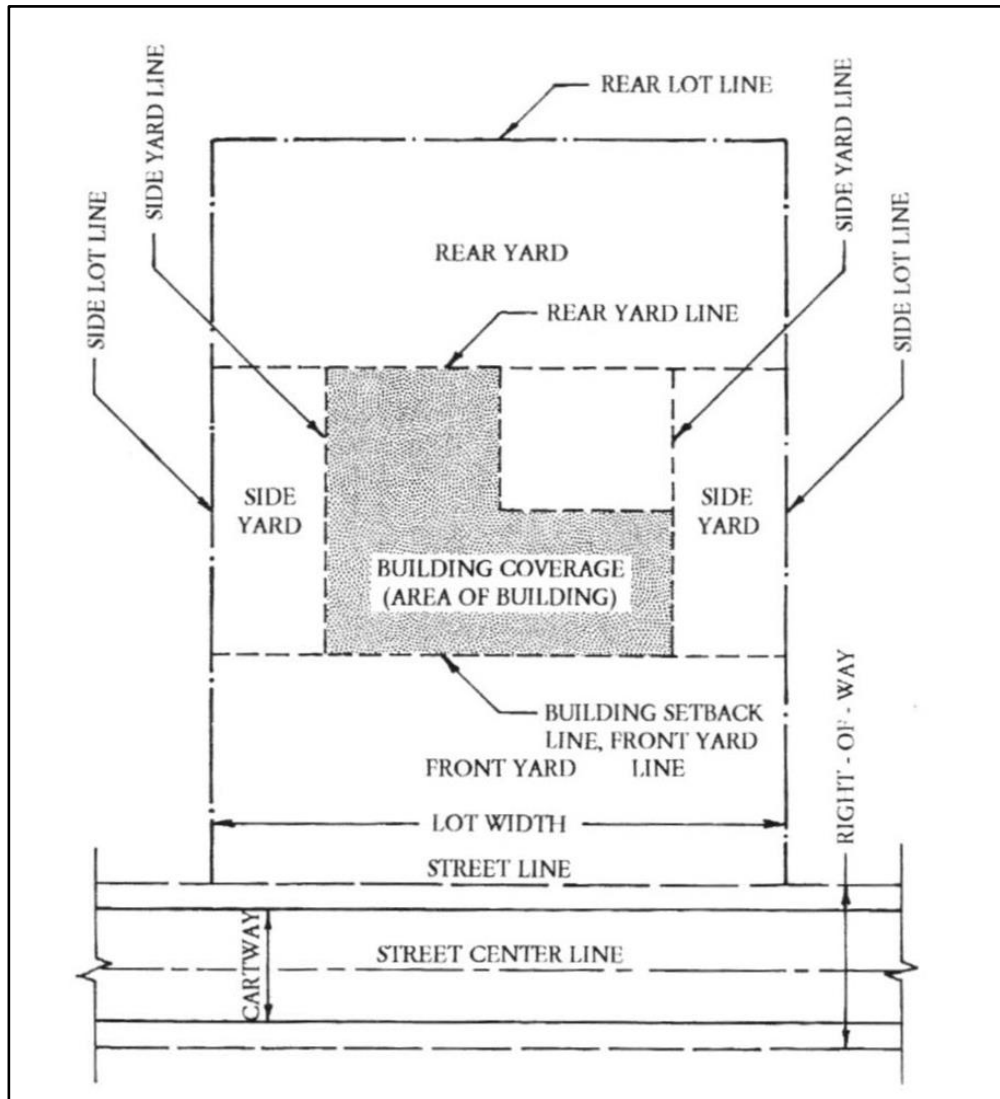
**RESTAURANT, FAST FOOD WITH DRIVE-THRU SERVICE** - A fast food restaurant as described above, but which also provides service to customers who remain in automobiles where customers are served either through an exterior window in the establishment, or directly to parked automobiles on the premises.

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

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

**RETIREMENT COMMUNITY** - A development of individual or multiple dwelling units which is designed for adults and which meets the definition of "housing for older persons" as set forth in the Fair Housing Amendments Act of 1988, as amended. Exclusively for adult individuals and/or couples who are at least fifty-five (55) years of age and includes facilities or services specific to the population. Retirement communities shall include age restricted communities and continuing care retirement communities, as defined herein.

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



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

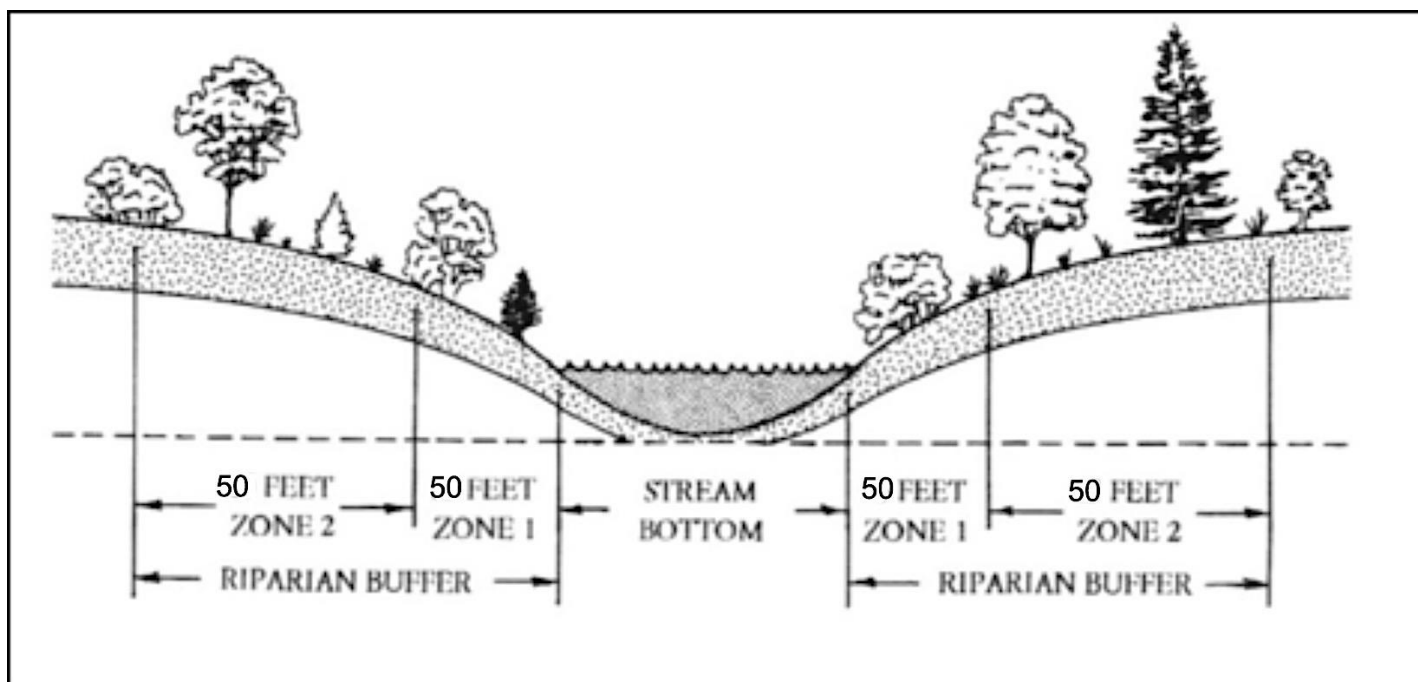
**RIGHT-OF-WAY, LEGAL** - The existing right-of-way of dedicated streets as established by the Commonwealth of Pennsylvania or other appropriate governing authority.

**RIPARIAN BUFFER** - A riparian buffer is an area of trees and other vegetation adjacent to a watercourse that forms a transition area between the aquatic and terrestrial environment. The riparian buffer is designed to intercept runoff from upland sources for the purpose of mitigating the effects of nutrients, sediment, organic matter, pesticides or other pollutants prior to entry into surface waters. For the purposes of this Ordinance, the riparian buffer shall be divided into two Zones.

**Zone One: Inner Riparian Buffer** - This zone begins at each edge of an identified

watercourse and occupies a margin of land with a minimum width of fifty (50) feet measured horizontally on a line perpendicular to the edge of the water at bankfull flow. Where very steep slopes (+25%) are located within twenty-five (25) feet of a watercourse, Zone One shall extend the entire distance of this sloped area.

Zone Two: Outer Riparian Buffer - This zone begins at the outer edge of Zone One and occupies a minimum width of fifty (50) feet in addition to Zone One. In cases where Zone One extends beyond fifty (50) feet due to the presence of very steep slopes, the width of Zone Two shall be adjusted so that the total riparian buffer width equals a one hundred (100) foot maximum.



**ROOF PARAPET** - The portion of an exterior building wall that extends vertically above the horizontal plane of the roof surface.

**ROOMING HOUSE** - A building providing permanent or semi-permanent lodging for ten (10) or less persons, other than a family, by rental of rooms or other lodging arrangements for compensation. The term shall not be construed to include institutions, community living arrangements, group homes, halfway houses, disciplinary or confinement facilities, rehabilitation centers, camping facilities, dormitories or any other facility similar to the above-enumerated exceptions.

**RUNWAY** - A defined area on an airport prepared for landing and takeoff of aircraft along its length.

**SANITARY LANDFILL** - An approved site licensed by the Commonwealth of

Pennsylvania for solid waste disposal where the solid waste is spread in thin layers, compacted to the smallest practical volume and covered with soil at the end of each working day.

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

**SEDIMENTATION** - The process by which mineral or organic matter is accumulated or deposited by moving wind, water, or gravity. Once this matter is deposited it is usually referred to as "sediment."

**SELECTIVE CUTTING** - The felling of certain, but not all trees in an area for the purposes of:

1. Removing dead, diseased, damaged, invasive, mature or marketable timber:
2. Improving the quality of a tree stand or species; or,
3. Meeting personal domestic needs.

Any activity described above shall be in accordance with the definition of forestry in the Pennsylvania Municipalities Planning Code (MPC).

**SELF STORAGE FACILITY** - Storage units provided for lease to the public for the purpose of storage of personal property generally stored in residential structures and in which each storage unit has direct access.

**SETBACK LINE** - A line established by this Zoning Ordinance parallel to and at a prescribed distance from a public or private street, which determines an area within which no structure may be erected; the minimum front yard, rear yard, and side yard requirements.

**SEWAGE** - Any substance that contains any of the waste products or excrementitious matter or other discharge from the bodies of human beings or animals and laundry, bathroom, and kitchen waste water and waste products from commercial and industrial uses including, but not limited to: car wash drainage.

**SEWAGE FACILITIES** -

1. Individual. On-Site Sanitary Sewage Disposal System - The disposal of sewage from one (1) dwelling unit by use of septic tanks or other safe and healthful means, as approved by the Chester County Health Department, within the confine of the lot on which the use is located.

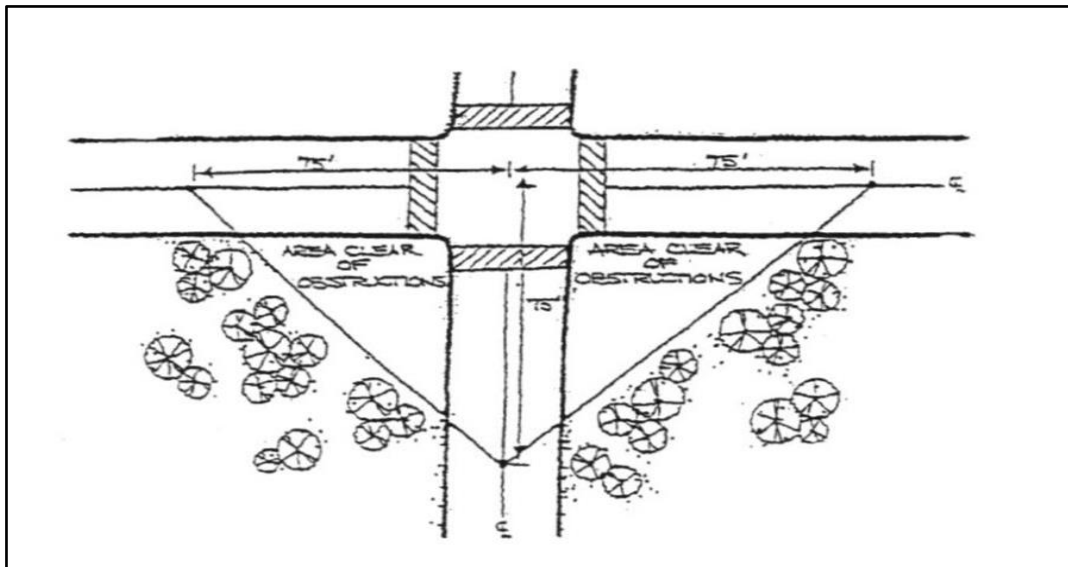


2. Community Sanitary Sewage Collection, Treatment, and/or Disposal System - A sanitary sewage system in which sewage is carried from two (2) or more individual dischargers by a system of pipes to one (1) or more privately owned and/or maintained common treatment and disposal facilities, approved by the Chester County Health Department and the Pennsylvania Department of Environmental Protection. Treatment and disposal may occur either on-site or off-site.
  
3. Public Sewer 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.

SHOPPING CENTER - The multiple use of a single property for a group of stores planned and designed as an integrated unit with controlled ingress and egress and off-street parking provided on the property as an integral part of the unit. It shall also mean a single store or group of stores where the total gross floor area of the store or stores exceeds forty thousand (40,000) square feet.

SIGHT DISTANCE - For the purpose of this Ordinance, the definition shall be as in the Pennsylvania Code, Title 67, Transportation, Chapter 441 .1. as most recently amended.

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



SIGN - Any permanent or temporary structure or part thereof or any device attached, painted or represented, directly or indirectly, on a structure or other surface that displays or includes any letter, words, insignia, flag, or representation used as or which is in the nature of an advertisement, announcement, visual communication, direction or which is designed to attract the eye or bring the subject to the attention of the public. This

definition does not include any flag, badge or insignia of any government or governmental agency or of any civic, charitable, religious, patriotic or similar organization.

**SIGN, ABANDONED** - A sign erected on, or related to, the use of a property which becomes vacant and unoccupied for a period of six (6) months or more, or any sign that relates to a time, event, or purpose that is past.

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

## TYPES OF SIGNS

1. **Canopy or Awning Sign:** Any sign that is part of or attached to an awning, canopy, or other fabric, plastic, or structural protective cover over the door, entrance, window, or outdoor service area.
2. **Construction/Development Sign:** A type of temporary sign intended to display the name of the project and or the contractor, architect, engineer, financier, or similar information pertaining to the project.
3. **Double-Faced Sign:** A sign which displays a message, information, or advertising on both faces of the sign. Such sign shall include a V-type sign, which is a double-faced sign attached at one end.
4. **Freestanding Sign:** A sign supported by structures or support that are placed on, or anchored in, the ground and that are independent from any building or structure. The height of a freestanding sign shall be measured from the proposed finished grade to the highest point of the sign structure.
5. **Electronic Sign/Billboard** – A sign and/or billboard capable of displaying text, graphics, symbols, or images that can be electronically or mechanically changed by remote or automatic means; or with content that may be changed by electronic process through the use of light or lights, including, but not limited to, light emitting diodes (LED), liquid crystal display and plasma image display.
6. **Ground Sign:** A sign, other than a freestanding sign, placed directly on ground without supports of pylons, independent from any building or structure.
7. **Illuminated Sign:** A sign that has characters, letters, figures, designs, or outlines illuminated by direct or indirect electric lighting or luminous tubes as part of the sign.

8. Official Traffic Sign: Signs erected by the Commonwealth of Pennsylvania Department of Transportation or Sadsbury Township which are designed to regulate traffic, describe road conditions, supply directions, or provide information.
9. Off-Premises Signs: A sign that directs attention to a person, business, profession, product, or activity not conducted on the same premises.
10. Political Sign: A temporary sign pertaining to political views, an individual seeking election or appointment to a public office, or a forthcoming public election or referendum.
11. Portable Sign: A type of temporary sign, with or without display or legend, that is self-supporting without being firmly embedded in the ground or is fixed on a movable stand or mounted on wheels or movable vehicles, or made easily movable in some other manner. Portable sign shall also include searchlight standards and hot air or gas filled balloons.
12. Projecting Sign: A sign affixed to a wall or other vertical building surface in such a manner that its leading edge extends more than six (6) inches beyond the surface of such wall or building.
13. Real Estate Sign: A sign pertaining to the sale, lease, or rental of the property on which it is located.
14. Temporary Sign: A sign intended for short-term use, such as a promotional sign, including sign pertaining to business events, community events, political issues, an individual seeking public office or a forthcoming public election.
15. Wall Sign: A sign parallel to a wall or other vertical building surface. Wall signs shall not extend beyond the edge of any wall or other surface to which they are mounted and shall project no more than six (6") inches from its surface, otherwise they shall be defined as a projecting sign.

16. Window Sign: A temporary or a permanent sign that is oriented to the public right-of way and is located on the inside or outside of a window.

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

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

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

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

**SKIDDING** - The dragging, by any means, of trees, or parts thereof, along the ground.

**SKID ROAD (HAUL ROAD)** - A primary pathway, intended for repeated skidding from skid trails to a landing where excessive exposure of soils can be expected from heavy use.

**SKID TRAIL** - A secondary pathway, intended for skidding from a tree or small group of trees to a skid road where extensive exposure of soils is not expected.

**SLASH** - The woody debris left in the woods after timber harvesting, including logs, chunks, bark, branches, uprooted stumps, and broken or uprooted trees and/or shrubs.

**SLOPE, PRECAUTIONARY** - Those areas of land where the grade is fifteen percent (15%) to twenty-five percent (25%).

**SLOPE, PROHIBITIVE** - Those areas of land where the grade is twenty-five percent (25%) or greater.

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

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

SPECIAL FLOOD HAZARD AREA (SFHA) - An area in the floodplain subject to a one 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.

STABLE-

1. PRIVATE - An accessory building in which horses are kept for private use and not for hire, remuneration or sale.
2. PUBLIC - A building in which any horses are kept for remuneration, hire or sale.

STAND - With respect to woodlands, timber harvesting and clear cutting, the term "stand" shall mean a contiguous group of trees sufficiently uniform in species composition, arrangement of age classes, and condition to be a homogenous and distinguishable unit.

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 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 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.

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

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

STORAGE, OUTDOOR - The keeping of goods or materials for present or future use in

an area unprotected from the elements.

**STORY ABOVE GRADE PLANE.** Any story having its finished floor surface entirely above grade plane, or in which the finished surface of the floor next above is:

1. More than 6 feet (1829 mm) above grade plane; or
2. More than 12 feet (3658 mm) above the finished ground level at any point.

**STREAM** - A watercourse.

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

1. **ARTERIAL** - A major street or highway with high vehicular speeds or high traffic volumes of considerable continuity and used primarily as a traffic artery between rural and urban areas.

Arterial streets may be either Principal Arterials or Minor Arterials. Principal arterials serve major centers of activity and carry the highest proportions of area travel and most of the trips entering and leaving the Township, thus serving intra-area travel. Minor arterials interconnect with and augment the Principal Arterial system distributing travel to smaller centers of activity and allowing for more access to adjoining properties than Principal Arterials.

2. **COLLECTOR** - A major street which carries traffic from Local streets to Arterial streets.

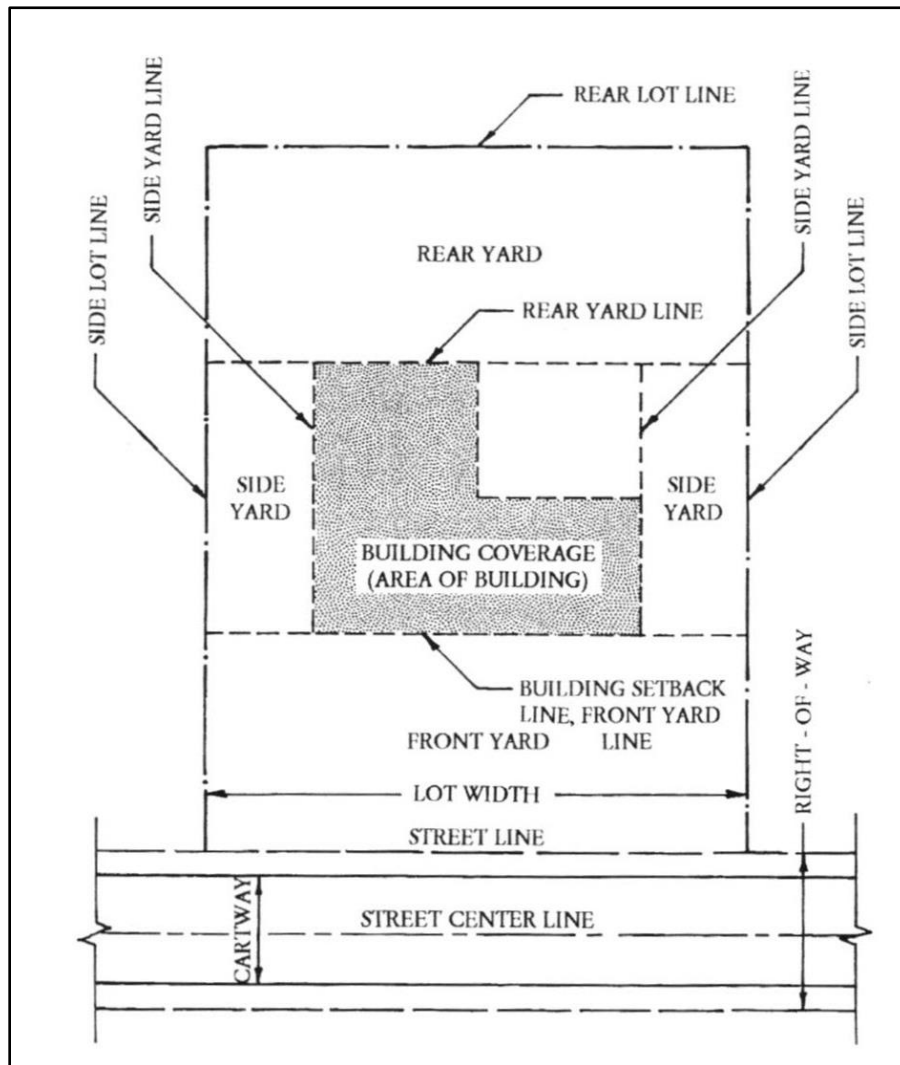
Collector streets may be either Major Collectors or Minor Collectors. Major Collectors may provide access to centers of activity, connect with Principal Arterials and allow for more access to adjoining properties than Minor Collectors. Minor Collectors serve more to collect traffic from Local streets and provide access to the smallest of activity centers.

3. **LOCAL** - Every public or private street used for access to abutting properties. Local streets may be Primary Distributor Roadways, Secondary Distributor Roadways or Local Access Streets. A Primary Distributor Roadway is the highest order Local Street which moves traffic from lower order Local Streets to Collector and Arterial Streets. A Secondary Distributor Roadway is the middle order Local Street which carries traffic

from Local Access Streets to Primary Distributor Roadways. A Local Access Street is the lowest order Local Street which serves no through function and provides the greatest degree of access.

**STREET, CENTER LINE OF** - The line that is equidistant from both sides of the street. See figure with "Street Line", below.

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



STREET, PRIVATE - Any street not offered or not required to be offered for dedication

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

STREET. SINGLE ACCESS - Any street that has access to an existing public road and circulation system only at one (1) point. A single access street includes a street terminating with a cul-de-sac and a loop road, including a loop road with a boulevard entrance. Cul-de-sac streets shall only be permitted when emergency access to an arterial, collector or local street is provided.

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

STRUCTURE - Any manmade object having an ascertainable stationary location, on or in land or water, whether or not affixed to the land. Structures include but are not limited to buildings, sheds, mobile homes, signs, fences or walls over six (6) feet in height, aerials and antennae, porches, platforms, tennis courts, swimming pools, tents, tanks and towers.

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

SUBDIVISION - The division or re-division of a single 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 residential dwellings shall be exempted from this definition.

SUBDIVISION AND LAND DEVELOPMENT ORDINANCE - The Subdivision and Land Development Ordinance of Sadsbury Township, Chester County, as adopted and amended.

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 percent (50%) or more of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT -



1. Any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure before the "start of construction" of the improvement.
2. Substantial improvement includes any repair, restoration, or other improvement to structures that have incurred "substantial damage" or "cumulative substantial damage" regardless of the actual repair, restoration or other improvement work performed.
3. Substantial improvement, however, does not 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 does not preclude the structure's continued designation as a historic structure.

**SURFACE RUN-OFF** - That part of the precipitation that passes over the surface of the soil.

**SWIMMING POOLS** - A structure, designed to be filled with water, permanently constructed or portable, with sides having a depth of more than eighteen (18) inches below the level of the immediate surrounding grade, or an above surface pool having a depth of more than twenty-four (24) inches, designed, used, and maintained for swimming and recreation.

1. **PRIVATE** - Any reasonably permanent pool or open tank not located within a completely enclosed building and containing or normally capable of containing water to a depth at any point greater than twenty-four (24") inches. Ponds and/or lakes are not included, provided that swimming was not the primary purpose for their construction.
2. **PUBLIC** - Any open or enclosed place open to the public for amateur and professional swimming or recreational bathing, whether or not a fee is charged for admission or for the use thereof.

**TIMBER HARVESTING OPERATION** - The felling and removal of four (4) trees, of greater than six (6) inches DBH, per acre to be converted to any forest product or for sale to others. The felling and/or removal of diseased or dead trees, or invasive trees or other invasive herbaceous species, or the felling and removal of trees for personal firewood use, or the removal of trees from an orchard. Christmas tree farm or tree nursery, or the clearing of trees in an area in accordance with an approved subdivision or land development plan or building permit or the shall not constitute timber harvesting provided that such activity shall not occur more than once in a three (3) year period. Forestry, as defined in Article II. herein, shall be considered a timber harvesting operation, and shall require a timber harvesting permit.

**TIMBER HARVESTING PLAN** - A description by means of text and maps of a proposed timber harvesting operation, in compliance with the requirements of Section 1247 of this Ordinance, required for a timber harvesting permit.

**TOPS** - The upper portions of felled trees that, because of small size, taper or defects, have no commercial value.

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

**TOWN CENTER COMMERCIAL DEVELOPMENT** - A unified development comprised of (i) one or more main street component(s), (ii) one or more in-line retail components(s) characterized by individual buildings, at least one of which such component(s) shall measure not less than 50,000 square feet of floor area in the aggregate, and (iii) other buildings and structures. A town center commercial development shall contain three (3) or more of the following uses, and no others: retail services including, without limitation, outdoor sales areas when related to retail sales conducted primarily within a building within the town center commercial development, retail trade store including, without limitation, outdoor sales areas when related to retail sales conducted primarily within a building within the town center commercial development, outdoor retail sales when conducted from moveable carts or temporary outdoor displays in a center square or plaza portion of a town center commercial development, office buildings (administrative, business and/or professional), medical clinic, motion picture theatre, personal service establishment, restaurant (with inside and/or outdoor dining service), fast food restaurant, fast food restaurant with drive-through service, bank or financial institution, convenience store, hotel and motel, commercial day care, and educational use containing no more than 5,000 square feet of floor area, and which conforms to the design standards set forth in the Subdivision and Land Development Ordinance.

**TOWN CENTER DEVELOPMENT PARCEL** - The total tract area on which there is located a Town Center Commercial Development provided that a Town Center Development Parcel may be divided by access ways and drive-aisles providing access to and from individual uses within a Town Center Commercial Development and,

provided further, that a Town Center Commercial Development Parcel may be comprised of two (2) or more lots, or divided into two (2) or more lots for ownership and/or financing purposes pursuant to Article III of the Subdivision and Land Development Ordinance, provided that the deed(s) conveying such separate lots shall contain express reference to the unified town center commercial development declaration with regard to the Town Center Commercial Development.

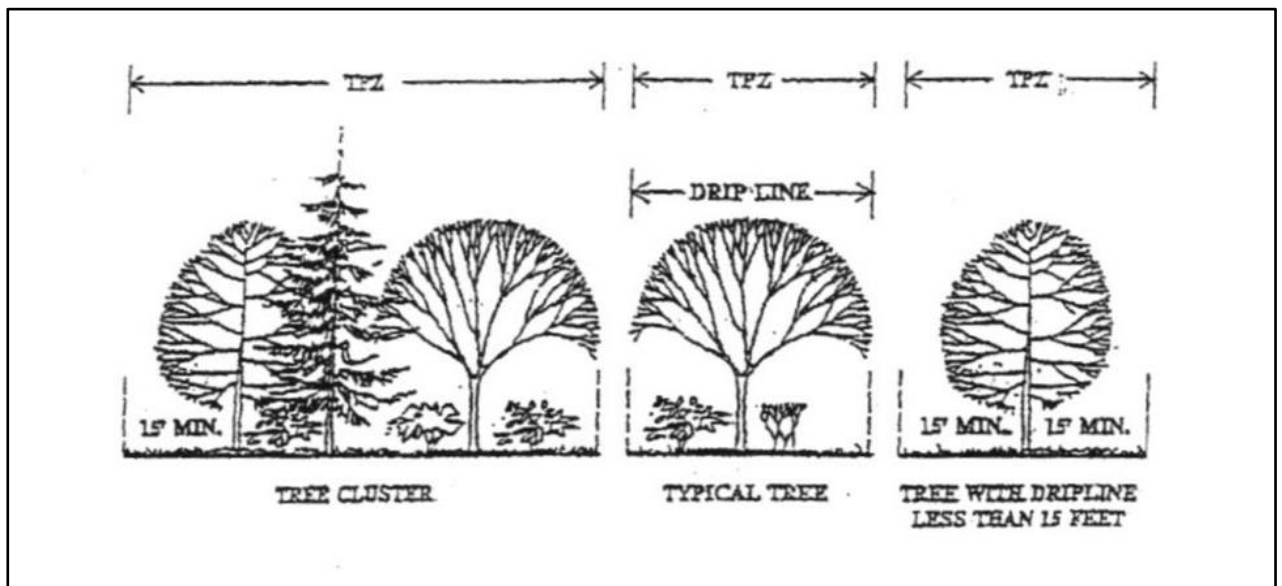
TOWNSHIP - Sadsbury Township, Chester County, Pennsylvania.

TRACT - One or more lots assembled and presented as a single property for purposes of subdivision or land development.

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

TRANSITIONAL SURFACES - These surfaces extend outward at ninety (90) degree angles to the runway centerline and the runway centerline extended at a slope of seven (7) feet horizontally for each foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces. Transitional surfaces for those portions of the precision approach surfaces, which project through and beyond the limits of the conical surface, extend a distance of five thousand (5,000) feet measured horizontally from the edge of the approach surface and at ninety (90) degree angles to the extended runway centerline.

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



TREE PROTECTION ZONE (TPZ) - An area that is radial to the trunk of a tree in which no construction activity shall occur. For the purposes of this Zoning Ordinance, the Tree protection zone shall be fifteen (15) feet from the trunk of the tree to be retained, or the distance from the trunk of the tree to two (2) feet beyond the drip line, whichever is

greater. tree protection zone shall be the aggregate of the protection zones for individual trees.

Heritage Trees, being those trees older than fifty (50) years, shall have a TPZ equal to two (2) times those required by other trees.

UNIFIED TOWN CENTER COMMERCIAL DEVELOPMENT DECLARATION - A declaration reviewed and approved by the Township Solicitor and recorded in the Office of the Recorder of Deeds in and for Chester County, Pennsylvania, in the chain of title with regard to all lots which constitute a Town Center Commercial Development Parcel and pursuant to which the requirements for maintenance of site design and amenities within the Town Center Commercial Development for so long as the Town Center Commercial Development parcel shall be used as a Town Center Commercial Development.

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 IBC.

UNSAFE STRUCTURE AND EQUIPMENT - A structure that is dangerous to the health, life, property or the safety of the public or occupants. A structure that contains unsafe equipment or is so damaged, dilapidated, structurally unsafe that partial or complete collapse is possible or as defined in the International Property Maintenance Code, latest edition.

URGENT CARE SERVICES - Medical office space for primary care and specialized physicians and the delivery by primary care physicians and/or emergency medicine physicians of ambulatory medical care (i.e., basic laboratory services, general x-ray services and care for minor to moderate lacerations) outside of a hospital emergency department on a walk-in basis.

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

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

USE. CONDITIONAL - A use which is generally not appropriate to a particular zoning district as a whole, but which may be suitable in certain localities within the district only when specific conditions and factors prescribed for such cases within this Zoning

Ordinance are present. Conditional uses are allowed or denied by the Board of Supervisors after a public hearing and review and comments from the Planning Commission.

USE. EDUCATIONAL - Use of land or building(s) for the establishment and maintenance of a public or private college, secondary, or elementary school, or other educational institution for the primary purpose of instruction and learning

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

UTILITY RUNWAY - A runway that is constructed for, and intended to be used by, propeller driven aircraft of twelve thousand five hundred (12,500) pounds maximum gross weight and less.

VARIANCE - The permission granted by the Zoning Hearing Board, following a public hearing that has been properly advertised as required by the appropriate municipal code, for an adjustment to some regulation which, if strictly adhered to, would result in an unnecessary hardship, and where the permission granted would not be contrary to the public interest and would maintain the spirit and original intent of this Zoning Ordinance or a grant of relief by the Township from the terms of a floodplain management regulation..

VETERINARY OFFICE - See Animal Hospital.

VIOLATION - the failure of a structure or other development to be fully compliant with the Township's floodplain management regulations. 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.

VISUAL RUNWAY - A runway intended solely for the operation of aircraft using visual approach procedures.

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

WATERCOURSE - A permanent or intermittent stream, river, brook, run, creek, channel, swale, pond, lake, or other body of surface water carrying or holding surface water, whether natural or man-made. A channel or conveyance of surface water having defined bed and banks, whether natural or artificial, with perennial or intermittent flow.

WATER HAZARD SOILS - Those soils with high water tables, either continuous or seasonal, whereby the soil, by reason of its instability or high water table, requires that special consideration be given to the structural aspect of footings or foundations of buildings or that special flood-proofing or waterproofing considerations be given to

basement or other sub-surface structures to protect against infiltration of water or damage or instability of structure. Water hazard soils shall be deemed to include the following soils as described in the Soil Survey of Chester and Delaware Counties, Pennsylvania, prepared by the United States Department of Agriculture, Soil Conservation Service, issued May 1963 as Series 1959. No. 19: all soils listed as lying within the building Groups 11, 12 and 13 and include Aldino very stony silt loam, Bowmansville silt loam, Clavert silt loam, Chewacla silt loam, Congaree silt loam, Croton silt loam, Glenville silt loam, Guthrie silt loam, Lawrence silt loam, Lehigh silt loam, Lehigh very stony silt loam, Lindside silt loam, Melvin silt loam, Othello silt loam, Rowland silt loam dark surface, Tidal marsh, Watchung silt loam, Watchung very stony silt loam, Worsham silt loam, Worsham very stony silt loam and Wehadkee silt loam.

#### WATER SUPPLY -

1. Individual System - A safe, healthful, and adequate supply of water to a single user from a private well or spring located on the land of the user.
2. Central Water Supply System - A system for supplying water from a common source or sources to all dwellings and other buildings within a development. The water source may be located on-site and/or off-site. A central system can be further described as either of the following:
  - a. Public Water Supply System - A system that is owned by a municipality, a public company, or a private company and which serves more than a single community or subdivision and may be interconnected with other water supply systems.
  - b. Community Water Supply System - A system that is owned by a municipality, a public company, or a private company which serves a single community or subdivision, is not interconnected with any other water supply system and meets the standards found in 35 P.S., Section 721.3 for at least twenty six (26) homes.

WATER SURVEY - An inventory of the source, quantity, yield and use of groundwater and surface-water resources within the Township.

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

WETLANDS - Areas that are inundated and saturated by surface or groundwater at a frequency and duration 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.

WETLAND DELINEATION - The marking of a boundary on the ground that designates

between wetland and non-wetland areas.

**WETLANDS MARGIN** - A one hundred (100) foot border surrounding a wetland, measured from the boundary of the wetland as delineated according to the procedures contained in the Federal Manual for Identifying and Delineating Jurisdictional Wetlands.

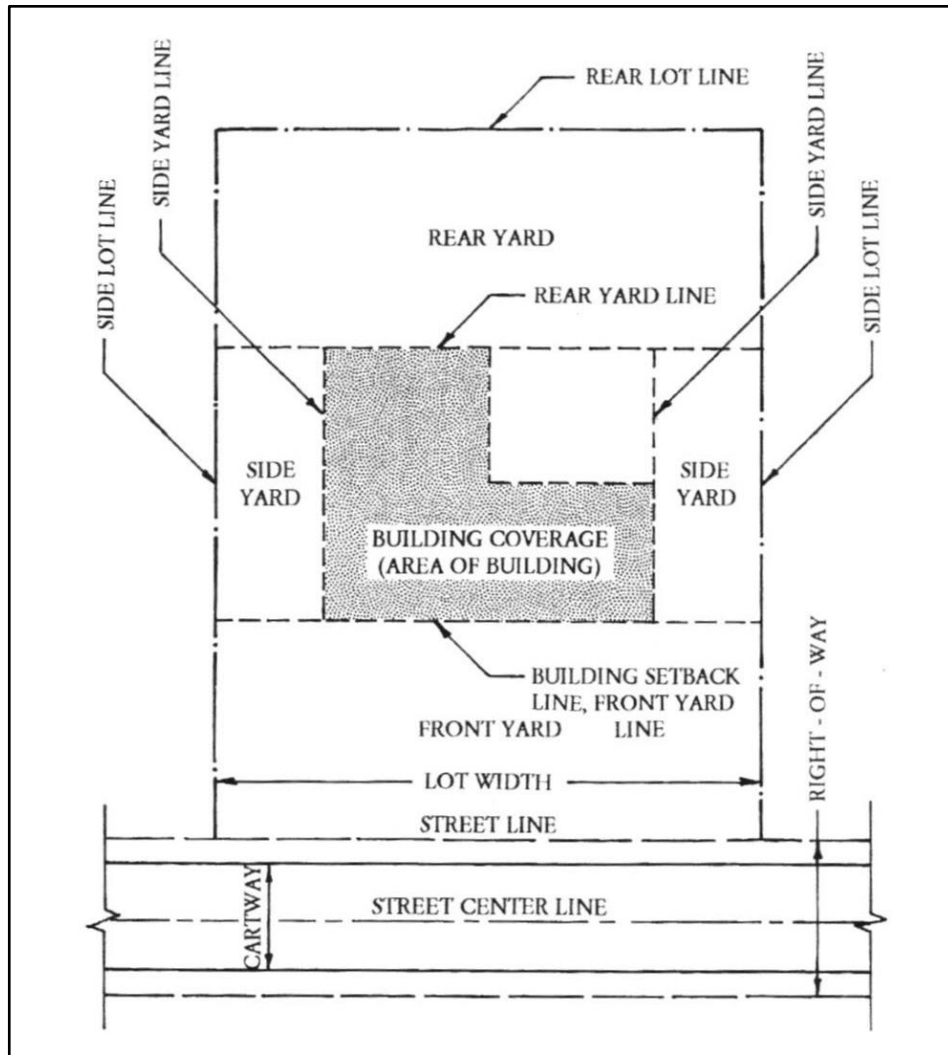
**WOODLANDS** - A tree mass or plant community, covering one-quarter (1/4) acre or more, in which tree species are dominant or co-dominant and the branches of the trees form a complete, or nearly complete, aerial canopy. Woodlands do not include commercial horticultural enterprises, such as orchards, Christmas tree farms, and commercial nurseries.

**WOODLAND DISTURBANCE** -

1. Any activity which alters the existing structure of woodlands. Alterations include the felling or removal of canopy trees, sub-canopy trees, understory shrubs and vines, woody and herbaceous woodland floor species.
2. Any activity which constitutes a land disturbance, as defined in this Zoning Ordinance.
3. Woodland disturbance does not include the selective cutting of invasive trees, shrubs, vines or other invasive herbaceous species.

**YARD** - An open, unoccupied space on the same lot with a building or other structure or use, open and unobstructed from the ground to the sky, except for permitted signs and fences.

1. **FRONT YARD** - A yard extending the full width of the lot along the front lot line and extending in depth from the front lot line to the nearest point of any structure on the lot. See figure with "Side Yard". below.
2. **REAR YARD** - A yard extending the full width of the lot along the rear lot line and extending in depth from the rear lot line to the nearest point of any structure on the lot. See figure with "Side Yard", below.
3. **SIDE YARD** - A yard extending in depth on the lot along a side lot line from the front yard to the rear yard, and extending in width on the lot from such side lot line to the nearest point on any structure on the lot.



ZONING - The designation of specified districts within Sadsbury Township, Chester County reserving them for certain uses, together with limitations on lot size, heights of structures and other stipulated requirements.



ZONING, BASE - The basic system of zoning, which, under the Township Zoning Ordinance as amended, divides all land in the Township into separate, distinct zoning district classes, and sets limits and requirements for land use in each of these base

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

ZONING MAP - The Official Zoning Map Sadsbury Township, Chester County, as adopted and amended.

ZONING OFFICER - The duly constituted municipal officer designated to administer and enforce this Zoning Ordinance in accordance with its literal terms.

ZONING ORDINANCE - The Sadsbury Township Zoning Ordinance as codified in Chapter 129 of the Sadsbury Township Code of Ordinances.

ZONING. OVERLAY - A set of regulations applicable in addition to the base zoning regulations of the underlying districts. Where conflicts exist between the overlay and base zoning, the more restrictive provision applies.

ZONING PERMIT - A permit stating that the purposed for which a building or land is to be used is in conformity with the uses permitted and all other requirements under this Zoning Ordinance for the zone in which it is located or is to be located.

#### Undefined Terms

In cases where definitions do not appear above and there arises disagreement as to meaning, the definition which will govern shall be that derived from the American Heritage Dictionary of the English Language.

**ARTICLE III  
ESTABLISHMENT OF DISTRICTS**

**SECTION 301:                    ZONING DISTRICTS AND MAP**

The Township is hereby divided into zones or districts as shown on the zoning map, which, together with all notations, references and other data thereon, is hereby adopted by reference and declared to be part of this Zoning Ordinance, together with all future notations, references and amendments.

**SECTION 302:                    CLASSES OF DISTRICTS**

For the purpose of this Zoning Ordinance, the municipality is hereby divided into districts that shall be designated as follows:

A.    Base Districts:

R-R	Rural Residential
R-1	Low-Density Residential
R-2	High-Density Residential
SVD	Sadsburyville Village District
C-1	Limited Commercial
C-2	Town Center
L-1	Light Industrial
WGD	Western Gateway District

B.    Overlay Districts:

Airport  
Floodplain  
Steep Slope  
Resource Conservation  
Traditional Neighborhood Development

**SECTION 303:                    IDENTIFICATION OF ZONING MAP**

The Zoning Map shall be identified by the signature of the Board of Supervisors and attested to by the Secretary of that Board, together with the date of the adoption of this Zoning Ordinance. The districts shall appear as follows:

A.    Base Districts. The boundaries of all base districts shall be shown on the map

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

- B. Overlay Districts. The airport, floodplain, steep slope, resource conservation, special Sadsburyville Village and traditional neighborhood development districts shall be treated as overlay districts to the otherwise applicable base zoning district. The provisions applicable to overlay districts are described in Article XI herein.

**SECTION 304: MAP REVISIONS**

- A. If, in accordance with the provisions of this Zoning Ordinance and the Pennsylvania Municipalities Planning Code, as amended, changes are made in district boundaries they shall be entered on the zoning map promptly after the amendment has been approved by the Board of Supervisors.
- B. No changes of any nature shall be made to the zoning map or notations, references or other data shown thereon except in conformity with the procedures set forth in this Zoning Ordinance or any commonwealth law, if applicable. All changes shall be noted on the zoning map by date with a brief description of the nature of the change.

**SECTION 305: LOCATION OF ZONING MAP**

The zoning map shall be located in a place as designated by the Board of Supervisors and shall be the final authority as to the current zoning status of land and water areas in the Township, regardless of unofficial copies which may have been made or published from time to time. A copy shall be included in the Zoning Ordinance.

**SECTION 306: REPLACEMENT OF ZONING MAP**

- A. The Board of Supervisors may, by resolution, adopt a new zoning map which will supersede the prior zoning map. However, no such correction shall have the effect of amending the original zoning map or any subsequent amendment thereof. The new zoning map shall be identified by the signatures of the Board of Supervisors, attested by the Secretary of that body, and bearing the following words: "This is to

certify that this Zoning Map supersedes all previously adopted Zoning Maps of Sadsbury Township, Chester County, Pennsylvania.”

- B. Unless the prior zoning map has been lost or totally destroyed, the prior map or any significant parts thereof with all available records pertaining to its adoption or amendment.

**SECTION 307: INTERPRETATION OF DISTRICT BOUNDARIES**

Where uncertainty exists as to the boundaries of districts, the following rules shall apply:

- A. Designation of District Boundaries. Boundaries indicated as approximately following the center line of a street, highway, alley, railroad right-of-way, stream, existing lot or other property line shall be construed to be such boundary. Where a district boundary line does not follow such a line, position is shown on said zoning map by a specific dimension expressing its distance, in feet, from a street right-of-way line or other boundary line as indicated and running parallel thereto.
- B. Determination of Location of Boundaries. Where physical or cultural features existing on the ground are at variance with those shown on the zoning map, or if uncertainty exists as to the true location of a district boundary line in a particular instance, the Zoning Officer, after a consultation with the Township Engineer, shall render a determination.
- C. Determination of Overlay District Boundaries. The criteria for determining the extent of the airport district, floodplain district, steep slope district and resource conservation district are contained in Article XI. Uncertainties shall be resolved by the Zoning Officer in consultation with the Township Engineer.
- D. Boundary Tolerance. Where a lot is divided by a district boundary line, other than a boundary line of an overlay district, the uses permitted in the less restrictive district may extend into that portion of said lot in the more restrictive to either the nearest lot line or a distance of fifty (50) feet, whichever is less. In no case shall a use be allowed to extend into the more restrictive district unless full use is made of the less restricted area before extension. Any extension of a use into the more restrictive area must meet the area and bulk requirements of the more restrictive district. In no case shall the uses and area and bulk requirements permitted in an abutting district be extended for any distance into a floodplain district

**ARTICLE IV  
RURAL RESIDENTIAL DISTRICT**

**SECTION 401:                   PURPOSE AND DESCRIPTION OF OPTIONS**

A. **Purpose.** It is the purpose of this Article, among others:

1. To promote the policies of the most recent editions of the Sadsbury Township Comprehensive Plan the Parks, Recreation and Open Space Plan, the Act 537, Sewage Facilities Plan, as updated and/or amended, and the provisions of the Pennsylvania Municipalities Planning Code (Section 603), as amended;
2. To conserve farm land, prime agricultural land, and those areas containing unique and sensitive natural and historic features, woodlands, steep slopes, streams, floodplains and wetlands, by limiting them from development;
3. To provide greater protection for farming, farm related activities, and natural resources. To protect areas with prime agricultural soils for continued or future agricultural use, by conserving areas of land sufficient to allow for efficient farm operations;
4. To reduce erosion and sedimentation by the retention of existing vegetation, and the minimization of disturbance of steep slopes;
5. To provide for a diversity of lot sizes and housing choices to accommodate a variety of age and income groups and residential preferences, so the Township's future population may be accommodated without the provision of public sewer in this District;
6. To create neighborhoods with direct visual access to open land, with amenities in the form of neighborhood open space, and with a strong neighborhood identity.
7. To provide for the conservation and maintenance of open land to achieve the above-mentioned goals;
8. To provide standards reflecting the varying circumstances and interests of individual land owners and the individual characteristics of their properties; and
9. To conserve scenic views and elements of the Township's rural character

and to minimize perceived development density by limiting views of new development from existing roads.

B. Description of the Development Options in this District

In order to achieve the purposes of Section 401.A, this Article provides for flexibility in designing residential subdivisions by permitting, by right, agriculture and agriculture-related business under Section 402.A. 1 herein, and, by conditional use two residential development options, a cluster option, under Section 402.C.1, herein, and a conventional development under Section 402.C.2, herein. The applicant is encouraged to select the option that allows for the greatest degree of innovative site design, the continued use of agriculture, and open space retention.

SECTION 402 USE REGULATIONS

A. By-Right Uses. A building or other structure may be erected, altered, or used, and a lot may be used or occupied for any one of the following purposes and no other.

1. Agriculture and agricultural-related businesses pursuant to the provisions Of Section 1205.
2. Single-family detached dwellings.
3. Sadsbury Township municipal uses.
4. The Dwelling of the owner/operator of the farm on the parent agricultural tract.
5. Single family detached dwellings under the subdivision of the parent agricultural tract in accordance with Section 403.B.
6. Riding academies and stables pursuant to the provisions of Section 1236.
7. Active and passive outdoor recreational facilities as required under the Subdivision and Land Development Ordinance, other than Sadsbury Township municipal uses.
8. Forestry pursuant to the provisions of Section 1248, herein.

B. **Special Exception Uses.** A building or other structure may be erected, altered, or used and a lot may be used or occupied for any one of the following purposes when authorized as a special exception, by the Zoning Hearing Board, pursuant to Article XVII

1. Bed and breakfast pursuant to the provisions of Section 1210.

2. Home occupations pursuant to the provisions of Section 1218.

C. **Conditional Use.** A building or other structure may be erected, altered or used and a lot may be used or occupied for any one of the following when authorized as a conditional use by the Board of Supervisors pursuant to 1608, herein.

1. Single-family detached dwelling under the outside development option in accordance with the provisions of Section 403.D and subject to the following:

a. Determination of the allowable density of residential uses shall be made according to the Adjusted Tract Acreage Density Determination as specified in Section 403.C.1, herein.

b. Sketch Plan Recommended

It is strongly recommended that applicants meet with the Planning Commission to discuss cluster development options prior to official submission of a conditional use application. Such discussion will require an informal sketch application. Such discussion will require an informal sketch plan to identify and correct potential design problems before the expenditure of significant time and expense.

c. Overlay District Review

The applicants plan for the tract in question will be reviewed by the Township Engineer for compliance with the deductions for the various Overlay Districts as described in this Ordinance and in accordance with Table 4-1 in this Article IV.

2. Single-family detached dwellings under the conventional development option in accordance with the provisions of Section 403.E and subject to the following:

a. Determination of the allowable density of residential uses shall be made according to the Adjusted Tract Acreage Density Determination as specified in Section 403.C.1, herein.

b. Sketch Plan Recommended

It is strongly recommended that applicant meet with the Planning Commission to discuss cluster development options prior to official submission of a conditional use application. Such discussion will require an informal sketch plan to identify

and correct potential design problems before the expenditure of significant time and expense.

c. Overlay District Review

The applicants plan for the tract in question will be reviewed by the Township Engineer for compliance with the deduction of the various Overlay Districts as described in this Ordinance and in accordance with Table 4-1 in this Article IV.

3. Club or lodge for fishing, nature observations, or other similar recreation purposes pursuant to the provisions of Section 1212.
4. Outdoor recreation areas and facilities: parks, (except amusement parks), play grounds, picnic grounds, and camps pursuant to the provisions of Section 1232.
5. Intensive agriculture pursuant to the provision of Section 1205.
6. Secondary family business pursuant to the provisions of Section 1205.
7. Plant nurseries, with associated greenhouses, pursuant to the provisions of Section 1229.
8. Solar and/or wind farms for purposes of electric generation for use and sale of electricity.

