Thornbury Township
Chester County, Pennsylvania

2020 ZONING ORDINANCE