D. **Accessory Uses.** Uses on the same lot with, and customarily incidental to, any of the foregoing uses pursuant to Section 1202. No accessory structure shall exceed 50% of the primary structure.

1. Private garage or private parking areas pursuant to the provisions of Section 1202.
2. Signs pursuant to the provisions of Article XIV.
3. No-impact home-based business, as defined in Article II.
4. Customary accessory uses and buildings provided they are incidental to the principal use pursuant to the provisions of Section 1202.
5. Accessory agricultural uses pursuant to the provisions of Section 1202.

**SECTION 403 AREA AND BULK REGULATIONS**

A. Agricultural Uses. In order to preserve and promote the continuation of agricultural



uses in the Rural Residential District the following area and bulk regulations shall apply to all agricultural and intensive agricultural uses:

1. Minimum lot area 10 acres
2. Maximum lot coverage (impervious) 10%
3. Maximum building height – 35 feet, except that barns, silos, and bulk bins shall be exempt from the maximum building height limit when attached to an existing structure or located such that the distance from the base of the barn, silo, or bulk bin to both the nearest property line and the nearest street right-of-way line is no less than the height of said barn, silo, or bulk bin. In no case shall any building exceed eighty-five (85) feet in height.
4. Intensive agricultural uses, where adjacent to a residential use, shall be located a minimum of one hundred (100) feet from any adjacent residential use.

B. Subdivision of Parent Agricultural Tract for Residential Use. In order to preserve and promote the continuation of Agricultural use in the Rural Residential District it is the intent of this section that the creation of non-agricultural uses shall be specified in order to supplement a farmer's income while retaining tracts of sufficient size to be used for agricultural purposes, as follows:

1. Applicability. These provisions shall apply to all tracts of twenty (20) acres or more held in single and separate ownership as of the effective date of this Ordinance. The parent tract and subsequent subdivided lots must meet all applicable dimensional requirements.
2. Density. Each parent tract containing twenty (20) acres or more shall be permitted to subdivide one (1) farm parcel and/or non-farm parcel per every twenty (20) acres, provided the remaining tract from which a lot is divided will not be reduced to less than twenty (20) acres in size. The maximum number of lots permitted for subdivision from the parent tract shall be determined by dividing the total tract area of the parent tract by twenty (20). Fractional values shall be rounded down to the next lowest whole number. The subdivision of a parent tract shall be limited to a maximum of one (1) subdivision every three (3) years.
3. A non-farm subdivided from a parent tract shall be not less than one (1) acre and not more than sixty-thousand (60,000) square feet. If the Pennsylvania Department of Environmental Protection regulations require an area greater than sixty-thousand (60,000) square feet for the dispersal of nitrate nitrogen, the land area necessary for this dispersal shall not be permitted to be a part of the lot. The owner of the parent tract from which the lot is created shall record all necessary documentation to

establish and grant a plume easement over adjoining land on the parent tract to provide for the necessary dispersal of the nitrate nitrogen in the septic effluent.

4. Minimum lot size
  - a. Area: one (1) acre or 43,560 square feet
  - b. Width:
    - 1) One hundred and twenty-five (125) feet at the street line.
    - 2) One hundred and fifty (150) feet at the building setback line.
5. Maximum lot size: sixty-thousand (60,000) square feet, provided that the lot shall contain no more than one (1) acre of prime agricultural soils.
6. Minimum yard requirements
  - a. Front yard: fifty (50) feet.
  - b. Each side yard: fifty (50) feet.
  - c. Rear yard: fifty (50) feet.
7. Maximum Coverage (Impervious)
  - a. Maximum building coverage: ten (10%) percent.
  - b. Maximum lot coverages: twenty (20%) percent.
8. Maximum building height: thirty-five (35') feet.
9. Lots shall be served by on-site, or public water and on-site sewage disposal systems.
10. Configuration. The layout of residential lots shall be grouped so that no more than one (1) additional access to an existing public road will result. To allow for the non-agricultural development permitted in this district, yet to preserve prime agricultural soils and areas, the layout of lots shall create the least amount of disruption to agricultural practices, operations, and Productivity Class 1, 2 and 3 soils.
11. The provisions of this Article shall apply to all parent tracts as of November 5, 2001. Regardless of size, no parcel or lot subsequently

subdivided from its parent tract shall qualify for additional lots pursuant to this section. All subsequent owners of parcels of land subdivided from a parent tract shall be bound by the actions of the previous owners of the parent tract. Likewise, any subsequent owner of any parent tract shall be bound by the provisions of this Article and the actions of the previous owners such that for purposes of subdivision the number of new lots or dwellings erected on the parent tract shall be fixed according to the original number permitted on the parent tract and this number shall not be increased by the further subdivision of the parent tract, thus transfer of ownership shall not create a new right to subdivide.

**C. Density determination for Residential Uses.**

1. **Adjusted Tract Acreage Approach.** The Adjusted Tract Acreage shall be determined by subtracting the acreage noted in Table 4-1. The allowable density shall be determined by dividing the adjusted tract the acreage within the categories described below by the 'density factor" for that category of land feature. The applicant shall submit to the Township a map showing the areas listed in Table 4-1, including shaded areas to correspond to the areas that exceed the maximum density factors in the Table.

**Table 4-1<sup>1</sup>**  
**Adjusted Tract Acreage Density Determination**

<b>Land Feature</b>	<b>Density Factor</b>
All areas within the rights-of-way of existing public streets or or highways, or within overhead and underground utility Easements, access easements and conservation easements.	100%
Existing private streets	100%
Floodways, floodplains and flood fringes	100%
Recreation areas and historic sites as identified in the Sadsbury Township Parks, Recreation and Open Space Plan	100%
Prohibitive slopes over 25% (defined as change in elevation divided by horizontal distance, measured prior to site disturbance)	100%
Existing and planned stormwater management facilities	100%
Wetlands	100%
Contiguous areas of rock outcrop and boulder fields over 1,000 square feet	90%
Precautionary slopes between 15% and 25% (measured Prior to site disturbance)	80%
Wooded areas not less than one-quarter acre in size composed of trees with an average diameter of not less than 8 inches measured at ground level.	40%
Prime agricultural soils (US Department of Agriculture Class 1, 2 and 3 soils)	40%

<sup>1</sup> If a portion of the tract contains more than one natural feature, subject to a deduction from the total tract acreage, such acreage shall be subject to the most restrictive deduction only.

2. Density: Determination of the maximum residential density or maximum number of permitted dwelling units on any tract shall be based upon the results of the Adjusted

Tract Acreage Approach, divided by two.

For example: An applicant owns a one-hundred (100) acre parcel of land. Features located on the tract include ten (10) acres of floodplain, five (5) acres steep slopes, five (5) acres of moderately steep slopes, and five (5) acres of prime agricultural soils. Based on the specifications in Table 4-1 the following percentages of each feature are to be preserved:

Floodplains and Prohibitive Slopes:	100%
Precautionary Slope:	60% (minimum)
Prime Agricultural Soils:	40% (minimum)

Floodplains + Slopes + Prime Agricultural Soils = 15 acres

[Subtract the 15 acres to be preserved from the original parcel size of 100 acres and the result is 85 developable acres.] Divide eighty-five (85) by [2(the density factor)] and the result is 42.5. Reduce to the next lowest whole number and the resulting number of 42 represents the density or permitted number of housing units permitted on the original parcel.

**D. Residential Development Option 1 – Cluster Development Option.**

The following area and bulk regulations apply to the cluster development option:

1. Maximum net density: Refer to maximum density formula in Section 403.C.
2. Minimum lot size:
  - a. Area: twenty thousand (20,000) square feet per dwelling unit.
  - b. Width:
    - 1) Fifty (50) feet at the street line.
    - 2) Seventy-five (75) feet at the building setback line.
3. Minimum yard requirements:
  - a. Front yard: Thirty-five (35) feet from the RCW

- b. Side yard: Fifteen (15) feet each.
  - c. Rear yard: Twenty (20) feet
- 4. Maximum coverage
    - a. Maximum building coverage: Twenty (20%) percent
    - b. Maximum lot coverage: Twenty-five (25%) percent
  - 5. Maximum building height: Thirty-five (35) feet
  - 6. Minimum common open space requirement
    - a. A minimum of fifty (50%) percent of the gross area shall be designated on the plan as common open space and held in a tract or tracts separate from the developable lots. Such open space shall be restricted from further subdivision or land development by deed restriction, conservation easement, or other agreement or form acceptable to the Township and duly recorded in the office of the Recorder of Deeds of Chester County, Pennsylvania and shall be noted on the subdivision record plan.
    - b. Open space areas required under the cluster development option shall adhere to the standards specified in Section 1304.B. Design Standards – Park, Recreation and Open Space.
  - 7. Lots shall be served by a public water supply system and a public sewer system.
  - 8. Residential uses shall have a minimum setback of 100 feet to the property line of existing adjacent agricultural uses.

**D. Residential Development Option 2 – Conventional Development.** The following area and bulk regulations apply to the conventional development option and existing single-family development.

- 1. Minimum Net Density: Refer to maximum density formula in Section 403.C.
- 2. Minimum lot size
  - a. Area: two (2) acres or 87,120 square feet per dwelling unit.
  - b. Width:

- 1) One hundred fifty (150) feet from the ROW
- 2) Two hundred (200) feet at the building setback line.
3. Minimum yard requirements
  - a. Front yard setback: fifty (50) feet from the ROW
  - b. Side yard: fifty (50) feet each
  - c. Rear yard fifty (50) feet; twenty-five (25) feet for accessory uses.
4. Maximum coverage (impervious)
  - a. Maximum building coverage: fifteen (15%) percent
  - b. Maximum lot coverage: twenty (20%) percent
5. Maximum building height: Thirty-five (35') feet
6. Minimum recreation and open space requirement
  - a. The minimum recreation and open space shall be as established by the Township Subdivision and Land Development Ordinance.
  - b. Open space areas required under the conventional development option shall adhere to the standards specified in Section 1304.B. Design Standards – Park, Recreation and Open Space.
7. Residential structure shall have a minimum setback of one hundred (100) feet to the property line of existing adjacent agricultural uses.

#### **SECTION 404 DESIGN STANDARDS FOR CLUSTER DEVELOPMENT**

The following standards shall apply to cluster development subdivision where permitted by this ordinance.

- A. **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 developed as a single entity with common undivided authority with a single applicant.
- B. **Limitation on Site Disturbance.** The natural features listed in Table 4-1 shall not be disturbed by an amount exceeding the area that results from deducting the density factor from 100. (For example, not more than 40% of moderately steep areas may be disturbed: 100-60% density factor for moderately steep slopes = 40% maximum site

disturbance of moderately steep slopes,

- C. Each lot shall be bordered by common open space adjacent to the back yard
- D. Farmstead or Farmland Design Requirements. If the common open space is retained as a farmstead or as farmland, the entire tract may be used for agriculture and agriculture related activities. Said land is to be deed restricted from further development.

#### **SECTION 405      NON-AGRICULTURAL DWELLING OR USE NOTICE**

The primary purpose of this district is to accommodate commercial agricultural production. Owners, residents, and other users of property in this district shall be subject to common characteristics of agriculture activities which are sometimes regarded as objectionable, including, but not limited to, the creation of noise, odor, dust, the operation of machinery of any kind during any time, the storage and application of manure, fertilizers, herbicides, etc., and the heavy or slow vehicle use of roads. Owners, residents, and users of this property should regard these activities as normal, ordinary, routine, and as unavoidable characteristics of an agricultural area and are furthermore assumed to have accepted these characteristics by willfully choosing to resident in the Rural Residential District. Owners, residents, and users of this property should be familiar with and aware of Section 4 of Pennsylvania Act 133 of 1992 "The Right to Farm Law," which may bar them from obtaining legal judgement against such normal Agricultural operations.

#### **SECTION 406      DESIGN STANDARDS**

- A. Parking regulations contained in Article XIII shall apply to uses in this district.
- B. Sign regulations contained in Article XIV shall apply to uses in this district
- C. The supplemental regulations contained in Article XII shall apply to uses in this district,
- D. The general regulations contained in Article XIII shall apply to uses in this district.



**ARTICLE V**  
**R-1 RESIDENTIAL DISTRICT**

**SECTION 501      PURPOSE**

In addition to the general goals listed in the Statement of Purpose, Section 102, and Community Development Objectives, Section 105, it is the purpose of this district to provide for limited density of residential development in certain open areas of the Township while preserving sensitive natural features, environmental resources and agricultural land. Density of development is limited in this district in order to provide for a transition from rural, agricultural areas to moderate density residential areas. If sewers are not provided, capped sewers shall be required in anticipation of future public sewer service.

**SECTION 502      USE REGULATIONS**

- A.    **By-Right Uses.** A building or other structure may be erected, altered, or used, and a lot may be used or occupied for any one of the following purposes and no other:
1.    Single-family detached dwellings under the conventional development option in accordance with the provisions of Section 503.
  2.    Single-family detached dwellings under the cluster development option in accordance with the provisions in Section 504.
  3.    Agricultural uses pursuant to the provisions of Section 1205.
  4.    Sadsbury Township municipal uses.
  5.    Temporary structures pursuant to the provisions of Section 1240.
  6.    Parks, passive and active outdoor recreational facilities, as required under the Subdivision and Land Development Ordinance, other than Sadsbury Township municipal uses.
  7.    Forestry pursuant to the provisions of Section 1246, herein.
- B.    **Special Exception Uses.** A building or other structure may be erected, altered, or used and a lot may be used or occupied for any one of the

following purposes when authorized as a special exception by the Zoning Hearing Board, pursuant to Article XVII.

1. Bed and breakfast facility pursuant to the provisions of Section 1210.
2. Home occupations pursuant to the provisions of Section 1218.

C. **Conditional Uses.** A building or other structure may be erected, altered or used and a lot may be used or occupied for any one of the following when authorized as a conditional use by the Board of Supervisors pursuant to Section 1608, herein.

1. Schools and educational facilities pursuant to the provisions of Section 1216.
2. Churches, synagogues and other religious institutions.
3. Cemetery pursuant to the provisions of Section 1211.
4. Continuing Care, Age Restricted and Assisted Living Units pursuant to the provisions of Section 1228.
5. Plant nursery pursuant to the provisions of Section 1229.
6. Commercial day care center pursuant to the provisions of Section 1213.

D. **Accessory Uses.** Uses on the same lot with, and customarily incidental to, any of the foregoing uses, pursuant to Section 1202. Accessory structures shall not exceed 50% of the primary structure.

1. Private garage or private parking areas pursuant to the provisions of Section 1202.
2. Signs pursuant to the provisions of Article XIV.
3. No-impact home-based business, as defined in Article II.

4. Other customary accessory uses and buildings, provided such are clearly incidental to the principal use and do not include any activity commonly conducted as a business, pursuant to the provisions of Section 1202.
5. Greenhouses as accessory to residential uses pursuant to the provisions of Section 1202.

### **SECTION 503      AREA AND BULK REGULATIONS - CONVENTIONAL**

A. The following regulations shall be observed:

1. Minimum lot area when utilizing on-site water service and on-site sewer service.
  - a. Area: One (1) acre or 43,560 square feet.
  - b. Width:
    - 1) Seventy-five (75) feet at the street line.
    - 2) One hundred and twenty-five (125) feet at the building setback line.
2. Minimum lot size when utilizing public water service and public sewer.
  - a. Area: thirty thousand (30,000) square feet.
  - b. Width:
    - 1) Fifty (50) feet at the street line.
    - 2) One hundred (100) feet at the building setback line.
3. Minimum yard requirements.
  - a. Front yard: fifty (50) feet.
  - b. Each side yard: twenty-five (25) feet for lots of 43,560 feet, or twenty (20) feet for lots of 30,000 feet.

- c. Rear yard: fifty (50) feet.
- 4. Maximum coverage (Impervious)
  - a. Maximum building coverage: ten percent (10%)
  - b. Maximum lot coverage: fifteen percent (15%).
- 5. Maximum building height: thirty-five (35) feet.

**SECTION 504 AREA AND BULK REGULATIONS - CLUSTER**

The cluster development option shall be permitted on any parcel of at least twenty (20) acres in size. Development permitted under the cluster development option shall be served by public water service and public sewer.

- A. The following regulations shall be observed:
  - 1. Maximum gross density: one dwelling unit per 43,560 square feet.
  - 2. Minimum lot size:
    - a. Area: fifteen thousand (15,000) square feet.
    - b. Width:
      - 1) Fifty (50) feet at the street line
      - 2) Eighty (80) feet at the building setback line.
  - 3. Minimum yard requirements.
    - a. Front yard: twenty-five (25) feet.
    - b. Each side yard: fifteen (15) feet.
    - c. Rear yard: forty (40) feet
  - 4. Minimum open space requirement
    - a. A minimum of 45% of the gross site area shall be designated on the plan as common open space and held in

a tract or tracts separate from the developable lots. Such open space shall be restricted from further subdivision or land development by deed restriction, conservation easement, or other agreement or form acceptable to the Township and duly recorded in the office of the Recorder of Deeds of Chester County, Pennsylvania and shall be noted on the subdivision record plan.

- b. Open Space areas required under the cluster development option shall adhere to the standards specified in Section 1304.B. Design Standards - Park, Recreation and Open Space.
5. Maximum coverage (Impervious).
- a. Maximum building coverage: ten percent (10%)
  - b. Maximum lot coverage: fifteen percent (15%).
6. Maximum building height: thirty-five (35) feet.

**SECTION 505      DESIGN STANDARDS**

- A. The parking regulations contained in Article XIII shall apply to uses in this district.
- B. Sign regulations contained in Article XIV shall apply to uses in this district.
- C. The supplemental regulations contained in Article XII shall apply to uses in this district.
- D. The general regulations contained in Article XIII shall apply to uses in this district.

**ARTICLE VI  
R-2 RESIDENTIAL DISTRICT**

**SECTION 601: PURPOSE**

In addition to the general goals listed in the Statement of Purpose, Section 102, and the Community Development Objectives listed in Section 105, it is the purpose of this district to provide for higher-density residential development and other compatible uses including multi-family and townhouse development that maintains the character of residential neighborhoods and provides for open space and recreational uses.

**SECTION 602: USE REGULATIONS**

- A. **By Right Uses.** A building or other structure may be erected, altered, or used and a lot may be used or occupied for any one of the following purposes and no other:
1. Single-family detached dwelling.
  2. Agricultural uses pursuant to the provisions of Section 1205.
  3. Public parks and playgrounds pursuant to the provisions of Section 1230.
  4. Sadsbury Township municipal uses including parks and playgrounds, municipal pumping stations for sewage or water supply serving the Township, but excluding sanitary landfills and trash transfer stations.
  5. Forestry pursuant to the provisions of Section 1246, herein.
- B. **Special Exception Uses:** A building or other structure may be erected, altered, or used and a lot may be used or occupied for any one of the following purposes when authorized as a special exception by the Zoning Hearing Board, pursuant to Article XVII.
1. Major home occupations pursuant to the provisions of Section 1218.
  2. Bed and breakfast facilities pursuant to the provisions of Section 1210.
  3. Residential conversions pursuant to the provisions of Section 1233.
- C. **Conditional Uses.** A building or other structure may be erected, altered or used and a lot may be used or occupied for any one of the following uses when authorized as a conditional use by the Board of Supervisors pursuant to Section 1608, herein.
1. Two-family detached (duplex) dwellings.

2. Single-family semi-detached (twins) dwellings.
  3. Single-family attached (townhouse) dwellings pursuant to the provisions of Section 1227.
  4. Schools and educational facilities pursuant to the provisions of Section 1216.
  5. Churches, synagogues and similar religious institutions.
  6. Age Restricted, Continuing Care, Retirement and Assisted Living Units pursuant to the provisions of this Code.
  7. Multi-family dwellings pursuant to the provisions of Section 1227.
  8. Private parks, public swimming pools, and similar recreational facilities.
  9. Hospitals pursuant to the provisions of Section 1219.
  10. Mobile home parks pursuant to the provisions of Section 1226 and Article V of the Subdivision and Land Development Ordinance.
  11. Plant nursery pursuant to the provisions of Section 1229.
- D. **Accessory Uses.** Uses on the same lot with, and customarily incidental to, any of the foregoing uses pursuant to the provisions of Section 1202. No accessory structure should exceed 50% of the floor area of the primary structure.
1. Private garages or private parking areas pursuant to the provisions of Section 1202.
  2. Signs pursuant to the provisions of Article XIV.
  3. No-impact home-based business, as defined in Article II.
  4. Other customary accessory uses and buildings provided such are clearly incidental to the principal use and do not include any activity commonly conducted as a business, pursuant to the provisions of Section 1202.

## **SECTION 603      AREA AND BULK REGULATIONS**

- A. The following lot and yard requirements apply to single-family detached residential uses where both public water and public sewage disposal are available and hook-up is mandatory. In those areas where public water and public sewage disposal are not available, the minimum lot size shall be forty-three thousand, five hundred and sixty square feet.

1. Minimum lot size.
    - a. Area: twenty thousand (20,000) square feet.
    - b. Width at building line: eighty-five (85) feet.
    - c. Width at street line: fifty (50) feet.
  2. Minimum yard requirements.
    - a. Front yard: forty (40) feet.
    - b. Side yard: ten (10) feet minimum, twenty-five (25) aggregate.
    - c. Rear yard: twenty-five (25) feet.
  3. Maximum coverage (Impervious).
    - a. Maximum building coverage: twenty percent (20%).
    - b. Maximum lot coverage: twenty-five percent (25%).
  4. Maximum building height: thirty-five (35) feet.
- B. The following lot and yard requirements apply to two-family detached (duplex) dwellings and single-family, semi-detached (twins) dwellings. Public water and public sewage disposal are required.
1. Minimum tract size: one (1) acre.
  2. Minimum lot size:
    - a. Area: seven thousand (7,000) square feet.
    - b. Width at building line: fifty (50) feet.
    - c. Width at street line: fifty (50) feet.
  3. Minimum yard requirements:
    - a. Front yard: forty (40) feet.
    - b. Side yard: ten (10) feet minimum, twenty-five (25) feet aggregate.
    - c. Rear yard: twenty-five (25) feet.



4. Maximum coverage (Impervious):
    - a. Maximum building coverage: forty percent (40%).
    - b. Maximum lot coverage: forty-five percent (45%).
  5. Maximum building height: thirty-five (35) feet.
- C. The following area and bulk regulations apply to single-family attached (townhouse) dwellings in addition to those standards specified in Section 1227. Public water and public sewage disposal are required.
1. Minimum tract size:
    - a. Area: ten (10) acres.
    - b. Width at building line: four hundred (400) feet.
    - c. Width at street line: four hundred (400) feet.
  2. Minimum lot size: 2,800 square feet.
  3. Minimum setbacks from tract boundaries:
    - a. Front yard: seventy-five (75) feet.
    - b. Each side yard: sixty (60) feet.
    - c. Rear yard: seventy-five (75) feet.
  4. Minimum open space requirement: as provided in Section 425 of the Subdivision and Land Development Ordinance.
  5. Maximum coverage (Impervious):
    - a. Maximum building coverage: thirty-five percent (35%).
    - b. Maximum lot coverage: forty-five percent (45%).
  6. Maximum building height: thirty-five (35) feet.
  7. Maximum gross density: six (6) units per gross acre.

- D. The following area and bulk regulations apply to multi-family development in addition to those standards specified in Section 1227. Public water and public sewage disposal shall be required.
1. Minimum tract size: five (5) acres.
  2. Maximum tract size:
    - a. Area: ten (10) acres.
    - b. Width at the building line: two hundred (200) feet.
    - c. Width at the street line: two hundred (200) feet.
  3. Minimum setbacks from tract boundaries:
    - a. Front yard: seventy-five (75) feet.
    - b. Each side yard: sixty (60) feet.
    - c. Rear yard: seventy-five (75) feet.
    - d. Parking areas: twenty-five (25) feet.
  4. Minimum open space requirement: as provided in Section 425 of the Subdivision and Land Development Ordinance.
  5. Maximum coverage (Impervious):
    - a. Maximum building coverage: thirty-five percent (35%).
    - b. Maximum lot coverage: forty-five percent (45%).
  6. Maximum building height: thirty-five (35) feet.
  7. Maximum gross density: ten (10) dwelling units per gross acre.

**SECTION 604: DESIGN STANDARDS**

- A. Parking regulations contained in Article XIII shall apply to uses in this district.
- B. Sign regulations contained in Article XIV shall apply to uses in this district.
- C. The supplemental regulations and general regulations contained in Article XII and Article XIII, respectively, shall apply to uses in this district.



**ARTICLE VII**  
**SVD SADBURYVILLE VILLAGE DISTRICT**

**SECTION 701: PURPOSE**

In addition to the general goals listed in the Statement of Purpose, Section 102, and Community Development Objectives, Section 105, it is the overall purpose of this district to provide for small scale residential and commercial uses that preserve the historic character of the Village of Sadsburyville specifically as follows:

- A. Preserve the unique character of the Village of Sadsburyville by recognizing its historic attributes, context, and role in the development of the Township and the County.
- B. Provide for mixed residential and commercial uses at a scale that respects historic use of the properties.
- C. Provide opportunities for in-fill development and adaptive reuse of existing buildings that retain the size, scale and general character of the Village.
- D. Encourage and reinforce architectural styles that complement the type, form and massing of existing structures, and streetscape.

**SECTION 702: USE REGULATONS**

- A. **By Right Uses.** A building or other structure may be erected, altered, or used, and a lot may be used or occupied for any one of the following purposes and no other.
  - 1. Single-family detached dwelling.
  - 2. Two-family detached (duplex) and single-family semi-detached (twin) dwellings.
  - 3. Agricultural uses pursuant to the provisions of Section 1205.
  - 4. Individual retail stores for the sale of antiques, gifts, food, meat and poultry, drugs, flowers, dry goods, household goods, hardware, newspapers, stationery, jewelry, office supplies or

similar items, not to exceed eighteen hundred (1,800) square feet of gross usable floor area.

5. Eating establishments limited to indoor seating and service and specifically excluding drive-in windows or service.
6. Personal service shop including, but not limited to, barber shops, beauty shops, real estate and insurance, tailor shop, photographic studios, shoe repair, dry cleaners, and funeral services excluding crematoriums.
7. Individual professional or administrative offices not to exceed eighteen hundred (1,800) square feet of gross usable floor area.
8. Sadsbury Township municipal uses and governmental offices and facilities, including post office and similar service facilities that specifically promote Sadsburyville as a community focal center.
9. Banks and financial institutions pursuant to the provisions of Section 1209.
10. Forestry pursuant to the provisions of 1105.C.5. Section 1246 herein.

B. **Special Exception Uses.** A building may be erected, altered, or used and a lot may be used or occupied when authorized as a special exception by the Zoning Hearing Board, subject to Article XVII, herein:

1. Day care facilities pursuant to the provisions of Section 1213.
2. Churches, synagogues, and similar religious institutions.
3. Rooming houses and boarding houses.
4. Bed and breakfast facilities pursuant to the provisions of Section 1210.
5. Home occupation pursuant to the provisions of Section 1218.
6. Side yard adjustments as described in Section 703.
7. Residential conversion pursuant to the provisions of Section 1233.

C. **Conditional Uses.** A building or other structure may be erected, altered, or used, and a lot may be used for any one of the following uses when authorized as a conditional use by the Board of Supervisors, subject to 1608, herein:

1. Any residential dwelling unit, of not less than seven hundred fifty (750) square feet in floor area, as part of a commercial use within the same building.
2. Special retail store, such as gift shop, antique shop or tack shop, or custom shop for making articles or products sold at retail on the premises, such as custom clothing, art, needlework, baked goods or confectionery, in a separate building not to exceed five hundred (500) square feet of gross useable floor area on the same lot as a single-family detached dwelling.
3. Two-Family.
4. Multifamily units including apartments.
5. Single family attached.
6. Multiple uses permitted by right.
7. Outdoor dining when ancillary to a restaurant use.

D. **Accessory Uses.** Uses on the same lot with, and customarily incidental to, any of the foregoing uses pursuant to Section 1202.

1. Private garage or private parking areas pursuant to the provisions of Section 1202.
2. Signs pursuant to the provisions Article XIV.
3. No-impact home-based business, as defined in Article II.
4. Other customary accessory uses and buildings, provided such are clearly incidental to the principal use, pursuant to the provisions of Section 1202.
5. Greenhouses as accessory to residential uses pursuant to the provisions of Section 1202.

**SECTION 703: AREA AND BULK REGULATIONS**

- A. The following regulations shall be observed. Uses in the SV District shall be served by public water service and public sewer.
1. Minimum lot size.
    - a. Minimum lot area: fifteen thousand (15,000) square feet.
    - b. Width at building line: fifty (50) feet.
    - c. Width at street line: fifty (50) feet.
  2. Minimum yard dimension.
    - a. Front yard.
      - 1) The minimum front yard setback may be determined by averaging the setbacks of adjacent existing dwellings provided adjacent buildings are a minimum of twenty (20) feet from the right-of-way line.
      - 2) In no case shall the front setback be less than twenty (20) feet from the right-of-way line.
    - b. Side yard: ten (10) feet, but side yard may be reduced or exempted when authorized as a special exception by the Zoning Hearing Board where all of the following requirements are met:
      - 1) The adjacent lot owner agrees in writing, in recordable form.
      - 2) The topography and adjacent uses are compatible with such reduction.
      - 3) Adequate access is available to the rear of any building for use by emergency vehicles or service vehicles and access to the rear is consistent with the use of the premises.
    - c. Rear yard: twenty-five (25) feet.

3. Maximum coverage (Impervious):
  - a. Maximum lot coverage for residential uses: sixty percent (60%).
  - b. Maximum lot coverage for non-residential uses: eighty percent (80%).
  - c. Maximum building coverage: thirty percent (30%).
4. Maximum building height: thirty-five (35) feet.
5. Residential density: Where a conditional use is granted for a mixed use that includes residential units, each unit shall have a minimum of seven hundred fifty (750) square feet of living space and be restricted to the second and third floor of the building. Any non-residential use shall be limited to the first floor.
6. Maximum Residential Density Limitation (Computed separately from other uses on the tract) shall be no greater than four (4) units per acre for single family units and six (6) units per acre for duplex and twin units and townhouses and eight (8) units per acre for multi family units including apartments.

**SECTION 704: SADBURYVILLE VILLAGE DISTRICT DESIGN STANDARDS**

All new development proposed for Sadsburyville Village, as well as the rehabilitation, alteration, or modification of existing development within the Village District, shall comply with the following design standards in addition to the general design standards delineated in Article XIII.

- A. New development proposed for Sadsburyville Village should be designed to complement the historic character of the Village as well as the overall rural character of the Township in terms of building placement, building style, construction materials, and site design.
- B. The removal of mature trees and site vegetation shall be minimized.
- C. Every effort shall be made to locate new structures in such a manner as to minimize changes to the existing contours and original topography of the site.



- D. New land uses shall be constructed in accordance with a traditional grid system extending the existing pattern where possible. Curvilinear streets shall be discouraged.
- E. A pedestrian orientation shall be maintained and sidewalks encouraged where appropriate.
- F. Parking for all uses shall be located in the side or rear yard of buildings. Parking for commercial uses shall not be permitted in front yards.
- G. The use of alleys is encouraged as a means of accessing off-street parking however, driveways may be used to encourage the adaptive reuse of existing structures.
- H. All activities shall be conducted within enclosed buildings and outdoor storage of merchandise, equipment, or similar items or materials is prohibited.
- I. Mechanical systems, trash receptacles and dumpsters shall be located in rear or side yard and shall be screened from view.
- J. The rehabilitation, alteration, or modification of buildings and structures located in Sadsburyville Village that contribute to the historic character of the Village should be encouraged to comply with the Secretary of Interior's Standards for Rehabilitation as described below:
  - 1. Every reasonable effort shall be made to provide a compatible use for a property that requires minimal alteration of the building, structure, or site and its environment, or to use a property for its originally intended purpose.
  - 2. The distinguishing original qualities or character of a building structure or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.
  - 3. All buildings, structures and site shall be recognized as products of their own time. Alterations, which have no historical basis and which seek to create an earlier appearance shall be discouraged.
  - 4. Changes which have taken place in the course of time are evidence of the history and development of a building, structure,

or site and its environment, these changes may have acquired significance in their own right and this significance shall be recognized and respected.

5. Distinctive architectural features or examples of skilled craftsmanship which characterize a building, structure, or site shall be treated with sensitivity.
6. Deteriorated architectural features shall be repaired rather than replaced wherever possible.
7. The surface cleaning of structures shall be undertaken with the gentlest means possible.
8. Every reasonable effort shall be made to protect and preserve archeological resources affected by, or adjacent to, any acquisition, stabilization, preservation, rehabilitation, restoration, or reconstruction project.
9. Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historic-architectural or cultural materials, and such design is compatible with the size, scale, color, materials, and character of the property, neighborhood, or environment.
10. Whenever possible, new additions or alterations to structures shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the structure would be unimpaired.

## **SECTION 705: DESIGN STANDARDS**

Unless modified by the provisions contained in Section 504, the Sadsburyville Village District Design Standards, the following design standards shall apply.

- A. Sign regulations shall comply with provisions contained in Article XIV.
- B. The supplemental regulations contained in Article XII shall apply to uses in this district.

- C. The general regulations contained in Article XIII shall apply to uses in this district.

**ARTICLE VIII**  
**C-1 LIMITED COMMERCIAL DISTRICT**

**SECTION 801:      PURPOSE**

In addition to the general goals listed in the Statement of Purpose, Section 102 and Community Development Objectives, Section 105, it is the purpose of this district to provide limited commercial, retail and office uses to serve the needs of the local residents.

**SECTION 802:      USE REGULATIONS**

- A.    **By-Right Uses.**    A building may be erected, altered, or used and a lot may be used or occupied for one (1) or more of the following:
1.    Retail store for the sale of antiques, gifts, food, meat and poultry, drugs, flowers, dry goods, household goods, hardware, newspapers, tobacco, stationery, jewelry, and office supplies.
  2.    Eating establishment providing only indoor table service; provided that an eating establishment located within an historic structure may have outdoor table service in addition to indoor table service where there is no outdoor entertainment or outdoor amplified sound on the premises and provided that all outdoor table service shall cease at 10:00 PM.
  3.    Business, professional offices, including banks and financial institutions.
  4.    Personal service establishment including barber shops, beauty shops, real estate and insurance, tailor shop, photographic studios, shoe repair and funeral services excluding crematoriums.
  5.    Club or lodge pursuant to the provisions of Section 1212.
  6.    Bed and breakfast facility pursuant to the provisions of Section 1210.
  7.    Printing, publishing, or photocopy reproduction.
  8.    Professional, administrative, or medical office.

9. Sadsbury Township municipal uses.
  10. Automobile service station pursuant to the provisions of Section 1208.
  11. Agriculture pursuant to the provisions of Section 1205.
  12. Forestry pursuant to the provisions of Section 1105.C.5.
- B. **Special Exception Uses.** A building may be erected, altered, or used and a lot may be used or occupied for one (1) or more of the following uses when authorized as a special exception by the Zoning Hearing Board, subject to Article XVII, herein:
1. Hotel or motel pursuant to the provisions of Section 1220.
  2. Schools or educational facilities pursuant the provisions of Section 1216.
- C. **Accessory Uses.** Uses on the same lot, customarily incidental to any of the foregoing uses, and pursuant to the provisions of Section 1202 shall be permitted.

### **SECTION 803: AREA AND BULK REGULATIONS**

- A. The following regulations shall be observed:
1. Minimum lot size.
    - a. Area: forty thousand (40,000) square feet.
    - b. Width:
      - 1) One hundred (100) feet at the street line.
      - 2) One hundred (100) feet at the building setback line.
  2. Minimum yard dimensions.
    - a. Front yard: Forty (40) feet.

- b. Each side yard: twenty (20) feet.
  - c. Rear yard: fifty (50) feet.
- 3. Maximum coverage (Impervious).
  - a. Maximum building coverage: twenty five percent (25%)
  - b. Maximum lot coverage: sixty five percent (65%)
- 4. Maximum building height: thirty-five (35) feet

**SECTION 804: DESIGN STANDARDS**

- A. Parking regulations contained in Article XIII shall apply to uses in this district.
- B. Sign regulations contained in Article XIV shall apply to uses in this district.
- C. The supplemental regulations and general regulations contained in Articles XII and XIII, respectively, shall apply to uses in this district.
- D. The tract and proposed development shall be served by public water service and public sewer.

**ARTICLE IX  
C-2, TOWN CENTER DISTRICT**

**SECTION 901:      PURPOSE**

In addition to the general goals listed in the Statement of Purpose, Section 102, Community Development Objectives, Section 105, it is the purpose of this district to incorporate the following principles:

- A.      Promotion of a district with a pedestrian-oriented central area allowing flexibility in development types;
- B.      Provision for a variety of uses which can be located and combined in a manner more flexible than conventional zoning standards;
- C.      Inclusion of commercial and office uses according to prescribed standards;
- D.      Encouragement of the consolidation of lots for planning and design purposes and creation of developable tracts of a larger size whilst recognizing the necessities of real property financing and providing for connections between otherwise discrete and stand-alone tracts;
- E.      Integration of on-site historic resources, if any, into the overall development plan; and
- F.      Providing for better forms of development which offer landscaping and architectural features to enhance the visual character of Sadsbury Township.

**SECTION 902:      USE REGULATIONS**

- A.      By-Right Uses - A building may be erected, altered or used and a lot may be used or occupied for one or more of the following uses provided that the total floor area of all buildings is equal to or less than 10,000 square feet:
  - 1.      All C-1 by-right uses provided that, in meat and poultry shops, no slaughtering is to be done on the premises.
  - 2.      Wholesale sales, storage or distribution.
  - 3.      Movie theatre and similar places of indoor entertainment.
  - 4.      Administrative, professional or medical office building.
  - 5.      Commercial day care center pursuant to the provisions of Section 1213.

6. Township municipal uses.
  7. Agricultural uses pursuant to the provisions of Section 1205.
  8. Automobile service station pursuant to the provisions of Section 1208.
  9. Convenience store pursuant to the provisions of Section 1215.
  10. Plant nursery pursuant to the provisions of Section 1229.
  11. Timber harvesting pursuant to the provisions of Section 1247.
- B. Conditional Uses - A building or other structure may be erected, altered or used, and a lot may be used for any use or aggregate of uses permitted by 902.A being of a size greater than 10,000 square feet in building area or any one or more of the following uses, when authorized as a Conditional Use by the Board of Supervisors pursuant to Article XVI:
1. Shopping center pursuant to the provisions of Section 1238.
  2. Hotel or motel pursuant to the provisions of Section 1220.
  3. Fast food restaurant, including drive-thru services, pursuant to the provisions of Section 1234.
  4. Automobile, truck or recreational vehicle sales, new or used.
  5. Veterinary clinic, animal hospital or kennel, subject to the provisions of Sections 1206 and 1223.
  6. Hotel (subject to the provisions of Section 1220) and banquet facility.
  7. Office use on the 2<sup>nd</sup> and 3<sup>rd</sup> floors of buildings when the 1<sup>st</sup> floor of the building is used for retail shops or services, provided that medical offices may occupy all floors of a medical officer building.
  8. Town center commercial development subject to the provisions of Section 1248.
- C. Accessory Uses – Uses on the same lot (or within town center commercial development), customarily incidental to any of the foregoing uses, and pursuant to the provisions of Section 1202, shall be permitted; including, without limitation, the following:
1. Private garage or private parking areas pursuant to the provisions of Section 1202.



2. Off-street parking areas pursuant to the provisions of Article XIII.
3. Signs pursuant to the provisions of Article XIV.

**SECTION 903: AREA AND BULK REGULATIONS**

A. When improvement(s) other than a town center commercial development is or are proposed for a lot the following standards shall apply:

1. Minimum lot size:
  - a. Area: forty thousand (40,000) square feet.
  - b. Width at the building line: one hundred and fifty (150) feet.
  - c. Width at the street line: one hundred and fifty (150) feet.
2. Minimum yard dimensions:
  - a. Front yard: fifty (50) feet.
  - b. Each side yard: twenty (20) feet.
  - c. Rear yard: twenty-five (25) feet.
  - d. All yards abutting a lot used or zoned for residential use shall have a minimum depth of fifty (50) feet.
3. Maximum coverage (Impervious):
  - a. Maximum building coverage: twenty percent (20%).
  - b. Maximum lot coverage: sixty percent (60%).
4. Minimum open space requirement: as required by Section 1304, herein.
5. Maximum building height: thirty-five (35) feet.

B. The following regulations shall be observed for a shopping center:

1. Minimum tract area:
  - a. Area: five (5) contiguous acres.
  - b. Width and the building line: five hundred (500) feet.

- c. Width at the street line: five hundred (500) feet.
  2. Minimum yard dimensions:
    - a. Front yard: one hundred (100) feet.
    - b. Each side yard: fifty (50) feet.
    - c. Rear yard: fifty (50) feet.
    - d. All yards abutting a lot used or zoned for residential use shall have a minimum depth of seventy-five (75) feet.
  3. Maximum coverage:
    - a. Maximum lot coverage: sixty percent (60%).
    - b. Maximum building coverage: twenty percent (20%).
  4. Minimum open space requirement: as required by Section 1304, herein.
  5. Maximum building height: thirty-five (35) feet.
- C. Where a town center commercial development is proposed for a town center commercial development parcel, the following standards shall apply subject, where applicable, to Section 1248 of this Ordinance.
  1. Minimum town center commercial development parcel size:
    - a. Area: forty (40) acres.
    - b. Width at the building line: five hundred (500) feet.
    - c. Width at the street line: five hundred (500) feet.
  2. Minimum yard dimensions:
    - a. As measured to loading spaces: sixty (60) feet.
    - b. As measured to building lines: one hundred (100) feet provided that, in the event that a town center commercial development parcel is, pursuant to the Land Development Plans for the town center commercial development, to be divided by a public right-of-way or private road not existing at the time a Conditional Use Application for a town center commercial development is filed, the minimum yards

*vis-à-vis* such right-of-way or private road and shall be twenty-five (25) feet.

3. Minimum distance between buildings and off-street parking spaces: ten (10) feet.
4. Minimum distance between buildings: twenty (20) feet.
5. Maximum coverage:
  - a. Maximum lot coverage: seventy percent (70%).
  - b. Maximum building coverage: thirty percent (30%).
  - c. Minimum landscaped area: twenty percent (20%).
6. Maximum building height: forty (40) feet or two (2) stories, whichever is less.

**SECTION 904: DESIGN STANDARDS**

- A. No more than five percent (5%) of the open or paved area of a use permitted by this Article may be used for the display of goods. Regardless of the percentage space used for the display of goods the display of goods shall not interfere with the safe and efficient flow of on-site vehicular traffic and/or off-street parking required pursuant to Sections 1304.C and 1305.C of this Ordinance.
- B. Except as set forth at Section 1248, parking regulations contained in Section 1305, herein, shall apply to uses in this district.
- C. Sign regulations contained in Article XIV shall apply to uses in this district.
- D. Except as set forth at Section 1248 of this Ordinance, the supplemental regulations and general regulations contained in Article XII and Article XIII, respectively, shall apply to uses in this district.
- E. The tract and proposed development shall be served by public water service and public sewer.

**ARTICLE X  
I-1 LIGHT INDUSTRIAL DISTRICT**

**SECTION 1001: PURPOSE**

In addition to the general goals listed in the Statement of Purpose, Section 102 and Community Development Objectives, Section 105, it is the purpose of this district to provide for industrial development that is in keeping with the rural character of the Township and is located in areas where adequate infrastructure is available.

**SECTION 1002: USE REGULATIONS**

- A. **By-Right Uses.** A building or other structure may be erected, or used, and a lot may be used or occupied, for any one of the following:
1. Research, engineering, or testing laboratories.
  2. Production, manufacturing, processing, cleaning, testing, repair, storage and distribution of associated materials, goods, foodstuffs and products.
  3. Office of administrative, executive, corporate headquarters and other similar uses.
  4. Agricultural uses pursuant to the provisions of Section 1205.
  5. Craftsman or contractor shop, such as carpentry, plumbing, welding, electrical, or machine shop.
  6. Commercial educational use pursuant to the provisions of Section 1216.
  7. Private communication antenna if attached to an existing structure and not exceeding the height of such structure by more than fifteen (15) feet, pursuant to the provisions of Section 1207.
  8. Sadsbury Township municipal uses.
  9. Office or industrial park pursuant to the provisions of Section 1221.

10. Warehouse, wholesale sales, storage or distribution pursuant to the provisions of Section 1241, except as provided for in Section 1002.B.4.
11. Forestry pursuant to the provisions of Section 1105.C.5.

B. **Conditional Uses.** A building or other structure may be erected, altered, or used and a lot may be used for any one of the following when authorized as a conditional use by the Board of Supervisors pursuant to Section 1608, herein.

1. Trucking terminal pursuant to the provisions of Section 1243.
2. Private communication antenna, when not attached to an existing structure or when exceeding the height of an existing structure by more than fifteen (15) feet, pursuant to the provisions of Section 1207.
3. Hotel or motel pursuant to the provisions of Section 1220.
4. Wholesale sales, storage, or distribution involving the sales, storage or distribution of hazardous or potentially hazardous materials including explosive materials, fuels, used tires or similar highly flammable materials, pursuant to the provisions of Section 1241.
5. Self-storage facilities (mini-warehouses) pursuant to the provisions of Section 1224.
6. Adult entertainment uses pursuant to the provisions Section 1204.
7. Uses similar to the above uses, as determined by the Board of Supervisors.
8. Other potential obnoxious uses including, but not limited to:
  - a. A sanitary landfill and other waste disposal or management facilities pursuant to the provisions of Section 1237;
  - b. Intensive agricultural uses;
  - c. Electric substation;

- d. Commercial greenhouse pursuant to the provisions of Section 1214;
  - e. Junkyard pursuant to the provisions of Section 1222;
  - f. Quarrying and mining operations pursuant to the provisions of Section 1231; and,
  - g. Amusement park pursuant to the provisions of Section 1232.
- 9. Institution pursuant to Section 1245.
  - 10. Continuing Care Retirement Community on no less than fifty (50) acres in accordance with up to 25% units being assisted or skilled.
  - 11. Multiple permitted uses within a single building.
  - 12. Any other use of the same general character as determined by the Zoning Officer to meet the purpose and intent of this district.
  - 13. Any use not provided elsewhere in this Zoning Ordinance.
- C. **Accessory Uses.** Uses on the same lot with, and customarily incidental to, any of the uses listed above, pursuant to Section 1202.

**SECTION 1003: AREA AND BULK REGULATIONS.**

- A. The following regulations shall be observed for lots not created under Section 1221 as an office park:
- 1. Minimum lot size.
    - a. Area: two (2) acres
    - b. Width:
      - 1) Two hundred (200) feet at the street line.
      - 2) Two hundred fifty (250) feet at the building setback line.

2. Minimum yard requirements.
  - a. Front yard: Fifty (50) feet on all perimeter roads
  - b. Each side yard: fifty (50) feet (must be increased to provide adequate areas in the event a side or rear yard is utilized for loading or unloading trucks or parking of cars)
  - c. Rear yard: fifty (50) feet
2. Maximum coverage (Impervious).
  - a. Maximum building coverage: fifty percent (50%)
  - b. Maximum lot coverage: seventy-five percent (75%)
4. Minimum open space requirement: as required by Section 425 of the Subdivision and Land Development Ordinance.
5. Maximum building height: thirty-five (35) feet

**SECTION 1004: DESIGN STANDARDS**

- A. Parking regulations contained in Article XIII shall apply to uses in this district.
- B. Sign regulations contained in Article XIV shall apply to uses in this district.
- C. The supplemental regulations and general regulations contained in Articles XII and XIII, respectively, shall apply to uses in this district.
- D. The tract and proposed development shall be served by public water service and public sewer.

## Article XI

### **WGD – Western Gateway District**

#### Section 1101: PURPOSE

In addition to the general goals listed in the Statement of Purpose, Section 102 and Community Development Objectives, Section 105, is the purpose of this district to provide transitional uses from the western portion of the Township into the Village of Sadsburyville. Aside from providing uses to serve the needs of village residents the uses contemplated provide for an orderly progression of activities out of the village leading to the more intense commercial uses which characterize highway-oriented activities. This district will also encourage and promote pedestrian access into the western edge of the Sadsburyville Village.

#### Section 1102: USE REGULATIONS

- A. By-Right Uses: A building may be erected, altered or used and a lot may be used or occupied for one (1) or more of the following:
1. Professional, administrative or medical offices
  2. Agricultural or nursery uses
  3. Assisted living facilities
  4. Township/Municipal uses
  5. Bank of Financial Institution with drive-in capabilities
- B. Conditional Uses – Buildings or other structures may be erected, altered or used and a lot may be used for any use or aggregate of uses or more of the following uses, when authorized as a Conditional Use by the Board of Supervisors pursuant to Article XVI:
1. Hotel (subject to provisions of Section 1220) with conference and banquet facilities
  2. Veterinary clinic, animal hospital or kennel (subject to provisions of Section 1206 and 1223)
  3. Mixed Unit Developments with first floor being limited village Commercial (no single use being larger than 3,000 square feet) and the second and third floors being professional offices, hotel use
  4. Limited Village Commercial where no single use is larger than 3,000 square feet
  5. Medical Rehabilitation Facilities
  6. Educational and vocational facilities in buildings less than 10,000 square feet



7. Indoor Commercial Recreation limited to 10,000 square feet
  8. Indoor Self Storage limited to 10,000 square feet
  9. Commercial day care centers for pre-Kindergarten, senior citizen and disabled individuals
  10. Senior Apartments (rental or condominium) – when the primary occupant is 55 years of age or older and no occupant is under 35 years old
- C. Accessory Uses – Uses on the same lot, customarily incidental to any of the foregoing uses and pursuant to the provisions of Section 1202 shall be permitted:
1. Off street parking areas pursuant to the provisions of Article XIII
  2. Signs pursuant to the provisions of Article XIV

### Section 1103: AREA AND BULK REGULATIONS

- A. The following regulations shall apply to uses other than specific uses herein identified in the Western Gateway District:
1. Minimum Lot Size
    - a. Area: 40,000 square feet
    - b. Width:
      - i. At street line: 100 feet
      - ii. At building setback line: 100 feet
  2. Minimum Yard Dimensions
    - a. Front Yard: 50 feet
    - b. Each Side Yard: 25 feet
    - c. Rear Yard: 50 feet unless it borders an existing residential use, then 100 feet
  3. Coverage
    - a. Building Coverage 25% maximum
    - b. Lot Coverage 60% maximum
  4. Maximum Building Height – 40 feet
- B. The following regulations shall apply to Senior Apartments uses in the Western Gateway District:
1. Purpose and Permitted Accessory Uses:
    - a. Purpose – Senior Rental/Condo Apartments are designed to permit housing alternatives for senior citizens in the Township. Senior apartments are best located in proximity to other forms of senior housing including Continuing

Care, and Assisted Living facilities. Senior apartments are envisioned to be in a structure form with each unit functioning independently but sharing some common areas and in certain instances limited services. No unit shall have more than two (2) bedrooms.

- b. Permitted Accessory Uses (limited in total to no more than 5% of the total building square feet) shall permit:
  - i. Community Center
  - ii. Indoor recreation facilities
  - iii. Chapel
  - iv. Administrative offices
  - v. Maintenance shop, emergency power and utility room, central laundry, common community activity area

2. Minimum Lot Size

- a. Area: 20 acres minimum
- b. Lot Width
  - i. At street line: 200' minimum
  - ii. At building line: 200' minimum

3. Minimum Yard Dimensions

- a. Front Yard: 100' minimum
- b. Each Side Yard: 100' each
- c. Rear Yard: 100' minimum
- d. Building Separation: 75' minimum
- e. No building shall be closer than 150' from a tract boundary

4. Coverage

- a. Impervious Cover: 50% maximum
- b. Building Coverage: 25% maximum
- c. Open Space: 50% minimum of which 25% shall be unconstrained by environmental limitations such as but not limited to step slopes, floodplains, wetlands, or alluvial soils

5. Height

- a. Maximum Height: 45' maximum
- b. Maximum Number of Stories: 4 stories maximum

6. Density

- a. Density shall be no greater than 10 units per acre

7. Parking

- a. Parking for Senior Rental Apartments shall be calculated in accordance with the following standards

- i. All (1) one-bedroom units – 1.50 spaces
- ii. All (2) two-bedroom units – 2.00 spaces
- iii. Guest Parking – 5% above the minimum parking requirement for all units
- iv. Reserve Parking Areas shall be set aside and graded with sufficient security in the opinion of the township that will enable additional parking to be created within 36 months of the last unit to be occupied. No less than 10% of the required parking count shall be in the reserve parking.

C. The following regulations shall apply to Assisted Living Facilities in the Western Gateway District

1. Purpose and Permitted Accessory Uses:

- a. Purpose – Assisted Living is designed to permit alternative housing opportunities for those individuals who need assistance in their everyday living. The range of assistance may be broad based on individual needs for assistance with dressing, eating, medications or mobility to more advanced assistance ranging from Alzheimer's to dementia. Such living arrangements contemplate on-site 24-hour presence of staff, common dining, recreation and outdoor sequestered areas
- b. Permitted Accessory Uses:
  - i. Common reception, dining, recreation areas (including indoor and outdoor)
  - ii. Administrative offices, medical examination rooms, pharmaceutical facilities when directly related to the needs of residents
  - iii. Maintenance, central cleaning, and laundry facilities
  - iv. Centralized kitchen facilities
  - v. Chapel
  - vi. Personal service shop limited to no greater than 600 square feet

2. Minimum Lot Size

- a. Area: 3.5 acres
- b. Lot Width
  - i. At Street line: 200'
  - ii. At Building line: 100'

3. Minimum Yard Dimensions

- a. Front Yard: 75'
- b. Each Side Yard: 75'
- c. Rear Yard: 75'
- d. Building Separation: 100'

4. Coverage
  - a. Impervious Cover: 60%
  - b. Building Cover: 30%
  - c. Open Space: 30%
  
5. Height
  - a. Maximum Height: 45' maximum
  - b. Maximum Number of Stories: 4 maximum
  
6. Density
  - a. Density Shall be no greater than 25 units per acre
  
7. Parking
  - a. Parking for Assisted Living Facilities
  - b. Shall be calculated in accordance with the following standards:
    - i. For all units – 0.70 spaces each
    - ii. For staff/visitors and guest parking – 8% above the minimum parking required for all units
    - iii. Reserve Parking Area shall be set aside and graded with sufficient security in the opinion of the Township that will enable additional parking to be created within 36 months of occupancy if in the opinion of the Township additional parking is required. No less than 10% of the required parking count shall be set aside for reserve parking

D. Other Requirements Applicable to All Uses in the Western Gateway District

1. Solid waste facilities must be hidden from public view and screened by fencing and not be located within any required setback area
  
2. Public water and public sewer shall be required for all uses other than:
  - a. Agricultural and nursery accessory uses
  - b. Township/Municipal uses
  - c. Single family detached housing on lots greater than (1) one
  
3. A plan acceptable to the Board of Supervisors shall demonstrate an adequate pedestrian improvement from the development area to either the village or other Commercially Zoned properties.

4. For Senior Apartments (2) two separate points of access shall be required, neither of which shall be to an existing residential street (other than an emergency access lane)
5. All open space required shall be eased in perpetuity
6. No more than 30% of the minimum required open space shall be on lands containing floodplains, wetlands, steep slopes, proposed stormwater facilities or other natural constraints. Any required open space shall be no less than 75' wide or less than 1 acre in size.
7. In addition to the landscaping requirements found elsewhere in the Township Zoning and Subdivision and Land Development Regulations the Developer shall be required to create an opaque landscape screen of no less than 65% when the proposed use adjoins existing residential uses.
8. Buffering – A landscape buffer shall be required in accordance with section 1304 for any property perimeter which adjoins lands adjacent which are zoned or used for residential purposes.
9. All other applicable provisions and regulations of this and other Township ordinances shall be complied with including but not limited to General Provisions and Performance Standards of the Zoning Code.

In addition to the applicable general conditional use standards in this chapter, the following additional standards must be met for the Board of Supervisors to grant conditional approval of an apartment style Independent Living Facility. In the event that any of these standards conflict with the general requirements of the Western Gateway District, these standards shall control.

- A. The apartment style independent dwelling units shall be leased or owned by age qualified individuals under this section 1221 who are generally independent with respect to their daily living activities, such as bathing, dressing and grooming
- B. The apartment style independent living facility is restricted to primary occupant being 55 years of age or older and must qualify for the exemption to the prohibition against discrimination based on familiar status found in section 3607 (b)(1) or Section 3602 (b)(2) of the United States Fair Housing Act, 42 U.S.C. § 3601 et seq., and the Housing for Older Persons Act of 1995 and the regulations promulgated thereunder.

- C. The accessory uses which are provided within the apartment style independent living facility shall not occupy more than 5% of the gross floor area of the building and shall be for the exclusive use of the residents
- D. If a sundries/convenience shop is provided within the apartment style independent senior living apartment building as an accessory use, the purpose of the shop is to afford an opportunity for the residents of the facility to purchase necessary toiletries and other miscellaneous dry goods and snack food items, and related retail items provided for the convenience of the residents. The maximum size of the shop shall not exceed 500 square feet
- E. The building and all units therein shall be connected to public water and public sewer.

**ARTICLE XII  
OVERLAY DISTRICTS**

**SECTION 1201      GENERAL PROVISIONS**

- A.    The districts described in this Article shall be overlays to the existing underlying districts as shown on the zoning map, and as such, the provision for each of these districts shall serve as supplements to the underlying district provisions. All other provisions of all other Articles of this Zoning Ordinance and all other ordinances of the Township shall remain in full force.
  
- B.    The following six overlay districts are established in Sadsbury Township.
  - 1.    Airport Overlay District
  - 2.    Floodplain Overlay District
  - 3.    Steep Slope Overlay District
  - 4.    Resource Conservation Overlay District
  - 5.    Special Sadsburyville Village Development Overlay District
  - 6.    Traditional Neighborhood Development Overlay District
  
- C.    In those areas of the Township where an overlay district applies, the provisions of the overlay district shall be in addition to the requirements of the underlying zoning district or districts. In the event of a conflict, the more restrictive provision shall apply.
  
- D.    Should the boundaries of an overlay district be revised as a result of legislative or administrative actions or judicial decision, the underlying zoning requirements shall continue to be applicable.

**SECTION 1202      AIRPORT OVERLAY DISTRICT**

- A.    It is hereby found that an obstruction has the potential for endangering the lives and property of users of the Chester County Airport, located in Valley and Sadsbury Townships and property or occupants of land in its vicinity; that an obstruction may affect existing and future instrument approach minimums of Chester County Airport; and that an obstruction may reduce the size of areas available for landing, takeoff and maneuvering of aircraft, thus tending to destroy or impair the utility of Chester County Airport and the public investment therein. Accordingly, it is declared that:
  - 1.    The creation or establishment of an obstruction has the potential of being a public nuisance and may be hazardous to the region served by the Chester County Airport.

2. It is necessary in the interest of public health, public safety and general welfare that the creation or establishment of obstructions hazardous to air navigation be prevented; and
  3. The prevention of these obstructions should be accomplished, to the extent legally possible, by the exercise of police power without compensation.
- B. The intent of this article is to ensure that all property and occupants of lands in the vicinity of the Chester County Airport and users of the airport are protected from safety hazards. It is the specific purpose of this section to:
1. Prohibit all obstructions that reduce the area available for landing, takeoff and maneuvering of the aircraft.
  2. Require special height controls for buildings, structures, and trees or other vegetation within areas designated as airport hazard areas within the Airport Overlay Zone.
  3. Establish height restrictions that prevent the erection of structures interfering with or obstructing aircraft approaches and aircraft operations.
  4. Enhance public safety by imposing height restrictions, and minimizing the disruption of existing zoning policies or existing land uses through the application of Airport Zones. Interference and obstruction poses a threat to the health, safety, welfare and convenience of residents of the Township and passengers aboard the aircraft.
- C. Authority. The Pennsylvania State Airport Zoning Act, Pennsylvania Aviation Code, and Federal Aviation Regulations (Part 77) empower municipalities to restrict the height to which structures may be erected or natural growth (of trees or other vegetation) may be allowed to occur in airport hazard areas.
- D. Applicability of Underlying Zoning District Standards. Airport Zones are overlay districts that regulate permitted heights. All applicable standards of the underlying zoning districts shall apply. In those instances where the Airport zone allows a height restriction different than that imposed by the underlying zoning district, the more restrictive standard shall apply.
- E. Airport Surface Zones. In order to carry out the provisions of this Article, there are hereby created and established certain zones which include all of the land lying above the approach surface, transitional surfaces, horizontal surfaces, and conical surfaces as they apply to Chester County Airport and are located in Sadsbury Township. Such zones shall be depicted on an Airport Zoning Map to be adopted as part of and on the effective date of this Zoning Ordinance. Such map shall be attached to the Township Zoning Map and become a part thereof. In addition, those areas designated as airport zones may also, in addition or substitution, be



shown on the Township Zoning Map. An area located in more than one (1) of the following zones is considered to be only in the zone with the most restrictive height limitation. The various zones are hereby established and defined as follows. The bottom or lowest point of any zone shall be considered the surface which defines that zone and shall extend upward therefrom to the sky without limitation.

1. Utility Runway Visual Approach Surface Zone. The inner edge of this approach zone coincides with the primary surface and is two hundred fifty (250) feet wide. The approach zone expands outward uniformly to a width of two thousand (2,000) feet at the horizontal distance of five thousand (5,000) feet from the primary surface. Its center line is the continuation of the center line of the runway.
2. Utility Runway Non-precision Instrument Approach Surface Zone. The inner edge of this approach zone coincides with the width of the primary surface and is five hundred (500) feet wide. The approach zone expands outward uniformly to a width of two thousand (2,000) feet at a horizontal distance of five thousand (5,000) feet from the primary surface. Its centerline is the continuation of the centerline of the runway.
3. Runway Larger than Utility Visual Approach Surface Zone. The inner edge of this approach zone coincides with the width of the primary surface and is five hundred (500) feet wide. The approach zone expands outward uniformly to a width of one thousand five hundred (1,500) feet at a horizontal distance of five thousand (5,000) feet from the primary surface. Its center line is the continuation of the center line of the runway.
4. Runway Larger than Utility with a Visibility Minimum Greater than three-quarters (3/4) of a mile Non-precision Instrument Approach Surface Zone. The inner edge of this approach zone coincides with the width of the primary surface and is five hundred (500) feet wide. The widths of the inner edge of the approach zone and the primary surface, however, will be for the most precise approach existing or planned for either end of the runway. The approach zone expands outward uniformly to a width of three thousand five hundred (3,500) feet at a horizontal distance of ten thousand (10,000) feet from the primary surface. Its center line is the continuation of the center line of the runway.
- 5/ Precision Instrument Runway Approach Surface Zone. The inner edge of this approach zone coincides with the width of the primary surface and is one thousand (1,000) feet wide. The approach zone expands outward uniformly to a width of sixteen thousand (16,000) feet at a horizontal distance of fifty thousand (50,000) feet from the primary surface. Its center line is the continuation of the center line of the runway.
6. Transition Surface Zones. The Transition Surface Zones are the areas above the transitional surfaces.

7. **Horizontal Surface Zone.** The Horizontal Surface Zone is established by swinging arcs of five thousand (5,000) feet radii for all runways designated utility or visual and ten thousand (10,000) feet for all others from the center of each end of the primary surface of each runway and connecting the adjacent arcs by drawing lines tangent to those arcs. The Horizontal Zones does not include the approach and transitional zones.
8. **Conical Surface Zone.** The Conical Surface Zone is established as the area that commences at the periphery of the Horizontal Zone and extends outward there from a horizontal distance.
9. **Height Limitations.** Except as otherwise provided in this Article, no structure shall be erected, altered or maintained, and no trees shall be allowed to grow to such height or in such manner as to encroach within any airport zone as herein established. The applicable surface elevations or floors or bottoms of the zone are hereby established for each of the zones in question as follows:
  - a. **Utility Runway Visual Approach Surface Zone.** Slopes twenty (20) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of five thousand (5,000) feet along the extended runway center line.
  - b. **Utility Runway Non-precision Instrument Approach Surface Zone.** Slopes twenty (20) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of five thousand (5,000) feet along the extended runway center line.
  - c. **Runway Larger than Visual Approach Surface Zone.** Slopes twenty (20) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of five thousand (5,000) feet along the extended runway center line.
  - d. **Runway Larger than Utility with Visibility Minimum Greater than three-fourths (3/4) Mile Non-precision Instrument Approach Surface Zone.** Slopes thirty-four (34) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of ten thousand (10,000) feet along the extended runway center line.
  - e. **Precision Instrument Runway Approach Surface Zone.** Slopes fifty (50) feet outward for each foot upward beginning at the end of and

at the same elevation as the primary surface and extending to a horizontal distance of ten thousand (10,000) feet along the extended runway center line; thence, slopes upward of forty (40) feet horizontally for each foot vertically to an additional horizontal distance of forty thousand (40,000) feet along the extended runway center line.

- f. Transitional Surface Zones. Slope seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the primary surface and the approach surface and extending to a height of one hundred fifty (150) feet above the airport elevation, which is eight hundred twelve (812) feet above the mean sea level. In addition to the foregoing, there are established height limits sloping seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the approach surface, and extending to where they intersect the conical surface. Where the Precision Instrument Runway Approach Zone projects beyond the Conical Zone, there are established height limits sloping seven (7) feet outward for each foot upward beginning at the sides of and the same elevation as the approach surface, and extending a horizontal distance of five thousand (5,000) feet measured at ninety-degree angles to the extended runway center line.
- g. Horizontal Surface Zone. Established at one hundred fifty (150) feet above the airport elevation or at a height of eight hundred twelve (812) feet above the mean sea level.
- h. Conical Surface Zone. Slopes twenty (20) feet outward for each foot upward beginning at the periphery of the Horizontal Zone and at one hundred fifty (150) feet above the airport elevation and extending to a height of three hundred fifty (350) feet above the airport elevation.
- i. Accepted Height Limitations. Nothing in this Article shall be construed as prohibiting the construction or maintenance of any structure or growth of any tree to a height up to twenty (20) feet above the surface of the land.

F. Use Restrictions. Notwithstanding any other provisions of this section, no use may be made of land or water within any zone established by this section in such a manner as to create:

- 1. Electrical interference with navigational signals or radio communications between the airport and aircraft.
- 2. Make it difficult for pilots to distinguish between airport lights and others.

3. Result in glare in the eyes of pilots using the airport.
4. Impair visibility in the vicinity of the airport.
5. Create Bird strike hazards.
6. Otherwise in any way endanger or interfere with the landing, takeoff or maneuver of aircraft intending to use the airport.

G. Nonconforming Uses.

1. Regulations Not Retroactive. The regulations prescribed in this Section shall not be construed to require the removal, lowering or other change or alteration of any structure or tree not conforming to the regulations as of the effective date of this Section or otherwise interfere with the continuance of a nonconforming use. Nothing contained herein shall require any change in the construction, alteration or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this Section and is diligently prosecuted.
2. Marking and Lighting. Notwithstanding the preceding provisions of this Section, the owner of any existing nonconforming structure or tree is hereby required to permit the installation, operation and maintenance thereon of such markers and lights as shall be deemed necessary by the governing body of the Chester County Airport Authority, when approved by the Board of Supervisors of Sadsbury Township, to indicate to the operators of aircraft the existence of any such obstruction.
  - a. Such markers and lights shall be installed, operated and maintained at the sole cost and expense of the Chester County Airport Authority.
  - b. In obtaining approval of these markers and lights from the Chester County Airport Authority shall affirmatively assume and hold the Township harmless of and from any claim, judgment, demand, suit or obligation arising by reason of any injury to persons or property as a result of any allegation of the failure to establish and maintain appropriate markers and lights to prevent injury to persons and property, which said obligation shall assume and include the duty to defend and to pay any loss, including attorney's fees, or similar obligations arising from such action.
  - c. The Chester County Airport Authority shall secure and maintain liability insurance naming the Township as coinsured and furnish annually to the Township evidence of coverage.

H. Permits.

1. Future Uses. Except as specifically provided herein, no material change shall be made in the use of land, no structure shall be erected, altered, extended or otherwise established, and no tree shall be planted in such a manner or at such location that the same extends into and causes an obstruction within any airport zone herein established, unless a permit therefor shall have been applied for and granted.
  - a. Each application for a permit shall indicate the purpose for which the permit is desired with sufficient particularity to permit it to be determined whether the resulting use, structure or tree would conform to the regulations herein prescribed.
  - b. If such determination is in the affirmative, the permit shall be granted, subject to the other requirements and conditions of this Section.
  - c. No permit for a use inconsistent with the provisions of this Section shall be granted unless appropriate relief shall have been granted and approved by the Zoning Hearing Board in accordance with Article XVII.
    - 1) In the area lying within the limits of the Horizontal Surface Zone and Conical Surface Zone, no permit shall be required for any tree or structure less than seventy-five (75) feet of vertical height above the ground, except when, because of terrain, land contour or topographic features, such tree or structure would extend above the height limits prescribed for such zones.
    - 2) In areas lying within the limits of the approach zones, but at a horizontal distance of not less than four thousand two hundred (4,200) feet from each end of the runway, no permit shall be required for any tree or structure less than seventy-five (75) feet of vertical height above the ground, except when such tree or structure would extend above the height limit prescribed for such approach zones.
    - 3) In the areas lying within the limits of the Transitional Zones beyond the perimeter of the Horizontal Zone, no permit shall be required for any tree or structure less than seventy-five (75) feet of vertical height above the ground, except when such tree or structure, because of terrain, land contour or topographic features, would extend above the height limit prescribed for such Transitional Zones.

- d. Nothing contained in any of the foregoing exceptions shall be construed as permitting or intending to permit any construction or alteration of any structure or growth of any tree in excess of any of the height limits established by this Section, except as set forth therein.
2. Existing Uses. No permits shall be granted that would allow the establishment or creation of an obstruction in the airport zones herein created or permit a nonconforming use, structure or tree encroaching into such zones to become a greater hazard to air navigations than it was on the effective date of this Article or any amendments thereto or than it was when the application for a permit is made.
3. Nonconforming Uses. The extension, restoration, cessation or abandonment of nonconforming uses or structures shall be governed by the nonconforming use regulations set forth in Article XV of this Zoning Ordinance; provided, however, that no permit shall be granted that would permit such structure or tree to exceed the applicable height limit or otherwise deviate from the zoning regulations provided for this Article.
4. Variances. Any person desiring to encroach or further encroach by means of any structure or tree into the airport zones herein regulated and established, or otherwise do any act or create any condition in violation of the provisions of these airport zoning regulations, shall apply to the Zoning Hearing Board for variance relief from such regulations.
  - a. The application shall be accompanied by a determination from the Federal Aviation Administration that the effect of the proposal on the operation of air navigation, nor impair the safe and efficient use of navigable air space.
  - b. Such letter of determination shall be a condition precedent to the exercise of jurisdiction by the Zoning Hearing Board or the grant of any such relief from the airport zoning regulations. Such requirement shall be in addition to and not in substitution of all other applicable requirements for variance relief as required under the law. Further, the Board shall not commence any hearing for variance or other relief from or pursuant to the airport zoning provisions of this Section unless notice of the application to the Zoning Hearing Board shall have been mailed at least fifteen (15) days prior to such hearing to the Chairman of the Chester County Airport Authority or the Manager of the Chester County Airport.
5. Obstruction Marking and Lighting. Any permit whether by right or by variance granted may, if deemed advisable by the permitting agency, be so conditioned as to require the owner of the structure or tree in question

to install, operate and maintain at the owner's expense, such markings and lightings as may be necessary to secure public safety. In those circumstance where an otherwise reasonable application requires special relief, the Zoning Hearing Board may, where it deems the same appropriate, modify such condition to require the owner to permit the Chester County Airport Authority, at its cost and expense, to install, operate and maintain the necessary markings and lights.

- I. Enforcement. It shall be the duty of the Zoning Officer of Sadsbury Township to administer and enforce the regulations prescribed herein. Applications for permits and variance shall be made to the Zoning Office of Sadsbury Township upon a form published for that purpose. Applications required by this Article to be submitted to the Zoning Officer or Sadsbury Township shall be promptly considered and granted or denied. Application for action by the Zoning Hearing Board shall be forthwith transmitted by the Zoning Hearing Officer of Sadsbury Township.
- J. Severability. If any subsection, sentence, clause or phrase of this Section is for any reason held to be unconstitutional, illegal or invalid, such decision shall not affect the validity of the remaining portions of this Section. It is hereby declared by the Board of Supervisors of Sadsbury Township that it would have passed this Section and each subsection, sentence, clause or phrase thereof irrespective of the fact that any one (1) or more subsection, sentence, clause or phrase be declared unconstitutional, illegal or invalid.
- K. Approval by Chester County Airport Authority. This Section shall not be deemed effective for any purpose whatsoever unless and until the Chester County Airport Authority, by and through its governing body by formal resolution, duly adopted, acknowledged and delivered to the Township of Sadsbury has acknowledged said Section and agreed to be bound by the terms thereto, whereupon this Section shall become effective immediately after enactment and ratification.

### **SECTION 1203 FLOODPLAIN OVERLAY DISTRICTS**

The Legislature of the Commonwealth of Pennsylvania has, by passage of the Pennsylvania Flood Plain Management Act of 1978 and the Pennsylvania Municipalities Planning Code, 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 Sadsbury does hereby order as follows:

#### **A. General Provisions**

Intent. The intent of the Floodplain Overlay District is to:

- Promote the general health, welfare, and safety of the Township;

- Encourage the utilization of appropriate construction practices in order to prevent or minimize flood damage in the future;
- Minimize danger to public health by protecting water supply and natural drainage;
- Reduce financial burdens imposed on the Township, its governmental units, and its residents, by preventing excessive development in areas subject to flooding; and
- Comply with federal and state floodplain management requirements.
  1. 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 Sadsbury Township unless a Permit has been obtained from the Floodplain Administrator.
  2. Abrogation and Greater Restriction. This Section supersedes any other conflicting provisions which may be in effect in identifies floodplain areas. 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 Section, the more restrictive shall apply.
  3. Severability. If any section, subsection, paragraph, sentence, clause or phrase of this Section shall be declared invalid for any reason whatsoever, such a decision shall not affect the remaining provisions of the Section, which shall remain in full force and effect, and for this purpose the provisions of this Ordinance are hereby declared to be severable.
  4. Warning and Disclaimer of Liability. The degree of flood protection sought by the provisions of this Section 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 Section does not imply that areas outside any identified floodplain areas, or that land uses permitted within such areas will be free from flooding or flood damage.

This Section shall not create liability on the part of Sadsbury Township or any officer or employee thereof for any flood damages



that result from reliance on this Section or any administrative decision lawfully made thereunder.

.B. Administration

1. Designation of Floodplain Administrator. The Township Zoning Officer is hereby appointed to administer and enforce this Section 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 Township 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.

2. Permits Required. A permit shall be required before any construction or development is undertaken within the Identified Floodplain Area of Sadsbury Township.
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 history of repairs to the subject building, so that any cumulative substantial damage concerns can be addressed before the permit is issued.
- d. 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.
- e. In the discharge of his/her duties, the Floodplain Administrator shall have the authority to enter any building, structure, premises or development in the identified floodplain area, upon presentation of proper credentials, at any reasonable hour to enforce the provisions of this Section.
- f. 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.
- g. The Floodplain Administrator shall maintain in perpetuity, or for the life of the structure, all records associated with the requirements of this Section including, but not limited to, finished construction elevation data, permitting, inspection and enforcement.
- h. The Floodplain Administrator is the official responsible for submitting a biennial report to FEMA concerning Township participation in the National Flood Insurance Program.
- i. The responsibility, authority and means to implement the commitments of the Floodplain Administrator can be delegated from the person so identified. However, the ultimate responsibility lies with the person identified herein as the Floodplain Administrator/Manager.

- j. 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 adopted by the Commonwealth of Pennsylvania.

4. Application Procedures and Requirements.

- a. Application for such a Permit shall be made, in writing, to the Floodplain Administrator on forms supplied by Sadsbury Township. 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 as well as any existing buildings or structures and elevations related thereto in reference to and existing FEMA benchmark.

- b. If any proposed construction or development is located entirely or partially within any identified floodplain area, 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 ordinance;
- (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 flotation, 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 provide the following minimum information plus any other pertinent information as may be required by the Floodplain Administrator to make the above determinations:
- (1) A complete Permit Application Form.
  - (2) A plan of the entire site, clearly and legibly drawn at a scale of one (1) inch being equal to fifty (50) feet or less, showing the following:
    - (a) north arrow, scale and date;
    - (b) topographic contour lines with reference to an existing FEMA benchmark from an actual field survey;
    - (c) the location of all existing and proposed buildings, structures, and other improvements, 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, identified floodplain areas, and, if available, information pertaining to the floodway, and the flow of water including direction and velocities.
  - (3) Plans of all proposed buildings, structures and other improvements, drawn at a suitable scale showing the following:

- (a) the proposed lowest floor elevation of any proposed buildings based upon North American Vertical Datum of 1988;
  - (b) the elevation of the base flood; and
  - (c) supplemental information as may be necessary under 34 PA Code, the 2009 IBC or the 2009 IRC or latest edition thereof adopted by the Commonwealth of Pennsylvania.
- (4) The following data and documentation:
- (a) detailed information concerning any proposed flood-proofing 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, certified by a registered professional engineer or architect, to show that the cumulative effect of any proposed development within Floodway Area when combined with all other existing and anticipated development, will not increase the base flood elevation at any point;
  - (d) documentation, certified by a registered professional engineer or architect, to show that the cumulative effect of any proposed development within an AE Area/District without floodway when combined with all other existing and anticipated development, will not increase the base flood elevation more than one (1) foot at any point within the Township;
  - (e) 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.

- (f) detailed information needed to determine compliance with Storage and ordinance standards for Development Which May Endanger Human Life, including:
        - (i) the amount, location and purpose of any materials or substances which are intended to be used, produced, stored or otherwise maintained on site.
        - (ii) a description of safeguards incorporated into the design of the proposed structure to prevent leaks or spills of the dangerous materials or substances listed herein during a base flood.
      - (g) the appropriate component of the Department of Environmental Protection's "Planning Module for Land Development".
      - (h) where any excavation or grading is proposed, a plan meeting the requirements of the Department of Environmental Protection, to implement and maintain erosion and sedimentation control.
  - d. Applications for Permits shall be accompanied by a fee, payable to the municipality based upon the estimated cost of the proposed construction as determined by the Floodplain Administrator.
5. Review by County Conservation District. A copy of all applications and plans for any proposed construction or development which will affect wetlands or any area greater than one acre in any identified floodplain area 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.
  6. Review of Application by Others. The Floodplain Administrator may submit a copy of all plans and applications for any proposed construction or development in any identified floodplain area to be considered for approval to any other appropriate agencies and/or individuals (e.g. planning commission, municipal engineer, etc.) for review and comment.
  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.

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.
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 by the Floodplain Administrator 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 and FIRM/FIS in effect at the time the extension is granted. The Floodplain Administrator shall grant all time extensions in writing.

10. Enforcement

Notices. Whenever the Floodplain Administrator or other authorized municipal representative determines that there are reasonable grounds to believe that there has been a violation of any provisions of this Section, or of any regulations adopted pursuant thereto, the Floodplain Administrator

shall give notice of such alleged violation provided in Section 616.1 of the MPC and Article XVII of this Zoning Ordinance.

11. Penalties. Any person who fails to comply with any or all of the requirements or provisions of this Section or who fails or refuses to comply with any notice, order of direction of the Floodplain Administrator or any other authorized employee of the municipality shall be subject to a civil enforcement proceeding as provided in Section 617.2 of the MPC. In addition to the above civil enforcement proceeding all other actions are hereby reserved including an action in equity for the proper enforcement proceeding all other actions are hereby reserved including an action in equity for the proper enforcement of this Section. The imposition of a civil judgment for any violation of, or noncompliance with this Ordinance shall not excuse the violation or noncompliance or permit it to continue. All such persons shall be required to correct or remedy such violations and noncompliance with this Section may be declared by the Board of Supervisors to be a public nuisance and abatable as such,
12. Appeal.
  - a. Any person aggrieved by any action or decision of the Floodplain Administrator concerning the administration of the provisions of this Ordinance, may appeal to the Zoning Hearing Board as provided by Section 616.1 of the MPC. 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 Municipalities Planning Code and this Article.
  - 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.



D. Identification of Floodplain Areas

1. Identification. The identified floodplain area shall be:

Any areas of Sadsbury Township, 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.

The above referenced FIS and FIRMs, and any subsequent revisions and amendments are hereby adopted by Sadsbury Township and declared to be a part of this Section.

2. Description and Special Requirements of Identified Floodplain Areas. The identified floodplain area 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 Township 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.

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 but no floodway has been determined.
  - (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 not floodway has been determined.
    - (i) No permit shall be granted for any construction, development, use or activity within any AE Area/District without floodway unless it is demonstrated that the cumulative effect of the proposed development will not increase the BFE more than one (1) foot at any point.
    - (ii) 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.
- 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 identified floodplain area 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.
- d. The AO and AH Area/District shall be those areas identified as Zones AO and AH of 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. In Zones AO and AH, drainage paths shall

be established to guide floodwaters around and away from structures on slopes.

3. Changes in Identification of Area. The Identified Floodplain Area 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 Township shall notify FEMA of the changes to the Special Flood Hazard Area by submitting technical or scientific data.
4. Boundary Disputes. Should a dispute concerning any identified floodplain boundary arise, an initial determination shall be made by Sadsbury Township 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,
5. Jurisdictional Boundary Changes. Prior to development occurring in areas where annexation or other corporate boundary changes are proposed or have occurred, the Township shall review flood hazard data affecting the lands subject to boundary changes. The Township shall adopt and enforce floodplains regulations in areas subject to annexation or corporate boundary changes which meet or exceed those in the standards found herein.

#### E. Technical Provisions

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 Township, and until all required permits or approvals have first been obtained from the Department of Environmental Protection Regional Office.
    - (2) No encroachment, alterations, 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 Sadsbury Township 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 of more than one foot 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 Administrator's conditional approval of map change and prior to approving the proposed encroachments, the Township 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 Township 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, developments, uses or activities allowed within any identified floodplain area shall be undertaken in strict compliance with the provisions contained in this Ordinance and any other applicable codes, ordinances and regulations.

d. Within any Identified Floodplain Area, no new construction or development shall be located within the area measured fifty (50) feet landward from the top-of-bank of any watercourse.

## 2. Elevation and Flood-proofing Requirements

a. Residential Structures

- (1) In AE, A1-30, and AH Zones, any new construction or substantial improvements shall have the lowest floor (including basement) elevated at or above the Regulatory Flood Elevation.
- (2) In A Zones, 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 at or above the Regulatory Flood Elevation determined in accordance with Section 6.02.C of this Section.
- (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 and at least 1.5 feet above the base flood elevation.
- (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 to lowest floor (including basement) elevated at or above the Regulatory Flood Elevation, or be designed and constructed so that the space enclosed below the Regulatory Flood Elevation:
  - (a) is flood-proofed 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, 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 flood-proofed at or above the Regulatory Flood Elevation determined in accordance with Section 6.02.C of this Ordinance.

- (3) In AO Zones, any new construction or substantial improvement shall have their lowest floor elevated or completely flood-proofed above the highest adjacent grade to at least as high as 1.5 feet above the depth number specified on the FIRM.
- (4) Any non-residential structure, or part thereof, made watertight below the Regulatory Flood Elevation shall be flood-proofed 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 flood-proofing 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.
- (5). 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 NS 34 PA ode (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 (including basements) is prohibited.
- (2) Partially 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.

- (3) 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.
  - (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 Section, must comply with all Section requirements that do not preclude the structure's continued designation as a historic structure. Documentation that a specific ordinance requirement will cause the 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.
- e. Accessory structures. Structures accessory to a principal building need not be elevated or flood-proofed to remain dry, but shall comply, at a minimum, with the following requirements:
  - (1) the structure shall not be designed or used for human habitation, but shall be limited to the parking of vehicles, or to the storage of tools, material, and equipment related to the principal use or activity.
  - (2) floor area shall not exceed 200 square feet.
  - (3) the structure will have a low damage potential.
  - (4) the structure will be located on the site so as to cause the least obstruction to the flow of flood waters.
  - (5) power lines, wiring, and outlets will be elevated 1.5 feet above the Regulatory Flood Elevation.

- (6) permanently affixed utility equipment and appliances such as furnaces, heaters, washers, dryers are prohibited.
  - (7) sanitary facilities are prohibited.
  - (8) the structure shall be adequately anchored to prevent flotation, collapse, and lateral movement and shall be designed to automatically provide for the entry and exit of floodwater for the purpose of equalizing hydrostatic forces on the walls. 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.
    - (b) the bottom of all openings shall be no higher than one (1) foot above grade.
    - (c) openings may be equipped with screens, louvers, etc. or other coverings or devices provided that they permit the automatic entry and exit of flood waters.
3. Design and Construction Standards. The following minimum standards shall apply for all construction and development proposed within any identified floodplain area:
- a. Fill. If fill is used, it shall:
    - (1) extend laterally at least fifteen (15) feet beyond the building line from all points;
    - (2) consist of soil or small rock materials only – Sanitary Landfills shall not be permitted;
    - (3) be compacted to provide the necessary permeability and resistance to erosion, scouring, or settling;
    - (4) be no steeper than one (1) vertical to two (2) horizontal feet and approved by the Floodplain Administrator; and
    - (5) 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 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 water disposal system shall be located within any identified floodplain area except in strict compliance with all State and local regulations for such systems. If any such system is permitted, it shall be located so as to avoid impairment to it, or contamination from it, during a flood.
  - (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 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 herein, shall be stored at or above the Regulatory Flood Elevation or flood-proofed 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 a minimum 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 floatation, 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" variety.
- (2) Adhesives used at or below the Regulatory Flood Elevation shall be of "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. Water heaters, furnaces, air conditioning and ventilating units, and other electrical, mechanical or utility equipment or apparatus shall be located at least 1.5 feet above the Regulatory Flood Elevation.
- 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 provision shall apply to the above and other sections and subsections of this Ordinance, to the extent that they are more restrictive and supplement the requirements of this Ordinance.

International Building Code (IBC) 2009 or the latest edition thereof 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 edition thereof adopted by the Commonwealth of Pennsylvania:  
Secs. R104, R105, R109, R322, Appendix E, and Appendix J.

- 4. Development Which May Endanger Human Life. Within any Identified Floodplain Area, any structure or the kind described in Subsection a., below, shall be prohibited. If a variance is obtained in accordance with the criteria in Article VIII, then the following provisions apply:
  - 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 substance; 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 subject to the provisions of this section, in addition to all other applicable provisions. The following list of materials and substances are considered dangerous to human life:

- 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.
- b. Within any Identified Floodplain Area, any new or substantially improved structure of the kind described in Subsection a., above, shall be prohibited within the area measured fifty (50) feet landward from the top-of-bank of any watercourse.
  - c. Within any Floodway Area, any structure of the kind described in Subsection a., above shall be prohibited. Where permitted within any Identified Floodplain Area, any new or substantially improved residential structure of the kind described herein above, shall be elevated to remain completed dry up to at least one and one half (1½) feet above the base flood elevation and built in accordance with these provisions.

- d. Where permitted within any Identified Floodplain Area, any new or substantially improved non-residential structure of the kind described herein, above, shall be built in accordance with these provisions including:
  - (1) elevated, or designed and constructed to remain completely dry up to at least one and one half (1½) feet above base flood elevation, and
  - (2) designed to prevent pollution from the structure or activity during the course of a base flood.  
Any such structure, or part thereof, that will be built below the Regulatory Flood Elevation shall be designed and constructed in accordance with the standards for completely dry flood-proofing contained in the publication "Flood-Proofing Regulations (U.S. Army Corps of Engineers, June 1972 as amended March 1992), or with some other equivalent watertight standard.
- 5. Special Requirements for Subdivisions and Development. All subdivision proposals containing at least 50 lots or at least 5 acres, whichever is the lesser, in Identified Floodplain Areas 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 and Letter of Map Revision. Submittal requirements and processing fees shall be the responsibility of the applicant.
- 6. Special Requirements for Manufactured Homes.
  - a. Within any Identified Floodplain Area manufactured homes shall be prohibited. If a variance is obtained in accordance with the criteria in Article VIII, then the following provisions shall apply:
  - b. Within any Floodway Area/District, manufactured homes shall be prohibited. If a variance is obtained in accordance with the criteria in Article VIII, then the following provisions shall apply:
  - c. Within any Identified Floodplain Area, manufactured homes shall be prohibited within the area measured fifty (50) feet landward from the top-of-bank of any watercourse.
  - d. Where permitted within any Identified Floodplain Area, all manufactured homes, and any improvements thereto, 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 (1½) feet above the base flood elevation;
  - (3) and anchored to resist flotation, collapse, or lateral movement;
  - (4) and have all ductwork and utilities including HVAC/heat pump elevated to the Regulatory Flood Elevation.
- e. 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 shall apply.
  - f. Consideration shall be given to the installation requirements of the 2009 IBC, and the 2009 IRC or the latest edition thereto 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.

7. Special Requirements for Recreational Vehicles

Within any Identified Floodplain Area 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 Zones A, A1-30, AH and AE must either:
  - (1) be on the site for fewer than 180 consecutive days, and
  - (2) be fully licensed and ready for highway use,

F. PROHIBITED ACTIVITIES

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 Identified Floodplain Area:

- 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, as determined by the Floodplain Administrator, to an existing manufactured home park or manufactured home subdivision.

G. Existing Structures in Identified Floodplain Areas

1. Existing Structures. The provisions of this Section 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 following provisions of subsection 2 below shall apply.
2. Improvements. The following provisions shall apply whenever any improvement is made to an existing structure located within any Identified Floodplain Area:
  - a. No expansion or enlargement of an existing structure shall be allowed within AE Area/District that would cause any increase in BFE.
  - b. No expansion or enlargement of an existing structure shall be allowed within AE Area/District without floodway that would, together with all other existing and anticipated development, increase the BFE more than one (1) foot at any point.
  - c. 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 Section.

- d. 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 adopted by the Commonwealth of Pennsylvania.
- e. 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 be elevated and/or flood-proofed 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 Section.

#### H. Variances

- 1. General. If compliance with any of the requirements of this Section would result in an exceptional hardship to a prospective builder, developer or landowner, the Zoning Hearing Board may, upon request, grant relief from the strict application of the requirements
- 2. Variance Procedures and Conditions. Requests for variances shall be considered by the Zoning Hearing Board in accordance with the procedures contained in this Zoning Ordinance, the MPC, and the following:
  - a. No variance shall be granted for any construction, development, use or activity within any Floodway Area/District that would cause any increase in the BFE.
  - b. No variance shall be granted for any construction, development, use or activity within any AE Area/District without floodway that would, together with all other existing and anticipated development, increase the BFE more than one (1) foot at any point.
  - c. Except for a possible modification of the Regulatory Flood Elevation requirement involved, no variance shall be granted for any of the other requirements pertaining specifically to development regulated by Development Which May Endanger Human.
  - d. No variance shall be granted for Prohibited Activities.
  - e. If granted, a variance shall only allow for the minimum modification or departure from the requirements set forth in this Section as is necessary to provide relief.



- f. In granting any variance, the Zoning Hearing Board shall attach whatever reasonable conditions and safeguards it considers necessary in order to protect the public health, safety, and welfare, and to achieve the objectives of this Ordinance.
- g. Whenever a variance is granted, in addition to all other requirements of this Zoning Ordinance and the MPC, the Zoning Hearing Board shall notify the applicant in writing that:
  - (1) The granting of the variance may result in increased premium rates for flood insurance.
  - (2) Such variances may increase the risk to life and property.
- h. In reviewing any request for a variance, the Zoning Hearing Board shall consider, at a minimum, the following:
  - (1) That there is good and sufficient cause to grant the requested relief.
  - (2) That failure to grant the variance would result in exceptional hardship to the applicant.
  - (3) That the granting of the variance will
    - (a) not result in an unacceptable or prohibited increase in flood heights, additional threats to public safety, or extraordinary public expense.
    - (b) not create any nuisances or negatively affect the public, or conflict with any other applicable state or local ordinances or regulations.

**SECTION 1204: STEEP SLOPE OVERLAY DISTRICT**

- A. Purpose. In addition to the general goals listed in Section 102, the Statement of Purpose and Section 105, Community Development Objectives, it is the purpose of this overlay district to:
  - 1. Promote the public health, safety and welfare through the protection of steep slope areas from indiscriminate development.
  - 2. Encourage the retention of open space, located and designed to contribute to the harmonious and appropriate physical development of Sadsbury Township.

3. Permit only those uses of steep slope areas which are compatible with the conservation of natural conditions and which maintain stable soil conditions by:
  - a. Minimizing disturbances to vegetative groundcovers.
  - b. Restricting the regrading of steep slope areas.
4. Limit soil erosion and the resultant destruction of the land, situation of streams and property damage.
5. Protect low-lying areas from flooding by limiting the increase in stormwater runoff caused by the grading of steeply sloped areas, changes of groundcover, or by the erection of structures.
6. Maintain the ecological integrity and habitat value of steeply sloped areas, indigenous vegetation and wildlife, which could be adversely affected by otherwise permitted disturbances.
7. To allow the continuing replenishment of groundwater resources and the maintenance of springs.

B. General Provisions.

1. **Applicability.** These provisions shall apply to all lands within the jurisdiction of Sadsbury Township and defined herein.
2. **Compliance.** No structure or land shall hereafter be used and no structure shall be located, relocated, constructed, reconstructed, enlarged or structurally altered, except in full compliance with the terms and provisions of this Zoning Ordinance and any other applicable ordinances and regulations which apply to uses within the jurisdiction of the Zoning Ordinance.
3. **Disclaimer of Liability.** The granting of a zoning permit or approval of a subdivision or land development plan within or near the Steep Slope Conservation District shall not constitute a representative, guarantee or warranty of any kind by the Township of Sadsbury or by any official or employee. The practicability of safety of the proposed use shall create no liability upon Sadsbury Township, its officials or employees. This Zoning Ordinance does not imply that areas outside the Steep Slope Conservation District boundaries or land uses permitted within said district will always be totally free from adverse effects of erosion.

4. Abrogation and Greater Restrictions. It is not intended by this Section to repeal, abrogate or impair any existing easements, covenants or deed restrictions, however, where this Section imposes greater restrictions, the provision of this Section shall prevail. All other ordinances inconsistent with this Section are hereby repealed to the extent of the inconsistency only. To the extent consistent with this Section, land within the steep Slope Conservation District shall also be deemed to be in and subject to the District Classifications shown on the Zoning Map and applicable regulations thereon.
5. Zoning Map Overlay. The Steep Slope Conservation District shall not be deemed an independent district, but rather shall be deemed an overlay district. If this Section should be declared inapplicable to any tract by reason of amendment, special exception variance or other action of the Board of Supervisors, Zoning Hearing Board, or court of competent jurisdiction, the base zoning provisions shall remain applicable to such tract.
6. Identification of Steep Slope Conservation Areas. The Steep Slope Conservation District consists of two (2) areas which are delineated and defined as follows:
  - a. Precautionary Slope District (15% - 25%). Methodology for computing precautionary slope is as follows:
    - 1) The maximum horizontal distance over which slope may be determined is twenty (20) feet.
    - 2) Precautionary slopes are those of fifteen percent (15%) to twenty-five percent (25%) slope measured over three (3) or more two (2) foot contour intervals measured through an established field survey or photogrammetric measures.
    - 3) Areas of land within fifteen percent (15%) to twenty-five percent (25%) slope consisting of less than three (3) contour intervals and less than twenty-five hundred (2,500) square feet in extent will be excluded, provided that they do not adjoin or about larger areas of steeply sloping land, as defined herein.
    - 4) Small areas or less than fifteen percent (15%) slope occurring in the midst of larger areas of steeply sloping land shall be averaged with the adjoining steeply sloping land.

- 5) Areas of steeply sloping land shall be carefully measured and enumerated on the plan with respect to their occurrence in each of the individual lots proposed.
  - b. Prohibitive Slope (greater than 25%). Methodology for computing prohibitive slope is as follows:
    - 1) Maximum horizontal distance over which slope may be determined is twenty (20) feet.
    - 2) Prohibitive slopes are those of greater than twenty-five percent (25%) slope measured over three (3) or more two (2) foot contour intervals measured through an established field survey or photogrammetric measures.
    - 3) Areas of land over twenty-five percent (25%) consisting of less than three (3) contour intervals and less than twenty-five hundred (2,500) square feet in extent will be excluded, provided that they do not abut or adjoin larger areas of steeply sloping land, as defined herein.
    - 4) Areas of steeply sloping land shall be carefully measured and enumerated on the plan with respect to their occurrences in each of the individual lots proposed.
7. Rules for Interpretation of Steep Slope Conservation District Boundaries. Determination of whether a particular parcel or parcels are included in a Steep Slope Conservation District shall be made by the Zoning Officer and/or Township Engineer, subject to the provisions of Section H, below. Appeals of such a determination shall be made to the Zoning Hearing Board.
8. Amendment of Steep Slope Conservation District Overlay. Insofar as various natural conditions, including those slopes located within the Steep Slope Conservation District as herein defined, may change, or as any other reasonable doubt arises as to the location of the boundaries of the district. Such change concerning the boundaries of the Steep Slope Overlay district may be validated or determined preliminarily by the Zoning Officer, as follows:
  - a. The delineation of the Steep Slope Conservation District boundaries may be modified by the Sadsbury Township Board of Supervisors upon the recommendation of the Zoning Officer, the Township Planning Commission and the validation of other agencies having regulatory or advisory jurisdiction.

- b. Where the Steep Conservation District boundaries have allegedly changed due to natural causes, and including man-made, any party alleging such changes to the boundaries, other than the Township of Sadsbury, shall submit to the Zoning Officer a detailed on-site survey made by a licensed geologist or soil scientist, pursuant to techniques approved by the Natural Resources Conservation Service, United State Department of Agriculture, showing in detail, the changes alleged to have occurred which remove the land in question from the Steep Slope Conservation District. This party shall also submit a detailed on-site survey by a registered professional engineer or surveyor delineating the exact location of the alleged new Steep Slope Conservation District boundary.

Upon review of these documents the Zoning Officer shall make a determination regarding the alleged change in the Steep Slope Conservation District boundary. In the event that an alleging party is aggrieved by the determination of the Zoning Officer regarding a change in the Steep Slope Conservation District boundary, such party may appeal said decision to the Zoning Hearing Board in accordance with this Zoning Ordinance and the MPC.

### C. Use Regulations.

1. By-Right Uses. The following uses shall be permitted in the Steep Slope Conservation District provided that such use is in compliance with the provisions of the base zoning district and all other applicable provisions.
  - a. Precautionary Slope Districts (15% - 25% slope).
    - 1) Wildlife sanctuary, woodland preserve, arboretum, recreation areas, including open space.
    - 2) Tree farming forestry and other agricultural uses when conducted in conformity with conservation practices, including minimum tillage methods approved by the Natural Resources Conservation Service, or the Chester County Conservation District.
    - 3) Yard area of residences within a Steep Slope Conservation District, provided that any structure is not within the Precautionary Slope District.
    - 4) Driveway, when there are no practical alternatives as determined by the Township Engineer, provided that such driveway does not exceed a fourteen percent (14%) grade, or result in cuts or fills that exceed a two (2) to one (1) ratio.

2. Conditional Uses. The following uses shall only be permitted by conditional use approval in a Steep Slope Conservation District:
  - a. Precautionary Slope District
    - 1) Solar Farm
    - 2) Commercial Signs
  - b. Prohibitive Slope Districts (greater than 25% slope).
    - 1) Wildlife sanctuary, woodland preserve, arboretum, and recreation areas.
    - 2) Yard areas of residences with a Steep Slope Conservation District, provided that any structure is not within twenty-five (25) feet of the Prohibitive Slope District.
3. Special Exception Uses. Any of the following uses shall be permitted as a special exception when authorized by the Zoning Hearing Board, subject to the requirements of this Section, Article XVII and the MPC. In reviewing an application for special exception relief, the Zoning Hearing Board shall include the extent to which the proposed uses will disrupt the stability of soils and natural vegetation, and contribute to erosion before and after construction.
  - a. Sealed public water supply wells that have been approved by all regulatory agencies and conforming to the Subdivision and Land Development Ordinance of Sadsbury Township.
  - b. Sanitary and storm sewers, provided that they have been approved by all governing agencies and conforming to the Subdivision and Land Development Ordinance of Sadsbury Township.
  - c. Access roads or driveways suitable for the passage of emergency vehicles in the event of fire or accident. Such roads or driveways shall be constructed only when no viable alternatives, as solely determined by the Township Engineer, for emergency access exist where such roads or driveways comply with the applicable provisions of the Sadsbury Township Subdivision and Land Development Ordinance, and approval from all governing agencies has been secured.

4. Prohibited Uses. The erection of buildings or streets and the installation of septic tanks or septic systems on land sloping greater than twenty-five percent \*25%) shall be prohibited.

D. Standards.

1. Applicable to all uses within the Steep Slope Conservation District.
  - a. All grading shall be minimized and no grading shall be undertaken within any area of the Steep Slope Conservation District, except in conjunction with a use permitted under the terms of this Zoning Ordinance.
  - b. Finished slopes of all cuts and fills shall not exceed thirty-three percent (33%), unless the applicant can demonstrate that steeper slopes can be stabilized and maintained adequately.
2. Special Exception Standards. Special exception applications related to the proposed use in the Steep Slope Conservation District, as herein defined, will be granted only after consideration of the following conditions:
  - a. The proposed use, or its construction or installation shall pose no danger to life or property due to the construction activity.
  - b. The proposed use is not susceptible to any hazards associated with steep slopes, including rockslides, landslides, or accelerated erosion.
  - c. That safe access will be available in cases of emergency.
3. Variance Standards. No Variance shall be granted for construction, development, use or activity within any Steep Slope Conservation District that would cause any increase in erosion, potential for landslides or rockslides, or runoff contributing to flooding.

E. Application Procedures.

1. Before a permit is issued for any construction or land disturbance activity within or effecting the Steep Slope Conservation District, the following material, in full or in pertinent parts, shall be submitted for review to the Township Engineer and Township Zoning Officer:
  - a. An earthmoving plan of the property which indicates existing grades with contours at two (2) foot intervals and proposed grades within the area of any proposed activity, disturbance, or construction.

- b. A site plan indicating existing and proposed structures, other impervious surfaces, storm drainage facilities and retaining walls. The site plan shall also locate and identify existing vegetation and groundcover within areas of prohibitive or precautionary slopes, as well as proposed plant material to be installed.
  - c. Architectural plans, elevations and sections.
  - d. A statement, signed and sealed by a registered architect or engineer, explaining the building methods to be used in overcoming foundation and other structural problems created by slope conditions, preserving the natural watersheds, and preventing soil erosion and excessive surface water runoff to neighboring properties and/or streets.
  - e. A statement, signed by the owner or future occupant that, at the time of subdivision, land development, or building permit application, there is a full understanding by the applicant of any difficulties associated with access stemming from the relief granted with respect to the steep.
2. Burden of Proof. In all proceedings before the Zoning Hearing Board, including application for special exception and variance relief from the provisions of this Zoning Ordinance, the burden of proof shall be with the applicant to demonstrate that the proposed use will be in general conformity with the objectives of this Zoning Ordinance, that proper safeguards will be observed, and that the use will not be detrimental to the public health, safety and welfare.

**SECTION 1205      RESOURCE CONSERVATION OVERLAY DISTRICT**

- A. Purpose. In addition to the general goals listed in Section 102 the Statement of Purpose, and Community Development Objectives, Section 105, it is the purpose of this overlay district to protect the public health, safety and welfare by minimizing adverse environmental impacts caused by certain types of land uses and development activity. The provisions of this Section are intended to define and delineate selected natural resources within the Township and establish resource protection standards to mitigate potential public hazards associated with land use activity.



B. General Provisions.

1. Applicability. These provisions shall apply to all lands within the jurisdiction of Sadsbury Township, as herein defined. These provisions shall overlay and supplement the provisions of the underlying zoning districts, as shown on the zoning map. All other provisions of all other Articles of this Zoning Ordinance and all other ordinances of the Township shall remain in full force.
  - a. In the event that the provisions of the underlying zoning district and the provisions of this Section are in conflict, the more restrictive provision shall apply.
  - b. In the event that two (2) or more resource areas identified in this Section overlap, the resource with the most restrictive standards (the least amount of permissible alteration, regrading, clearing or building) shall apply to the area of overlap.
2. Compliance. No structure or land shall hereafter be used, and no structure shall be located, relocated, constructed, reconstructed, enlarged or structurally altered, and no permits shall be issued except in full compliance with the terms and provisions of this Section and any other applicable ordinances and regulations which apply to uses as specified within this Section.
3. Liability. The granting of a zoning permit or approval of a subdivision or land development plan within or near the Resource Conservation Overlay District, as defined within this Section, shall not constitute a representation, guarantee or warranty of any kind by the Township of Sadsbury or by any official or employee. The practicality or safety of the proposed use shall create no liability upon Sadsbury Township, its officials or employees.

C. Protection Standards.

1. Floodplain.
  - a. Definition. A floodplain is a relatively flat or low area adjoining a river, stream or watercourse which is subject to partial or complete inundation, or an area subject to the unusual and rapid accumulation or runoff of surface areas. For the purpose of this Zoning Ordinance, the floodplain shall include, but is not limited to, the area defined by the Floodplain Overlay District as contained herein.

- b. Standards. Areas identified as being within the boundaries of one hundred (100) year floodplain shall not be regraded, filled, built upon, or otherwise altered, except in conformance with the provision of Section 1103, herein.

2. Riparian Buffers.

- a. The benefits of riparian buffer include the following:
  - 1) The reduction of the amount of nutrients, sediment, organic matter, pesticides and other harmful substances that reach watercourse and wetlands from adjacent land uses.
  - 2) The consumption of nitrogen the denitrification of surface and groundwater and the trapping of phosphorus-laden sediment and other pollutants from adjacent land uses.
  - 3) The provision of stream bank stability which protects fish habitats and the control of sediment and erosion.
- b. Standards. The following standards are designed to preserve water resource protection benefits provided by riparian buffer areas:
  - 1) Zone One Inner Riparian Buffer shall consist of a natural area wherein no grading, clearing, impervious surfaces, or structures are permitted Zone One vegetation shall consist of undisturbed existing woodlands or forest/successional woodland/meadow plantings and management executed in accordance with The Township Land Subdivision and Development Ordinance. In addition to permitted planting and forestry management practices, allowable disturbance within Zone One is limited to trails with improved or unimproved surface as permitted by the Board of Supervisors, and to regulated activities permitted by the Commonwealth (e.g. permitted stream or wetland crossing).
  - 2) Zone Two Outer Riparian Buffer shall consist of a limited disturbance area wherein no impervious surfaces or structures are permitted and a maximum twenty percent (20%) of the Zone Two land area may be graded or otherwise disturbed. Zone Two vegetation shall consist of forested and successional vegetation maintained or established through natural processes. Selective planting and management in accordance with The Township Land Subdivision and Development Ordinance shall be

implemented on sites devoid of natural vegetation to stimulate native species and discourage invasive species. In addition to permitted plating and natural succession management practices, allowable disturbance within Zone Two is limited to trails with improved or unimproved surfaces as permitted by the Board of Supervisors, and to regulated activities permitted by the Commonwealth and its agencies (e.g. permitted stream or wetland crossing).

3) Any planting within Riparian Buffers shall be in accordance with a plan prepared by a Registered Landscape Architect or by a similarly qualified professional acceptable to the Township and its consultants.

4) On any existing lot of two acres or less, earth disturbance of less than 5,000 square feet within a buffer shall be exempt from the requirements of this Section, provided such disturbance is not related to a subdivision or land development application.

c. Delineation. Before a plan is approved or a permit issued, the riparian buffer must be delineated in accordance with the provisions of Subsection D, "Application of Standards" herein.

### 3. Wetland Margin.

a. Definition – A wetland margin is the transitional area extending from the outer limit of the wetland as determined by the field survey. For purposes of this Zoning Ordinance, the wetland margin shall extend fifty (50) feet from the wetland boundary or to the limit of hydric soils, whichever is greater. The hydric soils shall be defined in Article II, herein, unless reclassified by a certified soil scientist.

b. Standards – The wetland margin shall not be disturbed, regraded, filled, built upon, or otherwise altered.

c. Delineation - The applicant shall delineate wetland margins on the site in accordance with Subsection D, herein.

### 4. Woodlands.

a. Definition. Woodlands, for purposes of this Zoning Ordinance, are defined as areas of one (1) acre or more of continuous wooded land where the largest trees measure at least eight (8) inches in diameter at breast height (DBH). The woodland shall be measured

from the dripline of the outer trees. Woodlands shall also be defined as a grove of trees forming one (1) canopy where ten (10) or more trees measure at least eight (8) inches DBH. Additional definitions associated with woodlands are as follows:

- 1) Forestry. The management of forests and timberlands when practices in accordance with accepted silvicultural principles, through developing, cultivating, harvesting, transporting, and selling trees for commercial purposes, which does not involve any land development.
- 2) Tree Harvesting Operation. The uprooting or removal of more than four (4) trees per acre from any lot, once in a three (3) year period, for the purpose of allowing or encouraging the natural regeneration or preservation of a tree stand on a lot which has a gross area prior to any subdivision or land development or more than three (3) acres and which is undertaken in compliance with an approved woodland management plan. This definition does not apply to the practice of removing dead or diseased trees from a woodland. This definition does not apply to the removal of trees for the purpose of development, even if pursuant to a woodlands management plan.
- 3) Woodlands Management Plan. A description, by means of text and maps, of proposed actions involving removal of trees from a tract of land. Such plan shall have been prepared by a landscape architect or similarly qualified professional with demonstrable expertise in forest management, as approved by the Board of Supervisors, and shall document measures to be taken to protect water quality, minimize impacts from skid trails and logging roads, land areas, and the tree removal process and ensure site restoration. A woodland management plan is not required to remove dead or diseased trees.

b. Standards.

- 1) Forestry, as defined and regulated through the woodland management plan, shall be permitted-by-right in every zoning district.
- 2) No trees shall be removed and no clear cutting of woodlands, as defined herein, shall be undertaken for any use other than agriculture, unless in compliance with the provisions contained herein and with a woodlands

management plan as approved by the Zoning Officer. This is not intended to prevent the removal of dead or diseased trees.

- 3) Where approved in compliance with a subdivision and land development plan and a required woodland management plan, no more than fifty (50%) percent of woodlands shall be regraded, cleared, built upon, or otherwise altered for the purpose of construction, or as in compliance with the required woodland management plan. This percentage shall apply on a per lot basis.
- 4) Each building or structure shall be constructed in such a manner as to require the least alteration of the woodland. Clear cutting shall be avoided and trees shall be selectively removed.
- 5) Where possible, woodlands and other natural vegetation which remain undisturbed shall interconnect with woodlands or wooded areas of adjacent properties to preserve continuous woodland corridors and allow for the normal movement, dispersion and migration of wildlife.

c. Delineation. The applicant shall delineate woodlands which are on the site, in accordance with Subsection D, herein.

## 5, Tree Protection Zone

- a. Definition. A Tree Protection Zone is an area radial to the trunk of a tree in which no construction activity shall occur. The tree protection zone shall be fifteen (15) feet from the trunk of the tree, or the distance from the trunk of the tree to two (2) feet beyond the dripline, whichever is greater. Where there is a group of trees or woodlands, the tree protection zone shall be the aggregate of the protection zones for individual trees.
- b. Standards. In order to prevent injury to those trees which have been designated for protection, a tree protection zone shall be established where trees, or an area of woodlands as defined herein, on the site are to be retained. In this zone, the following standards shall apply:
  - 1) Prior to construction, trees within a delineated tree protection zone shall be clearly marked at breast height according to the Township Subdivision and Land Development

Ordinance. This marking shall be maintained until all construction and other work has been completed.

- 2) During construction, trees within a tree protection zone shall be clearly delineated with a proper barrier and signage (such as: metal stakes and wire) to the limits of the tree protection zone to ensure that there is no encroachment and/or compaction of soil and roots within this area by:
  - a) Change of grade;
  - b) Excavations of trenching; or
  - c) Storage (either temporary or permanent) of building materials, topsoil, motor vehicles or construction equipment.

In addition, no toxic materials shall be stored within one hundred (100) feet of a tree protection zone including petroleum based and derived products.

- 3) Sediment, retention and detention basins shall not be located within or discharge into a tree protection zone.
- 4) Trees which are scheduled to be removed may be left standing adjacent to the trunks of trees within the tree protection zone to further protect them from the limits of grading.
- 5) When roots from trees within a tree protection zone must be trimmed as a result of disturbance outside of the tree protection zone, they 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.
  - a) Within four (4) hours of any severance of roots, all roots that have been exposed and/or damaged shall be trimmed clearly and covered temporarily with peat moss, moist burlap or other 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.

- b) Tree stumps which are located within ten (10) feet of a tree protection zone shall be removed by means of a stump grinder or similar device which will minimize the effect on existing, intertwined roots within a tree protection zone. A stump shall be ground and removed to a point at least six (6) inches below existing ground level.
- 6) Trees that are to be removed shall not be felled, pushed or pulled into a tree protection zone.

D. Application of Standards.

- 1. Plan Information. To meet the resource protection standards of this Section, the following information shall be submitted by the applicant. Where applicable, such information shall be included with a preliminary plan, as required in the Subdivision and Land Development Ordinance and shall be consistent with the informational requirements of the Subdivision and Land Development Ordinance.
  - a. A site plan which identifies the limits of all natural resources on the site, including tree protection zones, if applicable, and the proposed use of the site, including existing or proposed structures.
  - b. All encroachments and disturbances necessary to establish the proposed use on the site, including existing or proposed structures.
  - c. The minimum buildable area(s) and areas reserved for on lot sewage systems, as described below.
  - d. Calculations indicating the area of the site with natural resources and the area of natural resources that would be disturbed or encroached upon. The calculation shall be shown on the plan, as indicated in the following table:

	A.	B.	C	D
Protected Resource	Amount of Land in Protected Disturbance Resource	Maximum Disturbance Allowance	Proposed Amount of Disturbance	
				Allowed (AxB)
Steep Slopes		0.0		
Watercourses		0.0		
Riparian Buffer		0.0		
Wetlands		0.0		
Wetlands Margin		0.0		
Woodlands		0.5		

(The figures in Column D must be less than or equal to the Figure in Column C.)

2. Minimum Buildable Area.

- a. Building Area. The purpose of the identification of the minimum buildable area is to ensure sufficient area is provided for the general location of the building, driveway, patio, other important improvements and site alterations while meeting the natural resource protection standards and minimum setback requirements of this Zoning Ordinance. The applicant shall delineate on the plan a buildable area sufficient in size to accommodate proposed site improvements and which complies with the maximum disturbance requirements, as specified herein and any other applicable ordinances and codes.
- b. On-Site Sewer Service. For uses with individual on-site sewer service, an area in addition to the minimum buildable area specified shall be identified for the location to the review and approval of the Chester County Health Department and/or the Pennsylvania Department of Environmental Protection. Where applicable, a reserve or replacement area shall also be identified. Such area shall not include the portion of those environmentally sensitive area that may not be developed or intruded upon, as specified in this Article.

3. Continued Protection of Identified Natural Resources.

- a. Individual Lots. Maintenance responsibilities associated with the resources indicated shall be clearly stated in the individual deeds or in a recorded declaration of covenants, subject to the review and approval of the Township Solicitor. The restrictions shall provide for the continuance of the resource protection areas, in accordance with the provisions of this Zoning Ordinance.



- b. Resources in Common. For resource protection areas held in common, the provisions associated with common open space shall apply. The Township may require additional restrictions, as it deems necessary and as provided for within this Zoning Ordinance. The individual, organization or other entity responsible for the maintenance of the resources shall be clearly identified in the deed or in a recorded declaration of covenants, subject to the review and approval of the Township Solicitor, and maintenance shall occur in accordance with an approved management plan.

**SECTION 1207: TRADITIONAL NEIGHBORHOOD DEVELOPMENT OVERLAY DISTRICT**

- A. Purposes. A Traditional Neighborhood Development (TND) may be defined as a small compact center of predominately residential character, consisting of residential and complimentary non-residential land uses, linked by an interconnected network of street, alleys, sidewalks, and designed in such a fashion to emulate a “village” environment. The following purposes will be served by the Traditional Neighborhood Development (TND) Overlay District.
  - 1. To encourage the development of a traditional village neighborhood that would enhance the existing village of Sadsburyville.
  - 2. To allow for the development of new pedestrian-oriented neighborhoods within the immediate vicinity of the Village of Sadsburyville.
  - 3. To promote the integration of new neighborhoods with historic Sadsburyville through pedestrian and vehicular connections.
  - 4. To promote the implementation of the objectives of the Township Comprehensive Plan for guiding the location of growth.
- B. Applicability. The TND development provisions of this Section are applicable when authorized as a conditional use by the Board of Supervisors pursuant to Article XVI, within limited areas adjacent to the Sadsburyville Village District which meet all of the following qualifying criteria:
  - 1. Tracts which are located entirely within the 4,000 feet of the intersection of PA Route 30 and Old Wilmington Road.
  - 2. Tracts that are west of Old Wilmington Road.
  - 3. Tracts that are south of PA Business Route 30.

4. Single tracts or multiple tracts under common ownership as of the date of the enactment of this Ordinance which are greater than 100 contiguous acres.
  5. Tracts that can be served by a public sewage disposal system and public water service.
- C. Overlay Zoning District. The standards of the Traditional Neighborhood Development (TND) Overlay District are to be used as an option to the base zoning district standards. The following regulations shall apply to the application for conditional use for the Traditional Neighborhood Development (TND). When authorized as a conditional use by the Board of Supervisors, the specific regulations or a Traditional Neighborhood Development (TND) set forth in this Section shall supersede regulations otherwise applicable, except as expressly provided herein.
- D. Administration. Traditional Neighborhood Development shall be governed by this Section applicable provisions of this Zoning Ordinance and Article VII-A of the Pennsylvania Municipalities Planning Code pursuant to this Section.
- E. TND Requirements and Options.
1. Each TND shall include two or more of the following elements:
    - a. Single-family detached dwellings.
    - b. Single-family attached dwellings (townhouses).
    - c. Multi-family dwellings (condominiums).
    - d. Any accessory residential use permitted by Section 1202(C) subject to provisions of this Section.
    - e. Minor agricultural uses such as the raising of livestock, the keeping of horses, land cultivation and other uses as determined by the Township Zoning Officer pursuant to the provisions of Section 1205.
    - f. Open space areas and associated buildings and or recreational structures.
    - g. Community facilities including swimming pools, recreation centers, meeting halls, club houses, childcare centers, and other facilities which serve as an amenity to residents of the TND.
    - h. Civic buildings including Sadsbury Township governmental offices, United States post office, and similar service facilities as

determined by the Board of Supervisors that specifically promote Sadsburyville as a community focal point.

2. The maximum number of dwelling units within a TND shall be determined by establishing the gross area of the tract, as defined by this Ordinance, and thereafter multiplying the resulting acreage by 3.5.
3. Residential unit mix.
  - a. No fewer than 50% of the total number of dwellings in a TND shall be single-family detached dwellings.
  - b. No fewer than 20% and no more than 45% of the total number of dwellings in a TND shall be single-family attached dwellings (townhouses). However, in no event shall single-family attached dwellings be located south of Quarry Road.
  - c. No more than 15% of the total number of dwellings in a TND shall be multifamily (condominiums). Each unit in multi-family building shall be separately deeded and individually owned. However, in no event shall multifamily dwellings be located south of Quarry Road.

F. Specific Area and Bulk Regulations for a TND.

1. The specific area and bulk regulations for a TND, set forth in this Section, shall supersede the general area and bulk regulations otherwise applicable.
2. Single-family detached standards – The following minimum lot and yard dimensions shall apply:
  - a. Minimum Lot Area – 6,000 square feet, except for Cottage-style Single Family Detached dwellings which shall have a Minimum Lot Area of 5,000 square feet.
  - b. Minimum lot width. 50 feet at the building setback line.
  - c. Front Yard. All buildings shall be set back a minimum of 16 feet from the front lot line. One story unenclosed porches shall be setback a minimum of 8 feet from the front lot line. Cottage-style Single Family Detached dwellings with front-entry garages shall be setback a minimum of 23 feet from the front line on the garage façade.

- d. Side Yard. All buildings shall have two side yards, each of which shall be a minimum of 6 feet. However, the minimum distance between buildings on adjacent lots shall be 14 feet.
  - e. Rear Yard. All buildings shall be set back a minimum of 10 feet from the rear lot line subject to the requirements of Section 1107.G.5(d).
3. Single-family attached (townhouse). The following minimum lot and yard dimensions shall apply:
- a. Minimum lot area – 2,000 square feet for each dwelling.
  - b. Minimum lot width – 20 feet.
  - c. Front Yard – All buildings shall be set back a minimum of 10 feet from the front lot line.
  - d. Rear Yard – All buildings shall be set back a minimum of 10 feet from the rear lot line subject to the requirements of Section 1107.G.5(d).
4. Multi-family. The following shall apply:
- a. Maximum dwelling units per building: 10
  - b. Building to building minimum distances:
    - 1) Front to front: 50 feet
    - 2) Side to side: 25 feet
    - 3) Rear to rear: 50 feet
    - 4) Side to front/rear: 50 feet
    - 5) Corner to corner: 25 feet
5. Minimum lot and rear dimensions for non-residential uses including community facilities and civic buildings – The following minimum lot and yard dimensions shall apply:
- a. Minimum lot area – 10,000 square feet.
  - b. Minimum lot width – 50 feet.

- c. Front Yard – All non-residential buildings shall be set back a minimum of 10 feet from the front lot line.
  - d. Side Yard – All non-residential buildings shall have two side yards, each of which shall be a minimum of 10 feet.
  - e. Rear Yard – All non-residential buildings shall be set back a minimum of 10 feet from the rear lot line.
  - f. Multiple buildings shall be permitted on a lot.
6. Accessory Uses.
- a. Structures which are accessory to residential uses shall be governed exclusively by this Section 1107.
  - b. Accessory residential uses shall not occupy the required front, side and rear yards applicable to the residential use except for garages and driveways which shall conform to standards of this Section 1107.
  - c. Accessory buildings, including garages, detached from the main residential building shall be located at least 10 feet from the main building.
7. Building Height. All buildings in the TND may have a maximum height of thirty-five (35) feet.
8. Maximum Impervious Coverage. The total impervious coverage of the gross tract area of a TND shall not exceed 50%. The maximum impervious coverage for single family detached, two-family detached single-family semi-detached, single-family attached and multi-family lots shall be 80%.
9. Common Open Space Requirements. A variety of common open spaces shall be designed to complement residential and nonresidential development in a TND. Common open space areas shall include areas for both active use and passive use.
- a. Minimum common open space requirements.
    - 1) A minimum of 40% of the gross tract area shall be designated and maintained as common open space.



subject to the approval of the Township Engineer and managed in one of the following manners, ranked in order of preference:

- 1) Two swales (one swale for each building) each contained entirely within its lot.
- 2) One shared swale that shall run along a shared lot line provided that a drainage easement acceptable to the Township Engineer is duly filed at the Tax Recorders Office. Such easement shall prohibit locating fence pickets, rails, or any physical obstruction closer than four (4) inches to the finished grade and the planting of trees, shrubs and the like within the easement.
- 3) A drainage pipe and inlet structure.
- 4) Some other approach approved by the Township Engineer.

#### 4. Streets and Alleys

- a. The street network shall be a hierarchy of streets and alleys generally laid out in a rectilinear, or grid pattern, of interconnecting streets and blocks that provide multiple routes from origins to destinations.
- b. Streets and alleys shall be designed to promote pedestrian safety and vehicular traffic calming while promoting a traditional and attractive streetscape. Through the use of engineering methods, the applicant shall prove to the satisfaction of the Township Engineer that emergency services, trash and passenger vehicles can safely navigate all streets, alleys, and intersections in a TND.
- c. Street Standards in a TND.
  - 1) All streets within a TND other than alleys shall be public streets.
  - 2) All public streets within a TND shall have a minimum right-of-way of fifty (50) feet.
  - 3) All two-way streets with parking on one side shall have a minimum cartway width of twenty-four (24) feet.
  - 4) All two-way streets with parking on two sides shall have a minimum cartway width of thirty-two (32) feet. The cartway width may be reduced to a minimum of twenty-eight (28) feet

at the discretion of the Board of Supervisors upon recommendation by the Township Engineer.

- 5) All one-way streets with parking on one side shall have a minimum cartway width of eighteen (18) feet.
  - 6) All streets shall have minimum centerline radii of one hundred (100) feet. Where a street turns ninety (90) degrees, or thereabout, the minimum centerline radius may be reduced to about fifty (50) feet if adequate, in the opinion of the Township Engineer, emergency access is provided. There shall be no minimum tangent required between the curves.
  - 7) All cul-de-sacs shall have a minimum radius of forty (40) feet to the face of the outside curb. A maximum of six (6) lots may gain access from the turnaround of the cul-de-sac.
- d. Alleys shall provide vehicular access to the rear of buildings for at least 70% of dwellings (not including Cottage-style Single Family Detached dwellings) in a TND and thereby move off-street parking spaces, garage doors and curb cuts away from the street.
- 1) Alleys shall have a minimum private right-of-way of eighteen (18) feet and a minimum cartway width of twelve (12) feet.
  - 2) In lieu of providing additional right-of-way area beyond the edge of the cartway, any additional area required for utility purposes may be provided through a private easement.
  - 3) The driveways of homes served by alleys shall be located a minimum of twenty-five (25) feet from the point where the alley intersects with the nearest street cartway. If the driveway is located on a one-way alley, this requirement shall only apply to that end of the alley where vehicles can enter.
- e. Intersections.
- 1) A minimum curb radius of fifteen (15) feet shall be provided at all intersections or a greater radius as determined by the Township Engineer.
  - 2) Clear sight triangle of seventy-five (75) feet measured at the height of three and one half (3½) feet shall be provided at all street-to-street intersections. No solid objects, except for a



single street tree and a single streetlight, shall obstruct any one side of the clear sight triangle. The size and shape of the clear sight triangle may be modified for streets within the TND if the intersection in question is designed pursuant to the recommendations of a qualified traffic engineer and said design is deemed acceptable by the Board of Supervisors.

- 3) Sight distance. All street-to-street and street to alley intersections with the TND shall provide minimum safe stopping sight distance in accordance with the AASHTO minimum safe stopping sight distance equation as referenced by PennDOT at the posted speed limit and as measured from ten (10) feet behind the intersection.
  - 4) Two (2) streets intersecting from opposite sides shall intersect at their centerlines or their centerlines shall be offset at least one hundred (100) feet. This requirement shall not apply to alleys,
  - 5) Traffic islands and medians are permitted provided that there are sufficient turning radii, in the opinion of the Township Engineer, for emergency vehicles.
  - 6) Other intersection designs may be considered by the Board of Supervisors pursuant to the recommendations of the Township Engineer.
- f. Curbing. Curbing shall be provided along streets as required by Section 415 of the Subdivision and Land Development Ordinance. Curbing shall not be required along alleys. Belgian block may be used as an alternative to concrete subject to the approval of the Board of Supervisors. In no case shall bituminous material be used for curbing.
5. Curb Cuts, Driveways and Garages. Garages, driveways and/or parking lots shall not be a dominant aspect of the building design and/or the streetscape as viewed from the street.
- a. At least 70% of garages or off-street parking spaces for all dwelling other than Cottage-style Single Family Detached shall be accessed from an alley. In those places where alleys are not possible to service residential dwelling units within a TND, curb cuts may be permitted, provided that the garage door of each affected dwelling conforms to one of the design options described below.

- b. Garages for residential dwelling units shall meet one of the following design options listed in the order of preference.
- 1) The garage is rear entry, such that garage doors are on the opposite side of the dwelling from the front façade, preferably accessed from an alley.
  - 2) The garage is located behind the rear façade of the house. Such garage may be detached from or attached to the dwelling, and the garage doors may face any direction.
  - 3) The garage is side entry from the side street of the corner lot. In such cases, the garage does not need to be recessed as long as the garage is not facing the facade of another dwelling.
  - 4) The garage is front-entry and off-set at least twenty (20) feet behind the principal front façade, stoop or porch of the dwelling or, in the case of dwellings either located south of Quarry Road or dwellings located immediately adjacent to public or common open space, the offset may be reduced to a minimum of seven (7) feet behind the principal front façade of the dwelling as long as a porch, covered stoop, arbor, pergola or other roofed structure projects a minimum of six (6) feet beyond the front façade of the dwelling. This Section in its entirety shall not apply to dwellings located on corner lots or to Cottage-style Single Family Detached dwellings.
  - 5) The garage is side entry, such that garage doors are perpendicular or radial to the street or open space, which the front façade faced.
- c. When off-street surface parking spaces are provided in lieu of a garage, such spaces shall be configured in a manner consistent with the configuration of garages as described above.
- d. Rear Yard applicable to garages gaining access from an alley. The rear yard applicable to garages gaining access from an alley located within a single-family detached lot, two family detached lot, single family semi-detached lot, or single-family attached lot shall be regulated as follows: Garages shall be oriented approximately perpendicular to the direction of the alley. The preferred rear yard standard is a minimum of twenty (20) feet. As an alternative, the rear yard shall be six (6) feet.

6. Sidewalks. Sidewalks shall be constructed according to the standards of Section 417 of the Subdivision and Land Development Ordinance and shall be constructed and maintained along all sides of all interior streets within a TND where dwellings are located. To the extent practicable sidewalks should also link trail systems or paths so as to provide a continuous pedestrian network. Sidewalks shall be a minimum of four (4) feet wide and may be located anywhere between the curb and the right-of-way line. There shall be a planting strip of at least three (3) feet between the curb and sidewalk when the sidewalk is located adjacent to a residential property, except at street intersections where the sidewalk may be built to the curb.
  
7. Common Open Space Design Standards. Because of the unique design elements which distinguish a TND from other forms of residential and non-residential development, and specific open space design standards for a TND shall be permitted to deviate from all otherwise applicable open space design standards contained in this Zoning Ordinance and in the Subdivision and Land Development Ordinance, and shall comply with the following standards in lieu thereof.
  - a. Common open space areas within a TND shall be located and designed to add to the visual or recreational amenities of the TND.
  - b. Common open space areas shall have a minimum dimension of twenty (20) feet.
  - c. Common open space areas intended for active use shall be:
    - 1) In the form of neighborhood parks, playgrounds, tot lots, bike or hiking trails, community gardens, picnic groves, playing fields, recreational equestrian centers, tennis courts, swimming clubs, or other recreational facilities typical of Chester County.
    - 2) Suitable for the planned active use.
    - 3) A minimum area of five thousand (5,000) square feet.
  - d. Open Space areas intended for passive use shall be:
    - 1) In the form of common greens, green courts, landscaped medians and islands, buffer areas, green belts, agricultural and horticultural uses, conservation lands, pasturelands, or areas for horse, forestry or for farmlands as defined in Section 1304.B.9. Open space areas intended for passive use shall be permitted to include stormwater management

facilities only where designed, permitted, operated and maintained as a (i) wet pond; (ii) subsurface facility; or (iii) another facility that in the opinion of the Township Engineer employs innovative best management practices and is landscaped in a manner compatible with a TND.

- 2) Have a minimum dimension of one hundred fifty (150) feet where adjacent to public open space lands, except that this may be eliminated where the open space is wooded or planted with trees and/or screening vegetation or adjacent to public wood lands or forest areas. This requirement shall not apply to public lands used for civic buildings.
- 3) Have protection standard for floodplains, water courses, riparian buffers, and wetlands consistent with Section 1105.
- 4) Be suitably landscaped either by retaining existing natural cover and wooded areas and/or by enhancing open space areas through designs and plantings which are consistent with the purposes of this Section and which add to the beauty of the TND. Natural cover comprised of non-native, invasive species is not an acceptable landscape treatment along any public street.

e. Access to open space areas.

- 1) All residential lots shall be located within four hundred (400) feet of a common open space area.
- 2) Access points shall be provided between public rights-of-way and common open space areas where appropriate and shall have a minimum dimension of twenty (20) feet.
- 3) Roads and parking facilities that are located within common open space areas to serve recreational facilities shall be countable towards the minimum required open space.

f. Easements, utilities and storm water facilities – The following are permitted within common open space areas:

- 1) Easements for drainage, access, sewer or water lines, or other public purposes.
- 2) Underground utilities.
- 3) Storm water facilities.



12. Parking and Parking Lots. Because of the unique design elements which distinguish a TND from other forms of residential and non-residential development, the following parking standards shall apply:
  - a. Parking shall be located on street to the maximum extent possible to provide the streetscape appearance that is traditional to small towns in Chester County, and to serve as an insulator between moving vehicles and pedestrians walking along the adjoining sidewalks.
  - b. On-street perpendicular or diagonal parking is permitted in a TND.
  - c. Parking lots shall be located to the rear or sides of buildings. Parking spaces within parking lots shall be at least nine (9) feet wide and eighteen (18) feet deep.
  - d. Parking lots and/or garages shall not be the dominant aspect of the building design and/or streetscape as viewed from the street.
  - e. On-street parking provided within two hundred (200) feet of a non-residential use shall count towards the required off street parking as per Section 1305 of this Ordinance.
  - f. Parking ratios for all uses shall be in accordance with the requirements of Section 1305, herein. However, if Section 1305 imposes an excessive standard as determined by the Board of Supervisors, the applicant shall demonstrate through the use of empirical data from other built projects that a lesser standard can adequately serve the proposed use(s).
  - g. A minimum of one half (.5) parking spaces per dwelling unit shall be provided as visitor parking, except that no visitor parking spaces shall be required for dwelling with driveways greater than twenty-five (25) feet in length. Required visitor parking spaces shall be provided on-street or within designated off-street visitor parking areas. Off-street visitor parking spaces shall be located within two hundred (200) feet of the lot line of all dwellings, which are served by those visitor parking spaces.
13. Grading. Steep slopes within a TND shall be regulated by Section 1104 however, steep slopes that are the result of human activity, as determined by the Township Engineer, shall not thereby be regulated. Any changes to such man-made slopes shall not cause any danger to life or property and shall not be susceptible to any hazards associated with steep slopes, including rockslides, landslides, or accelerated erosion.



**ARTICLE XIII  
SUPPLEMENTAL LAND USE REGULATIONS**

**SECTION 1301: APPLICABILITY**

The provisions of this Article represent regulations and standards that are common to all zoning districts. Unless exempted by applicable provisions or specified limitations, the following supplemental regulations shall apply to all by-right uses and uses permitted by special exception or conditional use. In the event that the provisions of this Article conflict with other provisions of this Zoning Ordinance, the more restrictive provision shall apply.

**SECTION 1302: ACCESSORY USES**

The following restrictions shall apply in all districts in which accessory uses are permitted:

- A. General Requirements.
1. Commercial and Industrial Uses. No accessory use shall be conducted or accessory structure erected within thirty-five (35) feet of any street line or in the front yard of any property in a commercial or industrial district. Recreational facilities for the use of employees shall be permitted, but shall be located in a landscaped area and set back fifty (50) feet from any street line.
  2. Only residential activities or those specifically enumerated in this Zoning Ordinance shall be permitted in a residential zone or those specifically enumerated, except those permitted by home occupation regulations of this Ordinance.
  3. Nothing in this section shall be construed to limit other uses not mentioned as long as they are clearly accessory to the principal permitted use of the land and do not create a threat to the public health, safety, or welfare of the community.
  4. The footprint of any accessory use shall not exceed the footprint of the primary use/structure found on a property.



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

1. Storage of farm products and farm machinery.
2. Barns, silos, and stables sheltering livestock, poultry and farm products.
3. Preparation of agricultural products produced on the premises.
4. Sale of agricultural products in accordance with the provisions of Section 1205.B.
5. Signs identifying the name of the farm in accordance with Article XIV.
6. Secondary farm family business.
  - a. A maximum of three (3) employees shall be permitted in conjunction with the secondary farm business in addition to family members or farm laborers employed in the primary farm business.
  - b. Secondary farm businesses may include, but are not limited to the following:
    - 1) Sales of seeds, chemicals, and fertilizers related to agricultural uses;
    - 2) Facilities for the assembly, manufacturing, sales, repair, and service of agriculturally related equipment and supplies;
    - 3) Blacksmith or farrier shop;
    - 4) Cattle or grain hauling;
    - 5) Grain mills or portable grinding mills;
    - 6) Processing of locally-produced agricultural produce;
    - 7) Manufacturing and sales of crafts; and

- 8) Other uses similar in character to those listed above.
  7. Plant nurseries pursuant to the provisions of Section 1229.
  8. Temporary housing for farm laborers pursuant to the provisions of Section 1240.
  9. Dwelling for farm employee and his or her family, in accordance with Section 1244.
- C. Uses Accessory to Residential. The following uses shall be permitted when incidental and subordinate to an existing residential use, and when located on the same lot or tract as the principal use:
1. Private garage, off-street parking, or driveway.
  2. Private swimming pools, in accordance with Section 1239, pool house, and tennis or similar sport courts.
  3. Private greenhouse or the following energy systems when incorporated into the principal structure:
    - a. Solar panels on the roof.
    - b. Geothermal systems.
  4. Home occupation, when approved as a special exception, pursuant to the provisions of Section 1218.
  5. No-impact home-based business, as defined in Article II.
  6. Patio, deck, shed, or gazebo for passive outdoor use.
  7. Garage Sales or Yard Sales shall be subject to the following provisions:
    - a. Such uses shall be limited to occurrences of not more than four (4) times within one (1) calendar year. There shall be at least a thirty (30) day period between such occurrences and each occurrence shall last no longer than three (3) consecutive days.

- b. Signs advertising garage and yard sales shall be posted no more than five (5) days prior to the first day of the sale and shall be removed on the final day of the sale. No more than five (5) off-premises signs shall be permitted to advertise the sale. Such signs shall only be placed with the permission of the applicable property owners.
  - 8. Parking or Storage of Commercial Vehicles.
    - a. The outside, nightly parking or storage of commercial vehicles shall be limited to one (1) vehicle, not to exceed eleven thousand (11,000) pounds gross vehicle weight rating (g.v.w.r.). In no case shall the vehicle height, whether with or without cargo, be in excess of ten (10) feet above finished grade.
    - b. One (1) additional commercial vehicle shall be permitted if parked inside a garage, an enclosed structure, or a parking space screened from view at the street or property line.
  - 9. Flagpole.
  - 10. Private antenna or microwave dish pursuant to the provisions of Section 1207.
  - 11. Signs associated with a home occupation, in accordance with the provisions of Article XIV and Section 1218.
- D. Uses Accessory to Commercial and Industrial. The following uses shall be permitted when incidental and subordinate to an existing commercial use, and when located on the same lot or tract as the principal use:
- 1. Off-street parking facilities, in accordance with the provisions of Section 1305.
  - 2. Storage of materials in accordance with the provisions of Section 1302.P.
  - 3. Signs in accordance with the provisions of Article XIV.
  - 4. Day care in conjunction with a commercial, office, or industrial use in accordance with the provisions of Section 1213.

### **SECTION 1303: ACCESSORY BUILDING OR STRUCTURE**

The following restrictions shall apply in all residential districts in which accessory buildings or structures are permitted:

- A. Accessory buildings and structures shall be located, erected and maintained in side or rear yard areas only, and shall not be located in front yards. Minimum setbacks for buildings and structures shall be dependent upon the type of activity proposed as follows:
  - 1. Those structures serving such active uses as swimming, tennis, and riding rings shall be located within the required minimum yard setbacks and in no case shall be set back less than twenty-five feet from the side or rear property lines.
  - 2. Those structures serving such passive uses as garages, storage sheds, pet shelters (except as noted below) and greenhouses shall be set back a minimum of ten (10) feet from the side and rear property lines.
  - 3. Structures housing large animals shall comply with the standards of Section 1205 and shall, in no case, be located within the required yard areas of any applicable zoning districts.
- B. Neither the side nor the rear yard shall have more than twenty (20) percent of its area covered by accessory buildings and structures.

### **SECTION 1304: ADULT ENTERTAINMENT USE**

Adult entertainment uses shall be permitted when in accordance with the following standards:

- A. The following location standards shall be met:
  - 1. Adult entertainment uses shall be located a minimum of one thousand (1,000) feet from another adult entertainment use.
  - 2. Adult entertainment uses shall be located a minimum of five hundred (500) feet from any residential zoning district, church, school, day care facility, or public playground or park.

- B. Signs and visible messages in accordance with the allowable sign area within the applicable zoning district shall be permitted, provided:
1. Sign messages shall be limited to verbal description of materials or services available on the premises.
  2. Sign messages may not include any graphic or pictorial depiction of material or services available on the premises, and
  3. Messages which are visible or intended to be visible from outside the property, such as on or within the doors or windows, shall not display materials, items, publications, pictures, films, or printed material available on the premises.
- C. Adult entertainment uses require a conditional use approval from the Board of Supervisors prior to commencement of operation. An application for such a conditional use approval shall include:
1. A description of the premises for which the approval is sought.
  2. A statement of the intended use(s).
  3. Hours of operation.
  4. Type, size, and location of proposed sign (s).
  5. Any additional information required by Section 1608, herein.
- D. Should any adult entertainment use cease or discontinue operation for a period of ninety (90) or more consecutive days, it shall not resume, nor may it be replaced by another adult entertainment use unless said use complies with the requirements of this section.
- E. Nothing in this Zoning Ordinance shall be deemed to allow any uses that are "obscene" as that term has been interpreted from time to time by the courts of the United States or the Commonwealth of Pennsylvania.

## **SECTION 1305: AGRICULTURE**

The following restrictions shall apply in all districts in which agriculture is permitted:

A. General Requirements.

1. The minimum size of an agricultural tract other than the growing of a crop, or intensive agricultural use shall be ten (10) acres.
2. No farm building or any other outbuilding shall be constructed closer than fifty (50) feet to any property line or closer than one-hundred (100) feet to any existing dwelling not on the property on which the farm building or outbuilding is erected.
3. All grazing or pasture areas shall be fenced.
4. Agricultural lots shall be graded so that animal wastes are confined, stored or disposed of within the lot on which they originate, and are not directed to any designated floodplain, stream or other body of water.
  - a. Agricultural buildings or structures housing poultry, hogs, or other livestock; feed lots; or other odor or dust producing activities shall be set back a minimum of three hundred (300) feet from any property line.
  - b. No slaughter area shall be established closer than one hundred and fifty (150) feet to any property line.
5. The keeping of a horse or horses for the personal recreational use of the occupants of a single-family detached dwelling is a recognized accessory use, provided the following requirements are met:
  - a. No horse shall be maintained, stabled, or pastured as an accessory use to a single-family detached dwelling unless the horse is used as a primary means of transportation the minimum lot size of two (2) acres is provided.
  - b. More than one horse may be stabled or maintained and/or pastured on a property, provided they are for the personal recreational use of the occupants of [said home] a single-family detached dwelling and provided that additional acreage of one (1) acre for each and every horse over and above one (1) shall be provided.

- c. A lot used for said purpose shall not have a manure storage pile located closer than one hundred (100) feet to any property line.
- 6. A lot for the raising, maintenance or breeding of livestock or poultry (excluding pets such as dogs, cats, rabbits and the like and excluding the maintenance of horses for the personal recreational use of the occupants of the principal dwelling) shall not be less than five (5) acres, and on such lot no structure used for the housing of livestock or poultry or an area or structure used for the storage of manure shall be located closer than one hundred (100) feet to any property line.
- 7. There is a limit in all residential zones on the keeping of domestic pets based upon lot size.
  - a. For lots less than one-half acre, two (2) domestic pets are permitted.
  - b. For lots over one-half acre but less than one (1) acre three (3) domestic pets are permitted.
  - c. For any residential zone, no lot regardless of size shall be permitted to have more than ten (10) domestic pets.
  - d. To have more than ten (10) domestic pets you must be in a commercial district.
- 8. Keeping of chickens is permitted in all zones where the lot size is one-half acre or greater, subject to the following standards:
  - a. All chicken coups will be behind the rear wall of the primary structure and completely screened from the street.
  - b. No coup shall be placed outside of the setbacks set forth in the zoning districts in which they are placed.
  - c. No more than four (4) chickens per one-half acre of land are permitted with a maximum of twelve (12) chickens on any one property.
  - d. Roosters are expressly forbidden.

B. Sale of farm products. The display and sale of farm products shall be permitted, provided that:

1. At least fifty (50) percent of such products shall have been produced on the property on which they are offered for sale.
2. Temporary roadside stands may be erected for the sale of garden products and garden commodities produced on the same property where offered for sale, provided:
  - a. No building or structure other than a portable stand shall be constructed for such sale.
  - b. Such stand shall be removed during seasons when such products are not being offered for sale and in no case shall it remain longer than for a period of six (6) months of any one (1) year.
  - c. Such stand shall not be placed closer than twenty-five (25) feet to any lot line or thirty (30) feet from any right-of-way line.
  - d. Provisions for safe egress and ingress shall be provided in accordance with Section 1304.C, herein.
  - e. A minimum of three (3) parking spaces, or one (1) space for each three hundred (300) square feet of building floor area, whichever is greater, shall be provided behind the street right-of-way line.

C. Secondary farm family business.

1. A maximum of two (2) employees shall be permitted in conjunction with the secondary farm business in addition to family members or farm laborers employed in the primary farm business.
2. A secondary farm family business shall only be permitted on a working farm of at least twenty (20) acres in size.
3. Secondary farm family businesses may include, but are not limited to the following:



- a. Sales of seeds, chemicals, and fertilizers;
- b. Facilities for the manufacturing, sales, repair, and service of agriculturally related equipment and supplies;
- c. Custom work;
- d. Blacksmith or farrier shop;
- e. Cattle and grain hauling;
- f. Butcher shops;
- g. Grain mills or portable grinding mills;
- h. Processing of locally produced agricultural products;
- i. Veterinary offices that primarily serve farm animals, sales, and supplies;
- j. Manufacturing and sales of crafts; and
- k. Other uses of similar character to those listed above.

**SECTION 1306: ANIMAL HOSPITAL OR VETERINARY OFFICE**

The following restrictions shall apply to all districts in which veterinary clinics or office, or animal hospitals are permitted:

- A. Each animal hospital or veterinary clinic shall have all outdoor exercise yards entirely fenced to prevent animals from leaving the property. Exercise yards shall be set back a minimum of one hundred (100) feet from front, side, and rear lot lines. All accessory buildings and structures shall be set back a minimum of twenty-five (25) feet from rear and side property lines.
- B. There shall be one (1) off-street parking space per employee, plus one (1) space per waiting room seat.

- C. The sale of related products shall remain accessory to the animal hospital or veterinary office, and shall occupy no more than twenty-five (25) percent of the floor area of the principal building.
- D. There shall be no outdoor storage of materials.

**SECTION 1307: ANTENNA – RADIO/TELEVISION/COMMERCIAL COMMUNICATION**

The following restrictions shall apply in all districts in which antennas or communication towers are permitted:

- A. Radio or Television Antenna.
  - 1. The structure shall meet all yard requirements of the zoning district in which it is located. No portion of the base of a freestanding antenna shall be located closer to any lot line than the height of the antenna.
  - 2. Where applicable, structures shall comply with Federal Communications Commission (FCC) regulations and the Township Building Code.
  - 3. The highest point of an antenna attached to a building shall not exceed the peak of the roof by more than fifteen (15) feet.
  - 4. When mounted on a freestanding tower, the highest point of the tower and antenna shall not exceed fifty (50) feet.
  - 5. No more than one (1) antenna, freestanding or otherwise, shall be permitted per lot.
  - 6. The following standards shall apply to microwave dish antennae:
    - a. All microwave dish antennae shall remain accessory to the principal use of the lot.
    - b. When roof or wall mounted, the dish antennae in excess of twenty- four (24) inches shall be located on a portion of the wall or roof facing away from the front of the lot. No portion of a microwave dish antenna shall project above the ridgeline of the roof or be visible from the front of the lot.

Mounting materials and methods shall comply with the Township Building Code.

- c. When freestanding (not roof mounted), the following standards shall apply:
  - 1) The dish antenna shall be located only in the rear yard area of a lot, and shall be set back a minimum of ten (10) feet from any property line.
  - 2) The total height of the microwave antenna and supports shall not exceed ten (10) feet.
  - 3) Such an arrangement shall be screened in accordance with Article XIII, to the extent that such screening does not substantially interfere with reception.
  - 4) Supporting materials and methods shall comply with the Township Building Code.
- d. No more than one (1) microwave dish antenna shall be permitted on any lot.

**B. Commercial Communications Antenna.**

- 1. The following standards shall apply to the location of such antennae and associated uses.
  - a. A cell site with antenna that is attached to an existing communications tower, smoke stack, water tower, or other tall structure in any zoning districts shall not exceed the height of the existing structure by more than fifteen (15) feet; otherwise sub-section B herein shall apply. If the antenna is to be mounted on an existing structure, a full site plan shall not be required.
  - b. A cell site with antenna that is either not mounted on an existing structure, or is more than fifteen (15) feet higher than the structure on which it is mounted, shall be permitted only as a conditional use in the industrial district or by right on property owned by or under the control of Sadsbury Township.

- c. All other uses ancillary to the antenna and associated equipment (including a business office, maintenance depot, vehicle storage, etc.) are prohibited from the cell site, unless otherwise permitted in the zoning district in which the cell is located.
  - d. If located on the same lot with another permitted use, the antenna shall not be located in the front or side yard. This requirement shall not apply to an antenna mounted on an existing structure.
2. Standards of approval applicable to all commercial communication antennae.
- a. Height. The applicant shall demonstrate that the antenna is the minimum height required to function satisfactorily, which in no case shall exceed one hundred and fifty (150) feet.
  - b. Setbacks. If a new antenna structure is to be constructed, the minimum distance between the base of the support structure or any guy wire anchors and any property line shall be equal to or greater than the antenna height, as defined herein.
  - c. Structure safety. The applicant shall demonstrate that the proposed antenna and support structure are:
    - 1) Safe;
    - 2) Designed and built in accordance with the Township Building Code and other applicable codes and standards; and,
    - 3) That the surrounding areas will not be negatively affected by support structure failure, falling ice or other debris, electromagnetic fields, or radio frequency interference.
    - 4) All support structures shall be fitted with anti-climbing devices, as approved by the manufacturer.

- d. Fencing. A fence shall be required around the antenna support structure and other equipment, unless the antenna is mounted on an existing structure. The fence shall be eight (8) feet in height.
- e. Landscaping. Landscaping shall be required to screen and maintain, as much of the support structure, fence and other ground level features as possible. A combination of existing vegetation, topography, walls, decorative fences, or other features may be permitted if they achieve the same degree of screening as required below:
  - 1) An evergreen screen consisting of either a hedge planted three (3) feet on center maximum or evergreen trees planted ten (10) feet on center maximum.
  - 2) Existing vegetation on and around the site shall be preserved to the greatest extent possible.
  - 3) If the antenna is mounted on an existing structure, such landscaping shall not be required:
- f. Shared use. To reduce the number of antenna support structures needed in the community in the future, the proposed support structure shall be required to accommodate other users, including other commercial communication companies, and local police, fire, and ambulance companies.
- g. Licensing. The commercial communications company must demonstrate that it is licensed by the FCC.
- h. Parking. If the cell site is fully automated, adequate parking shall be required for maintenance workers; if the site is not automated, the number of parking spaces shall equal the number of people on the largest shift.
- i. Painting. Support structures shall be painted or have a galvanized finish to reduce visual impact. Painting of support structures shall meet all Federal Aviation Administration (FAA) regulations.

- j. No antenna support structure shall be artificially lighted except as required by the FAA; and such lights shall be shielded so as to reduce intrusion upon nearby properties.
- k. Site Plan requirements.
  - 1) A site plan conforming to the requirements of the Township Subdivision and Land Development Ordinance shall be required for all cell sites proposing a new structure or antenna fifteen (15) feet or higher than the existing structure on which it is mounted. The site plan shall show the antenna, antenna support structure, building, fencing, buffering, grounding, and all other items required by the subdivision and land development ordinance, and shall meet all requirements of the zoning ordinance for the district in which it is located.
  - 2) The site plan shall not be required if the antenna is to be mounted on an existing structure and is less than fifteen (15) feet higher than the existing structure. In such cases, information necessary for the applicable zoning permit and building permit shall be provided.
  - 3) Standards for commercial communication antenna requiring conditional use approval.
    - a) The commercial communications company is required to demonstrate, using technological evidence, that the antenna must be located where it is proposed in order to satisfy its function in the company's grid system, and demonstrate that there is a need for this facility in the community where it will be placed.
    - b) If the commercial communications company proposes it build a tower, as opposed to mounting the antenna on an existing structure, it is required to demonstrate that it contacted the owners of all tall structures within a one-quarter mile radius of the site

proposed, asked for permission to install the antenna on those structures, and was denied for reasons other than economic ones. Tall structures shall include smokestacks, water towers, tall buildings, antenna support structures of other communications towers (fire, police, etc), and other tall structures. The Township may deny the application to construct a new tower if the applicant has not made a good faith effort to mount the antenna on an existing structure.

3. Removal of Commercial Communication Antenna. Commercial communication antennae that are no longer licensed and active commercial transmitting facilities shall be removed at the owner's expense within sixty (60) days of the last date that the facility was licensed by the FCC. A bond or escrow account shall be posted with the Township in an amount sufficient to ensure such removal, prior to construction of such facility.
- C. Conflict. Where the regulations contained in this section are in conflict with any other adopted Township regulations, the more restrictive standards shall apply.

**SECTION 1308: AUTOMOBILE SERVICE STATION OR REPAIR FACILITY OR CAR WASH**

The following restrictions shall apply in all districts in which automobile service stations or repair facilities are permitted:

- A. A minimum lot width of not less than two-hundred (200) feet shall be provided along each street on which access is proposed. This requirement shall not apply to facilities solely providing repair services, in which case the required lot width of the underlying district shall apply.
- B. Setback of fuel pumps shall be at least twenty-five (25) feet from the street right-of-way.
- C. All automotive parts refuse and similar articles shall be stored within a building or enclosed area screened from adjacent uses pursuant to the provisions of this ordinance.

- D. Parking and stacking spaces shall be provided in accordance with the requirements of this ordinance herein, and screened pursuant to the provisions of Section this ordinance, herein.

**SECTION 1309: BANKING OR FINANCIAL INSTITUTION**

The following restrictions shall apply in all districts in which banks or other financial institutions are permitted:

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

**SECTION 1310: BED AND BREAKFAST**

The following restrictions shall apply in all districts in which bed and breakfasts are permitted:

- A. The bed and breakfast shall remain incidental and secondary to the principal use of the building as a dwelling. A bed and breakfast shall be permitted only in a single-family detached dwelling.
- B. The principal operator of a bed and breakfast shall reside in the dwelling of said facility. There shall be no more than two (2) non-resident employees in addition to the resident members of the family.
- C. Exterior and interior alterations shall be limited to those customarily associated with residential use or those which may be required by the Pennsylvania Department of Labor and Industry or for safety reasons as required by any other local, state, or federal regulations. Fire escapes,



external stairways, or additional external doors shall be located either to the side or rear of the residence.

- D. There shall be no separate cooking facilities in any guestroom. Food served to guests on the premises shall be limited to breakfast and eating facilities shall be open only to guests.
- E. When located within one hundred (100) feet of a residential use, the use of active recreation amenities, such as a swimming pool or tennis court, shall be limited to the hours 9:00 am to 10:00 PM.
- F. Where an on-lot sewage disposal system is to be used, the application for the use shall be accompanied by a valid Chester County Health Department permit verifying that the existing or proposed sewage system can accommodate the maximum potential usage and that an appropriate site for a replacement system is available, should the existing system fail.
- G. Adequate lighting, pursuant to the provisions of Section 426 of the Subdivision and Land Development Ordinance, and off-street parking, pursuant to the provisions of Section 1305, herein, shall be provided.
- H. Signs associated with the bed and breakfast facility shall be in accordance with Article XIV.
- I. The lot on which said dwelling house exists and the bed and breakfast facility is proposed to be conducted shall be not less than one (1) acre.
- J. There shall be provided, in addition to the parking required for the dwelling, at least one (1) additional parking space per room.

#### **SECTION 1311: CEMETERY**

The following restrictions shall apply in all districts in which cemeteries are permitted:

- A. Proper landscaping and ground cover shall be maintained at all times.
- B. No buildings other than crematoriums, mausoleums, mortuaries and the like shall be permitted and no building shall be more than fifteen (15) feet in height.

- C. No cemetery (except where located on the same lot as a church) shall be less than twenty (20) acres in size, except that a pet cemetery shall have a minimum lot area of five (5) acres.
- D. An application for a cemetery use shall include the following:
  - 1. A master plan identifying the overall layout of plots, internal road network, buildings, and other improvements.
  - 2. A valid permit issued by the Pennsylvania Department of Health, when applicable.
  - 3. A narrative of how the cemetery will be developed and maintained.
- E. Individual plots shall be set back a minimum of fifty (50) feet from all lot boundaries and public rights-of-way.

**SECTION 1312: CLUB OR LODGE**

The following restrictions shall apply in all districts in which clubs or lodges are permitted:

- A. The minimum lot area for a club or lodge shall be two (2) acres.
- B. When abutting a residential use or property the following standards shall apply:
  - 1. All buildings, parking, and facilities for outdoor activities shall be screened in accordance with the provisions of Section 1304.A, herein.
  - 2. The hours of operation may be limited by the Zoning Hearing Board.
- C. Outdoor activity areas shall be set back a minimum of fifty (50) feet from any property line.
- D. Outdoor lighting shall comply with the provisions of Section 426 of the Subdivision and Land Development Ordinance.

## **SECTION 1313: COMMERCIAL DAY CARE CENTER**

The following restrictions shall apply in all districts in which commercial day care centers are permitted:

- A. The minimum lot area for a day care center shall be two (2) acres.
- B. Play areas shall be designed according to the following standards:
  - 1. Indoor play areas shall provide a minimum of fifty (50) square feet per child. Outdoor play areas shall be designed to provide a minimum outdoor play area of two thousand (2,000) square feet or two-hundred (200) square feet per child, whichever is greater.
  - 2. Outdoor play areas shall be enclosed by a fence, and shall not include driveways, parking areas, or land unsuited for active recreation due to wet soil conditions.
  - 3. Outdoor play areas adjacent to a residential use or district shall be set back a minimum of one hundred (100) feet from side and rear property lines and shall be sufficiently screened to minimize disturbance of residential properties. Outdoor play areas adjacent to non-residential uses or districts shall be set back a minimum of fifty (50) feet from side a rear property lines.
- C. A minimum indoor recreation area of five hundred (500) square feet or seventy five (75) square feet per adult, whichever is greater, shall be provided.
- D. Off-street parking and passenger loading and unloading spaces shall be provided in accordance with Section 1305, herein, and shall be so designed to prevent interference with traffic flow on any adjacent street or road.
- E. Prior to issuing of a permit by the Zoning Officer, the applicant shall have received and hold all pertinent approvals and licenses from the Pennsylvania Department of Public Welfare - Office of Children, Youth, and Families before the Township will issue any permits for use or occupancy.

**SECTION 1314: COMMERCIAL GREENHOUSE**

The following restrictions shall apply in all districts in which commercial greenhouses are permitted:

- A. All structures used for greenhouse use shall observe minimum setback standards established for the district in which it is located.
- B. Storage of bedding and plant materials shall be located a minimum of fifty (50) feet from all property lines or road rights-of-way.
- C. For the purpose of calculating required off-street parking facilities, only the floor area devoted to sales needs to be included.
- D. All greenhouse structures shall be included in the lot coverage calculation, but need not be included in the building coverage calculation.

**SECTION 1315: CONVENIENCE STORE**

The following restrictions shall apply in all districts in which convenience stores are permitted:

- A. Access shall be controlled and defined by the use of concrete curbing.
- B. There shall be no more than one (1) point of ingress and one (1) point of egress onto each street on which the lot abuts.
- C. Access points shall be set back at least forty (40) feet from street intersections.
- D. Where fuel pumps are to be provided the following regulations shall apply:
  - 1. A minimum lot width of not less than two hundred (200) feet shall be provided along each street on which access is proposed.
  - 2. Setback of fuel pumps shall be at least twenty-five (25) feet from the street right-of-way.

3. Parking and stacking spaces shall be provided in accordance with the requirements of this ordinance herein, and screened pursuant to the provisions of this ordinance, herein.

### **SECTION 1316: EDUCATIONAL USE**

The following restrictions shall apply in all districts in which an educational use is permitted:

- A. A non-profit public or private school that is properly licensed under the appropriate state and federal governmental authority shall be subject to the following provisions:
  1. Access shall be taken from a major or minor collector or a minor arterial as defined by the Township Comprehensive Plan, as amended.
  2. The minimum required tract size is two (2) acres.
    - a. Outdoor play or recreation areas adjacent to a residential use or district shall be a minimum of two hundred (200) feet from the side and rear property lines and shall be sufficiently screened to minimize disturbance of residential areas.
    - b. Outdoor play or recreation areas adjacent to a non-residential use or district shall be a minimum of fifty (50) feet from side or rear property lines.
- B. A commercial (for-profit) school, including trade or professional schools of art, music, or dancing shall not be permitted in residential zoning districts. The minimum required lot size shall be that of the underlying zoning district where for-profit schools are permitted.
- C. Educational uses shall be served by public water service and public sewer.

### **SECTION 1317: FOREST, SCENIC, OR WILDLIFE PRESERVE**

The following restrictions shall apply in all districts in which forest, scenic or wildlife preserves are permitted:

- A. No building shall be permitted anywhere on the premises.
- B. No feeding or watering area shall be closer than fifty (50) feet to any property line or closer than one hundred (100) feet if property is adjacent to a residential, commercial or industrial district. No domesticated animal shall be maintained, stabled or pastured on the premises. No fences or other barricades shall be erected for that purpose.

### **SECTION 1318: HOME OCCUPATIONS**

Two types of home occupations shall be permitted; No-Impact Home-Based Businesses and Major Home Occupations. The following restrictions shall apply in all districts in which home occupations are permitted:

- A. No-Impact Home-Based Business
  - 1. No customer, client or patient traffic, whether vehicular or pedestrian, shall be permitted, and no pickup, delivery or removal functions, other than that normally associated with a residential use, shall be permitted.
  - 2. The business activity shall be compatible with the residential use of the property and surrounding residential uses.
  - 3. The business shall employ no employees other than family members residing in the dwelling.
  - 4. There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.
  - 5. There shall be no outside appearance of a business use, including, but not limited to, parking, signs or lights.
  - 6. The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.

- 7, The business activity may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with a residential use in the neighborhood.
  8. The business activity shall be conducted only within the dwelling and may not occupy more than 25% of the habitable floor area.
  9. The business may not involve any illegal activity.
- A. Major home occupations shall be incidental or secondary to the use of the property as a single-family detached residence and are limited to those occupations customarily conducted within a dwelling unit. The principal person employed must be a resident of the dwelling unit.
- B. Major Home Occupation
1. Standards Applicable to Home Occupations. In addition to other applicable criteria of this Zoning Ordinance, the following standards shall apply to home occupations:
    - a. Home occupations shall be permitted only in single-family detached structures or in an accessory structure to a single-family detached dwelling.
    - b. The total area used for a home occupation shall not exceed seven hundred and fifty (750) square feet or fifty (50) percent of the floor area of the principal residential structure, whichever is less.
    - c. No more than two (2) persons, other than resident members of the immediate family may be employed or subcontracted at the residence. Use of non-resident employees must have prior approval from the Zoning Hearing Board.
    - d. No more than one (1) sign shall be permitted per property provided that it is no larger than two (2) square feet. It shall not be illuminated, animated, or placed in a window.
    - e. Parking shall be provided in sufficient capacity to prevent interference with normal residential parking in the neighborhood. Off-street parking, inclusive of required

residential parking, shall not exceed five (5) spaces and shall be lighted to provide safe passage.

- f. Beauty parlors and barber shops may be permitted as a home occupation provided that no more than two (2) stylist or barber chairs are provided and that such uses comply with all other applicable provisions of this Zoning Ordinance.
- g. Instructional services may be permitted as a home occupation provided that a maximum of two (2) musical students may be instructed at any one time. Non-music instruction shall be limited to no more than four (4) students at any one time and no more than two (2) vehicle trips an hour.
- h. Home day care facilities may be permitted as a home occupation when in compliance with the provisions below and all other applicable requirements, including, but not limited to, PA U.C.C.
  - 1) Home day care uses shall only be permitted as an accessory use in a single-family detached dwelling.
  - 2) A maximum of four (4) children or adults may be supervised in a private residence.
  - 3) There shall be no alterations to exterior facades of residential structures to accommodate accessory day care facilities in a residential district, except for safety purposes which shall be confined to rear or side walls not visible from any public right-of-way.
  - 4) For home day care intended for children, a minimum outdoor play area of fifty (50) square feet of contiguous play area shall be provided for each child.
    - a) The outdoor play area shall be located to the side or rear of property.
    - b) The outdoor play area shall be enclosed by a suitable fence with a minimum height of four



(4) feet or other barrier to prevent children from crossing.

5) At least one (1) additional off-street parking space is required for each non-resident employee. There shall be sufficient area on the lot to accommodate the pick-up and drop-off of children without interference with local traffic.

6) Prior to approval of the use and issuing of a zoning permit by the Zoning Officer, the applicant shall secure all pertinent approvals and registration certificates from appropriate State and County agencies as a condition of permit approval and continuation. The use shall also be subject to review and approval by the Zoning Hearing Board as a special exception.

C. Prohibited Home Occupations. The following uses shall not be permitted under any conditions:

1. Those home occupations which cannot meet any of the criteria contained in this Section.

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

a. Animal Hospital or Kennel;

b. Welding Shop;

c. Rental Business;

d. Furniture stripping and refinishing;

e. Funeral Parlor or undertaking establishment;

f. Auto or small engine repair; and

g. Restaurant.

D. Determination of Classification. The Zoning Officer shall determine whether a proposed home occupation is prohibited. The applicant shall

be responsible for supplying such information as deemed necessary by the Zoning Officer to make this determination.

- E. Permit Limitations. A permit shall be required for a home occupation. A home occupation permit shall not be transferable to another property or to another type of home occupation. The permit shall only be valid for the use and on the property for which it was originally issued.
  
- F. General Standards Applicable to Home Occupations. The following standards shall apply to all home occupations.
  - 1. Home occupations shall be limited to the employment on the premises of not more than two (2) paid or unpaid assistants employed at any one time.
  
  - 2. Three (3) off-street parking spaces, in addition to those required for the residence, shall be required for any home occupation.
  
  - 3. Home occupations shall be subject to the following limitations:
    - a. No emission of noxious, toxic or corrosive gases or fumes injurious to persons, property or vegetation shall be permitted.
  
    - b. No glare and heat from any home occupation shall be permitted.
  
    - c. No discharge is permitted into a reservoir, sewage or storm disposal system, stream, open body of water or into the ground of any materials in such a way or of such nature or temperature as could contaminate any water supply or damage or be detrimental to any sewage system or any sewage treatment plant or otherwise could cause the emission of dangerous, objectionable elements.
  
    - d. No vibration perceptible beyond the dwelling unit or building in which the home occupation is conducted shall be permitted.
  
    - e. No noise shall be audible beyond the dwelling unit or building in which the home occupation is conducted, whichever shall be the smaller, which exceeds the average intensity of street traffic at the front lot line. Objectionable

noises due to interference, heat, frequency or shrillness shall be muffled.

- f. No emission of any smoke shall be permitted.
- g. Electric or electronic devices shall be shielded in such a manner as not to interfere with radio or television reception or transmission of any kind.
- h. No manufacturing, repairing or other mechanical work shall be performed in any open area. Such activity shall be conducted in such a way that no noise, odor, vibration, electromagnetic interference or smoke shall be noticeable at or beyond the property line.
- i. No storage of materials or products shall be permitted in open areas.
- j. Display windows shall not be allowed.

#### **SECTION 1319: HOSPITAL**

The following restrictions shall apply in all districts in which hospitals are permitted:

- A. All buildings and structures shall be set back a minimum of one hundred (100) feet from any property line. Where the use adjoins existing residential uses, the emergency and service entrances shall be located where they will not conflict with neighboring uses.
- B. The following uses are permitted within a hospital complex when designed as an integral part of the hospital:
  - 1. Medical treatment facility;
  - 2. Hospital administrative offices;
  - 3. Accessory maintenance facility;
  - 4. Pharmacy or laboratory;
  - 5. Snack and restaurant facilities; and,

6. Gift shop.

#### **SECTION 1320: HOTEL OR MOTEL**

The following restrictions shall apply in all districts in which a hotel or motel is permitted:

- A. The principal access to a hotel or motel shall be directly from an arterial road or major collector as designated in the Township Comprehensive Plan.
- B. Access points shall be limited to two (2).
- C. The following uses are permitted within an application when designed as an integral part of a hotel or motel:
  1. Lodging facilities;
  2. Dining facilities;
  3. Conference and meeting facilities;
  4. Recreation facilities;
  5. Gift shop; and,
  6. Accessory maintenance facilities.

#### **SECTION 1321: INDUSTRIAL PARK OR OFFICE PARK**

The following restrictions shall apply in all districts in which industrial or office parks are permitted:

- A. The tract of land to be developed shall be in one (1) ownership, or in the case of a multiple ownership, it shall be developed according to a single overall plan with common authority and responsibility.
- B. The tract and uses therein shall have access only to an arterial or collector street as defined by the Township Comprehensive Plan via a common ingress and egress.

- C. Use Regulations. An industrial park may be used for any one or more of the following purposes:
1. Uses permitted by right or special exception in the district in which the park is located.
  2. Accessory uses, buildings, and structures, subject to the provisions of this Article.
- D. Area and Bulk Regulations.
1. Minimum Tract Size: Fifteen (15) contiguous acres.
  2. Perimeter Setbacks and Buffering. These buffers are required at the perimeter of the industrial park or office park, and not at the perimeters of each individual lot. A landscaped buffer in accordance with Section 1304 shall be required and shall comply with the following dimensional standards:
    - a. Seventy-five (75) feet from external public roads.
    - b. Fifty (50) feet from any commercial use or district.
    - c. Seventy-five (75) feet from any residential use or district.
    - d. Fifty (50) feet from any industrial district.
    - e. All buffering may be contained within the setbacks as required in this section. If the buffering distance exceeds the setback, the remaining distance may not contain any impervious cover.
  3. Lot Area. The average area of individual lots within an industrial or office park development shall be a minimum of three (3) acres, but no individual lot shall be less than one (1) acre.
  4. Lot Width.
    - a. Tract Width: Minimum tract frontage, of the entire tract of the industrial or office park, along the arterial or collector

street from which the park takes access shall be two hundred (200) feet.

- b. Individual Lot Widths: The width at the building line and at the street line shall be in accordance with the following:
  - 1) Lot areas of one (1) acre to less than two (2) acres shall have a minimum width of one hundred fifty (150) feet at the building line and one hundred fifty (150) feet at the street line.
  - 2) Lot areas of two acres to less than three (3) acres shall have a minimum width of two hundred fifty (250) feet at the building line and two hundred (200) feet at the street line.
  - 3) Lot areas of three (3) or more acres shall have a minimum width of three hundred (300) feet at the building line and two hundred fifty (250) feet at the street line.
- 5. Building Coverage. The area of individual lots covered by buildings shall not exceed the following:
  - a. Forty percent (40%) for lots of one (1) to less than two (2) acres.
  - b. Thirty-five percent (35%) for lots of two to less than three (3) acres.
  - c. Thirty percent (30%) for lots of three (3) or more acres.
- 6. Setbacks. The minimum setbacks for individual lots shall be in accordance with the following:
  - a. Front yard: one hundred (100) feet
  - b. Rear yard: fifty (50) feet
  - c. Side yard each: thirty-five (35) feet
  - d. Between buildings: forty (40) feet

- D. At least seventy percent (70%) of the total floor area of the office or industrial park shall be devoted to office or industrial uses.

**SECTION 1322: JUNKYARD OR SALVAGE YARD**

The following restrictions shall apply to all districts in which junkyards or salvage yards are permitted:

- A. The tract serving as a junkyard shall contain a minimum of ten (10) contiguous acres undivided by streets, streams, or rights-of-way. No part of the operation shall be located within the Floodplain Overlay District or located such that contaminants from the operation can seep or flow into a stream or other body of water or ground water.
- B. Where a junkyard is located on a property which is adjacent to a residential district or use, there shall be a setback from the district boundary of at least one hundred (100) feet.
- C. The tract serving as a junkyard shall be located on land with less than fifteen (15) percent slope.
- D. The maximum lot coverage for outdoor storage (including junk or salvage), buildings, and structures shall not exceed seventy percent (70%).
- E. The area where junk and any other material is stored shall be enclosed with a wall or fence at least eight (8) feet in height and which is designed and constructed so as to be at least ninety (90) percent solid or opaque. An effective year-round screen shall be provided pursuant to the screening and landscaping provisions in Section 1304.
- F. Storage piles shall not exceed eight (8) feet in height within fifty (50) feet of the screening or fence line. Junk shall be permitted to be piled not exceeding ten (10) feet in the remaining area of the junkyard. No more than two (2) adjoining rows of junked cars shall be stored together.
- G. There shall be provided at least a twelve (12) foot wide accessway which shall be clear and free at all times to provide for access to all parts of the premises for fire-fighting and other safety or emergency purposes.
- H. Waste generated by the junkyard or salvage yard shall be managed in accordance with all applicable Township Ordinances and Federal and

State regulations including the Solid Waste Management Act, the Clean Streams Law, and the Air Pollution Control Act of the Commonwealth of Pennsylvania.

1. Automotive fluids (including gasoline, oil, antifreeze, transmission fluids, and similar fluids), Freon, and other flammable or toxic substances shall be removed from any junk or other items stored on the premises and shall be properly containerized and stored. Such materials shall not be released into the air or into the ground or watercourses and shall be transported and disposed of or recycled in accordance with applicable state and federal regulations.
  2. Automotive batteries shall be removed from junked vehicles and properly stored until they are disposed of or recycled.
  3. Removal of such fluids, batteries, and other hazardous materials shall take place on an impervious surface where they can be properly contained without danger of spilling or being transported into the ground.
- I. No junk or other material shall be burned on the premises. Each junkyard shall have available in proper working condition equipment that will control, contain, and suppress fires or other hazards.
- J. Tire storage piles shall not exceed fifty (50) tires. In addition, when whole or processed tires are stored outdoors, each waste tire pile shall meet the following requirements:<sup>1</sup>
1. Piles shall not cover a surface area of greater than one thousand (1,000) square feet.
  2. Corridors of at least thirty-five (35) feet in width shall be maintained as firebreaks on all sides of tire piles. No point in the pile shall be more than twenty-five feet from a firebreak. Firebreaks shall be kept free from obstructions that could limit

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<sup>1</sup> Please note that the Pennsylvania Department of Environmental Protection regulations do not apply to scrap tires of less than 500 stored outdoors or less than 1,500 stored indoors. The standards proposed here are closely modeled on the Department of Environmental Protection requirements for scrap tire storage. Also, neither the county nor the state specifically regulates junkyards. Certain state laws that would most affect these operations are referred to in the ordinance. Additional regulations have also been added consistent with the recommendations of the Department of Environmental Protection Fact Sheet entitled "Management of Materials and Wastes from Salvage Yard Operations."



access in the event of an emergency and vegetation shall be maintained below six (6) inches.

- K. All junk, including tires, shall be stored or arranged to prevent accumulation of water. Outdoor storage shall be conducted to control mosquito propagation during warm weather. Controls may include use of tarps, indoor storage screens, or spraying.
- L. No garbage or other organic waste, liable to give off a foul odor or to attract vermin or insects, shall be kept on the premises.
- M. Prior to the issuance of a Zoning Permit by the Zoning Officer, the applicant shall provide sufficient information for the Zoning Officer to determine that all applicable Federal, County, and Township requirements and regulations can be met by the proposed operation. Prior to the issuance of the permit, the applicant shall also provide evidence that all applicable conditions set by the Board of Supervisors during the conditional use approval process have been met.
- N. A stormwater management plan and erosion and sedimentation control plan shall be submitted as part of the land development application for a junkyard or salvage yard pursuant to the provisions of the Township Subdivision and Land Development Ordinance.
- O. The permittee shall allow inspection of the business premises by the Township or its approved representative at any reasonable time provided the Township provides at least 24 hour notice. Refusal to allow such inspection shall constitute a violation of the zoning ordinance.

**SECTION 1323: KENNEL OR ANIMAL SHELTER**

The following restrictions shall apply to all districts in which kennels or animal shelters are permitted:

- A. Minimum lot size shall be one hundred thousand (100,000) square feet with a minimum lot width of three hundred (300) feet.
- B. Minimum yard dimensions shall be: front yard, fifty (50) feet; each side yard, thirty (30) feet; and rear yard, one hundred (100) feet.
- C. Maximum coverage and height shall be: building coverage, ten (10) percent; maximum height, thirty-five (35) feet.

- D. Each kennel or animal shelter shall have outdoor exercise yards entirely fenced to prevent animals from leaving the property. Exercise yards shall be set back a minimum of one hundred (100) feet from front, side, and rear lot lines. All accessory buildings and structures shall be set back a minimum of twenty-five (25) feet from rear and side property lines.
- E. There shall be one (1) off-street parking space per employee, plus one (1) space per waiting room seat.
- F. The sale of related products shall remain accessory to the kennel, and shall occupy no more than twenty-five (25) percent of the floor area of the principal building.
- G. There shall be no outdoor storage of materials unless screened from adjoining properties in accordance with Section 1404, herein.

**SECTION 1324: MINI-WAREHOUSE (SELF-STORAGE)**

The following restrictions shall apply in all districts in which mini-warehouses are permitted:

- A. The minimum aisle width between buildings shall be twenty (20) feet.
- B. The use shall be subject to review by Township police and fire officials regarding security and fire protection.
- C. Storage of explosive, radioactive, toxic, highly flammable, or otherwise hazardous materials shall be prohibited.
- D. No unrelated business activities other than the leasing of storage units shall be conducted on the premises. All storage units shall only be leased for storage purposes.
- E. Except as noted in herein, all storage shall be within closed buildings built on a permanent foundation of durable materials. Trailers or similar, impermanent or movable structures shall not be used for storage.
- F. Outdoor storage shall comply with the following requirements:

1. Outdoor storage of automobiles, boats, and recreation vehicles is permitted provided they are screened so as not to be visible from adjacent streets, residential uses or residentially zoned land.
  2. A maximum of twenty percent (20%) of the total area may be used for such outdoor storage.
  3. Stored vehicles shall not interfere with traffic movement through the complex.
  4. Outdoor lighting pursuant to the provisions of Section 426 of the Subdivision and Land Development Ordinance.
- G. The storage facilities complex shall be surrounded by a fence at least six (6) feet in height and vegetative screening as required by the provisions of Section 1404, herein.

#### **SECTION 1325: MIXED USE DEVELOPMENT**

Where a combination of uses is authorized upon a single lot or within a building, each of those uses shall be required to meet the following criteria:

- A. Only those uses permitted in the district shall be permitted in a mixed-use proposal.
- B. Parking requirements shall be calculated for each use, but may be designed as a common parking lot. Shared parking may be permitted at the discretion of the Board of Supervisors where the development plan clearly demonstrates compliance with the parking requirements.
- C. Uses such as a shopping center or industrial park shall comply with the supplemental use regulations for that specific use rather than the mixed use requirements of this section.

#### **SECTION 1326: MOBILE HOME PARK**

The following standards shall apply to all districts in which mobile home parks are permitted:

- A. General Requirements

1. The minimum lot size for a mobile home park shall be ten (10) acres.
  2. The maximum density for mobile home parks shall be five (5) dwelling units per net lot or tract area.
  3. The minimum individual lot area for mobile home parks shall be four thousand (4,000) square feet.
- B. Each mobile home park shall be established, maintained, constructed, and operated in compliance with the Pennsylvania Municipalities Planning Code, Article V of the Township's Subdivision and Land Development Ordinance, and the Township Building Code.

### **SECTION 1327: MULTI-FAMILY OR TOWNHOUSE DEVELOPMENT**

The following restrictions shall apply in all districts in which multi-family or townhouse development is permitted:

- A. The maximum length of a multi-family or townhouse building shall be one hundred and twenty (120) feet.
- B. Multi-family or townhouse buildings shall be located in clusters that create common courtyards and open space areas rather than situated parallel to one another.
- C. Buildings within the development shall be designed to provide individual dwelling units with views and direct access to the required open space area.
- D. Compliance with the following building separation distances shall be required in order to provide individual dwelling units with some level of privacy:
  1. Facing front or rear walls (long walls) 75 feet
  2. Facing end walls (short walls) 35 feet
- E. Entrances to dwelling units shall be provided with walkways to parking and refuse collection areas and to park, recreation and open space areas. Dwelling units shall be set back a minimum of twenty five (25) feet from common parking lots and refuse collection areas.

- F. The design, ownership and maintenance responsibilities for required open space shall be in accordance with the provisions of Section 1304.
- G. Screening and landscaping of the proposed development shall be in accordance with Section 1304, herein.
- H. Staggering setbacks of individual dwelling units accompanied by a variation in façade design shall be required so that the buildings offer variety and provide private yard areas. In the case of townhouse development, no more than two (2) contiguous units shall have the same façade setback within a building. Changes in unit setback shall involve a minimum of two (2) feet.
- I. Outdoor lighting shall be in accordance with the provisions of Section 426 of the Subdivision and Land Development Ordinance.

#### **SECTION 1328: NURSING HOME OR CONVALESCENT HOME**

The following restrictions shall apply in all districts in which nursing homes or convalescent homes are permitted:

- A. The minimum tract size for a nursing home or convalescent home is three (3) acres.
- B. Each nursing home facility shall provide an outdoor seating facility. The sitting area shall be landscaped and shall not be located adjacent to parking lots, detention basins, or collector or arterial streets unless adequate screening is provided. Sitting areas shall not be located on slopes over five (5) percent grade.
- C. The tract of land on which the use is conducted shall, in its entirety, be owned and operated as a single or common management and maintenance unit.
- D. The proposed use shall obtain all applicable state and federal permits, licenses, and certificate of need, as applicable to the proposed use.

#### **SECTION 1329: PLANT NURSERIES**

The following restrictions shall apply in all districts in which plant nurseries are permitted:

- A. The minimum lot size for a nursery shall be two (2) acres.
- B. Single-family detached dwellings can be constructed as an accessory use, subject to compliance with all minimum requirements.
- C. No fertilizer storage areas shall be closer than one hundred (100) feet to any property line.

### **SECTION 1330: PUBLIC PARKS AND PLAYGROUNDS**

The following restrictions shall apply in all districts in which public parks and playgrounds are permitted:

- A. Permitted uses within public parks and playgrounds are limited to: landscaping, flower gardens, benches, picnic areas, community buildings, refreshment stands and other passive recreation uses, and active recreational facilities, such as: soccer fields, tennis courts, baseball and softball fields, other playing fields and tot lots.
- B. Uses not related to the permitted uses shall not be permitted.
- C. Lighting shall be so designed as to prevent glare onto adjoining properties.
- D. No park facility (swing-set, baseball diamond, picnic ground, gazebo, awning etc.) shall be closer than fifty (50) feet to any street or thirty (30) feet to adjacent property lines.

### **SECTION 1331: QUARRYING OR MINING OPERATION**

The following restrictions shall apply in all districts in which quarrying or mining operations are permitted:

- A. The minimum lot size for a quarrying or mining operation shall be fifty (50) acres.
- B. The minimum setbacks from property lines associated with a quarrying or mining operation shall be:

1. Front yard 300 feet
2. Side yard 200 feet
3. Rear yard 200 feet

C. When applying for a zoning permit for a mining operation, the applicant shall provide the following information in addition to that required on the standard zoning permit application:

1. General Site Area. A plan of the general area within a one (1) mile radius of the site, at a scale of no greater than one thousand (1,000) feet to the inch with a ten (10) foot or less contour interval. The general site area plan shall include:
  - a. Location of proposed site;
  - b. Roads including widths, weight loads, types of surfaces, and traffic data;
  - c. Existing land use pattern including building locations and historical sites and buildings; and
  - d. Proposed uses or facilities within a one (1) mile radius of the site including subdivisions, parks, schools, churches, highways, and any other uses potentially affecting or affected by the proposed operation.
2. Proposed Site Area. A plan of the proposed site at a scale of no greater than one hundred (100) feet to the inch with a five (5) foot or less contour interval. The proposed site area plan shall include:
  - a. Soils and geology;
  - b. Groundwater data and watercourses;
  - c. Vegetation and dominant species;
  - d. Wind data with directions and percentage of time; and
  - e. Proposed usage and operation including:
    - 1) Final grading by contours;

- 2) Interior road pattern, its relation to operation yard and points of ingress and egress to state and Township roads;
- 3) Estimated amount and description of aggregate and overburden to be removed;
- 4) Ultimate use and ownership of site after completion of operation;
- 5) Source and amount of water to be used;
- 6) Proposed landscaped screens pursuant to the provisions of Article XIII;
- 7) Soil embankments for noise, dust, and visual barriers and heights of spoil mounds;
- 8) Machinery type and noise levels; and
- 9) Safety measures and plan for monitoring of complaints.

D. Performance standards

1. No excavation, quarry wall, storage, or area in which processing is conducted shall be located within the required setbacks.
2. All excavation, except stone quarries over twenty-five (25) feet in depth, shall be graded in such a way as to provide an area harmonious with the surrounding terrain and which does not pose a safety hazard. Grading and back-filling shall be accomplished continually and as soon as practicable after excavation.
3. Drainage, either natural or artificial, shall be provided so that disturbed areas shall not collect water or permit stagnant water to remain.
4. The principal access shall be directly from a collector or arterial road. Access to roads shall be a minimum of forty (40) feet from the intersection of any street and shall be so arranged as to



minimize danger to traffic and void nuisance to surrounding properties.

5. A planting plan shall be prepared for the entire finished tract using various types of plant material for the prevention of erosion. Plant materials shall be selected from the approved plant materials list in Appendix A of the Subdivision and Land Development Ordinance.
6. All blasting shall occur pursuant to the provisions of the Sadsbury Township Blasting Ordinance, as amended.
7. Stone quarries whose ultimate depth is more than twenty-five (25) feet in depth shall be equipped with the following protection and screening;
  - a. A chain link fence at least ten (10) feet in height with a slanted barbed wire top section, completely surrounding the area;
  - b. If adjacent to a residential or commercial district, a screen planting around the perimeter of the fence pursuant to the provisions of Section 1304, herein;
  - c. Warning signs indicating the presence of a quarry shall be placed on the fence at intervals of no more than every one hundred (100) feet; and
  - d. Gates shall be closed and locked whenever the quarry is not in operation.

**SECTION 1332: RECREATION (INDOOR/OUTDOOR COMMERCIAL FACILITIES)**

The following restrictions shall apply in all districts in which indoor and outdoor commercial recreation facilities are permitted:

- A. General Development Standards
  1. Master Plan. A Master Plan for the entire tract of land shall be prepared as part of the application for a use under this section.

The master plan shall provide sufficient data to ascertain the impact the facility, at its completion, will pose on the Township.

2. Impervious coverage for the proposed use shall not exceed the maximum lot coverage standard of the applicable zoning district.
3. Buildings or structures shall be located no closer than fifty (50) feet from any lot boundary or one hundred (100) feet from any residential property line.
4. Outdoor lighting pursuant to the provisions of Section 426 of the Subdivision and Land Development Ordinance.

B. Commercial Recreation Uses - The standards under this sub-section shall apply to such privately established commercial recreational uses as country clubs, golf, swim, and tennis clubs, and ice skating rinks.

1. The following aggregate minimum lot areas shall be required based on each proposed use:

Use	Minimum Site Area
Golf Course (per nine holes)	50 Acres
Outdoor Swim or Tennis Club	15 Acres
Amusement Park	20 Acres
Indoor Tennis, Racquetball, Ice Rink	5 Acres
Any Recreational Use not herein identified	25 Acres

2. Any structure, building, parking, storage loading, or paved areas, excluding foot and bicycle paths, and necessary access ways to a public street, shall not be located closer than fifty (50) feet to any lot line, and shall be screened from dwellings in accordance with Section 1304, herein, when located within or abutting a residential use or district.
3. Auxiliary uses, such as a restaurant or banquet facilities, shall be restricted in their use to employees, patrons, members and guests of the principal use.

**SECTION 1333: RESIDENTIAL CONVERSION**

Residential conversions are permitted subject to compliance with the following standards:

A. General Requirements

1. Compliance with the minimum lot area and bulk regulations for the applicable zoning district shall be required. Residential conversions shall not be permitted on a nonconforming lot or in a nonconforming building.
2. An existing attached dwelling converted to two (2) dwelling units shall maintain the façade and appearance of an attached dwelling with a side entrance, or, the resulting dwelling units may share a single front entrance.
3. Additional entrances, when required, shall be placed on the side or rear of the building. Exterior stairways and fire escapes shall be located on the rear wall in preference to either sidewall, and shall in no case be located on a front or sidewall facing the street.
4. With the exception of improvements relating to safety and access as identified herein there shall be no major structural change to the exterior of the building in connection with the conversion.
5. Site and architectural plans shall be included with the application for residential conversion indicating both exterior and interior modifications. A plan shall also be included in the application which identifies off-street parking and other lot improvements as required by the provisions of this Zoning Ordinance.
6. Each dwelling unit shall be equipped with separate kitchen and bathroom facilities in accordance with the Township Building Code and Chester County Health Department requirements. Approval by all applicable agencies is required prior to the issuance of a zoning permit.

- B. Residential Conversion of Single-Family Detached Dwellings - The Zoning Hearing Board may allow as special exceptions, and upon application to said Board, single-family conversions, subject to the following requirements. These requirements apply to the conversion of single-family detached dwellings in residential districts into dwellings for a greater number of families.

1. No individual dwelling unit shall have less than eight hundred (800) square feet of floor area.
  2. The lot area per family shall be equal to that required for the district in which the designated lot is located.
  3. The yard and building area requirements for the district in which the building is located shall not be reduced.
  4. There shall be no external alteration of the building, except as may be necessary for reasons of safety. Fire escapes and outside stairways shall, where practicable, be located to the rear of the building.
  5. Compliance with the off-street parking requirements of Section 1405 shall be required.
- C. Conversion of Single-Family Detached Dwellings to Non-Residential Use- Conversions of a single family detached dwelling into a non-residential use is permitted by special exception approval by the Zoning Hearing Board, subject to the following requirements:
1. The proposed use shall comply with all applicable requirements of the governing zoning district insofar as practicable.
  2. No existing yards or required open space shall be reduced to less than the requirements of the applicable district governing a permitted use.
  3. No living accommodation or sleeping quarters shall be authorized, except such accessory use as is permitted in the applicable district.
  4. The proposed conversion shall be in consistent with the predominant character of the applicable district and shall not detract from the use or enjoyment of an adjoining property for any permitted use.
- D. Parking Requirements.
1. The number of off-street parking spaces shall be as required in this Ordinance, herein.

2. Off-street parking lots shall be landscaped or screened from abutting lots with dwellings, in accordance with Section 1404, herein.
3. Off-street parking shall be located to the side or rear of the converted structure.
4. Unrestricted egress and ingress between parking areas and the street shall be provided.
5. Required off-street parking shall be provided in accordance with Section 418 of the Subdivision and Land Development Ordinance.
6. Outdoor lighting shall be provided in accordance with Section 426 of the Subdivision and Land Development Ordinance.
7. Screening and landscaping shall be provided in accordance with Section 1404, herein.

**SECTION 1334: RESTAURANT, FAST FOOD**

The following restrictions shall apply in all districts in which fast food restaurants are permitted:

- A. The following provisions shall apply to fast food restaurants, with or without drive-through service.
  1. The restaurant shall have access to either a collector or arterial street as defined by the Township Comprehensive Plan, as amended.
  2. The minimum lot area for a fast food restaurant shall be two (2) acres.
  3. The following standards shall apply to trash receptacles for the associated use:
    - a. Trash receptacles shall be provided outside of the restaurant for patron use, but shall not be located near any adjacent residential properties.

- b. A trash storage area shall be provided which is designed to be screened from the street and adjacent properties to prevent trash from blowing from the area and to permit safe and easy trash removal.
4. Drive-through service windows shall have a vehicle stacking lane which can accommodate a minimum of eight (8) cars. The stacking lane shall not be used for a parking lot circulation aisle nor shall it conflict in any way with circulation or parking.
5. The drive-through window shall not be located adjacent to a residential use or residential district.

### **SECTION 1335: RETIREMENT COMMUNITY, ELDERLY HOUSING**

The following restrictions shall apply in all districts in which retirement communities are permitted:

- A. A retirement community may provide a combination of individual dwelling units in any combination of single-family, two-family, townhouse, or multi-family buildings and may include a community center consisting of one or more buildings in which the following accessory uses may be permitted:
  1. Auditoriums, activity rooms, craft rooms, libraries, and similar recreational facilities for members of the retirement community.
  2. Dining facilities.
  3. Office and retail service facilities designed and adequate to serve only the members of the community, such as, but not limited to the following uses:
    - a. Medical offices;
    - b. Pharmacy;
    - c. Gift Shop;
    - d. Coffee shop;
    - e. Convenience store;

- f. Bank; and,
  - g. Beauty shop or barber shop.
4. Accessory medical treatment, nursing and convalescent facilities limited to residents of the community for temporary care.
- B. The minimum lot size for a retirement community shall be ten (10) acres with a maximum density of six (6) dwelling units per net acre.
  - C. A retirement community shall be developed and operated under the direction and control of a single owner or agent for the owner.
  - D. A minimum of fifty (50%) percent of the tract area shall be retained in permanent open space, designed for the use and enjoyment of residents within the retirement community. Ownership, location, design, layout and maintenance of required open space shall be in accordance with the provisions of Section 1404, herein. Building and lot coverage requirements of the district shall apply.
  - E. Location, design and layout of buildings containing dwelling units shall be so designed to ensure open space and privacy between units.
  - F. There shall be a minimum setback of one hundred (100) feet from any property line.
  - G. Outdoor lighting shall be provided in accordance with Section 426 of the Subdivision and Land Development Ordinance.
  - H. Screening and landscaping shall be provided in accordance with Section 1304, herein.
  - I. Outdoor lighting shall be provided in accordance with Section 426 of the Subdivision and Land Development Ordinance.
  - J. Off-street parking shall be provided in accordance with the standards found elsewhere in this ordinance.

### **SECTION 1336: RIDING ACADEMIES AND STABLES**

The following restrictions shall apply in all districts in which riding academies or stables are permitted:

- A. The minimum lot size of a riding academy shall be two (2) acres for the first horse and one (1) acre for each additional horse which is maintained, stabled or pastured with a fence on the premises.
- B. No exercise pen, exclusive of clearly identified bridle paths, shall be located within one hundred (100) feet of any lot or street right-of-way line.
- C. No structure or facility shall be closer than fifty (50) feet to a street or closer than thirty (30) feet to adjacent property lines.

### **SECTION 1337: SANITARY LANDFILL**

The following restrictions shall apply in all districts in which sanitary landfills are permitted:

- A. The tract serving as a sanitary landfill shall contain a minimum of one hundred (100) hundred contiguous acres, undivided by streets, or other rights-of-way, or streams. All operations, including buildings, structures and grading, shall be set back a minimum of two hundred (200) feet from any property line, floodplain, streams, wetlands, or other bodies of water.
- B. All sanitary landfills shall be designed and operated in accordance with the statutes of the Commonwealth of Pennsylvania, the rules and regulations of the Pennsylvania Department of Environmental Protection and the provisions of this Zoning Ordinance. A permit shall be obtained from the Department as a condition of issuing a use and occupancy permit by the Township. The permit shall be clearly displayed and made available for inspection at all times.
- C. In the event that any of the provisions of this Zoning Ordinance are less restrictive than any present or future rules or regulations of the Pennsylvania Department of Environmental Protection, the more restrictive regulations shall supersede and control.
- D. A sanitary landfill operation shall at all times during operation be under the direction at all times of a responsible individual who is qualified, by experience and training, to operate a landfill. Unloading of waste shall be continuously supervised by a representative or employee of the operator.
- E. Access to the site of a sanitary landfill shall be:



1. Limited to posted times when an attendant is on duty. In order to protect against indiscriminate and unauthorized dumping, a sanitary landfill shall be protected by locked barricades, fences, gates, or other means designed to deny access to the area at unauthorized times and locations; and.
  2. From an arterial road as defined in the Sadsbury Township Comprehensive Plan, to limit traffic congestion and excessive wear on collector and local roads
- F. Salvaging shall be conducted by the authorized operator only and shall be organized so that it will not interfere with prompt sanitary disposal of waste or create unsightliness or health hazards.
- G. All trucks entering and leaving the landfill shall be covered. Roads used for access within and adjacent to the tract shall be patrolled daily to pickup and dispose of scattered and blowing refuse. Tire scrubbers shall be provided at all points of truck egress
- H. The landfill shall be properly maintained to ensure no nuisance or danger exists to adjoining property owners, surface water and groundwater supplies. The tract shall be stabilized and a ground cover established to avoid erosion and sedimentation problems.
- I. Hazardous materials, including but not limited to, highly flammable materials, explosives, pathological wastes, radioactive materials and liquids shall not be disposed of in a sanitary landfill. The disposal of sewage liquids and solids shall be specifically prohibited in a sanitary landfill.
- J. Fencing and Screening.
1. All sanitary landfills shall be completely enclosed by a fence or wall to deter trespassing and to prevent debris from blowing onto adjoining properties.

2. The fence or wall shall be at least eight (8) feet in height, but not more than ten (10) feet high with access only through solid gates. There shall be no openings greater than three (3) inches by three (3) inches in the fence or wall.
  3. The fence shall be situated no closer than fifty (50) feet to any street or property line.
  4. The fence or wall shall be kept in good repair and maintained in a uniform color.
  5. The Screening and landscaping requirements specified in Section 1404 shall apply.
- K. A performance bond shall be posted by the applicant with a sufficient amount to cover the cost, as estimated by the Township engineer, when performing the various responsibilities imposed upon the applicant by this Zoning Ordinance. The amount and form of the bond shall meet the approval of the Board of Supervisors.

#### **SECTION 1338: SHOPPING CENTER**

The following restrictions shall apply to all districts in which shopping centers are permitted.

- A. Shopping centers, including parking areas and structures, shall be fully screened from all adjacent residential uses and districts, and shall be landscaped in accordance with the provisions of Section 1404, herein.
- B. The required number of off-street parking spaces shall be determined by using the total square footage of the shopping center in accordance with the provisions of Section 1405, herein.
- C. Outdoor lighting shall be provided in accordance with Section 426 of the Subdivision and Land Development Ordinance.
- D. Open space shall be provided in accordance with Section 1404, herein.
- E. Signage for the shopping center shall comply with the following regulations:

1. Signs for individual uses shall comply with the regulations of Article XV.
2. A main sign identifying the location of the shopping center shall be permitted in addition to signs for individual uses, but shall not exceed the maximum sign size for the district in which the use is proposed in accordance with Article XV.
3. Lighting for all signs shall comply with the provisions of Section 1507.C, herein.

### **SECTION 1339: SWIMMING POOLS**

Private swimming pools shall be permitted in residential districts and shall comply with the following conditions and requirements:

- A. A pool, which is in excess of 24” pursuant to the PAUCC is intended and is to be used solely for the enjoyment of the occupants of a principal use of the property on which it is located.
- B. A pool may be located only in the rear yard or side yard of the property on which it is an accessory use.
- C. A pool may not be located, including any walks or paved areas or accessory structures adjacent thereto, closer than twenty (20) feet to any property line of the property on which it is located.
- D. All swimming pools shall be completely enclosed by a fence or wall at least four (4) feet in height with a self-closing and lockable gate; however, this does not apply to above-ground pools having a wall measuring at least four (4) feet in height. The required fence or wall shall be erected before any pool is filled with water.

### **SECTION 1340: TEMPORARY STRUCTURE OR USE**

A temporary structure or use shall be permitted as specified in the district regulations and in accordance with the following standards:

- A. Permitted Uses

1. Bloodmobile, mobile medical testing facility and similar activities related to the promotion of public health, safety and welfare.
2. Headquarters for political campaigns for a period not to exceed three (3) months.
3. Offices for contractors on a construction site during the period of construction only.
4. Mobile office of the armed forces of the United States for public education or recruitment.
5. Temporary housing for residents displaced from the principal residence due to damage which has made the structure uninhabitable while the principal dwelling is being repaired.
6. Temporary shelter for business operations that have been displaced due to damage which has made the principal structure unusable while the principal structure is being repaired.
7. Temporary housing for farm laborers employed in a primary farm business on a seasonal basis.

B. Standards.

1. All permitted uses described herein require a temporary use and occupancy permit prior to use and occupancy. A temporary use and occupancy permit shall not exceed six (6) months in length. Said permits may be renewed for a specified time limit when approved by the Board of Supervisors. A temporary use and occupancy permit shall not be required for those uses listed under A.1, above unless such uses remain in the same location for more than two (2) consecutive days.
2. The temporary structures described in subsection 1340 A.3, A.5 and A.6 shall only remain in place until the principal structure(s) have been repaired or constructed. The initial use and occupancy permit may be renewed for an individual one (1) month period provided that the applicant can demonstrate reasonable progress towards the completion of the project necessitating the temporary structure.

3. It shall be the responsibility of the applicant to demonstrate the need for a temporary use and occupancy permit.
4. All temporary structures shall be removed completely within thirty (30) days of the expiration of the permit without cost to the township. Failure to do such shall constitute a violation of this zoning ordinance.

### **SECTION 1341: WHOLESALE ESTABLISHMENT**

The following restrictions shall apply to all districts in which wholesale establishments are permitted:

#### **A. General Requirements.**

1. Exterior storage of trucks, trailers, and other vehicles shall not be permitted.
2. No storage of materials shall be located within one hundred (100) feet of any residential district.
3. No motorized vehicles or equipment (i.e. backhoes, dump trucks, forklifts, etc.) shall be used within one hundred (100) feet of any residential district, except for property maintenance.
4. The applicant shall provide adequate screening, landscaping, or sound walls in accordance with Section 1404, herein.
5. Access shall be from a minor or major collector, as defined in the Township Comprehensive Plan, as amended.
6. No fuel storage facility shall be located less than one hundred (100) feet from any lot line.
7. Parking shall be provided as required in Section 1405, herein.
8. Outdoor lighting shall be provided in accordance with Section 426 of the Subdivision and Land Development Ordinance.
9. Open space shall be provided in accordance with Section 1404, herein.

- B. The following are considered wholesale establishments:
1. Lumber yard or building and plumbing supplies; and,
  2. Farm machinery and supplies.

**SECTION 1342: CHURCHES, SYNAGOGUES, AND OTHER RELIGIOUS INSTITUTIONS**

- A. Uses permitted under Churches, Synagogues, and Other Religious Institutions shall include:
1. Church, synagogue, or other place of worship.
  2. Religious schools.
  3. Accessory uses, as follows:
    - a. Rectory or other lodging for minister, religious priest, or other leader.
    - b. Gymnasium/assembly building.
    - c. Cemetery in accordance with Section 1211, herein.
    - d. Church related recreational facilities.
    - e. Office for minister, priest, or other religious leader.
- B. Minimum lot size shall be five (5) acres with a width at the street line of three hundred (300) feet, and at the building setback line of three hundred and fifty (350) feet.
- C. Minimum yard dimensions shall be: front yard - fifty (50) feet; each side yard - thirty (30) feet; and rear yard - one hundred (100) feet.
- D. Maximum coverage and height shall be: building coverage – twenty-five percent (25%); impervious coverage – fifty percent (50%); maximum height – thirty-five (35) feet, exclusive of bell tower or spire.

- E. The facility shall be so located to be readily accessible to roads which are adequate enough to accommodate the anticipated traffic. Access shall be from an arterial or collector road, as defined in the Township Comprehensive Plan, as amended.
- F. Outdoor lighting shall be provided in accordance with Section 426 of the Subdivision and Land Development Ordinance.
- G. Off-street parking shall be provided in accordance with Section 1405, herein.
- H. Screening and landscaping shall be provided in accordance with Section 1404, herein.
- I. Open space shall be provided in accordance with Section 1404, herein.
- J. Residences, rectories, religious schools, other facilities and other accessory uses shall conform to the following standards:
  - 1. An accessory residential use shall be located upon the same, or a directly adjacent lot.
  - 2. A religious school shall be located upon the same, or a directly adjacent lot.
  - 3. Outdoor play areas shall not be located within the front yard, and shall be set back twenty-five (25) feet from all property lines and shall be fenced.

**SECTION 1343: TRUCKING TERMINALS**

- A. Minimum lot size shall be two (2) acres with a width at the street line of two hundred (200) feet, and at the building setback line of two hundred and fifty (250) feet.
- B. Minimum yard dimensions shall be: front yard - fifty (50) feet; each side yard - fifty (50) feet, and rear yard - fifty (50) feet.
- C. Maximum coverage and height shall be: building coverage - forty percent (40%); lot coverage - seventy percent (70%); maximum height - thirty-five (35) feet.

- D. Screening and landscaping shall be provided in accordance with Section 1304, herein.
- E. Outdoor lighting shall be provided in accordance with Section 426 of the Subdivision and Land Development Ordinance.
- F. Off-street parking shall be provided in accordance with Section 1305, herein.
- G. Open space shall be provided in accordance with Section 1304, herein.
- H. The applicant shall demonstrate compliance with the design standards of Section 1004, herein.
- I. All loading areas, parking bays and interior circulation lanes shall have appropriate markings, curbs, barriers and/or planted strips.

**SECTION 1344: DWELLING FOR FARM EMPLOYEE AND HIS OR HER FAMILY**

- A. A dwelling for a farm employee and his or her family shall be permitted as a use accessory to agriculture subject to the following standards:
  - 1. At least one family member shall be employed on the subject farm.
  - 2. The applicant shall furnish evidence that an approved means of sewage disposal and a potable water supply either exist, or the Chester County Health Department has issued permits for their installation.
  - 3. Any dwelling provided for a farm employee and his or her family shall be included among the dwellings permitted under the applicable density for the zoning district in which the farm is located.
  - 4. A lot for a dwelling for a farm employee and his or her family shall not be required to be subdivided, however compliance with the following standards shall be required:
    - a. The proposed dwelling unit shall comply with the applicable front, side and rear yard requirements, and any other bulk



or setback requirement of the zoning district in which the farm is located.

- b. The applicant shall demonstrate compliance with the Sadsbury Township Grading Ordinance.
  - c. There shall be a minimum lot size of ten (10) acres in accordance with other listed criteria appropriate to the farm tract.
  - d. No more than one (1) dwelling for a farm employee and his or her family shall be permitted for each farm tract.
5. An accessory dwelling for a farm employee and his or her family may be permitted within an existing barn or stable accessory to the principal agricultural use, provided that the structure and use shall comply with the applicable standards set forth in this section.

#### **SECTION 1345: INSTITUTIONS**

In addition to the general and specific requirements relating to conditional uses, institutions, where permitted as a conditional use, shall comply with the following additional requirements:

- A. No building, or part thereof, shall be located within one hundred (100) feet of any street or lot line.
- B. Minimum lot size shall be five (5) acres.
- C. Access shall be taken from a major or minor collector or minor arterial road as defined by the Township Comprehensive Plan, as amended.

#### **SECTION 1346: MUSHROOM PRODUCTION FACILITIES**

When approved as a conditional use in the I-1, Light Industrial, District, under Section 1002.B.12, mushroom production facilities shall comply with the following standards in addition to such conditions and other requirements imposed as part of approval of the conditional use:

- A. Mushroom production

The primary intent of these provisions is to encourage producers to use

the best available technology (state of the art as defined by the Commonwealth of Pennsylvania) as it is developed for the mushroom industry and to implement best management practices for the protection of the environment.

1. The minimum lot area for mushroom production shall be ten (10) acres.
2. Mushroom production operations, including composting operations, shall be conducted in accordance with the Best Practices for Environmental Protection in the Mushroom Farm Community, Pennsylvania Department of Environmental Protection, published December 1997 and reissued in April 2003 or as may be amended. The applicant shall provide documentation to the Township that the operation has a mushroom farm environmental management plan prepared in accordance with best management practices and approved by the Chester County Conservation District. Approval of the operation shall be contingent on implementation of the management plan.
3. Any enclosed structure and loading and unloading facilities associated with the mushroom production operation shall be located not less than one hundred and fifty (150) feet from any right-of-way line of a public street or any property line. Open wharf areas used for composting operations shall comply with the setback requirements of Section 1346.B.2, below.
4. Maximum building coverage shall not exceed ten percent (10%).
5. Maximum lot coverage shall not exceed twenty percent (20%).
6. A landscaped buffer with a minimum width of one hundred (100) feet shall be located along all property lines. No structures, storage, parking, or any other related activity or operation shall be permitted within this buffer. A landscape screen shall be provided within the buffer in accordance with Section 1404.A, herein.
7. Stormwater management shall be provided in accordance with the requirements of Section 423 of the Township Subdivision and Land Development Ordinance and, as applicable, the provisions of the mushroom farm environmental management plan required in Section 1446.A.2, above.

B. Mushroom composting operations. The following provisions shall apply

to mushroom composting operations and new residential uses adjacent to a mushroom composting operation.

- (1) Mushroom composting operations shall be an accessory use, carried on within the same lot used for mushroom production. No more than 50% of the compost generated on the site, measured by volume, shall be sold or distributed for use off site.
- (2) Setbacks.
  - (a) Outdoor preparation and storage of compost shall be located a minimum of four hundred (400) feet from a residential use and a residential zoning district line, and a minimum of two hundred and fifty (250) feet from all other property lines.
  - (b) New residential uses proposed adjacent to existing outdoor composting operations shall maintain a minimum one-hundred-twenty-five-foot(125) setback along adjacent property lines.
  - (c) Setbacks for enclosed composting operations shall be as set forth in Section 1346.A.3, above.
- (3) Composting operations shall be consistent with the mushroom farm environmental management plan required in Section 1246.A.2, above. The applicant shall demonstrate compliance with the requirements of the Chester County Conservation District and/or the Pennsylvania Department of Environmental Protection regarding leachate and compost pad runoff.
- (4) The applicant shall submit documentation setting forth the measures proposed to minimize odor resulting from the operation.
- (5) Stockpiling of compost material shall be designed so as to prevent runoff of compost material or residues into streams or onto adjacent properties or roads. The maximum height of stockpiled material shall be ten (10) feet and no longer than two hundred (200) feet in length separated by no less than fifty (50) feet strip on all sides. or as otherwise determined in the mushroom farm environmental management plan.
- (6) Disposal of spent compost shall be permitted, provided the compost is used as fill material, applied to fields, or transported to

a facility for processing into another form. Compost shall not be applied to lands with a slope in excess of 12%, or within two hundred and fifty (250) feet of a Flood Hazard District boundary, watercourse, pond, wetland, or drinking water source.

**Section 1347            TIMBER HARVESTING REQUIREMENTS**

A timber harvesting operation, as defined in Article II of this Ordinance, shall not be conducted until a permit is issued by the Township, in accordance with the provisions of this Section 1347.

A.     Timber Harvesting Permit and Permit Application

A landowner or timber harvesting operator shall not conduct, or allow to be conducted, a timber harvesting operation, in the Township, without first securing a grading and erosion control permit. An application for a grading and erosion control permit, and five (5) copies thereof, shall be filed with the Township at least sixty (60) days prior to the commencement of a timber harvesting operation. The application shall consist of the following:

1.     A timber harvesting plan, prepared by a professional consulting forester, defined in Article II, herein, in accordance with the provisions of Section 1347.C, below.
2.     An erosion and sedimentation pollution control plan, as required by 25 Pennsylvania Code Chapter 102, as well as any other state requirements, and a letter of approval of such plan from the Chester County Conservation District.
3.     Proof that the timber harvesting operator has state workmen's compensation insurance for all employees and employees of subcontractors, and proof of liability insurance, including damage to streams and public property.
4.     Payment of the non-refundable permit fee and escrow of funds, based upon a reasonable estimate by the Township, for the review of the application by the Township consultants. The fee schedule shall be established by the Board of Supervisors, by resolution, and amended from time to time as necessary to administer and enforce this Section 1347.

5. Signatures of the landowner and the timber harvesting operator, attesting to their liability, both jointly and severally for compliance with all timber harvesting requirements to the satisfaction of the Township solicitor.

B. Review of the Grading and Erosion Control Permit Application

1. The applicant or his agent shall be responsible for and shall pay all reasonable expenses for inspection, review, legal and other consulting costs and expenses incurred by the Township in processing the grading and erosion control application. In the event that scheduled fees do not cover the actual costs, the applicant shall be notified of the expenses and shall deposit said necessary funds prior to the cost being incurred.
2. Within ten (10) days of submission of an application for a grading and erosion control permit, the Code Enforcement Officer shall review the application to determine that it is complete. If the application is determined to be complete, it will be accepted and forwarded to the Township Engineer for review. If determined to be incomplete, the application will be denied.
3. The Township, in addition to forwarding all timber harvesting applications to the Township Engineer for review, may also forward it to any appropriate government agency for review. In reviewing the application, the Township Engineer shall consider the extent to which the application addresses and complies with the standards described herein and all other applicable township ordinances.
4. Within forty-five (45) days of the submission of a Timber Harvesting application, the Township Engineer shall make a recommendation in writing to the Code Enforcement Officer approving or disapproving the plan stating the reasons for disapproval.
5. Within fifty-five (55) days of submission of a Timber Harvesting Plan to the Township, and based upon the review for compliance with the standards set forth herein and recommendations from the Township Engineer, the Code Enforcement Officer shall approve or deny the submitted plan. Approval may be granted subject to reasonable conditions.

6. The Township Code Enforcement Officer shall be notified in writing by the applicant at least five (5) days before commencement of a timber harvesting operation and within five (5) days after the completion.
7. A permit granted for a timber harvesting operation shall remain in force and effective for a period of one (1) year. The Code Enforcement Officer, at their complete discretion, may grant an extension of the permit for a period up to three (3) months, based upon an applicant's demonstration of good cause. In no event shall the total of all extensions, if there is more than one, exceed 6 months. If the timber harvesting operation has not been undertaken before the permit has expired, a new application is required.

C. Timber Harvesting Plan

1. The timber harvesting plan, as required under Section 1347.A.1, above, and as defined in Article II, herein, shall be prepared by a professional consulting forester, as defined in Article II, herein, and shall contain a narrative providing the following information:
  - a. Credential establishing that the preparer of the timber harvesting plan is a professional consulting forester.
  - b. The name, address and telephone number of all landowners of property upon which the timber harvesting operation is to occur.
  - c. The name, address and telephone number of the timber harvesting operator.
  - d. The total area of the property upon which the timber harvesting operation is to occur and the total area of the land subject to the timber harvest.
  - e. The proposed dates of the commencement and completion of the timber harvesting operation.
  - f. The total number of trees on the area subject to the timber harvesting operation, total number of trees to be harvested and the total number of trees to remain. The trees to be

harvested shall be described in terms of size, in DBH, and species.

- g. A statement confirming that each tree to be harvested has been identified, by a professional consulting forester, with a paint or other distinguishable mark at two (2) points on the tree, one clearly visible to the timber harvesting operator, and one on the stump that will be visible after the tree has been removed.
  - h. A woodlands management plan that shall address the long term goals, objectives and management practices related to (a) woodland reforestation in terms of method, species, composition and density; (b) natural resource protection and erosion protection; and (c) maintenance of the natural vegetative system in terms of the management of invasive plant species. The woodlands management plan shall be prepared for a minimum ten (10) year period and the landowner(s) shall be responsible for ensuring that all land subject to a timber harvesting operation shall be reforested or maintained in a forested state.
2. The timber harvesting plan shall include a site plan, drawn in accordance with standard engineering practices at a scale of no less than 1" = 100'. The site plan shall include the following:
- a. The site location and boundaries of both the entirety of the property upon which the timber harvesting operation is to occur and the specific area proposed for the timber harvesting operation. The Township may require a survey, or partial survey, to define the location of the property boundaries;
  - b. The relationship of the site to surrounding properties as well as the location and name of all roads and all utility easements. The plan shall identify the names and deed book references of all owners of adjacent properties, including properties on the other side of boundary streets;
  - c. All natural features on the property and within 100 feet of the property including all floodplains, steep slopes, wetlands, wetland buffers, watercourses, riparian buffer zones, and specimen vegetation;

- d. Topography with contour intervals of not more than five (5) feet which may be from published USGS maps;
  - e. A delineation and general description of soil classifications located on the site, including hydric soils and soils with a seasonally high water table shall be identified;
  - f. All structures on the property and within 100 feet of the property;
  - g. The location of any grading, skid trails or haul roads, and log landing areas proposed in connection with the timber harvesting operation; and,
  - h. A delineation of all required buffer areas related to any harvesting area, landing area, public road, and adjacent property.
3. The timber harvesting plan shall include a transportation map showing the general location of the proposed operation in relation to municipal and state highways and the proposed accesses to those highways.
- a. The map shall show the proposed hauling route through the Township. The Township may require the posting of a bond or other approved security, in an amount as may be determined by the Township, to cover any damage to Township roads. The gross vehicle weight of all logging vehicles and equipment shall conform to existing weight limit restrictions or, if in excess of such restrictions, a special hauling permit shall be obtained.
  - b. Deviation from the approved hauling route, without written permission from the Township, shall terminate the permit.
4. The timber harvesting plan shall include a sedimentation and erosion control plan in compliance with all applicable standards for sedimentation and erosion control, and the stream crossings regulations under 25 Pennsylvania Code, Chapter 102, Erosion Control Rules and Regulations, issued under Act of June 22, 1937, P.L. 1987 (Clean Stream Law), and 25 Pennsylvania Code, Chapter 105, Dam and Waterway Management Rules and



Regulations, issued under Act of 1978, P.L. 1375, No.325 (Dam Safety and Encroachment Act). Minimum contents of the plan shall include:

- a. Any permits required by county, state, or federal laws and regulations shall be attached to and become part of the plan;
  - b. A description, design, location, construction, and maintenance of all stormwater management and erosion control measures, devices and structures;
  - c. Design, construction, maintenance, and retirement of the access system, including haul roads, skid roads, skid trails, and landings;
  - d. Design, construction, and maintenance of proposed stream and wetland crossings including any applicable county, state or federal permit. A wetlands report may be required by the Township; and,
  - e. The plan shall be submitted to the Chester County Conservation District for review and recommendation. An approval letter from the Chester County Conservation District shall be provided.
5. The timber harvesting plan shall include other information as may be required by the Township to determine compliance with this Article.

D. Timber Harvesting Operational Requirements

The following standards and practices shall govern all timber harvesting operations:

1. The operator and landowner shall be jointly and severally responsible for the restoration of any property, public or private, that may be damaged as a result of the timber harvesting operation.
2. Clear-cutting shall be prohibited.
3. Timber harvesting shall be prohibited on slopes of twenty-five percent (25%) and greater.

4. Timber harvesting shall be prohibited within a floodway, 100 year floodplain, zone one riparian buffer, or wetland.
5. Stream crossings shall be avoided, however where deemed necessary by the Township Engineer, crossings shall be made at right angles across suitable culverts or bridges. Hauling, skidding or placing fill or obstructions in watercourses is prohibited except for approved crossings.
6. No timber harvesting or removal of timber products shall take place between the hours of 7 pm and 8 am or on Sundays or legal holidays.
7. At least thirty percent (30%) of the forest canopy shall be preserved in good condition after the completion of any timber harvesting operation. The remaining trees shall be well distributed throughout the area subject to the timber harvesting operation. At least fifty percent (50%) of such remaining trees shall be comprised of high value species, as defined in Article II, herein. Where the number of trees comprising high value species that exist prior to the approval of any timber harvesting operation, is less than the number which would be required to comply with this provision, no high value species may be harvested. The percentages stated herein shall apply to all consecutive harvests and shall not be exceeded during any ten (10) year period.
8. Trees selected for harvesting shall be marked at two (2) distinctive locations thereon. The higher of the two marks shall be provided around the entire circumference of the tree. The lower mark must be visible on the stump after the tree is removed. All tree stumps shall be cut to within two (2) feet of the average grade of the adjoining ground.
9. Felling and skidding of trees shall be undertaken in a manner which minimizes damage to trees or other vegetation not intended to be harvested.
10. Except when approved by the Township Engineer, all access roads, haul roads and skid trails shall be cut only horizontally across slopes.
11. Felling or skidding across any public street is prohibited without

the express written consent of the Township or Penn DOT, whichever is responsible for the maintenance of said street. Such written consent shall be attached to and become part of the timber harvesting plan.

12. Trees or logs shall not be skidded or transported within fifty (50) feet of wetlands or watercourses, except at approved crossings.
13. A buffer area of seventy-five (75) feet in width along all streets and along all adjacent property lines shall be provided within which no timber harvesting, skidding or transporting shall take place. The buffer width, along streets, shall be measured from the ultimate street right-of-way. No trees shall be cut, removed, skidded or transported in these buffer areas except at approved access points.
14. No tree may be cut which is the largest of its species in the state or exceeds forty eight (48) inches DBH.
15. Slash or tops resulting from a timber harvesting operation shall either be cut to a height of four (4) feet or less and left on-site, or chipped and recycled onsite. The burning of slash shall be prohibited.
16. No tops or slash shall be left in any buffer area, stormwater swale, floodway, floodplain, zone-one riparian buffer or wetland.
17. All soil and debris washed or carried onto streets or adjoining property during a harvesting operation shall be cleaned immediately by the operator or landowner.
18. No processing of wood products or commercial sale of wood or logs shall be permitted on the property unless zoning approval is obtained.
19. Litter, as defined in Article II, herein, resulting from a timber harvesting operation shall be removed from the site daily.
20. No loading or unloading of vehicle, equipment or timber may take place upon any township or state road.
21. No temporary living quarters for workers may be placed upon the timber harvesting site.

22. When the harvest is completed, all access roads, skid and haul trails and landing areas must be graded to original contours and be seeded and mulched to establish a stable groundcover. The final grading and establishment of groundcover shall be consistent with the timber harvesting plan or with a separately approved subdivision or land development plan. In addition all necessary measures, as directed by the Township Engineer, to prevent erosion and sedimentation shall be undertaken.

## **SECTION 1348 TOWN CENTER COMMERCIAL DEVELOPMENT**

The following regulations shall apply to town center commercial developments and where they are inconsistent with other supplemental and general regulations set forth in this Ordinance shall supersede those regulations.

- A. Compliance with Subdivision and Land Development Ordinance. Notwithstanding anything to the contrary set forth in this Ordinance, in the event of any inconsistency between the regulations set forth in this Ordinance and those set forth in the Subdivision and Land Development Ordinance concerning a town center commercial development, the town center commercial development shall comply with the requirements of the Subdivision and Land Development Ordinance.
- B. Access and Traffic Control. Section 1404.C. of this Zoning Ordinance shall apply to town center commercial development provided that no town center commercial development shall have direct access points to minor streets on which lots with residential uses shall have frontage.
- C. Interior Circulation. Section 1404.D. of this Zoning Ordinance shall apply to town center commercial development.
- D. Off-Street Loading. Section 1404.E. of this Zoning Ordinance shall apply to town center commercial developments, except within (i) the main street component(s) and (ii) at individual buildings having floor area less than 10,000 square feet.
- E. Off-Street Parking. Section 1405.C. of this Ordinance shall apply to town center commercial developments provided, however, that uses within a town center commercial development may share off-street parking spaces based upon the results of a parking demand report and analysis prepared by a professional engineer licensed as such by the Commonwealth of Pennsylvania who shall regularly practice in the field

of traffic engineering and, provided further, that such report shall be submitted to, and subject to review by, the Board of Supervisors at the time of a Conditional Use hearing with regard to a town center commercial development. Notwithstanding the foregoing, the total number of off-street parking spaces within a town center commercial development shall and not be less than four (4) off-street parking spaces for every 1,000 square feet of floor area within the town center commercial development. In the event that, following initial construction and occupancy of a town center commercial development, the mix of use types within a town center commercial development shall change, the foregoing parking analysis shall be updated by a professional engineer licensed as such by the Commonwealth of Pennsylvania who shall regularly practice in the field of traffic engineering and shall be reviewed by the Township-appointed traffic engineer. To the extent such updating analysis requires that, as a matter of normal and customary operation, such new mix of uses shall require the installation of additional off-street parking spaces at the town center commercial development, the same shall be installed as a condition to the issuance of a permanent use and occupancy certificate for such new use.

- F. Unified Plan. Any development plan for a town center commercial development shall consist of a grouping of buildings, service and parking areas, landscaped spaces, driveways and accessways which are comprehensively planned and designed as an integrated unit, as to be demonstrated to the Board of Supervisors during a Conditional Use hearing with regard to a town center commercial development.
- G. Ownership. Subject to Section 1348.H. of this Ordinance, a town center commercial development parcel shall either be in single ownership, or be comprised of one or more lots, all of which shall be subject to a unified town center commercial development declaration and which will be developed under single direction in accordance with an approved master development plan.
- H. Further Subdivision. The final land development plan set for a town center commercial development shall include a master site plan that depicts the constituent lots of which the town center commercial development parcel is comprised and those individual portions of the town center commercial development parcel that may later be alienated or subject to financing as separately described lots. Pursuant to Article III of the Subdivision and Land Development Ordinance, the subsequent division or consolidation of the town center commercial development parcel into separate lots as depicted on such a master plan shall be

permitted and exempted from additional plan review requirements and/or the individual lot area and bulk and design requirements of this Ordinance or the Subdivision and Land Development Ordinance; provided that the deed(s) conveying such separate lots shall contain express reference to the unified town center commercial development declaration with regard to the town center commercial development.

- I. Public Safety Mitigation. If the Board of Supervisors deems it appropriate, the applicant shall be required to financially contribute towards the costs of additional police services required by the proposed town center commercial development. Understanding that the applicant cannot directly hire, fire or otherwise control municipal police to assist in meeting this burden, the Board of Supervisors may permit the applicant to offer a negotiated annual assessment based on the square footage of the town center commercial development for which certificates of occupancy for floor area within the town center commercial development in excess of 100,000 square feet, in the aggregate, have been issued by the Township. If the offer is accepted by the Township, it shall be deemed to have satisfied this requirement.
- J. Utilities. All newly installed utility lines serving the town center commercial development shall be underground.
- K. Stormwater Management. As part of the Conditional Use Application, the applicant for a town center commercial development shall comply with plans showing that the town center commercial development shall be provided with a unified stormwater management plan. The plan shall show the proposed locations and general design of stormwater detention basins and other facilities, and shall contain a statement by the engineer who prepared the plan that, to his or her professional knowledge, the plan will, when fully engineered, with all requirements then imposed pursuant to the Sadsbury Township Stormwater Management Ordinance and the Chester County Conservation District provided, however, that detailed stormwater engineering and calculation shall not be required until land development plans with regard to the town center commercial development are submitted.
- L. Traffic. A Traffic Impact Study shall be required and submitted as part of the Conditional Use application for a town center commercial development. The study area for that study shall be as agreed upon by the applicant's traffic engineer and the Township-appointed traffic engineer.

- M. Lighting. Notwithstanding anything set forth at Section 1404.F. herein, town center commercial developments shall comply with the following lighting standards:
1. All lighting incident to a town center commercial development shall be subject to the approval of the Board of Supervisors in accordance with the applicable provisions of this Ordinance and the Subdivision and Land Development Ordinance provided that in the event of a conflict between this Section and Section 426 of the Subdivision and Land Development Ordinance, this Section shall govern.
  2. With the exception of access drives, the maximum illumination at any property line (other than those created pursuant to Section 1248.H. herein) shall be .50 footcandle.
  3. Off-street parking, loading and ingress and egress areas outside of the main street component of a town center commercial development shall be provided with a minimum maintained illumination of .70 footcandle.
  4. The average illumination within off-street parking lots outside of the main street component of a town center commercial development shall be not less than 1.0 footcandle and not greater than 3.0 footcandle.
  5. Illumination levels outside of the main street component of a town center commercial development shall be subject to a minimum/maximum ratio of 20:1.
  6. The average illumination within pedestrian areas of the main street component of a town center commercial development shall be .50 footcandle.
  7. Illumination levels within pedestrian areas of the main street component of a town center commercial development shall be subject to a minimum/maximum ratio of 10:1.
- N. Landscaping, Screening, Buffering. Except as provided in the Subdivision and Land Development Ordinance, Section 1404.A. herein, shall apply to town center commercial developments.
- O. Maintenance of Amenities. Prior to, or simultaneously with, the

recordation of a final land development plan for a town center commercial development, and prior to any subdivision of the town center commercial development parcel pursuant to Section 1348.H., herein, the applicant shall prepare and there shall be recorded a unified town center commercial development declaration to the satisfaction of the Township Solicitor.



**ARTICLE XIV  
GENERAL LAND USE REGULATIONS**

**SECTION 1401: APPLICABILITY**

The provisions of this Article represent regulations and standards that are common to all zoning districts. Unless exempted by applicable provisions or specified limitations, the following General Regulations shall apply to all by-right uses and all uses permitted by special exception or conditional use. In the event that the provisions of this Article conflict with other provisions of this Zoning Ordinance, the more restrictive provisions shall apply.

**SECTION 1402: GENERAL STANDARDS**

- A. Reduction of Lot Area. No lot shall be so reduced that the area of the lot or the dimensions of the required open spaces shall be less than specified by this Zoning Ordinance.
- B. Obstructions to Vision. On any lot, no wall, fence or other obstruction shall be erected, allowed or maintained, and no hedge, tree, shrub or other growth shall be planted or maintained, which obscures the view of approaching traffic along streets or at intersections in any manner. Please refer to the definition and accompanying illustration of Sight Triangle in Article II, Definitions.
  - 1. On a corner lot, nothing shall be erected, placed or allowed to grow:
    - a. Above the height of four and one-half (4½) feet measured from the centerline grades of the intersecting streets; and
    - b. Within the area bounded by the centerlines of intersecting streets and a line joining points on these centerlines one hundred (100) feet from the intersection of the centerlines of such streets.
- C. Stripping of Topsoil; Excavation of Clay, Sand, Gravel or Rock. Such activities shall be permitted only under the following conditions.
  - 1. As a part of the construction or alteration of a building or the grading incidental to such building.

2. In connection with normal lawn preparation and maintenance.
  3. In connection with the construction or alteration of a street.
  4. In farming operations in those zoning districts where such use is permitted, provided sound soil conservation practices are observed.
  5. The above activities shall be further subject to the provisions of the Sadsbury Township Stormwater Management Ordinance, as amended.
- D. Projections into the yard setback.
1. A buttress, chimney, cornice, overhanging eaves, gutters, may project not more than two (2) feet into a setback area.
  2. No antenna shall project above any roof a distance greater than the shortest distance from its base to any property line.
  3. No structure or part of a structure which shall be erected within or shall project into any required setback, except that arbors, trellises, and garden sheds shall be permitted, provided they are not more than twelve (12) feet in height and are at least ten (10) feet from all lot lines.
  4. A pump, light standard, air tower, water outlet, or similar installation of a gasoline service station, where permitted, may be placed within a setback, but in no case closer than twenty-five (25) feet from a right-of-way.
- E. Building Height Limitations. Area and bulk regulations shall not apply to spires, agricultural buildings, belfries, cupolas, domes, monuments, poles, or chimneys, or similar structures.
- F. Public Utility Installations and Service Buildings. The location of any building or other installation for the purpose of servicing any public utility, except common or contract carriers may be located within any zoning district, subject to the following regulations:
1. The public utility shall file a plan indicating the location of all existing and proposed structures, buildings or other installations within the Township.

2. Any building, structure or other installation shall be subject to the design standards contained in this Article including those relating to screening, storage, landscaping and lighting.
  3. Upon petition of the corporation, the Pennsylvania Public Utility Commission shall, after a public hearing, decide that the present or proposed situation of the building in question is reasonably necessary for the convenience or welfare of the public.
- G. Yard Requirements for Corner Lots. In the case of a corner lot, a front yard as provided for in the area and lot requirements for the various districts shall be required on each street on which the lot abuts. The remaining two (2) yards shall be side yards. Accessory buildings shall be located behind the setback lines of both streets.
- H. Yards Requirements for Reverse Frontage Lots. In the case of reverse frontage (double) lots, the minimum front yard setback shall be met along the street for which the United States Postal Service (USPS) mailing address is assigned. Accessory buildings shall be located behind the setback lines of both streets.
- I. Access to Structures. Every building hereafter erected or moved shall be on a lot adjacent to or having access to an approved street. The erection of buildings without approved access shall not be permitted. Approved access shall be defined in accordance with the Sadsbury Township Subdivision and Land Development Ordinance.
- J. Conditional Uses. Uses specified as conditional uses within the various district regulations of this Zoning Ordinance shall be permitted only after review by the Planning Commission and approval by the Board of Supervisors in accordance with Article XVI. Conditional use approval shall only be granted where the specific proposed location is consistent with the Comprehensive Plan of Sadsbury Township and in keeping with the intent of this Zoning Ordinance.
- K. Lot Area and Width for Lots Not Served with Public Water Service and/or Public Sewer. Where a lot is not served by public water and/or public sewer and the Township Subdivision and Land Development Ordinance or other applicable state or local ordinance in force requires a higher standard for lot area or lot width than this Zoning Ordinance, the more restrictive regulations of such other ordinance or regulation shall apply.
- L. Lots in More than One (1) District. Where the Zoning Officer determines that a district boundary line divides a lot or tract at the time such

boundary line is established, the regulations and requirements of the less restricted portion of such lot shall extend not more than thirty (30) feet into the more restricted portion, provided the lot has frontage on a street in the less restricted district.

- M. Fences and Walls. For any residential lot for which a building permit has been issued, fences and walls are permitted as follows:
1. Fences and walls shall be permitted in the rear and side yards to a maximum of six (6) feet in height.
  2. A fence may be erected in the front yard between the front line of the building and the street, provided it is less than four (4) feet in height, and is post and rail, picket, or other similar "open style" structure. All other applicable provisions of this Zoning Ordinance shall apply.
  3. Fences and walls shall be set back from the property line a minimum of two (2) feet for all lots less than one (1) acre.
  4. Fences and walls shall not be erected within any street right-of-way.
  5. Fences or walls shall not be located in the 100 Year Floodplain or in drainage easements or drainage swales that are part of an approved storm water management plan.
- N. Solid Waste Disposal. All methods and practices of solid waste or refuse disposal shall be in compliance with Act 97, the Pennsylvania Solid Waste Management Act as amended and the Pennsylvania Department of Environmental Protection or as specified by Sadsbury Township. The term "solid waste" shall refer to garbage, refuse and other discarded materials, including but not limited to solid and liquid waste materials resulting from industrial, commercial, agricultural and residential activities.
- O. Sewage and Liquid Waste Disposal. All sewage and liquid waste disposal practices must be in accordance with the Township's Act 537 Plan and the rules and regulations of the Pennsylvania Department of Environmental Protection. All new facilities or major revisions to existing waste treatment or disposal facilities must have a permit issued by this authority. All operators of such treatment or disposal facilities must also be properly licensed as required by the Department of Environmental Protection.

- P. Outside Commercial and Industrial Storage. Outside commercial or industrial storage may be authorized by the Zoning Hearing Board as a special exception and shall comply as follows:
1. Outside storage of man-made product shall be screened from view of public right-of-way and adjacent residential uses. Screening shall be in accordance with the Sadsbury Township Subdivision and Land Development Ordinance.
  2. Outside storage facilities for fuel, raw materials and products shall be enclosed with an approved safety fence compatible with the architectural and landscaping style employed on the lot and shall comply with all other applicable regulations. In addition to a fence, bulk storage tanks shall be contained and enclosed by a berm.
  3. All organic refuse or garbage shall be stored in tight, vermin-proof containers. In multiple family, commercial and industrial developments, garbage storage shall be centralized to expedite collection and enclosed by an architectural screen or plantings.
  4. No highly flammable or explosive liquids, solids, or gases shall be stored in bulk above ground, except the following.
    - a. Tanks or drums of fuel connected directly with and located and operated on the same lot as the energy devices or heating appliances they serve.
    - b. Tanks or drums for storage of not more than three hundred (300) gallons of fuel oil (other than that used for home heating) or gasoline or diesel fuel, provided such tanks are located no closer than twenty-five (25) feet to any building or lot line or fifty (50) feet from any street line. Storage shall comply with all applicable regulations.
  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. No substance which can contaminate a stream or watercourse or otherwise render such stream or watercourse undesirable as a source of water supply or recreation shall be allowed to enter any stream or watercourse.

6. Unless otherwise permitted by this Zoning Ordinance, or in the case of an automotive service station or automotive repair facility, no more than one (1) vehicle without a license or without proof of inspection shall be stored outside per lot. No vehicle without a license or without proof of inspection may be stored outside on any lot for more than six (6) months.
7. Storage shall comply with all applicable setback requirements and shall cover only that percentage of total lot area that is deemed practical and feasible in the opinion of the Zoning Hearing Board. Outdoor storage shall be located to the side or rear of the property.
8. 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 carts. Each designed storage area shall be clearly marked for storage of shopping carts.
9. Traffic analysis for special exceptions and conditional uses. A detailed traffic analysis prepared by a qualified traffic engineer may be required by the Board of Supervisors for the purpose of showing what impact a proposed development will ultimately have on the safety and welfare of the public. The traffic analysis shall be at the expense of the applicant. The scope shall be determined by the Township Engineer.

Q. Outside residential storage.

1. Recreational vehicles, as defined in Article II, herein, shall not be parked or stored on any lot of less than one-half ( $\frac{1}{2}$ ) acre in any residential district except in a carport or enclosed building. No such recreational vehicle shall be used for living, sleeping or housekeeping purposes when parked or stored on a residential lot or in any location not approved for such use.
2. Storage of trailers when left in place and used as an extension to the building are not permitted in residential districts.
3. No storage shall be permitted within the front yard of any lot.

**SECTION 1403: PERFORMANCE STANDARDS**

- A. Noise Pollution. All uses shall be in compliance with the Sadsbury Township Noise Pollution Ordinance, 1999-03, as amended, and the applicable rules and regulations of the Pennsylvania Department of Environmental Protection.
- B. Pollution and Airborne Emissions. All uses shall be in compliance with the rules and regulations of the Pennsylvania Department of Environmental Protection and with the following provisions:
  - 1. There shall be no emission of smoke, ash, dust, fumes, vapors, gases, or other matter toxic or noxious to air, which violate the Pennsylvania Air Pollution Control Laws.
  - 2. No user shall operate or maintain or be permitted to operate or maintain any equipment, installation or device which, by reason of its operation or maintenance, will discharge contaminants into the air in excess of the limits specified by the Pennsylvania Air Pollution Control Laws unless he shall install and maintain in conjunction therewith such control as will prevent the emission into the open air of any air contaminant in a quantity that will violate any provision of this Zoning Ordinance.
- C. Odor: All uses shall be in compliance with the rules and regulations of the Pennsylvania Department of Environmental Protection and with the following provisions:
  - 1. No uses, except agricultural operations, shall emit odorous matter in such quantities to be offensive at any point on or beyond its lot lines.
  - 2. The guide for determining such quantities of offensive odors shall be the fifty (50) percent response level indicated in the publication "Research of Chemical Odors: Part 1-Odor Thresholds for 53 Commercial Chemicals" (1968) Manufacturing Chemists Association, Inc. Washington, D.C.
- D. Water Pollution. All uses shall be in compliance with the rules and regulations of the Pennsylvania Department of Environmental Protection and the provisions of the Clean Streams Law, as amended, and associated regulations.

- E. Mine reclamation and open pit setbacks. All uses shall be in compliance with Pennsylvania Act 147, the Surface Mining Conservation and Reclamation Act of 1971 as amended.
- F. Glare and Heat: All uses shall be in compliance with the rules and regulations of the Pennsylvania Department of Environmental Protection and the following provisions:
  - 1. No direct or sky-reflected glare from high temperature processes, such as combustion, welding or otherwise shall be permitted so as to be visible at the lot line. These regulations shall not apply to signs or floodlighting of parking areas otherwise in compliance with Section 426 of the Subdivision and Land Development Ordinance.
  - 2. There shall be no discernable emission or transmission of heat or heated air that can be detected at any lot line.
- G. Fire and Explosive Hazards. No use or operation shall be permitted which creates a public nuisance or hazard by reason of fire or explosion. All blasting operations must comply with the Sadsbury Township Blasting Ordinance, 1999-10, as amended.
  - 1. Activities and all storage of flammable and explosive material at any point shall be provided with adequate safety devices against the hazard of fire and explosion, and adequate fire fighting and fire suppression equipment, and devices as detailed and specified by the laws of the Commonwealth of Pennsylvania.
  - 2. All buildings and structures, and activities within such buildings and structures shall conform to the Building Code and other applicable Township codes and ordinances. Any explosive material shall conform to the rules and regulations of the Pennsylvania Department of Environmental Protection and the Sadsbury Township Blasting Ordinance, 1999-10, as amended, for storing, handling and use of explosives.
- H. Liquid and Solid Waste. There shall be no discharge at any point into any public or private sewerage system, or watercourses or into the ground, of any liquid and solid waste materials in such a way or of such a nature, as will contaminate or otherwise cause the emission of hazardous materials in violation of the laws of the Township and the



Commonwealth of Pennsylvania and specifically the rules and regulations of the Pennsylvania Department of Environmental Protection.

- I. Vibration. No vibration shall be produced which is transmitted through the ground and is discernible without the aid of instruments at or at any point beyond the lot lines nor shall any vibration produced exceed 0.002g peak measured at or beyond the lot line using either seismic or electronic vibration measuring equipment.
- J. Radioactivity. The following provisions shall apply:
  - 1. There shall be no activities that emit dangerous levels or radioactivity at any point.
  - 2. No operation involving radiation hazards shall be conducted which violate any state or federal regulations or standards.
  - 3. Any proposed use which incorporates the use of radioactive material, equipment, or supplies shall be in strict conformance with all federal and state requirements including Pennsylvania Department of Environmental Protection rules and regulations.
- K. Electrical and Electromagnetic Interference. The following provisions shall apply:
  - 1. There shall be no radio or electrical disturbance adversely affecting the operation of equipment belonging to someone other than the creator of disturbance.
  - 2. No use, activity, or process shall be conducted which produces electromagnetic interference with normal radio or television reception on the premises other than where the interfering activity is conducted.
- L. Public Health and Safety. No use shall engage in the production, treatment or storage of hazardous waste as defined by the Pennsylvania Act 97, as amended. No use shall create any other objectionable condition to adjacent properties which will endanger public health and safety or be detrimental to the proper use of the surrounding area.

**SECTION 1404: DESIGN STANDARDS**

- A. All screening and landscaping as required under the provisions of this Ordinance shall comply with the provisions of the Sadsbury Township Subdivision and Land Development Ordinance and the following:
1. No planting shall obstruct motorist visibility at intersections or driveways.
  2. Landscaping may be incorporated into a storm water management plan subject to the review and approval of the Township.
  3. A completely planted visual buffer or landscape screen shall be provided between any nonresidential use or district and contiguous residential uses or residentially zoned districts, except where sufficient natural or physical man-made barriers exist, as determined by the Board of Supervisors.
  4. All mechanical equipment not enclosed in a building, including mechanical equipment located on the roof and visible from a public right-of-way, shall be fully and completely screened from view from any point in accordance with the landscape plan.
  5. Any existing commercial or industrial use shall not be required to comply with the screening requirements, except in case of enlargement or major alteration.
- B. Park, Recreation and Open Space. Except where the Zoning Ordinance specifies the required amount of park, recreation or open space land, the required park, recreation and open space land shall be as required by the Sadsbury Township Subdivision and Land Development Ordinance, and, in both cases, the following shall apply:
1. Location. Where feasible and appropriate, the required passive recreation/open space land shall be located and designed to add to the visual amenities of villages and to the surrounding area, by maximizing the visibility of internal passive recreation/open space as terminal vistas at the ends of streets (or along the outside edges of street curves), and by maximizing the visibility of external passive recreation/open space as perimeter greenbelt land. Greenbelt land shall be designated to provide buffers and to protect scenic views as seen from existing roadways and from public parks. The Township may require open space land to be designed to allow the continuation of an existing or proposed trail

or the coordination with other existing or proposed open space areas.

2. Views of Houses. Part or all of the required passive recreational/open space land may be utilized to limit views of houses from exterior roads and abutting properties by the use of natural, undisturbed topography, existing vegetation, or additional landscape buffering, as permitted by the Board of Supervisors. This land shall generally remain undivided and may be owned and maintained by a homeowners association, Sadsbury Township, land trust, another conservation organization recognized by the municipality, or by a private individual (as part of the original farmstead).
3. Buffers for Adjacent Public Parkland. Where the proposed development adjoins public parkland, a natural open space buffer at least 150 feet deep 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). Where this buffer is not wooded, 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 species.
4. No portion of any building lot may be used for meeting the minimum required park, recreation and open space land. However, agricultural land containing farm buildings, including areas used for existing farm dwellings may be used to meet the minimum required open space land.
5. Pedestrian and Maintenance Access. Pedestrian and maintenance access, excluding those lands used for agricultural or horticultural purposes, shall be provided to open space land in accordance with the following requirements:
  - a. Each neighborhood shall provide one centrally located access point per 15 lots, a minimum of 25 feet in width; and
  - b. Access to passive recreation/open space land used for agriculture may be appropriately restricted for public safety and to prevent interference with agricultural operations.

6. Landscaping. All park, recreation and open space land areas that are not wooded, farmed, or provided with active recreational facilities, shall be left in a natural state, or landscaped as required by the Board of Supervisors. Park, recreation and open space land areas shall not be left in a stripped and bare condition.
7. Management Plan. Unless the park, recreational and/or open space land is dedicated to the Township, the applicant shall prepare a long-range management plan for the park, recreation and open space land. The management plan shall, at a minimum, describe how the park, recreation and open space land will be preserved as proposed in the site's design plan and how such necessary preservation activities will be funded. This may include a plan to lease part of the land to a farmer to create income for the homeowners association, a plan to keep the open space in a forested condition, or other non-profit entity, or a plan to manage a recreational activity on the area.
8. Uses Permitted on Passive Recreation/Open Space Lands:
  - a. Agricultural and horticultural uses, including raising crops or livestock and associated buildings, thereto including residences that are specifically needed to support an active, viable agricultural or horticultural operation. Specifically excluded are commercial livestock operations involving highly offensive odors. To encourage the retention of agricultural lands, the Township or homeowners association may permit all or portions of the passive recreation/open space lands to be leased back to a farmer. Approval of the leaseback option shall be conditioned on appropriate agreements between the titleholder and the farmer, concerning permitted agricultural practices and use of the land in the event the agricultural activities cease.
  - b. Conservation of open land in its natural state (i.e., woodland, fallow field, or managed meadow);
  - c. Pastureland or areas for horses.
  - d. Forestry

- e. Common neighborhood uses such as village greens, commons, picnic areas, community gardens, trails, and similar low-impact passive recreational uses specifically excluding wheeled vehicles (except for agricultural vehicles), rifle ranges and golf courses.
  - f. Easements for drainage, access, sewer or water lines, or other public purposes;
  - g. Underground utility rights-of-way. Aboveground utility and street rights-of-way may traverse conservation areas but shall not count toward the minimum required common open space.
  - h. Dwelling and accessory structures associated with a farmstead that occupied the site on the effective date of this Zoning Ordinance as permitted in Subsection 9, below.
9. Preservation of Farmstead: The applicant may choose to preserve a farmstead, containing a farmhouse and associated agricultural structures as part of the open space, provided that the resulting farmstead lot shall be deed restricted from further subdivision and no further dwellings shall be permitted on the farmstead. The farmhouse shall comply with the regulations of the associated zoning district and shall not be counted against the permitted density.
10. Ownership and Maintenance of Park, Recreation and Open Space Land and Common Facilities
- a. Restrictions on Passive Recreation/Open Space Land. No development shall be permitted in open space areas at any time, except as permitted herein.
  - b. Ownership Options. Ownership of park, recreation and open space land and facilities may be in the forms listed below however park, recreation and open space land and facilities shall be initially offered for dedication to the Township. Park, recreation and open space land and facilities shall not be transferred to another entity except for transfer to another form of ownership as permitted in this Section below provided that there is no change in the land and facilities:

- 1) Fee Simple Dedication to the Township: The Sadsbury Township Board of Supervisors may, but shall not be required to, accept any portion of the land and/or facilities, provided that:
  - a) There is no cost of acquisition to the Township; and,
  - b) The Township agrees to and has access to maintain such land or/and facilities.
- 2) Condominium Association: Park, recreation and open space land and facilities may be controlled through the use of condominium agreements. Such agreements shall be in accordance with the Pennsylvania Uniform Condominium Act of 1980, as amended. All open land and common facilities shall be held as a "common element."
- 3) Homeowners' Association: Park, recreation and open space land and facilities may be held in common ownership by a homeowners' association, subject to all of the provisions for homeowners' associations set forth in applicable Pennsylvania laws and regulations. In addition, the following standards shall be met:
  - a) The applicant shall provide the Board of Supervisors with a description of the organization of the proposed association, including its by-laws, and all documents governing ownership, maintenance, and use restrictions for common facilities;
  - b) The proposed association shall be established by the owner or applicant and shall be operating with financial subsidization by the owner or applicant, if necessary, before the sale of any dwelling units in the development;
  - c) Membership in the association shall be automatic and mandatory for all purchasers of dwelling units therein and their successors in

title, who shall have joint and undivided interests in any common areas;

- d) The association shall be responsible for maintenance and insurance of common facilities and provide proof of liability to the Township Board of Supervisors;
  - e) The by-laws shall confer legal authority on the association to place a lien on the real property of any member who falls delinquent is his dues. Such dues shall be paid with all accrued interest before the lien may be lifted;
  - f) Written notice of any proposed transfer of common facilities by the association or the assumption of maintenance of common facilities must be given to all members of the association and to the Board of Supervisors not less than 30 days prior to such event;
  - g) The association shall have adequate staff to administer, maintain, and operate such common facilities; and
  - h) The terms, conditions, and content of all Homeowners Association documents by: laws and agreements ,and any amendments,,thereto must be reviewed by and shall meet the approval of the Township Solicitor.
- 4) Dedication to a Private Conservation Organization or to the County. With permission of the Board of Supervisors, an owner may transfer either fee simple title of the open space or easements on the open space to a private non-profit conservation organization or to the County provided that:
- a) The conservation organization is acceptable to the municipality and is a bona fide conservation organization intended to exist indefinitely;

- b) The conveyance contains appropriate provisions for proper reverter or re-transfers in the event that the organization becomes unwilling or unable to continue carrying out its functions;
    - c) The open space land is permanently restricted from future development through a conservation easement and the Board of Supervisors is given the ability to enforce these restrictions;
    - d) A maintenance agreement acceptable to the Board of Supervisors is established between the owner and the organization; and
    - e) A satisfactory maintenance agreement shall be reached between the owner and the Board of Supervisors.
  - 5) Dedication of Easements to the Township. The Board of Supervisors may, but shall not be required to, accept easements for public use of any portion of the park, recreation and open space land or facilities. In such cases, the facility remains in the ownership of the condominium association, homeowners' association, or private conservation organization while the easements are held by the Board of Supervisors. In addition, the following regulations shall apply:
    - a) There shall be no cost of acquisition to the Board of Supervisors; and
    - b) Any such easements for public use shall be accessible to the residents of the Township.
  - 6) The land may be held in ownership by the farmer/owner and deed restricted from any further uses other than agriculture.
- c. Maintenance. Unless otherwise agreed to by the Board of Supervisors, the cost and responsibility of maintaining park,



recreation and open space land and facilities shall be borne by the property owner, condominium association, homeowners' association, or conservation organization.

- 1) The applicant shall, at the time of preliminary plan submission, provide a plan for perpetual maintenance and operation of park, recreation and open space lands and facilities in accordance with the following requirements:
  - a) The plan shall establish necessary regular and periodic operation and maintenance responsibilities for the various kinds of open space (i.e. lawns, playing fields, meadow, pasture, cropland, woodlands, etc.),
  - b) The plan shall estimate staffing needs, insurance requirements, and associated costs, and define the means for funding the maintenance and operation of the park, recreation and open space land on an on-going basis. Such funding plan shall include the means for funding long-term capital improvements as well as regular yearly operating and maintenance costs,
  - c) At the Board of Supervisors' discretion, the applicant may be required to escrow sufficient funds for the maintenance and operation costs of park, recreation and open space land and facilities for up to one year; and,
  - d) Any changes to the maintenance plan shall be approved by the Board of Supervisors.
- 2) In the event that the organization established to maintain the park, recreation and open space land and facilities, or any successor organization thereto, fails to maintain all or any portion thereof in reasonable order and condition, the Board of Supervisors may assume responsibility for maintenance, in which case any escrow funds may be forfeited and any permits may be revoked or suspended.

- 3) The Board of Supervisors or its authorized representative may enter the premises and take corrective action, including maintenance. The costs of such corrective action may be charged to the property owner, condominium association, homeowners association, conservation organization, or individual property owners who make up a condominium or homeowners' association and may include administrative costs and penalties. Such costs shall become a lien on said properties. Notice of such lien shall be filed by the municipality in the Office of the Prothonotary of Chester County.

C. Access and traffic control. The following provisions shall apply.

1. Vehicular accessways to any public street shall be located at least eighty (80) feet from any intersection or street lines and shall be designed and located in a manner and place conducive to safe ingress and egress.
2. Each use with less than one hundred (100) feet of street frontage shall not have more than one (1) accessway to such street.
  - a. No use with one hundred (100) feet or more of street frontage shall have more than two (2) accessways to any one (1) street for each four hundred feet of street frontage.
  - b. A common access point for two (2) or more uses is encouraged, where practical, to minimize vehicular access points along streets other than local streets. Shared driveways for residential uses shall be prohibited except in the case of flag lots that abut one another or when considered appropriate by the Board of Supervisors.
3. Provision shall be made for safe and efficient ingress and egress to and from public streets without undue congestion or interference with normal traffic flow within the Township. Where applicable and at the direction of the Board of Supervisors, the developer shall be responsible for preparing a traffic impact study.
4. The developer shall be responsible for the design, construction installation and the cost thereof of any necessary traffic control

devices and highway modifications required by the Township and/or the Pennsylvania Department of Transportation.

5. Access points shall be located on minor rather than major streets or highways as defined by the Township's Comprehensive Plan.
6. All vehicular entrances and exits shall be provided with acceleration and deceleration lanes as recommended or required by the Township Engineer and/or the Pennsylvania Department of Transportation. Acceleration and deceleration lanes shall conform to the standards of the Sadsbury Township Subdivision and Land Development Ordinance. In no event shall vehicles be permitted to back directly into the public street from the off-street parking area.

D. Interior Circulation. The following provisions shall apply.

1. Interior drives shall be designed so as to prevent blockage of vehicles entering or leaving the site, as well as to prevent the backing of any vehicle onto a street.
2. 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 adequate in size and shall be so arranged that they may be used without blockage or interference with the use of accessways or automobile parking facilities.
3. Commercial, industrial, institutional or conditional uses with parking areas for ten (10) or more vehicles shall have clearly defined parking bays, accessways, and traffic circulation lanes designated by appropriate markings, curbs, barriers and/or planted strips.
4. Interior access drives shall be clearly marked by adequate painting or marking with curbing and signs, so that operators of vehicles intending to patronize such parking lots shall not unduly impede traffic as a result of any confusion as to location of entrances and exits and manner of reaching them. In the event said interior drives are not marked as required by this subsection, the Township may, at its option, perform the said marking or hire it to be done and recover the cost of the same from the owner or tenant of the said lot in the manner permitted by law.

5. All interior access drives and accessways associated with all commercial, industrial, institutional and/or conditional use shall be paved with an approved all-weather surface. Curbing shall be provided for all commercial, professional and industrial uses and where required by the Board of Supervisors for residential uses.
6. Interior drives shall have a maximum grade of eight (8) percent, measured along the centerline, for a distance of not less than twenty-five (25) feet from the street right-of-way line. Beyond that point, interior roads and drives shall have a maximum grade of ten (10) percent. The Township Engineer shall have the authority to designate that interior accessways be paved with nonskid or skid-resistant materials and to otherwise designate or approve paving materials.
7. Minimum interior drive access cartway widths with no abutting parking:

<b>Use</b>	<b>One Lane One Way Drive</b>	<b>Two Lane Two Way Drive</b>
Residential	14 Feet	22 Feet
Commercial/Office	14 Feet	24 Feet
Industrial	14 Feet	30 Feet

8. Common or shared access driveways to parking and loading areas is permitted and encouraged when properties are under common ownership. Shared driveways for residential uses shall be prohibited except in the case of flag lots that abut one another or when considered appropriate by the Board of Supervisors.
9. Convenient and logical walkway connections for pedestrians shall be provided between the entrances of a principal building and its required parking spaces. Maximum separation of pedestrian and vehicular routes shall be encouraged for pedestrian safety.

**E. Off- Street Loading.** The following provisions shall apply.

1. All commercial and industrial uses shall be provided with adequate off-street loading and unloading areas.

2. Such areas shall not be located between the building setback line and street line, and loading facilities shall not be visible from a street.
  3. Required off-street parking spaces shall not be used for loading and unloading purposes, except during hours when business operations are suspended.
  4. Off-street loading and unloading areas shall be provided with proper and safe access and separated and screened from other vehicular and pedestrian circulation. In any case, loading and unloading operations, including arrival and departure, shall not interfere with traffic circulation on public streets or with required off-street parking.
  5. Loading and unloading spaces shall have paved all-weather, dustless surfaces of sufficient load-bearing properties consistent with the intended use.
  6. Loading and unloading space shall be at least fourteen (14) feet wide, have fifteen (15) feet vertical clearance, be fifty-five (55) feet deep and shall have an adequate maneuvering apron.
- F. Lighting. Outdoor lighting facilities shall be required for all off-street parking, storage and loading areas and for all driveways providing access thereto, and along all road and pedestrian ways in all major subdivisions and land developments in compliance with the provisions of the Sadsbury Township Subdivision and Land Development Ordinance.

## **SECTION 1405: OFF-STREET PARKING STANDARDS**

- A. Applicability of off-street parking requirements.
1. Off-street parking in accordance with the provisions of this section shall be required as a condition precedent to the occupancy of any building or use so as to alleviate traffic congestion on streets. These facilities shall be provided whenever:
    - a. A building is constructed or a new use is established.
    - b. The use of an existing building is changed to a use requiring more parking facilities.

- c. An existing building or use is altered or enlarged so as to increase the amount of parking space required.
- 2. Required off-street parking facilities as accessory to uses listed herein shall be solely for the parking of passenger automobiles of patrons, occupants and/or employees of the associated use.
- 3. The owner or manager of a developed property shall be responsible for the maintenance of the off-street parking areas serving that property. Maintenance shall include, but shall not be limited to, plowing of snow, maintenance of landscape elements and lighting, sealing of pavement, repainting of lines and other markings on the pavement, repaving as necessary, and any other work required to maintain the parking area in an attractive, safe, and functional condition.

B. Off-street parking lot design.

- 1. Parking lots shall be designed so that spaces are provided for in the least amount of paved space and graded to a minimum slope of one (1) percent and a maximum slope of six (6) percent to provide for drainage. Adequately sized inlets and storm sewers shall be provided to discharge stormwater in accordance with a plan as specified by the Subdivision and Land Development Ordinance and as approved by the Township.
- 2. In the design of parking lots, the minimum required stall depth, stall width and driveway width shall be as shown as follows:
  - a. Interior parking aisles which are designed to accommodate two-way traffic shall be at least twenty-four (24) feet wide.
  - b. Interior parking aisles which are designed to accommodate one-way movements shall have the following minimum widths.
 

90 degree angle:	20 foot aisle width
75 degree angle:	18-foot aisle width
60 degree angle:	18-foot aisle width
  - c. No portion of an aisle shall exceed three hundred and fifty (350) feet in length without a cross aisle for vehicle circulation.

- d. Layout shall direct service vehicles outside the boundaries of principal parking areas and provide sufficient turning radii and vertical clearances.
  - e. Spaces for employee parking, short-term visitor parking, handicapped parking and pick-up/drop-off zones shall be differentiated by suitable markings.
3. Appropriate bumper guards, to the satisfaction of the Code Officer and Township Engineer, or curbing shall be provided as required by the Township in order to clearly define parking spaces or limits of paved areas and to prevent vehicles from projecting into required yards or rights-of-way.
  4. All parking lots shall be adequately marked and maintained for the purpose of defining parking stalls and driveways. As a minimum, the lines of all parking stalls and driveways, including directional arrows, shall be solid white and four (4) inches in width.
  5. All access driveways shall be located, designed and constructed so as to provide safe and convenient circulation within the parking areas and within the lot and in a manner that provides safe and convenient access to and from the public roads serving the lot. Sight distances at access points to the highway shall conform to Pennsylvania Department of Transportation design standards. The paving cross section for parking areas and driveways shall be shown on the plan and shall be subject to the approval of the Township.
  6. No multi-space parking lot for the storage of motor vehicles or trailers shall directly abut a public street. Each such area shall be separated from the street, except for permitted accessways, by a raised curb, planting strip, wall or other suitable barrier against vehicles. Each such area shall be at least ten (10) feet from any lot line or street right-of-way or twenty (20) feet from the edge of the paving of any street for which a given right-of-way is not indicated.
  7. No motor vehicle repair work of any kind, except emergency service shall be permitted on parking lots.
  8. Parking areas shall be landscaped and screened in accordance with the provisions of Section 1404.

9. In all districts, each parking area shall be separated from the public street or highway by a raised curb, planting strip or other suitable barrier against un-channeled motor vehicle entrance or exit, except for necessary accessways. Buildings shall front upon a marginal street or a common parking area and not directly upon a public street, and each such use shall have not more than two (2) accessways to any one (1) street or highway.
  
10. In commercial, town center, and industrial districts, no parking shall be permitted closer than two (2) feet to any property line or any street right-of-way line (provided that such restriction shall not apply with regard to any right-of-way line created as part of town center commercial development), nor shall any such parking be so located as to obstruct clear-sight triangles at points of ingress or egress.

C. Off-street parking space requirements.

1. All parking spaces shall be on the same lot as the building or use intended to be served except as provided herein.
  
2. Parking spaces for each vehicle shall be at least nine (9) feet by eighteen (18) feet in size and shall have a paved surface, except for parking spaces serving single-family detached dwellings, which may be an improved all-weather surface, providing safe and convenient access in all seasons.
  
3. Zoning Hearing Board may authorize as a special exception a reduction in the number or size of off-street parking spaces, provided that all of the following standards are met:
  - a. All of the standards for a grant of special exception provided for in this Ordinance and made applicable thereto have been satisfied to the satisfaction of the Zoning Hearing Board.
  
  - b. The applicant has demonstrated to the satisfaction of the Zoning Hearing Board that the reduction in parking spaces, if granted, will not in any way impair the safe and convenient access and internal circulation on the property and will not cause vehicles to be parked on the public roads or lands of others.



- c. The applicant has established an area denominated as a reserve parking area which shall be fully landscaped and maintained in grass and is readily accessible to the buildings and uses to be served, which may be paved and utilized in strict conformity with this Zoning Ordinance for the number of spaces for which the reduction was granted.
- d. The applicant executes a written instrument agreeing to pave the reserved area and place the same in conformity with this Zoning Ordinance if the Board of Supervisors determines that in the future the reserved spaces are in fact required. The applicant shall, within ten (10) days after notice by the Board of Supervisors, commence the installation of said parking area and shall diligently pursue the same to conclusion. The failure to promptly comply and diligently pursue the same in accordance with the terms of this provision shall constitute a violation of this Ordinance punishable by a fine or imprisonment as herein provided. Each day of delay shall constitute a separate offense punishable as such.

4. Residential requirements.

- a. Single family detached dwelling units in residential and non-residential districts shall have three (3) off-street parking spaces per unit.
- b. Attached dwellings, multi-family dwellings, and residential conversions shall have two (2) off-street parking spaces per unit plus one (1) space per four (4) units for visitor parking where ten (10) or more units are proposed and where on-street parking is not feasible.
- c. Parking lots for more than three (3) vehicles in a residential district shall not be located closer than ten (10) feet to any property line or street right-of-way.
- d. No recreational vehicle or commercial vehicle shall be parked or stored on any lot of less than one-half (½) acre in a residential district, except in a carport or enclosed building.

- e. No such recreational or commercial vehicle shall be used for living, sleeping or housekeeping purposes when parked or stored on a residential lot or in any location not approved for such use.
  - f. No vehicle shall be parked in a right of way or impede a pedestrian sidewalk.
5. Commercial and Industrial Parking Requirements. The following minimum number of off-street parking spaces per use shall be provided for the uses indicated. In addition, one (1) space for each company vehicle stored on the premises shall be provided. Throughout this Section, "s.f." shall be interpreted as "square feet" and floor area shall be interpreted as "gross usable floor area". The term floor area shall include storage areas and other areas used to keep stock and inventory, unless such storage areas are located below grade-level in a basement.
6. Handicapped parking requirements.
- a. In any parking area where the total number of parking space exceed five (5), a minimum of one (1) space for each twenty-five (25) spaces or fraction thereof, shall be designated for physically handicapped person.
  - b. Parking spaces for use by handicapped drivers shall have minimum dimensions of fourteen (14) feet wide by twenty (20) feet long, and shall be clearly marked as being reserved for use by handicapped persons.
  - c. Parking spaces for use by handicapped drivers shall be located to minimize the distance between the vehicles and a wheelchair accessible entrance to the facility served.
  - d. Handicapped parking shall be in accordance with the standards promulgated by the Americans with Disabilities Act (ADA), and Uniform Construction Code.

D. Off-street parking area construction.

The construction of off-street parking areas shall comply with the standards of the Sadsbury Township Subdivision and Land Development Ordinance.

**Table 1405.1**

<b>Use</b>	<b>Minimum Parking Spaces</b>
<b>Commercial Uses and Services</b>	
Automobile Sales (in addition to service requirements, if applicable)	1 space per 400 sq. ft. of floor area. Outdoor display areas for auto sales shall not be included in the required parking.
Bank or Financial Institution	4 spaces per 1,000 sq. ft. of floor area.
Bed and Breakfast	1 space per guest room, plus 1 space per employee, plus 2 spaces for the resident owners.
Car Wash	3 stacking spaces per bay, plus 2 drying spaces per bay.
Convenience Store	5 spaces per 1,000 sq. ft. of floor area
Personal Services (dry cleaner, beauty shop, etc.)	3.5 spaces per 1,000 sq. ft. of floor area
Funeral Home	20 spaces per 1,000 sq. ft. of floor area occupied by viewing rooms, or 1 space per 4 seats, whichever is greater.
Gas Stations (in addition to service station requirement and convenience store requirements, where applicable)	1 space per pump, plus 6 stacking spaces per each pump island.
Hotel or Motel	1.5 spaces per rental unit.

Kennel of Animal Shelter	1 space per employee, plus 1 space per 10 of animal capacity.
Laundromat	8 spaces per 1,000 sq. ft. of floor area
Lumberyard	3 spaces per 1,000 sq. ft. of floor area in sales or display area, plus 1 space per 1,000 sq. ft. of warehouse floor area.
Mini Warehouse/Self Storage	5 spaces per 100 rentable units. Such spaces shall not interfere with travel lanes between structures.
Restaurant or Tavern Fast Food, Takeout Only	1 space per 75 sq. ft. of floor area
Retail Store or Shop (not addressed more specifically elsewhere herein)	3.5 spaces per 1,000 sq. ft. of floor area
Service Station, Repair Facility, Auto Body Repair Service	4 spaces per garage bay.
Shopping Center	5 Spaces per 1,000 sq. ft. of floor area.
<b>Office and Professional Uses</b>	
Animal Hospital or Veterinary Office	4 spaces per doctor, plus 1 space per employee.
Office Buildings and Business Services	3 spaces per 1,000 sq. ft. of floor area.
Personal and Professional Services (including medical offices)	4 spaces per 1,000 sq. ft. of floor area

Research and Development Facilities and Laboratories	3 spaces per 1,000 sq. ft. of floor area
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### **Industrial Uses**

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#### Manufacturing, Industrial Parks, Processing Facilities, and Plants

Less than 100,000 sq. ft. of floor area	2.5 spaces per 1,000 sq. ft. of floor area
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Greater than 100,000 sq. ft. of floor area	2.5 spaces per 1,000 sq. ft. of floor area for the first 100,000 sq. ft. and 2 spaces per each additional 1,000 sq. ft. of floor area.
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Quarrying or Mining	1 space per employee on the largest shift
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Warehouse, Wholesale Sales, Freight Terminal	1 space per employee on the largest shift.
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### **Institutional, Public, and Recreational Uses**

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Commercial, Trade, Professional, Music or Dance School	1 space per employee, plus 1 space per student at capacity
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Community Center, Social Clubs, and Lodges	8 spaces per 1,000 sq. ft. of floor area, or 1 space per 4 seats in main assembly hall, whichever is greater.
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Day Care Center	3 spaces per 1,000 sq. ft. of floor area, plus 1 unloading space per 10 children.
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Elementary School and Middle School	1 space per classroom, plus 2 spaces per 11,000 sq. ft. devoted to administrative use.
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Group Quarters	1 space per 3 residents at capacity, plus 1 space per employee on the largest shift.
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Hospital, Convalescent or Nursing Home	1 space per 3 beds, plus 1 space for each employee on a day shift.
Library	3 spaces per 1,000 sq. ft. of floor area.
Medical Clinic or Center	6 spaces per 1,000 sq. ft. of floor area.
Place of Worship	1 space per 2 seats
Country Club/Golf Course	4 spaces per tee, plus 50% of requirements for ancillary uses as applicable.
Health Club	5 spaces per 1,000 sq. ft. of floor area.
Miniature Golf Course	3 spaces per tee
Swim Club/Public Pool	10 spaces per 1,000 sq. ft. of swimming pool floor area.
Tennis Club	2 spaces per court, plus 1 space per 200 sq. ft. of floor area or clubhouse area.

## **SECTION 1406: INTERIOR LOTS**

### **A. Existing Interior Lots of Record**

An existing lot of record for which access to a public road is by a relatively narrow strip of land may be built upon only when authorized by a special exception. In computing the area of such lots, the area of the strip of land connecting the lot with the public road shall not be considered. All buildings and other structures to be located on such lots shall be not closer than seventy five (75) feet from surrounding lot lines, and the strip of land connecting the lot with the public or private road

shall have a minimum width of thirty two (32) feet, and shall be used as an access strip to only the particular lot in question. The Zoning Hearing Board shall consider the suitability of the strip of land which connects the lot with the public or private road for use as an access driveway, and shall assure that any such access driveway is hard surfaced and otherwise complies with the Township Driveway Ordinance.

B. Creation of Interior Lots

The creation of interior lots is prohibited.

## **ARTICLE XV SIGNS**

### **SECTION 1501: APPLICABILITY**

Any sign hereafter erected, altered, or maintained shall conform to the provisions of this Article and any other applicable articles, ordinances, or regulations of Sadsbury Township.

### **SECTION 1502: PURPOSE**

It is the purpose of this Article to promote the public safety and welfare by regulating the placement, size, number and condition of signs, and by limiting visual blight, potential hazards to vehicular and pedestrian movement, and dangers posed by signs in disrepair. It is the further purpose of this Article to provide opportunities for a variety of sign types and encourage sign designs that meet local resident and business needs in a manner that complements the rural nature of the Township.

### **SECTION 1503: SIGN TYPES AND CLASSIFICATION**

- A. For purposes of this Article, the following terms are defined:
1. Abandoned Sign: A sign erected on, or related to, the use of a property which becomes vacant and unoccupied for a period of six (6) months or more, or any sign that relates to a time, event, or purpose that is past.
  2. Billboard: (Including Electronic Billboards) A sign directing 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. A Billboard is defined as a form of a Ground sign that exceeds the area and height regulations set forth elsewhere in this Part. The erecting and maintenance of Billboards shall be subject to the provisions set forth in all applicable sections found in this Part herein. Each different display face of a Billboard shall constitute a separate Billboard. Billboards shall be freestanding and self-supporting. No part or portion of a Billboard shall be attached or connected to any other building or structure.



3. **Business Sign:** A sign directing attention to a business, commodity, service or entertainment conducted, sold or offered upon the same premises as those upon which the sign is maintained. This includes signs that identify or advertise home occupations or signs affixed to vehicles denoting a business-related activity.
- a. **Canopy or Awning Sign:** Any sign that is part of or attached to an awning, canopy, or other fabric, plastic, or structural protective cover over the door, entrance, window, or outdoor service area.
  - b. **Construction/Development Sign:** A type of temporary sign intended to display the name of the project and or the contractor, architect, engineer, financier, or similar information pertaining to the project.
  - c. **On-Site Directional Sign:** A freestanding sign conveying instructions with respect to the premises on which the sign is maintained such as the entrance and exit of parking areas, a warning sign, a danger sign and similar traffic-flow directing signs.
  - d. **Double-Faced Sign:** A sign that displays a message, information, or advertising on both faces of the sign.
  - e. **Freestanding Sign:** A sign supported by structures or support that are placed on, or anchored in, the ground and that are independent from any principle or accessory building or other structure. The height of a freestanding sign shall be measured from the proposed finished grade to the highest point of the sign structure.
  - f. **Ground Sign:** A sign, other than a freestanding sign, placed directly on or anchored in the ground that is not supported by structures or supports and that is of independent from any principle or accessory building or other structure.
  - g. **Illuminated Sign:** A sign that has characters, letters, figures, designs, or outlines illuminated by direct or indirect electric lighting or luminous tubes as part of the sign.

Direct illumination is the means of lighting a sign by a light source located within or directly on the sign. Indirect

illumination is the means of lighting a sign by a light source located beyond the sign and directed or reflected upon the sign.

- h. Official Traffic Sign: Signs erected by the Commonwealth of Pennsylvania Department of Transportation or Sadsbury Township which are designed to regulate traffic, describe road conditions, supply directions, or provide information.
- i. Off-Premises Signs: A sign that directs attention to a person, business, profession, product, or activity not conducted on the same premises.
- j. Political Sign: A temporary sign pertaining to political views, an individual seeking election or appointment to a public office, or a forthcoming public election or referendum.
- k. Portable Sign: A type of temporary sign, with or without display or legend, that is self supporting without being firmly embedded in the ground or is fixed on a movable stand or mounted on wheels or movable vehicles, or made easily movable in some other manner. A portable sign shall also include searchlight standards and hot air or gas filled balloons.
- l. Projecting Sign: A sign affixed to a wall or other vertical building surface in such a manner that its leading edge extends more than six (6) inches beyond the surface of such wall or building.
- m. Real Estate Sign: A sign pertaining to the sale, lease, or rental of real estate on the premises on which the sign is located.
- n. Roof Sign: A sign painted, erected or otherwise constructed and/or over the roof of a building.
- o. Temporary Sign: A sign intended for short-term use, such as a promotional sign, including signs pertaining to business events, community events, political issues, an individual seeking public office or a forthcoming public election.

- p. Wall Sign: A sign parallel to a wall or other vertical building surface. Wall signs shall not extend beyond the edge, either vertical or horizontal, of any wall or other surface to which they are mounted and shall project no more than six inches from its surface; otherwise they shall be defined as a projecting sign.
- q. Window Sign: A temporary or permanent sign oriented to the public right-of way and located on the inside or outside of a window.

#### **SECTION 1504: SIGNS IN RESIDENTIAL DISTRICTS**

The following signs may be erected in the Rural Residential, R-1 Low-Density Residential, and R-2 Medium-Density Residential Districts, subject to the conditions specified in this Article.

- A. One (1) wall, ground, or freestanding sign not exceeding twenty-four (24) square feet in area for the identification of a church, school, recreational area, or farm. Any illumination shall be non-flashing, uncolored, diffused or indirect and such sign shall be set back at least one-third (1/3) the distance of any required yard from any property line.
- B. Wall, ground, or freestanding signs for the identification of a residential development of twelve (12) units or more erected on the site of said development and the location of a sales or rental office provided that the area of any such sign shall not exceed twelve (12) square feet and not more than one (1) such sign shall be placed on each street frontage of a property. The sign shall be incorporated into a solid fence or wall, or an earthen mound and landscaped.
- C. One (1) wall, freestanding or projecting sign for major home occupations or bed and breakfast provided that the area of any such sign shall not exceed four (4) square feet. A permit for such sign shall not be required if the home occupation or bed and breakfast has been approved by the Township.
- D. One (1) wall, freestanding or projecting sign for the sale of agricultural products or an agricultural-related business, where permitted, provided that the area of any such sign does not exceed eight (8) square feet. Such sign shall be removed at the end of each sales season.

- E. A billboard or electronic billboard may be erected only in the Rural Residential District and only within one hundred (100) feet of the Route 30 Bypass. Such billboard shall not be permitted within any easement of any kind and shall not be permitted within any overlay district. In addition such billboard shall be separated from any existing and/or new billboards by a distance of fifteen hundred (1,500) feet and be located no closer than two thousand (2000) feet of an existing residential structure.

**SECTION 1505: SIGNS IN THE SADBURYVILLE VILLAGE DISTRICT**

The following regulations apply to signs in the Sadsburyville Village District.

- A. Residential uses: Residential uses within the Sadsburyville Village District shall comply with the Residential District sign requirements contained herein.
- B. Commercial uses: For all commercial uses, signs may be erected in accordance with either subsection 1 or 2 but not both as outlined below:
  - 1. One (1) freestanding sign up to twelve (12) square feet, plus (1) of the following:
    - a. One (1) wall sign mounted flush on the wall up to eight (8) square feet; or
    - b. One (1) wall sign, when part of the architectural design of the building, consisting of individual letters or symbols, not to exceed fifteen (15) percent of wall area: or
    - c. One (1) window sign consisting of individual letters or symbols not to exceed thirty (30) percent of total glass area of the building front.
  - 2. One (1) projecting sign projecting not more than five (5) feet from the wall up to eight (8) square feet in size, plus one (1) of the following:
    - a. One (1) wall sign mounted flush on the wall up to eight (8) square feet; or

- b. One (1) wall sign, when part of the architectural design of the building, consisting of individual letters or symbols, not to exceed fifteen (15) percent of wall area: or
    - c. One (1) window sign consisting of individual letters or symbols not to exceed thirty (30) percent of total glass area of the building front.
  - 3. If a building fronts upon more than one (1) street, one (1) additional sign in conformity with sub-sections 1 or 2 above may be permitted, one on each area of street frontage.
  - 4. No portion of projecting signs shall be less than ten (10) feet above the finished grade nor more than twenty (20) feet above finished grade.
  - 5. The maximum height of freestanding signs shall be eight (8) feet above the finished grade.
  - 6. Where multiple uses are located within a single structure, the size of the permitted freestanding sign may be increased by two (2) square feet for each additional use, up to a maximum total sign area of sixteen (16) square feet. The height of such signs may be increased to a maximum of twelve (12) feet.
  - 7. Portable signs shall not be permitted in the Sadsburyville Village District.
  - 8. Canopy or awning signs for non-residential uses shall be permitted. Where a wall sign also exists, the canopy or awning sign shall not exceed sixteen (16) square feet. Where no wall sign exists, the canopy or awning sign shall not exceed twenty-four (24) square feet.
- C. Sign Design Guidelines. The following sign design guidelines indicate the preferred sign characteristics for the Sadsburyville Village District. The guidelines should be consulted for additional provisions relevant to the use of signs in this district.
  - 1. Wood or metal is preferred sign materials. The use of plastic signs is discouraged.

2. External lighting, or back lighting in the case of window signs, is the preferred method of illumination. Internally lit signs are discouraged.
3. The overuse of signs should be avoided; temporary advertising signs in windows should be kept to a minimum and remain in place no longer than necessary.
4. Simplicity of design and a limited color scheme of no more than two or three colors are encouraged. Signs should consist of natural materials and blend with the building or structure they represent. The sign message should be simple and readable.
5. Wall signs designed as an integral part of the façade of commercial buildings (generally located above the door in the lintel) are encouraged. Signs should be proportional in scale to the building and to the wall space on which they are mounted.
6. Wall or projecting signs are preferred where there is a small front yard setback. Freestanding signs are considered most appropriate for buildings originally designed as residential dwellings or where larger front yard setbacks are present.

**SECTION 1506: SIGNS IN A TOWN CENTER, COMMERCIAL AND INDUSTRIAL DISTRICTS**

The following signs may be erected in the Local Commercial, General Commercial, and Light Industrial Districts subject to the conditions contained in this Article.

- A. Any sign permitted in any other district where applicable uses exist.
- B. Wall signs for non-residential uses shall be permitted. The total area of the wall sign, including permanent window signs, shall not exceed fifteen (15) percent of the area of the building face, including window and door area and cornices, to which it is attached.
- C. Projecting signs for non-residential uses shall be permitted. The area of such sign shall not exceed thirty-two (32) square feet.

- D. Freestanding signs for non-residential uses shall be limited to no more than 20 square feet in the aggregate and no more than 2 per street face subject to the following:
1. Freestanding signs, identifying a commercial shopping center, industrial park, or office park shall not exceed twenty (20) square feet in area or twenty (20) feet in height.
  2. Freestanding signs for all other non-residential uses shall not exceed twenty (20) square feet in area or fifteen (15) feet in height.
  3. Freestanding signs located in a town center commercial development shall be limited to the following:
    - a. No more than five (5) square feet of sign area for each 1,000 square feet of gross floor area within the town center commercial development and in any event, no more than 200 square feet in the aggregate on each face.
    - b. No more than 20 feet in height.
    - c. No more than one (1) per driveway fronting on Route 10 and, in any event, not more than three (3) fronting on Route 10 and no more than two (2) of which may be larger than 150 square feet in the aggregate on each fact.
    - d. No more than one fronting on Route 30.
- E. Ground signs for non-residential uses shall be permitted subject to the following:
1. Ground signs identifying a commercial shopping center, industrial park, or office park shall not exceed thirty-two (32) square feet in area or eight (8) feet in height.
  2. Ground signs for all other non-residential uses shall not exceed twenty-four (24) square feet in area or eight (8) feet in height.
- F. Canopy or awning signs for non-residential uses shall be permitted. Where a wall sign also exists, the canopy or awning sign shall not exceed sixteen (16) square feet. Where no wall sign exists, the canopy or awning sign shall not exceed twenty-four (24) square feet.

- G. Portable signs, subject to the provisions contained herein.
- H. In the I-1 District, a maximum of one off-premises sign per lot. Such sign shall have a maximum sign area of 40 square feet, include only one sign face, have a maximum total height of 15 feet, be set back a minimum of 15 feet from the future street right of way and be set back a minimum of 50 feet from any abutting lot.
- I. A billboard may be erected only in the C-1, Limited Commercial District and only within one hundred (100) feet of the Route 30 Bypass. Such billboard shall not be permitted within an easement of any kind and shall not be permitted within any overlay district. In addition such billboard shall be separated from any existing and/or new billboards by a distance of fifteen hundred (1,500) feet.
- J. Awning signs consistent with the design guidelines & standards with regard to a town center commercial development shall be permitted within the main street component of a town center commercial development.
- K. On-Site Directional Signs in a town center commercial development shall be permitted. No on-site directional sign may exceed ten (10) square feet in area.

**SECTION 1507: GENERAL SIGN STANDARDS**

The following provisions shall apply to permitted sign in all districts:

- A. Sign Location.
  - 1. No sign shall be erected or maintained so as to prevent free ingress and egress from any door, window or fire escape. No sign shall be attached to a standpipe or fire escape.
  - 2. No sign shall be erected at the intersection of streets so as to obstruct free and clear vision. Signs shall meet the clear sign safe sight distance provisions of Section 409.F of the Subdivision and Land Development Ordinance.
  - 3. Unless specifically authorized, no sign shall be erected within the legal right-of-way of any public street or shall be closer to a street line than twelve (12) feet. Single family dwelling real estate signs



which may be set closer than twelve (12) feet from the street lines but in no case shall be located within the street right-of-way.

- B. Sign illumination. Except as otherwise provided in Chapter 129, any permitted sign, building or structure in any district may be illuminated, provided that there shall be no illumination of a flashing, intermittent or moving type, and further provided that illumination shall be so shielded and aimed so that the source of light shall not be visible from any point off the lot on which the sign, building or structure being illuminated is erected, and so that only the sign, building or structure is directly illuminated. Sign illumination shall be restricted to business operating hours.
- C. Sign Area. The area of a sign shall be calculated as follows:
  - 1. The size of the sign shall include the entire area within a single continuous perimeter enclosing the outer limits of such sign. The sign area shall not include any structural elements lying outside the limits of such sign and not forming an integral part of the display.
  - 2. In the case of any open face sign made up of individual letters and/or symbols attached to or painted on a building, wall, window, canopy, or awning, the sign area shall be that of the smallest rectangle or other geometric shape which encompasses all of the letters and symbols.
  - 3. In computing the area of a double face sign, only one (1) face shall be considered, provided that both faces are identical in area. In “v” type structures, if the interior angle of the sign faces exceeds forty-five (45) degrees, both faces shall be considered in computing the sign area.
- D. Sign Height. The height of a sign shall be measured from the existing ground elevation, at the base of the sign to the highest point of the sign structure. In the case where there is a sidewalk, the height shall be measured from the elevation of the sidewalk.
- E. Vehicular Signs. A sign on a vehicle denoting a business-related activity shall be considered a business sign and shall be subject to the following regulations:
  - 1. Vehicles containing a business sign and parked in a residential district shall be concealed from public view or in a parking space screened from view from those streets or unless such vehicle is

moved on a regular basis, at least three (3) times per week, and except wherein the vehicle owner or primary driver is actually engaged in authorized repair, construction, or work at that location where the vehicle is parked.

2. Vehicles shall not be parked in public view in any district when their sole purpose is to serve as a sign or advertisement.

## **SECTION 1508: STANDARDS FOR SPECIFIC SIGN TYPES**

The following regulations shall apply to the specific sign types as defined in Chapter 129.

### **A. Freestanding Signs**

1. The lowest edge of the freestanding sign shall be no less than four (4) feet or greater than seven (7) feet above the ground.
2. Freestanding signs shall be limited to one (1) such sign per lot or development. If more than one (1) use is carried on in a single structure, the one (1) permitted freestanding sign may indicate the presence of all uses in the structure. Individual freestanding signs for each use shall not be permitted.
3. In those districts where both freestanding signs and ground signs are permitted, only one (1) of these sign types shall be erected on a premises.

### **B. Ground Signs**

1. Ground signs shall be supported and permanently placed by embedding, anchoring, or connecting the sign in such a manner as to incorporate it into the landscape or architectural design scheme.
2. Ground signs shall be limited to one (1) such sign per structure. If more than one (1) use is carried on in a single structure, the one (1) permitted ground sign may indicate the presence of all uses in the structure. Individual ground signs or each use shall not be permitted.

3. In those districts where both ground signs and freestanding signs are permitted, only one (1) of these sign types shall be erected on a premises.

#### C. Projecting Signs

1. No portion of a projecting sign shall be less than eight (8) feet nor more than twenty (20) feet above the proposed finished grade, and no such sign shall be less than five (5) feet from the plane of the face of the curb or project more than four (4) feet from the face of the building.
2. Projecting signs shall not extend above the top of the wall upon which it is mounted.
3. No projecting sign shall be attached to a building where a canopy or awning sign exists.

#### D. Wall Signs

1. No portion of a wall sign shall be less than eight (8) feet above the proposed finished grade nor extend more than six (6) inches from the building wall. If the wall sign projects less than three (3) inches from the building, the eight (8) foot height requirement need not be met.
2. Permanent window signs shall be considered wall signs when computing the maximum permitted building coverage of wall signs.
3. Wall signs that are part of the architectural design of a building, such as those located on the lintel above a storefront, shall be exempt from the size requirements if they are limited to the area on the building specifically designed for sign placement.
4. Where a use is located on a corner, only one (1) wall sign shall be permitted on the selected front façade of a building and one (1) additional wall sign on the other façade of the building.
5. When a wall sign is used, no canopy or awning sign is permitted.
6. Where used in a town center commercial development, wall signs shall be permitted on building sides containing entrances available for use by the general public when such sign is designed and

attached to the building side in such a manner as intended to be visible from Route 30 or Route 10.

E. Window Signs

1. A maximum of twenty-five (25) percent of the total window area may be used for permanent signs that are etched, painted, or permanently affixed to the window.
2. A maximum of thirty-five (35) percent of the total window area may be covered by a combination of permanent and temporary window signs.
3. Permanent window signs shall be considered wall signs when computing the maximum permitted building coverage of wall signs.

F. Canopy or Awning Signs

1. Use of a canopy or awning sign shall be limited to not more than one (1) per street frontage of the establishment.
2. The lowest edge of the canopy or awning sign shall be at least seven (7) feet above the ground.
3. A canopy or awning without lettering or other advertising shall not be regulated as a sign.

G. Billboards and Electronic Signs

1. Billboard – A form of a ground sign as defined and described elsewhere in this Part.
2. Billboard Structure – The framework, supports, display face(s) and electrical components of the billboard.
3. Display Face – The face of a billboard, including copy, insignia, background, border and trim. The measurement shall be determined by the smallest rectangle inclusive of all letters and images. The structural support shall be excluded from the area calculations if it is not used to directly express or convey a commercial or non-commercial message.

4. Electronic Sign/Billboard – A sign and/or billboard capable of displaying text, graphics, symbols, or images that can be electronically or mechanically changed by remote or automatic means; or with content that may be changed by electronic process through the use of light or lights, including, but not limited to, light emitting diodes (LED), liquid crystal display and plasma image display.
  5. Message Sequencing – A single message or advertisement for a product, event, commodity, or service that is divided into segments and presented over two (2) or more successive display phases of a sign, or across two (2) or more individual signs.
  6. Change Interval – The “Change Interval” is defined as the time period in which the display of an electronic Sign/Billboard must remain static and during which the display may not transition to display another advertisement.
  7. Transition Interval – The “Transition Interval” is defined as the time period in which the display of an Electronic Sign/Billboard transitions to another display.
- H. Criteria for Billboards: Billboards shall only be permitted by Special Exception, subject to the applicant establishing compliance with the following criteria, together with all applicable criteria set forth in the Zoning Ordinance.
1. Billboards may only be erected and maintained in areas permitted by virtue of Section 1504E.
  2. Size: The Display Face of a Billboard shall not exceed fifty (50) square feet in area, unless the applicant can establish before the Zoning Hearing Board that the content of the Billboard could not be read from any point along the road frontage and that the permitted size is not adequate for the conveyance of any advertising messages to passing motorists.

If the applicant is able to establish the above, then the Billboard shall not be permitted to exceed 300 square feet in area, but shall be no larger than is necessary to be read and conveyed to passing motorists. If present, non-display physical borders around the display image shall not exceed six (6) inches on a side.

3. Billboards shall be set apart a minimum of five hundred (500) feet from any other Billboard.
4. All Billboards must be set back at least two hundred fifty (250) feet from all street intersections, measured from the point of intersection of the center lines of the intersecting streets.
5. Screening from Residential Dwelling Unit. The applicant must establish that the Billboard will be screened such that the face of the Billboard will not be visible from an existing residential dwelling unit. With respect to such setback as applied from any existing residential dwelling unit, the 100 foot setback may be reduced if the owner of such dwelling unit agrees in writing to the placement of such sign as memorialized by an easement filed with the Chester Country Recorder of Deeds.
6. The applicant shall bear the burden of establishing that the proposed Billboard will not create a public health, welfare or safety concern.
7. The Billboard Structure shall be designed as an architecturally decorative feature and shall be screened with vegetation. In no case shall the supporting structure be designed to increase the apparent size of the Billboard or to otherwise increase its visual prominence.
8. The be required to submit an attestation from a structural engineer, registered in Pennsylvania, to certify that the proposed Billboard is properly constructed pursuant to all applicable codes, to certify the viability of the construction of the foundation and erection of the structure for the proposed Billboard. The applicant shall further submit a report from an engineer to set forth the wind tolerances of the proposed Billboard.
9. The Applicant shall submit a plan prepared by a landscape architect showing landscaping proposed to be installed to screen and buffer the Billboard structure. Existing vegetation on and around the proposed Billboard shall be preserved to the greatest extent possible. All proposed landscaping shall comply with the requirements of the Township's Subdivision and Land Development Ordinance. Applicants shall submit a visual survey from mutually agreed upon vantage points in order to support the proposed Landscaping plan's mitigation of visual impacts.

10. All billboards shall be serviced by underground electrical wiring.
  11. Billboard shall be properly and adequately secured to prevent unauthorized access, with such features as a locked ladder way.
- I. Criteria for Electronic Signs/Billboards. In addition to the above criteria in subsection (3) and all other applicable criteria set forth in this Part, the following criteria shall apply to Electronic Signs/Billboards, which shall only be permitted by Special Exception pursuant to the applicant establishing the following criteria:
1. Electronic Signs/Billboards may only be erected and maintained in accordance with Section 1504.E, limited to those properties with frontage on the Route 30 Bypass.
  2. Electronic Signs/Billboards may not contain any: fading, flashing, modulating, scrolling, moving lights, text or graphics, any full-motion video, or any visible change during the Change Interval period. Furthermore, no sign shall be placed or illuminated in such a position that it will cause any danger to pedestrians or vehicular traffic. No sign shall be utilized in a manner that produces a noxious glare at or beyond the boundaries of the lot on which it is located. No direct beams of light shall be directed toward adjacent properties or public roads, and all light source shall be shielded and screened from adjoining residential properties.
- J. Applications for the lighting or relighting of signs and Billboards (including Electronic Signs/Billboards) using external light sources shall be accompanied by a point-by-point plot of initial vertical illuminance on the Sign or Billboard face, catalog cuts of proposed fixtures and any glare reduction devices and a description of lamps, mounting locations, aiming angles and proposed hours of operation and method for automatically extinguishing the lighting by the required hour.

## **SECTION 1509: EXEMPT SIGNS**

No permit is required before erecting any of the following signs in any zoning district. Exempt signs shall, however, conform to all other applicable regulations, unless noted otherwise.

- A. Official highway route number signs, street name signs, directional, or other official federal, state, county, or township signs.
- B. Signs or emblems of a religious, civil, philanthropic, historical or educational organization not exceeding four (4) square feet in area. Temporary signs for civic event must be removed within three (3) days after the event. Permission shall be obtained from the landowner or utility to post said temporary signs.
- C. Directional information or public service signs, such as those advertising availability of restrooms, telephone or similar public conveniences, and signs advertising meeting times and place of non-profit service or charitable clubs or organizations, may be erected and maintain, provided that such signs do not significantly advertise any commercial establishment, activity organization, product, goods, or services except those of public utilities. Directional and information signs provided for the safety and convenience of the public within commercial establishments may be erected. Signs erected under this provision shall not exceed four (4) square feet.
- D. Trespassing signs or signs that indicate the private nature of a road, driveway or premises, signs prohibiting or otherwise controlling hunting or fishing upon particular premises, and signs indicating ownership of a property, provided sign area does not exceed two (2) square feet.
- E. Signs displaying name and address of the occupant of the premises, provided that the area of any such sign shall not exceed four (4) square feet and not more than one (1) such sign shall be erected for each property held in single and separate ownership, unless such property fronts on more than one (1) street, in which case one (1) sign may be erected on each street frontage.
- F. American or State flags or insignias not exceeding sixty (60) square feet, or in the event multiple flags are on a single pole, the aggregate areas of all flags shall not exceed one hundred (100) square feet.
- G. Temporary legal notices.
- H. Window signs indicating the store hours or names of credit institutions, provided that the total area of such sign or sign does not exceed two (2) square feet.



- I. Vending machine signs bearing the brand name of the product being sold or price of such product.
- J. Memorial signs or historical tablets, provided that such sign or tablet does not exceed four (4) square feet.
- K. Signs which are a permanent architectural feature of a building or structure, such as a cornerstone, or identifying letters carved into or embossed on a building, provided that the letters are not made of a reflective material.
- L. Revolving barbershop pole sign, provided that it does not exceed thirty-six (36) inches in height.
- M. Any sign owned by the Township is hereby excluded and exempt from any and all applicable regulations regarding signs found herein.

#### **SECTION 1510: PROHIBITED SIGNS**

The following signs are unlawful and prohibited:

- A. A flashing, rotating, or revolving sign, with the exception of barbershop poles.
- B. A sign suspended between poles lighted by a series of lights.
- C. A sign suspended between poles consisting of either pennants or spinners, except as permitted herein.
- D. Any sign erected, painted, or drawn on a tree, rock or other natural feature.
- E. Signs shall only be attached to utility poles in conformance with State and utility regulations and the requirements of Chapter 129.
- F. Any banner sign or sign of any other type across a public street except as specifically provided for herein.
- G. Any sign containing information that states or implies that a property may be used for any purpose not permitted under the provisions of Chapter 129.

- H. Any sign which uses the words “stop”, “look”, “danger”, or any other word or character which attempts or appears to direct the movement of the traffic or which interferes with or resembles any official traffic sign, signal, or device within seventy-five feet of a public right-of-way or within two hundred (200) feet of a traffic control device, whichever is greater.
- I. Except for traffic control signals, signs with red or green lights are prohibited within seventy-five (75) feet of a public right-of-way or within two hundred (200) feet of a traffic control device, whichever is greater.
- J. A truck or other vehicle not used for normal day-to day-operations of a business or not regularly moved for business related purposes shall be prohibited from use as a sign.
- K. Except for use within the interior or window of a commercial enterprise, the use of neon signs is prohibited. Where neon signs are used, the illumination of such signs shall be limited to the operating hours of the business and the provisions of Section 1508.E. shall apply.
- L. Roof Signs
- M. Signs advertising the variety of crop growing in a field. Such signs shall be removed after the growing season.
- N. Any sign that contains a display using light emitting diodes.

## **SECTION 1511: TEMPORARY SIGN REGULATIONS**

In addition to other applicable regulations, the following regulations for temporary signs shall be observed in all districts.

- A. General Provisions.
  - 1. Temporary signs shall be placed so as not to obstruct access to or from any door, window, fire escape, or ventilating equipment, nor be attached to any standpipe or fire escape.
  - 2. Such signs shall be placed so as not to obstruct vehicular or pedestrian traffic or create a safety hazard.

3. Unless specified otherwise, temporary signs shall be removed within three (3) days after completion of the event, situation, or circumstances for which it is used.
- B. Temporary Signs Not Requiring a Permit. The following temporary signs shall not require a permit if erected in compliance with the following regulations.
1. Temporary signs of contractors and artisans, erected and maintained on the premises during the period of their work, one (1) such signs per trade, each having an area of not more than six (6) square feet.
  2. Temporary yard or garage sale signs, provided they do not exceed four (4) square feet in area, are erected no more than two (2) days before the first day of the sale, and are removed with two (2) days after the sale. No more than three (3) temporary off-premises signs shall be permitted and permission shall be obtained from the landowner or utility to post such signs.
  3. Temporary window signs announcing a drive or event of civic, philanthropic, educational, religious organization, or the temporary lawful sale of products, goods, and/or services less than four (4) square feet, placed in a store or office window.
  4. Real estate signs shall be permitted, subject to the following standards:
    - a. Real estate signs shall not exceed six (6) square feet in area in residential districts and twenty-four (24) square feet in area in all other districts.
    - b. Corner lots may have one (1) such sign for each street frontage.
    - c. Such signs shall be located on the property for which they are advertising.
    - d. Such signs shall be removed within five (5) days after a final settlement or rental agreement has been reached.
    - e. Illuminated signs shall be prohibited.

5. Political signs shall be permitted as temporary signs provided that:
    - a. Signs shall not exceed four (4) square feet in area, except as a polling place, in which case no sign shall exceed twelve (12) square feet in area.
    - b. Signs shall be removed within seven (7) days after the election or referendum.
    - c. Any site or building on which the sign was erected shall be restored to its original or better condition upon expiration of the permit.
- C. Temporary signs requiring a permit. The following temporary signs require a permit and shall be erected in compliance with the following regulations:
1. Temporary signs announcing special events or the temporary lawful sale of products, goods, and/or services, such as the sale of Christmas trees, shall be permitted, provided that:
    - a. Permits shall run for a one (1) month period. Temporary window signs, as described herein shall not require a permit.
    - b. Signs shall comply with all pertinent regulations applicable to permanent type signs.
    - c. No such sign shall be posted earlier than three (3) weeks before the occurrence if the event to which it relates.
    - d. Signs shall be removed upon expiration of the permit or within one (1) week after the date of the special event or the last day of sales whichever comes first.
    - e. Any site or building on which the sign was erected shall be restored to its original or better condition upon expiration of the permit.
  2. Portable signs shall be allowed only for temporary display and shall be subject to the following provisions:
    - a. Permits shall be issued for a one (1) month period for portable signs. Permits for portable signs shall be issued no more than twice in any one (1) calendar year.

- b. No more than one (1) portable sign shall be allowed per premises.
  - c. Application for a portable sign permit shall be made to the Township Zoning Officer accompanied by the required permit fee and an escrow deposit as established by the Township fee schedule, as a guarantee that the portable sign shall be removed at the end of the authorize period. If not removed within ten (10) days of the permit expiration date, the Township shall removed the sign and keep the sum necessary from the escrow amount to cover the expense incurred in removal. The Board of Supervisors may change the fee schedule from time to time.
  - d. Portable signs shall comply with all pertinent regulations applicable to permanent type signs permitted in the underlying district, including maximum area and height requirements for ground sign. Portable signs shall not be permitted in residential districts.
3. A sign, bunting, balloons, inflatable signs or pennants announcing the opening of a new business or industry provided they are removed within thirty (30) days of the opening day or first day of business.
4. Construction/development signs shall be permitted, subject to the following standards.
- a. Construction/development signs shall not exceed twelve (12) square feet in area in residential districts and thirty-five (35) square feet in area in all other districts.
  - b. Corner lots may have one (1) such sign for each street frontage.
  - c. Such signs shall be located on the property to which they relate.
  - d. Such signs shall be removed within twenty (20) days after the Certificate of Occupancy is issued by the Township or eighteen (18) months after the erection of the signs, whichever comes first.

**SECTION 1512: CONSTRUCTION AND MAINTENANCE**

- A. All signs permitted by Chapter 129 shall be constructed of durable materials and kept in good condition and repair.
- B. All signs requiring the use of electricity shall be manufactured in accordance with appropriate specifications, and certified by an electrical inspector. Proof of such an electrical inspection shall be required prior to a granting of a permit.
- C. Floodlighting used to illuminate signs shall be aimed as required to ensure light does not spill off sign.

**SECTION 1513: REMOVAL OF UNSAFE, UNLAWFUL, OR ABANDONED SIGNS**

- A. Unsafe or unlawful signs.
  - 1. Upon written notice by the Township, the owner, person, or firm maintaining a sign must remove said sign when it:
    - a. Becomes unsafe, is in danger or falling, or it becomes so deteriorated that it no longer serves a useful purpose of communication,
    - b. Is determined by the Township to be a nuisance,
    - c. Is deemed unsafe by the Township,
    - d. Is unlawfully erected in violation of any of the provisions of this Article.
  - 2. The Township may remove or cause to be removed an unsafe or unlawful sign at the expense of the owner or lessee in the event the owner of the person or firm maintaining said sign has not complied with the terms of said notice within fourteen (14) days of the date of the notice. However, in the event of immediate danger, the Township may remove said sign immediately upon the issuance of said notice to the owner, person, or firm maintaining said sign.

B. Abandoned signs

1. No person shall maintain or permit to be maintained on any premises owned or controlled by such person, a sign that has been abandoned.
2. The Township may remove or cause to be removed an abandoned sign at the expense of the owner or lessee in the event the owner or the person or firm maintaining said sign has not complied with the terms of said notice within thirty (30) days of the notice.

**SECTION 1514: PERMITS AND APPLICATIONS**

A. Sign permits.

1. A permit must be obtained from the Township before the erection of any sign, unless specifically exempted in this Article.
2. Exemptions for the necessity of securing a permit shall not be construed to relieve the owner of the exempted sign from responsibility for its construction and installation, in a safe manner and in accordance with the provisions of Chapter 129.
3. The following changes to a sign shall not require a permit:
  - a. Changing of only the advertising message;
  - b. Regular maintenance of the sign, including electrical, repainting, or cleaning of a sign.

B. Application information. Before a sign permit is granted, a sign permit application with the following information shall be submitted:

1. Dimensions of the lot (including any right-of-way lines) and/or building upon which the sign is proposed to be erected.
2. The proposed sign location with respect to the property lines and building.
3. A description of the size, shape, color, material, supports, anchoring, weight, and height of the sign, as well as intensity of illumination.

4. Sketch elevation, drawn to scale, of the sign indicating the proposed size, dimensions, shape, material, supports, anchoring, and height of the sign.
5. Any other lawful information which may be required of the applicant by the zoning officer.
6. The application shall be accompanied by the written consent of the owner or lessee of the premises upon which the sign is to be erected for Township officials to enter said premises to inspect the sign.
7. All sign permit applications shall be accompanied by the required fee as set forth in the fee schedule for signs established by the Board of Supervisors.
8. All signs shall comply with applicable sign requirements of the Uniform Construction Code.

C. Processing and Approval of Permits

1. The Zoning officer shall process applications for sign approval permits within thirty (30) days from the date of the filing of the complete application with the required fee.
2. In determining the appropriateness of the proposed sign, the Zoning Officer shall determine the following:
  - a. That the sign meets all restrictions, standards, and sign area requirements of Chapter 129.
  - b. That the sign has a reasonable location, scale, and proportion in relation to buildings, doors, windows and pedestrian and vehicular access.
3. The Zoning Officer shall inspect and approve the installation of the sign and shall make periodic inspections to determine conformity of signs to these regulations.

**SECTION 1515: NONCONFORMING SIGNS**



Non-conforming signs shall be subject to the requirements of Article XV of Chapter 129.

**ARTICLE XVI  
NON-CONFORMING USES**

**SECTION 1601: APPLICABILITY**

The provisions of this Article shall apply to nonconforming uses, structures, lots, and signs as defined below:

- A. Nonconforming Use: A use, whether of land or of structure, that does not comply with the applicable use provisions in the Zoning Ordinance or amendments hereafter enacted where such use was lawfully in existence prior to the enactment of the Zoning Ordinance or amendments.
- B. Nonconforming Structure: A structure that does not comply with the applicable area, bulk and dimensional standards, including those relating to density, impervious surfaces, building coverage, building height, and setbacks in The Zoning Ordinance or amendments hereafter enacted where such structure was lawfully in existence prior to enactment of the Zoning Ordinance or amendments. Such structures include, but are not limited to, buildings, fences, walls and swimming pools.
- C. Nonconforming Lot: A lot or site that does not comply with the applicable dimensional standards, including those related to site area, lot area, and lot width, in The Zoning Ordinance or amendments hereafter enacted where such lot was lawfully in existence prior to enactment of the Zoning Ordinance or amendments.
- D. Nonconforming Sign: Any sign legally existing at the time of the passage of the Zoning Ordinance that does not conform in use, location, height or size to the standards contained in Article XIV.

**SECTION 1602: CONTINUATION**

Any lawful nonconforming structure or any lawful nonconforming use of a structure, land, or sign legally existing on the effective date of the Zoning Ordinance may be continued, subject to the following provisions of this section.

## **SECTION 1603: NON-CONFORMING USE**

- A. Expansion. The nonconforming use of a building or of a lot shall not be expanded so as to use other portions of the building or lot, and a nonconforming building housing a nonconforming or permitted use shall not be expanded or structurally altered, except insofar as is permitted by law to assure the structural safety of the building unless the Zoning Hearing Board shall, by special exception, authorize the expansion of such use or building. The Zoning Hearing Board, upon application, may grant a special exception provided that:
1. It is clear that such expansion is not materially detrimental to the character of the surrounding area or to the interest of the Township.
  2. The area devoted to the nonconforming use shall not be increased more than once during the life of the use. In addition, the area devoted to the nonconforming use shall not be increased more than fifty percent (50%) over the area of its original size.
  3. Any expansion of the building or of a lot having a nonconforming use shall conform to all applicable area and bulk standards of the district in which it is situated and to all standards applicable to such a use in the district.
  4. Any expansion of a nonconforming use shall comply with the off-street parking and buffering requirements contained herein.
- B. Change of use.
1. A nonconforming use may be changed to another nonconforming use of the same general character by the grant of a special exception. The Zoning Hearing Board shall determine, after the public hearing, that the proposed new use will be similar to or less detrimental to its neighborhood and abutting properties than the use it is to replace. In evaluating relative detriment, the Zoning Hearing Board shall consider, among other things, potential traffic generation, nuisance characteristics such as emission of noise, dust, odor, glare and smoke, and fires hazards, and hours and manner of operation.
  2. Once changed to a conforming use, no structure or land shall be permitted to revert to a nonconforming use.

- C. Restoration. A structure containing a nonconforming use involuntarily destroyed by fire, explosions, flood or other phenomena, or legally condemned, may be reconstructed and used for the same nonconforming use, provided that:
  - 1. Reconstruction shall commence within one (1) year from the date the structure was destroyed or condemned and shall be completed with one (1) year of the date commenced.
  - 2. The reconstructed structure shall not exceed the area and bulk of the damaged or destroyed structure, except as provided for herein.
- D. Discontinuance or abandonment. If a nonconforming use of a structure or land is razed or removed or discontinued or abandoned for twelve (12) or more consecutive months, subsequent use of such structure or land shall conform to the standards of the district, in which it is located.
- E. Nonconforming off-street parking.
  - 1. Where the number of parking spaces presently existing upon a lot is insufficient for the existing use as defined by the Ordinance, such parking insufficiency shall constitute a lawful nonconformity. The insufficiency may continue provided the use for which such parking was established is neither changed nor enlarged.
  - 2. Where the number, size or configuration of parking spaces is lawfully nonconforming with respect to any use, structure or activity upon a lot and the applicant seeks to change or enlarge such use or activity, the application or plan shall include the additional parking required in conformance with this Ordinance.

#### **SECTION 1604: NON-CONFORMING STRUCTURE**

- A. Alteration, renovation or enlargement. A nonconforming structure may be altered, renovated or enlarged only in compliance with the following provisions:
  - 1. Nonconforming structures may be altered, renovated or enlarged provided that such alteration, renovation or enlargement does not increase any existing nonconformity, unless authorized by Section 1604.A.2. In the case of a nonconforming structure that is occupied by a nonconforming use, such alteration, renovation, or

enlargement shall comply with the requirements contained herein. In the case of a nonconforming structure that is located on a nonconforming lot, such alteration, renovation or enlargement shall also comply with the requirements of this Article.

2. The area devoted to the non-conforming structure shall not be increased more than once during the life of the use. In addition, the area devoted to the non-conforming structure shall not be increased more than fifty percent (50%) over the area of its original size.
  3. Any structural alteration of or addition to existing buildings shall conform with all area, bulk and dimensional standards including minimum area, height, width, yard and coverage requirements for the district in which it is located as well as applicable building code regulations, unless authorized by Section 1604.A.2.
- B. Restoration. Any lawful nonconforming building or other structure that has been involuntarily damaged or destroyed by fire, explosion, windstorm, or other active cause may be reconstructed in the same location provided that:
1. The reconstructed building or structure shall not exceed the height, area, or bulk permitted by this Article or the original building, whichever is less.
  2. Reconstruction shall begin within one (1) year from the date of damage or destruction and shall be completed without interruption.

#### **SECTION 1605: NON-CONFORMING LOT**

- A. A building may be constructed on a nonconforming lot of record in existence at the effective date of The Zoning Ordinance under the following circumstances.
1. Any owner of two or more contiguous nonconforming lots that, if combined, would create a lot of conforming size, shall be required to combine such lots prior to the issuance of a building permit.
  2. A building may be constructed on a lot that is nonconforming solely in respect to lot area requirements, when authorized by the Zoning Officer.

3. Where compliance with the side, rear, or front yard setbacks cannot be achieved, a special exception to construct a building on a non-conforming lot may be authorized by the Zoning Hearing Board.
  4. Adequate sewer and water facilities are provided.
- B. No lot area shall be reduced so that the area or width of the lot or the applicable setback dimensions shall be smaller than herein prescribed.
  - C. An existing structure located on a lot with a non-conforming area may be used for the use permitted in the district in which it is located provided the structure complies within all bulk requirements of that district. If a non-conforming structure is located on a non-conforming lots, such structure may be used for a use permitted in the district in which it is located when it is determined by the Zoning Officer that the proposed use is not injurious to health, safety and general welfare of the Township in general and surrounding property owners in particular.

#### **SECTION 1606: NON-CONFORMING SIGNS**

Any nonconforming sign legally existing at the time of the passage of The Zoning Ordinance shall be bound by the following requirements:

- A. Moving. A non-conforming sign may be moved provided that moving such a sign would eliminate the non-conformity. A non-conforming sign shall not be moved to a position where such sign remains nonconforming unless authorized by the Zoning Hearing Board as a special exception.
- B. Area. The total area of all such signs relating to a single use at the effective date of the Zoning Ordinance, or at the effective date of any amendment of the Zoning Ordinance by which any sign shall be made non-conforming, shall not be increased.
- C. Repair or replacement. Non-conforming sings, once removed or damaged, more than fifty percent (50%), including structural framing or bracing, shall be replaced only with conforming signs. Non-conforming signs with damage of fifty (50) percent or less may be repainted or repaired, provided that such repainted or repaired sign does not exceed the dimensions of the existing sign.

- D. Discontinuance. Whenever any non-conforming use of a building structure, or land, or of a combination thereof, is discontinued, all signs accessory to such use shall be deemed to become non-conforming and shall be removed within thirty (30) days from the date such use is discontinued.

**ARTICLE XVII  
ADMINISTRATION AND ENFORCEMENT**

**SECTION 1701: ADMINISTRATION**

A. Application of Regulations

1. Hereafter no land shall be used or occupied, and no building or structure shall be erected, altered, used or occupied except in conformity with the provisions herein established for the districts in which such land, building, or structure is located, as well as all other applicable statutes.
2. In case of mixed occupancy within the same building or on the same lot, the regulations for each use shall apply to that portion of the building or land so used.

B. Appointment of Zoning Officer

1. There shall be a Zoning Officer who shall be appointed by the Board of Supervisors and whose duty it shall be to enforce the provisions of the Zoning Ordinance in accordance with this Article.
2. The Zoning Officer shall not hold any elective office in the Township and shall meet the qualifications established by the Board of Supervisors. The Zoning Officer shall be required to demonstrate, to the satisfaction of the Board of Supervisors, a working knowledge of municipal zoning.
3. The Zoning Officer shall serve at the pleasure of the Board of Supervisors and shall be removed from office at the sole discretion of the Board.
4. The compensation of the Zoning Officer shall be determined by the Board of Supervisors and may be modified at the discretion of the Board.
5. The Board of Supervisors may appoint assistant or deputy Zoning Officer(s) as the Board, in its discretion, deems appropriate.



C. Duties of the Zoning Officer:

1. To receive and examine all applications for zoning permits and sign permits required by the Zoning Ordinance
2. To record and file all applications for permits and accompanying plans and documents and keep them as public records.
3. To issue permits only for construction and uses which are in accordance with the provisions of the Zoning Ordinance and as may be amended.
4. To issue permits for uses by special exception and variances only after such uses are ordered by the Zoning Hearing Board in accordance with the provisions of the Zoning Ordinance, or Court of Appeals, subject to any stipulations contained in such order.
5. To inspect nonconforming uses, buildings and lots and to keep a record of such nonconforming uses and buildings and to examine them periodically as directed by the Board of Supervisors.
6. Upon the request of the Board of Supervisors, the Zoning Hearing Board, the Planning Commission or other Township body to present to such body facts, records and any similar information to assist in reaching its decisions.
7. To be responsible for maintaining an up-to-date copy of the Zoning Ordinance and the zoning map, filed with the Township Secretary and to include any amendments thereto.
8. To make inspections as required fulfilling the duties of the Zoning Officer. The Zoning Officer shall have the right, with the owner's permission, to enter any building or structure or to enter upon any land at any reasonable hour in the course of his duties.
9. To receive and process applications for hearing before the Zoning Hearing Board and the Board of Supervisors with reference to applications and appeals from the determinations of the Zoning Officer or such other relief as provided in the Zoning Ordinance.
10. To issue certificates of use and occupancy in accordance with the terms of the Zoning Ordinance.

11. To issue enforcement notices where it is determined that a violation exists and to report the issuance and the facts surrounding the determination to the Board of Supervisors.
12. With the consent and approval of the Board of Supervisors and in conjunction with the Township Solicitor, to pursue such causes of action and enforcement remedies as herein provided or otherwise authorized by law to secure compliance with the terms of the Zoning Ordinance.

**SECTION 1702: VIOLATIONS OF ZONING ORDINANCE AND ENFORCEMENT NOTICE**

- A. If it appears to the Zoning Officer that a violation of the zoning ordinance has occurred, the Zoning Officer shall initiate enforcement proceedings by sending an enforcement notice as provided in this section.
- B. 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, to any person in apparent occupancy or control of that parcel, to the apparent violator of the terms of the ordinance and to any other person requested in writing by the owner of record to receive such notice.
- C. An enforcement notice shall state, at a minimum, the following:
  1. The name of the owner of record and any other person against whom the Township intends to take action.
  2. The location of the property in violation.
  3. The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provision of the Zoning Ordinance.
  4. The date before which the steps for compliance must be commenced and the date before which the steps must be completed.
  5. That the recipient of the notice has the right to appeal to the Zoning Hearing Board within thirty (30) days in accordance with the procedures set forth in the Zoning Ordinance.

6. That the failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation, with possible sanctions as defined in the Zoning Ordinance.

#### **SECTION 1703: CAUSES OF ACTION**

- A. 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 any provision of the Zoning Ordinance, the Board of Supervisors or, with the approval of the Board of Supervisors, the Zoning Officer, on behalf of the Township or any aggrieved owner or tenant of real property who shows that his property or person will be substantially affected by the alleged violation, in addition to other remedies, may institute any appropriate action or proceeding to prevent, restrain, correct or abate such building, structure, landscaping or land or to prevent in or about such premises any act, conduct, business or use constituting a violation.
- B. When any such action is instituted by a landowner or tenant, notice of that action shall be served upon the Township at least thirty (30) days prior to the time the action is begun by serving a notice of a complaint on the Zoning Officer. No such action may be maintained until such notice has been given.

#### **SECTION 1704: ENFORCEMENT REMEDY**

- A. Any person, partnership, or corporation or the officers thereof who or which has violated or permitted the violation of provision of the Zoning Ordinance shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Zoning Officer with the approval of the Board of Supervisors, pay a judgment of not more than five hundred dollars (\$500), plus all court costs, including reasonable attorney's fees, incurred by the Township as a result thereof. No judgment shall commence or be imposed, levied, or payable until the date such judgement is imposed by a Magisterial District Judge.
  1. If the defendant neither pays nor timely appeals, a judgement entered by a Magisterial District Judge, Sadsbury Township may enforce the judgment pursuant to all applicable rules of civil procedure.

2. Each day that a violation continues shall constitute a separate violation, unless the Magisterial District Judge determining that there has been a violation further determines that there was a good-faith basis for the person, partnership, corporation or officer thereof violating the ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one (1) determination of a violation by the Magisterial District Judge, and thereafter each day that a violation continues shall constitute a separate violation.
  3. All judgments, costs and reasonable attorney's fees received by the Township in connection with the violation of the Zoning Ordinance shall be paid into to the general fund of Sadsbury Township.
- B. 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.
  - C. Nothing contained in this section shall be construed or interpreted to grant to any person or entity, other than Sadsbury Township, the right to commence any action for enforcement pursuant to this section.

#### **SECTION 1705: FINANCES AND EXPENDITURES**

- A. The Board of Supervisors may appropriate funds to finance the preparation of zoning ordinances and shall appropriate funds for the administration, for the enforcement and for actions to support or oppose, upon appeal to the courts, decisions of the Board of Supervisors and/or Zoning Hearing Board and the operations of the Zoning Officer.
- B. The Board of Supervisors shall make provision in its budget and appropriate funds for the operation of the Zoning Hearing Board and the operations of the Zoning Officer.
- C. The Zoning Hearing Board may employ or contract for and fix the compensation of legal counsel as the need arises and as approved by the Board of Supervisors. The legal counsel shall be an attorney other than the Sadsbury Township Solicitor. The Board may also employ or contract for and fix the compensation of experts and other staff and make contract for services, as it shall deem necessary. The

compensation of legal counsel, experts, and staff and the sums expended for services shall not exceed the amount appropriated by the Board of Supervisors for this use.

- D. For the same purposes, the Board of Supervisors may accept gifts and grants of money and services from private sources and from the county, state, and federal governments.
- E. The Board of Supervisors may prescribe reasonable fees with respect to the administration of the zoning ordinance and with respect to hearings before the Zoning Hearing Board. Fees for these hearings may include compensation for the Secretary and members of the Zoning Hearing Board, notice advertising costs, and necessary administrative overhead connected with the hearing. The costs, however, shall not include legal expenses of the Zoning Hearing Board, expenses for engineering, architectural, or other technical consultants or expert witness costs. The fees and the method of payment thereof shall be prescribed by resolution of the Board of Supervisors.

## **SECTION 1706: PERMITS**

- A. General Permit Regulations.
  - 1. Application for permits shall be made in writing on an appropriate form to the Zoning Officer and shall contain all information necessary for such officer to ascertain whether the proposed use of land or improvement under the application complies with the provisions of the Zoning Ordinance and all other existing statutes. The required information may include, but shall not be limited to the following:
    - a. Actual dimensions and shape of lot to be built upon.
    - b. The exact size and location of the lot [of] and buildings, structures, or signs existing and/or proposed extensions thereto.
    - c. The number of dwelling units, if applicable.
    - d. Parking spaces provided and/or loading facilities.
    - e. Statement indicating the existing or proposed use.

- f. Height of structures, buildings, or signs.
  - g. Soil conservation plan if applicable.
  - h. All other information necessary for the Zoning Officer to determine conformance with and provide for enforcement of the Zoning Ordinance.
2. A special exception, variance or conditional use shall expire at the end of six (6) months unless the applicant has within that time made proper application for a zoning permit.
- a. A zoning permit once issued shall expire at the end of six (6) months unless within that time the applicant has made proper application for a building permit under the Building Code.
  - b. Once a permit expires, all underlying permits and approvals, granted by the Township, with the exception of subdivision approval, shall in like manner be deemed to expire, provided, however, the Board of Supervisors may, on timely application and for cause shown, grant one (1) or more extensions of any such permits but no extension shall be granted on such terms as the Board of Supervisors may deem reasonable under the circumstances, including the requirement that the applicant, as a condition to such extension pay the costs incurred by the Township in the review and processing of such application, which costs shall include but not be limited to engineering and solicitor's fees.
3. Applications for permits under this section, along with accompanying plans and date, may be submitted by the Zoning Officer to the Township Engineer for the Engineer's technical review and comment.
- a. The Engineer shall review the material to determine that the proposed development is in conformance with the Zoning Ordinance and the Comprehensive Plan.
  - b. The Township engineer shall make his comments on the application within twenty (20) days of its receipt. The Zoning Officer shall take into consideration the comments

of the Township Engineer in his approval or denial of the application.

4. All permit fees under the Zoning Ordinance shall be established, and revised from time to time, by resolution of the Board of Supervisors, and a schedule of such shall be made available to the general public.
5. All applications or certificates shall be given written notice of the status of the application within thirty (30) days, unless otherwise specified.
  - a. If the Zoning Officer determines that an application is in compliance with the provisions of the Zoning Ordinance, it shall be his duty to issue the appropriate permit.
  - b. If the Zoning Officer determines that an application is not in compliance with the provisions of the Zoning Ordinance, it shall be his duty to review the permit, in which case he shall instruct the applicant in the method of appeal or application to the Zoning Hearing Board, as set forth herein.

B. Zoning Permits

1. A zoning permit shall be required prior to:
  - a. A change in use of land or buildings.
  - b. A change in the principal use or expansion of a nonconforming use.
  - c. Development within the floodplain.
2. The placing of vacant land under cultivation shall not require a zoning permit. It shall be unlawful to commence any site work or other work requiring a zoning permit until a permit has been properly issued therefor.
3. Application for permits under this section, along with accompanying plans and data, may be submitted by the Zoning Officer to any appropriate governmental agency, authority or representative for review and comment relative to compliance with

existing statues and the Zoning Officer shall consider those comments in action on the application. All applications shall be accompanied by:

- a. Two (2) copies of the approved land development and/or plot plan together with any other data and information required by the Zoning Officer to evaluate compliance with the Zoning Ordinance and other existing statues.
- b. Two (2) copies of detailed architectural plans for any proposed building or structure under the application.
- c. Wherein the disturbance or movement of earth is contemplated, a soil erosion and sedimentation control plan with an accompanying narrative prepared by a qualified person for review and approval by the Township Engineer; or, when applicable, a copy of the permit issued by the Pennsylvania Department of Environmental Protection approved earth moving operations.
- d. Permits or certification from the appropriate agency for the provision of a healthful water supply, disposal of sewage and other wastes, and control of objectionable effects as well as any other appropriate lawful permits as may be required by statue.
- e. All applicable PennDOT permits.
- f. Additional copies of any information that may be required by the Zoning Officer.

#### C. Building Permits

1. A building permit shall be required prior to the erection or alteration of or addition to, any building or other structure or portion thereof. It shall be unlawful for any person to commence work on the erection or alteration of, or addition to, any building or structure or portion thereof until a building permit has been duly issued therefor, except as provided by special exception.
2. All applications for building permits shall be accompanied by two plot plans drawn to scale and accurately showing 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 lot lines of such lot, and the lines within which the proposed building or other structure shall be erected or altered. The size and location of underground utilities located on, or adjacent to the lot shall also be indicated along with evidence of compliance with PA Act 287 of 1974 (as amended) the Underground Utility Line Protection Act. There shall, in addition, be included with all applications two sets of such other plans, documents and information as may be necessary to enable the Zoning Officer to ascertain compliance with the Zoning Ordinance and all other pertinent ordinances and regulations.

3. No building permit shall be issued until the Zoning Officer has certified that the proposed building structure or alteration complies with the provisions of the Zoning Ordinance and applicable ordinances. Upon approval of an application and the payment of the required fee, the Zoning Officer shall issue a building permit which shall be visibly posted on the premises during the entire time the proposed work is being undertaken.
  - a. Upon completion of the erection, addition to, or alteration, of any building, structure, or portion thereof authorized by any building permit obtained in compliance with the Zoning Ordinance, and prior to use and occupancy, the holder of such permit shall notify the Zoning Officer of such completion.
  - b. Use and occupancy shall not be authorized until the Zoning Officer has certified that the work has been inspected and approved as being in conformity with this and other applicable ordinances, and has issued a use and occupancy permit as provided herein.
  - c. A building permit shall expire one (1) year from the date of issuance provided that it may be extended at the discretion of the Zoning Officer for a six (6) month period where good faith is demonstrated by the applicant.

D. Sign Permits

1. A sign permit shall be required prior to the erection or modification of any sign, sign structure, or change in location of an existing sign, with the exception of those signs specifically exempted by the Zoning Ordinance.
2. Application shall be made in writing on an appropriate form to the Zoning Officer and shall contain all information necessary for such officer to determine whether the proposed sign or the proposed alteration, conforms to all the requirements of the Zoning Ordinance. All applications for sign permits shall be accompanied by plans or diagrams in duplicate and approximately to scale showing the information required by the Zoning Ordinance. One (1) copy of said plan or diagram shall be returned to applicant, after the Zoning Officer shall have marked such copy either approved or disapproved, and attested to same.

**SECTION 1707: CERTIFICATES OF USE AND OCCUPANCY**

- A. It shall be unlawful for the applicant, person or other entity to sell, or occupy any building or other structure or parcel of land until a use and occupancy permit, if required, has been duly issued therefor.
1. A use and occupancy permit shall be required prior to any of the following activities and as required by the Township Building Code:
    - a. Use and occupancy of any parcel of land, building or other structure hereinafter erected, altered, or enlarged for which a zoning permit is required.
    - b. For all commercial and industrial uses, including any change of occupant for a commercial or industrial use, or any change in use of a commercial or industrial building or property.
    - c. For new construction in all zoning districts prior to sale.
  2. All applications for use and occupancy permits shall be made in writing on forms furnished by the Township and include all

information necessary to enable the Zoning Officer to ascertain compliance with the Zoning Ordinance.

3. No use and occupancy permit shall be issued until the Zoning Officer has certified that the proposed use complies with all the provisions of the Zoning Ordinance and any other applicable ordinance.
  - a. Use and occupancy permits shall be granted or denied within ten (10) days from the date of application. No application shall be granted or denied until the Zoning Officer has inspected the premises. The Township Zoning officer or employee designated by the Zoning officer shall only issue a use and occupancy permit where the work is consistent and in conformity with all applicable requirements of the Zoning Ordinance and any other pertinent ordinances.
  - b. Pending completion of a building or of alterations thereto, a temporary use and occupancy permit may be issued by the Zoning Officer for temporary occupancy in part or all of the building, provided that such temporary occupancy will not adversely affect the health, safety, and general welfare of the public or property, and providing further that a time limit for temporary permits not exceeding six (6) months shall be established.
  - c. In a commercial or industrial district in which performance standards are imposed or when required by the Zoning Officer, the issuance of a use and occupancy permit shall not become final until thirty (30) days after the facility is fully operating, when upon a re-inspection by the Zoning Officer it is determined that the facility is in compliance with all applicable performance standards.

#### **SECTION 1708:    CONDITIONAL USE PROCESS**

- A. Where the Zoning Ordinance has stated conditional uses to be granted or denied by the Township pursuant to express standards and criteria, the Board of Supervisors shall hold hearings on, and decide applications for, conditional uses in accordance with such standards and criteria. In granting a conditional use, the Board may attach such reasonable

conditions and safeguards, in addition to those expressed in the Zoning Ordinance, as it may deem necessary to implement the purposes of the Zoning Ordinance. Reasonable conditions and safeguards may include, but are not limited to:

1. Environmental Impact Assessment; and
  2. Traffic Study.
- B. An application for a conditional use shall be filed with the Township on such forms as may be prescribed for that purpose and shall be accompanied by the application fee which shall be established, and revised from time to time, by resolution of the Board of Supervisors. No application shall be received for filing unless accompanied by the required filing fee. The Secretary shall submit the application to the Township Planning Commission within five (5) days of receipt, and the Planning Commission shall review the application and make a recommendation to the Board of Supervisors within thirty (30) days thereafter.
- C. An application for conditional use shall, at a minimum, state:
1. The name and address of the applicant;
  2. The name and address of the owner of the property to be affected by the proposed conditional use application;
  3. A description and location of the property on which the conditional use is proposed;
  4. A statement of the present zoning classification of the property in question, the improvements thereon, and the present use thereof;
  5. A statement of the section of the Zoning Ordinance which authorizes the conditional use and the standards which regulate the design of said use; and
  6. An accurate description of the present improvements and the additions intended to be made under the application for conditional use, including the information required by this Section.
- D. The Board of Supervisors shall hold a public hearing on the conditional use application in accordance with the following procedures.

1. Notice of the hearing shall be given to the public by publication in a newspaper of general circulation in the Township in accordance with the Pennsylvania Municipalities Planning Code. Notice shall also be given to the applicant, the Zoning Officer, and to any person who has made timely written request for the same. The Board of Supervisors shall conduct its first hearing on the application with sixty (60) days from the date the application is filed with the Township unless the applicant waives or extends the time limitation.
  2. The parties to the hearing shall be the Township, any person affected by the application who has made timely appearance on the record before the Board of Supervisors, and any other person, including civic or community organizations permitted to appear by the Board of Supervisors.
  3. The Board of Supervisors shall have the power to administer oaths and issue subpoenas to compel the attendance of witnesses or the production of relevant documents and papers, including witnesses and documents requested by the parties.
  4. Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded.
  5. The Board of Supervisors shall keep a record of the proceedings and half the cost shall be paid by the applicant.
  6. The Board of Supervisors shall render a written decision within forty-five days (45) after the last hearing before the Board. Where the application is contested or denied, the decision shall be accompanied by findings of fact and conclusions.
  7. A copy of the final decision shall be delivered to the applicant and the parties before the Board of Supervisors or mailed to them not later than the day following the date of the decision.
- E. In granting or denying a conditional use or establishing conditions with reference to such grant, the Board of Supervisors shall use the following standards to evaluate a proposed conditional use. The burden of establishing compliance with those standards shall be upon the applicant by a fair preponderance of the credible evidence. The standards required herein shall be deemed a requirement under which a conditional use may be granted and failure of the applicant to establish compliance with

all of the standards shall be, at the discretion of the Board of Supervisors, a basis for non-approval of a conditional use application. In evaluating an application for conditional use, the Board of Supervisors shall:

1. Give full consideration to the size, scope, extent, and character of the use proposed and assure itself that such request is consistent with the plan for future land use in the Township and with the spirit, purpose and intent of the Zoning Ordinance.
2. Take into consideration, the character and type of development in the area surrounding the location for which the request is made and determine that the proposed change or modification, if permitted, will constitute an appropriate use in the area and will not substantially injure or detract from the use of surrounding properties or from the character of the neighborhood.
3. Consider the public interest in, or the need for, the proposed use or change, to determine that the proposal will serve the best interest of the Township and protect the public health, safety and general welfare.
4. Make certain that the proposed use is reasonable in terms of the logical, efficient, and economical extension of public services and facilities, including, but not limited to, public water, sewers, police and fire protection, transportation and public schools.
5. Be guided in its study, review and recommendations by sound standards or subdivision practice where applicable.
6. Review the recommendations of the Planning Commission on the proposed development plan, where such plan is required.
7. Guide the development of highway frontage insofar as possible to limit the total number of access points, reduce the need for on-street parking, and encourage the frontage of dwellings on parallel marginal roads or on roads perpendicular to the highway.
8. Consider the effects of the proposal with respect to congestion on the roads or highways, the most appropriate use of land, conserving the value of buildings, safety from fire, panic and other dangers, adequacy of light, and air, the prevention of overcrowding of land, congestion of population and adequacy of

public and community services and determine that approval of the application will not have a substantially adverse effect thereon.

9. Be assured that the natural features characterizing the proposed site and its surroundings shall not suffer unmitigated degradation, that the management of storm water, the provision of water or sewer service, and any other alterations to the site's pre-development condition shall be consistent with the Township goals, policies and plans in these regards, and that demand for water and energy by the proposed use shall be minimized to the optimal extent.
  10. Impose such conditions, in addition to those required, as are necessary to assure compliance with the intent of the Zoning Ordinance, and which are reasonably necessary to safeguard the health, safety and general welfare of the residents and owners of the property adjacent to the area in which the proposed use is to be conducted. Conditions may include, but are not limited to, harmonious design of buildings, aesthetics, hours of operation, lighting, numbers of persons involved, noise, sanitation, safety, smoke and fume control and the minimizing of noxious, offensive or hazardous elements.
- F. Nothing in this Section shall be construed to relieve the applicant for a conditional use approval from obtaining other required approvals mandated by the Sadsbury Township Subdivision and Land Development Ordinance (as amended) or other applicable ordinances.
- G. Appeals from a determination of the Board of Supervisors pursuant to any application for a conditional use shall be only as prescribed within such times permitted by the applicable provisions of the Pennsylvania Municipalities Planning Code (as amended).
- H. In granting an application for conditional use, the Board of Supervisors may attach such additional reasonable conditions and safeguards as it deems necessary and appropriate to ensure compliance with the provisions of the Zoning Ordinance and to protect the health, safety, and general welfare of the community.

## **SECTION 1709: SCHEDULE OF FEES, CHARGES, AND EXPENSES**

- A. The Board of Supervisors shall establish a schedule of fees, charges, expenses and collection procedures for zoning permits, certificates of occupancy, special exceptions, variances, appeals and other matters pertaining to the Zoning Ordinance. Such schedule shall be established by resolution of the Board of Supervisors.
- B. The schedule of fees shall be available for inspection in the Township offices and may be altered or amended by the Board of Supervisors.
- C. Until all application fees, charges and expenses have been paid in full as designated in the Zoning Ordinance, no action shall be taken on any application or appeal.

**SECTION 1710: LIABILITY**

The granting of any permit under the Zoning Ordinance by the Township or any of its designated officials for the use of land or structures or the erection, alteration or extension of any structure or the approval of any subdivision or land development plan shall not constitute a representation, guarantee, or warranty of any kind by the Township or any of its officials or employees as to any manner of injury resulting from such use, erection, alterations or extension, and shall create no liability upon, or a cause of action against such public body, officials, or employees for any damages or injury that may result pursuant thereto.



**ARTICLE XVIII  
ZONING HEARING BOARD**

**SECTION 1801: ZONING HEARING BOARD**

There shall be a Zoning Hearing Board, appointed by the Board of Supervisors, in accordance with the Pennsylvania Municipalities Planning Code, as amended.

**SECTION 1802: MEMBERSHIP OF THE ZONING HEARING BOARD**

- A. The membership of the Zoning Hearing Board shall consist of three (3) residents of Sadsbury Township appointed by the Board of Supervisors. The terms of office of the members of the Board shall be three (3) years and shall be so fixed that the term of office of one (1) member shall expire each year. Appointments to fill vacancies shall be only for the non-expired portion of the term. Members of the Zoning Hearing Board shall hold no other offices in the Township.
  
- B. The Board of Supervisors may appoint, by resolution, at least one (1), but not more than three (3), residents of the Township to serve as alternate members of the Zoning Hearing Board. The term of office of an alternate member shall be three (3) years. When seated pursuant to the provisions contained herein, an alternate shall be entitled to participate in all proceedings and discussions of the Zoning Hearing Board, including, specifically, the right to cast a vote as a voting member during the proceedings, and shall have all of the powers and duties set forth in this Ordinance and as otherwise provided by law. Alternates shall hold no other offices in the Township, including membership on the Planning Commission or as the Zoning Officer. An alternate may participate in any proceedings or discussion of the Zoning Hearing Board but shall not be entitled to vote as a member of the Zoning Hearing Board nor be compensated unless designated as a voting alternate member.
  
- C. 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 taken after the member has received fifteen (15) days advance notice of the intent to take such a vote. A hearing shall be held in connection with the vote if the member shall request it in writing.

**SECTION 1803: ORGANIZATION OF THE ZONING HEARING BOARD**

- A. The Zoning Hearing Board shall elect, from its own membership, its officers who shall serve annual terms as such and may succeed themselves. For the conduct of any hearing and the taking of any action, a quorum shall be not less than a majority of all members of the Zoning Hearing 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.
  
- B. If, by reason of absence or disqualification of a member, a quorum is not reached, the Chairman of the Zoning Hearing Board shall designate as many alternate members of the Board to sit on the Board as may be needed to provide a quorum. Any alternate member of the Board shall continue to serve on the Board in all proceedings involving the matter or case for which the alternative was initially appointed, until the Board has made a final determination of the matter or case. Designation of an alternate, pursuant to this section, shall be made on a case-by-case basis, in rotation, according to declining seniority among all alternates.
  
- C. The Zoning Hearing Board may make, alter and rescind rules and forms for its procedure consistent with the ordinances of Sadsbury Township and the laws of the Commonwealth of Pennsylvania. The Zoning Hearing Board shall keep full public records of its business, which records shall be the property of Sadsbury Township, and shall submit a report of its activities to the Board of Supervisors as may be requested by the Supervisors from time to time.

**SECTION 1804: EXPENDITURES FOR SERVICES**

- A. 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 shall 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 members of the Board of Supervisors. Alternate members of the Board may receive compensation as may be fixed by the Board of Supervisors for the performance of their duties when designated as alternate members, pursuant to the provisions contained herein, but in no case shall such compensation exceed the rate of compensation authorized to be paid to the members of the Board of Supervisors.

- B. The applicant before the Zoning Hearing Board shall deposit with the Township, such a sum of money as set forth in the fee schedule, adopted by resolution of the Board of Supervisors, to pay the cost of the hearing. In the event the application fee is, at any time, insufficient to cover the costs incurred or reasonably anticipated to be incurred, the Township Secretary or Zoning Hearing Board Secretary shall notify the applicant and provide a written copy of each item of cost incurred and shall required the applicant to pay, within ten (10) days of such notification, any balance then due.

### **SECTION 1805: ZONING HEARING BOARD HEARINGS**

The following procedures shall guide the hearings conducted before the Zoning Hearing Board.

- A. Public notice of a hearing before the Zoning Hearing Board 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 herein. 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 hearing.
- B. Reasonable fees may be prescribed for hearings before the Zoning Hearing Board. Fees for said hearings may include compensation for the Secretary and members of the Zoning Hearing Board, notice and advertising costs, and necessary administrative overhead connected with the hearing. The costs, however, shall not include legal expenses of the Zoning Hearing Board, expenses for engineering, architectural, or other technical consultants, or expert witness costs.
- C. 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.
- D. The hearings shall be conducted by the Zoning Hearing Board. The Zoning Hearing 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 Zoning Hearing Board. However, the appellant or the applicant, as the case may be, in addition to the Township may, prior to the decision of the hearing, waive decision or findings by the Board and accept the decision or findings of the hearing officer as final.

- E. The Chairman or Acting Chairman of the Zoning Hearing Board, or the hearing officer presiding, shall have the power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and the documents requested by the parties.
- F. The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on all relevant issues.
- G. Formal rules of evidence shall not apply, but irrelevant, immaterial or unduly repetitious evidence may be excluded.
- H. The Zoning Hearing Board or the hearing officer, as the case may be, shall keep a stenographic record of the proceedings. The appearance fee for a stenographer shall be shared equally by the applicant and the Zoning Hearing Board. The cost of the original transcript shall be paid by the Zoning Hearing Board if the transcript is ordered by the Zoning Hearing Board or hearing officer, or shall be paid by the person appealing from the decision if such appeal is made. 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.
- I. The Zoning Hearing Board or the hearing officer shall not communicate, directly or indirectly, with any party or his representatives in connection with any issue involved, except upon notice and opportunity for all parties to participate; 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; nor 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.
- J. The Zoning Hearing 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 close of the final hearing before the Zoning Hearing 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 provision of this chapter, or of any ordinance, rule or regulation, shall contain a reference to the provision relied on and the reason why the conclusion is

deemed appropriate in light of the facts found. If the hearing is conducted by a hearing officer and there has been no stipulation that his decision or findings are final, the Zoning Hearing Board shall make his report and recommendation available to the parties within forty-five (45) days and the parties shall be entitled to make written representations prior to final decision or entry of findings, and the Zoning Hearing Board's decision shall be entered no later than thirty (30) days after the report of the hearing officer. When a decision has been rendered in favor of the applicant because of the failure of the Zoning Hearing Board to meet or render a decision as by law provided, the Zoning Hearing Board shall give public notice of said decision within ten (10) days from the last day it could have met to render a decision in the same manner as provided for herein. If the Zoning Hearing Board shall fail to provide such notice, the applicant may do so. Nothing in this subsection shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction.

- K. 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, a brief notice of the decision or findings and a statement of the place at which the full decision or findings may be examined.

#### **SECTION 1806: JURISDICTION OF THE ZONING HEARING BOARD**

- A The Zoning Hearing Board shall have exclusive jurisdiction to hear and render final adjudication in the following matters:
  - 1. Substantive challenges to the validity of any land use ordinance, except those brought before the Board of Supervisors pursuant to Sections 609 and 916 of the Pennsylvania Municipalities Planning Code, as amended.
  - 2. Challenges to the validity of the Zoning Ordinance raising procedural questions or alleged defects in the process of enactment or adoption. Challenges shall be raised by an appeal taken within thirty (30) days after the effective date of said Ordinance.

3. Appeals from the determination of the Zoning Officer, including, but not limited to the granting or denial of any permit, or failure to act on the application therefor, the issuance of any cease-and-desist order, or the registration or refusal to register any nonconforming use, structure or lot.
4. Applications for variances from the terms of the Zoning Ordinance, pursuant to the requirements of Section 910.2 of the Pennsylvania Municipalities Planning Code, as amended.
5. Applications for special exceptions under the Zoning Ordinance pursuant to Section 912.1 of the Pennsylvania Municipalities Planning Code, as amended.
6. Appeals from the determination of any officer or agency regarding performance density provisions of the Zoning Ordinance.
7. Appeals from the determination of the Zoning Officer or Township Engineer in the administration of the Zoning Ordinance with reference to sedimentation and erosion control and stormwater management provisions.
8. In all such challenges the Zoning Hearing board shall decide all contested questions and shall make findings on all relevant issues of fact and of interpretation, and submit findings as part of the record on appeal to the Court.

#### **SECTION 1807: VARIANCE CRITERIA**

- A. The Zoning Hearing Board shall hear requests for variances where it is alleged the provisions of the Zoning Ordinance inflict unnecessary hardship upon the applicant. The Board may, by rule, prescribe the form of the application and may require preliminary application to the Zoning Officer.
  1. The Board may grant a variance, provided all of the following findings are made, where relevant, in a given case:
    - a. There are unique physical circumstances or conditions, including irregularity, narrowness or shallowness of lot size or shape, exceptional topographical or other physical conditions peculiar to the particular property, and the

unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of the Zoning Ordinance in the neighborhood or district in which the property is located.

- b. Because of such physical circumstances or conditions, there is no possibility the property can be developed in strict conformity with the provisions of the Zoning Ordinance and the authorization of a variance is, therefore, necessary to enable the reasonable use of the property.
  - c. Such unnecessary hardship has not been created by the appellant.
  - d. 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. In a case where the property is located in part or totally within the regulatory floodway, the granting of a variance will not increase the base flood elevation.
  - f. The variance, if authorized, will represent the minimum variance affording relief and will represent the least modification possible of the regulation in issue.
- B. In granting any variance, the Zoning Hearing Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of the zoning ordinance.

#### **SECTION 1808: SPECIAL EXCEPTION STANDARDS**

The Zoning Hearing Board shall hear and decide requests for special exceptions in accordance with the standards and criteria of this Section. In granting a special exception, the Zoning Hearing Board may attach such reasonable conditions and safeguards, in addition to those expressed in the Zoning Ordinance, as it may deem necessary to implement the purposes of the Ordinance. The Zoning Hearing Board shall:

- A. Give full consideration to the size, scope, extent and character of the exception desired and assure itself that such request is consistent with the plan for future land use in the Township and with the spirit, purpose and intent of the Zoning Ordinance.
- B. Take into consideration, the character and type of development in the area surrounding the location for which the request is made and determine that the proposed change or modification, if permitted, will constitute an appropriate use in the area and will not substantially injure or detract from the use of surrounding property or from the character of the neighborhood.
- C. Consider the public interest in, or the need for, the proposed use or change, to determine that the proposal will serve the best interest of the Township and protect the public health, safety and general welfare.
- D. Make certain that the proposed change is reasonable in terms of the logical, efficient, and economical extension of public services and facilities, including, but not limited to, public water, sewers, police and fire protection, transportation and public schools.
- E. Be guided in its study, review and recommendations by sound standards or subdivision practice where applicable.
- F. Review the recommendations of the Planning Commission on the proposed development plan, where such plan is required. The Zoning Hearing Board shall not be bound by such recommendations nor shall the Zoning Hearing Board be bound by the action of the Board of Supervisors in relation to the development plan.
- G. Guide the development of highway frontage, insofar as possible, to limit the total number of access points, reduce the need for on-street parking, and encourage the frontage of dwellings on parallel marginal roads or on roads perpendicular to the highway.
- H. Consider the effects of the proposal with respect to congestion on the roads or highways, the most appropriate use of land, conserving the value of buildings, safety from fire, panic and other dangers, adequacy of light and air, the prevention of overcrowding, of land congestion, of population, and the adequacy of public and community services, and determine that approval of the application will not have a substantially adverse effect thereon.



- I. Be assured that the natural features and processes characterizing the proposed site and its surroundings shall not suffer unmitigated degradation, that the management of stormwater, the provision of water or sewer service, and any other alterations to the site's pre-development condition shall be consistent with the Township goals, practices and plans in these regards, and that demand for water and energy by the proposed use shall be minimized to the optimal extent.
  
- J. Impose such conditions, in addition to those required as are necessary to assure compliance with the intent of the Zoning Ordinance and which are reasonably necessary to safeguard the health, safety and general welfare of the residents of the Township at large and the residents and owners of the property adjacent to the area in which the proposed use is to be conducted. Conditions may include, but are not limited to, harmonious design of buildings, aesthetics, hours of operation, lighting, numbers of persons involved, noise, sanitation, safety, smoke and fume control and the minimizing of noxious, offensive or hazardous elements.

**SECTION 1809: BURDEN OF PROOF**

In all hearings for special exceptions and variances, the burden of proof shall, as to all aspects and standards, be and remain upon the applicant. Further, the initial burden of presenting the evidence shall be upon the applicant to demonstrate compliance, in writing, with each and every applicable term, condition and provision of this Article. With regard to proof of general requirements that the application, if granted, would not be contrary to the public health, safety and general welfare, the initial burden as to specific objections shall be upon the protestant or Township, but the burden of persuasion, with respect to specific objections raised, shall be and remain upon the applicant.

**SECTION 1810: EXPIRATION OF SPECIAL EXCEPTIONS AND VARIANCES**

- A. A special exception or variance shall expire within six (6) months from the special exception/variance authorization date, as defined in Section 1810.D, unless the applicant:
  - 1. Obtains all permits as may be required for the construction and/or use permitted by the special exception or variance and commences and diligently pursues substantial construction and/or

use permitted by, and in accordance with, the special exception or variance; or

2. Obtains an extension for the special exception or variance pursuant to Section 1810.B, below.
- B. The Zoning Hearing Board, upon application, for good cause shown and after notice and hearing may extend the six (6) month period of time set forth in Section 1810.A for such time as the Zoning Hearing Board may deem appropriate.
1. In no event shall such extension, or the total of such extensions, if there is more than one, exceed eighteen (18) months.
  2. The Zoning Hearing Board may grant an extension at any time prior to the expiration of the special exception or variance, as provided in this section but not thereafter.
  3. An application for an extension may be considered and granted by the Zoning Hearing Board as part of the proceedings a decision in which it considers and grants the special exception or variance, or in subsequent separate proceedings and decision.
- C. Upon the expiration of a special exception or variance, the special exception or variance shall become null and void and of no effect without any action of the Township or the Zoning Hearing Board first being required. In such event, the applicant or other person having standing shall be required to reapply to the Zoning Hearing Board in the same manner as a new applicant for such special exception or variance.
- D. For the purposes of Section 1810.A, the “special exception/variance authorization date” shall have the following meanings:
1. Where the special exception or variance is granted by affirmative decision of the Zoning Hearing Board with or without conditions attached, the “special exception/variance authorization date” subject to the provisions contained in this Section 1810.D shall be the date on which the written decision of the Zoning Hearing Board is either personally delivered or mailed to the applicant.
  2. Where the special exception or variance is allowed by deemed decision of the Zoning Hearing Board because of its failure to hold a hearing or render a decisions as provided by the Pennsylvania

Municipalities Planning Code and this Ordinance, the “special exception or variance authorization date” shall be the date on which the decision of the Zoning Hearing Board is deemed to have been rendered in favor of the applicant.

3. Where a decision of the Zoning Hearing Board is appealed, the “special exception or variance authorization date” shall be the date of the final court order which finally determines and concludes the appeal litigation without remand to the Zoning Hearing Board for further hearings and decision, unless such court order, or prior court order, affirmed thereby, provides otherwise.
  - a. An appeal from the decision of the Zoning Hearing Board denying the special exception or variance, in which the court ultimately reverses the decision of the Zoning Hearing Board and grants the special exception or variance with or without conditions attached.
  - b. An appeal from the affirmative or deemed decision of the Board granting or allowing the special exception or variance, including an appeal challenging a condition attached by the Zoning Hearing Board to such grant, which the court ultimately affirms or does not entirely set aside the special exception or variance, regardless of whether or not the court attached conditions to or otherwise modifies the special exception or variance, and/or affirms, sets aside or modifies a condition attached thereto by the Zoning Hearing Board.

**SECTION 1811: PARTIES APPELLANT BEFORE THE ZONING HEARING BOARD**

Appeals as described herein may be filed with the Zoning Hearing Board, in writing, by the landowner affected, any officer or agency of the Township, or any person aggrieved. Requests for a variance under Section 1806.A.4 may be filed with the Board by any landowner or any tenant with the permission of such landowner.

**SECTION 1812: TIME LIMITATIONS**

- A. No person shall be allowed to file any proceeding with the Zoning Hearing Board later than thirty (30) days after any permit has been issued or refused or any other decision made by the Zoning Officer, if such proceeding is designed to secure reversal or to limit the approval in any manner.
- B. The failure of anyone other than the landowner to appeal from an adverse decision on a preliminary plan, or from an adverse decision by the Zoning Officer on a challenge to the validity of an ordinance or map, pursuant to the Pennsylvania Municipalities Planning Code, shall preclude an appeal from a final approval, except in the case where the final submission substantially deviates from the approved tentative approval.
- C. All appeals from determinations adverse to the landowners shall be filed by the landowner within thirty (30) days after notice of the determination is issued.

**SECTION 1813: PARTIES TO THE HEARING**

The parties to the hearing shall be the Township, any person affected by the application who has made timely appearance of record before the Zoning Hearing Board and any other person including civic or community organizations, permitted to appear by the Zoning Hearing Board. The Zoning Hearing Board shall enter appearances in writing on forms provided by the Zoning Hearing Board for that purpose. The aforementioned 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.

**SECTION 1814: STAY OF PROCEEDINGS**

- A. Upon filing of any proceeding referred to in Section 1811 and during its pendency before the Zoning Hearing Board, all land development pursuant to any challenged ordinance, order or approval of the Zoning Officer 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 Zoning Hearing Board facts indicating that such stay

would cause imminent peril to life or property. In such case, the development or official shall not be stayed otherwise than by a restraining order, which may be granted by the Zoning Hearing 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 area filed with the Zoning Hearing 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 Zoning Hearing Board.

- B. After the petition is presented, the Court shall hold a hearing to determine if the filing of the appeal is frivolous. 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.
- C. 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.
- D. 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 lower court to post a bond, the respondent to the petition for a bond shall be liable for all reasonable costs, expenses and attorney fees incurred by the petitioner.

## **ARTICLE XIX AMENDMENTS**

### **SECTION 1901: POWER OF AMENDMENT**

- A. The Board of Supervisors may, from time to time, amend, supplement, change, modify or repeal the Zoning Ordinance, including the Zoning Map.
  
- B. The Board of Supervisors, by resolution adopted at a stated or special meeting, shall fix the time and place of a public hearing on the proposed change, amendment or repeal and cause notice thereof to be given by publishing such notice once each week for two (2) successive weeks in a newspaper of general circulation in the Township. The first publication shall be not more than thirty (30) days or less than fourteen (14) days prior to the date of the hearing.
  - 1. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The notice shall also set forth the principal provisions of the proposed change, amendment or repeal in reasonable detail, and a reference to a place in the Township where copies of the proposed change, amendment or repeal may be examined or purchased at a charge not exceeding the cost thereof.
  
  - 2. Full opportunity to be heard will be given to any citizen and all parties in interest attending such hearing.
  
- C. Whenever the owners of fifty percent (50%) or more, of the area in any district shall present to the Board of Supervisors a petition, duly signed and acknowledged, requesting an amendment, supplement, change, modification or repeal of any of the regulations or restrictions prescribed by the Zoning Ordinance for their district or a change or modification of the Zoning Map with reference to such district, it shall be the duty of the Board of Supervisors to hold a public hearing thereon and cause notice thereof to be given in the manner prescribed herein.
  
- D. The Board of Supervisors shall refer each petition or proposal for change or amendment to the Zoning Ordinance, whether under this Article or under another Article, to the Planning Commission. The Planning Commission shall consider whether or not such proposed change or amendment would be, in the view of the Planning Commission,

consistent with and desirable in furtherance of the Comprehensive Plan upon which the Zoning Ordinance is based, as the same may be modified from time to time. The Planning Commission shall transmit its conclusion thereon, together with its reasons therefor, to the Board of Supervisors within thirty (30) days. The Board of Supervisors shall take such conclusion and reasons into consideration in reaching its decision, but shall not be bound thereby. In addition, the Board shall submit the proposed amendment or change to the Chester County Planning Commission at least thirty (30) days prior to the hearing for its review and recommendations.

## **SECTION 1902: CURATIVE AMENDMENT**

- A. A landowner who desires to challenge, on substantive grounds, the validity of the Zoning Ordinance 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 Article VI and Article IX of the Pennsylvania Municipalities Planning Code, as amended.
- B. If the Board of Supervisors determines that this Zoning Ordinance or any portion thereof or amendment thereto is substantially invalid, it shall have the right to prepare a curative amendment in accordance with the procedure set forth in Article VI of the Pennsylvania Municipalities Planning Code, as amended.

## **SECTION 1903: HEARINGS**

At any public hearing on a proposed change or amendment, opportunity to be heard shall be given to any Township resident. The Board of Supervisors shall take the recommendations of the Township and County Planning Commissions into consideration in reaching its decisions, but shall not be bound thereby. The Board of Supervisors shall have the power to adopt general or special rules of procedure for the conduct of any such hearing provided that the hearings shall be conducted in accordance with the following procedures.

- A. The Board of Supervisors shall commence a hearing thereon within sixty (60) days of the request unless the applicant has agreed in writing to an extension of time. The hearing shall be conducted in accordance with the relevant provisions of the Zoning Ordinance.

- B. The Chair of the Board of Supervisors, or in their absence, the acting Chair, shall have the power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant document and papers, including witnesses and documents requested by the parties.
- C. 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.
- D. Even though formal rules of evidence shall not apply, irrelevant, immaterial or unduly repetitious evidence may be excluded.
- E. The Board or Supervisors shall keep a stenographic record of the proceedings and copies of graphic or written material received in evidence shall be made available at cost to any party.

#### **SECTION 1904: DECISIONS OF THE BOARD OF SUPERVISORS**

All amendments to the Zoning Ordinance or Zoning Map shall be read at public meetings of the Board of Supervisors and copies may be examined at the Township Building during regular hours. The Board of Supervisors shall make a decision within forty-five (45) days after the close of the last scheduled hearing on the request unless the time is extended by mutual consent by the landowner and the Board of Supervisors. Should the Board of Supervisors fail to act on the landowner's request within the designated time, the request is denied. When a decision has been made by the Board of Supervisors, a written copy of the decision shall be delivered to the landowner personally or mailed to him not later than the day following its date.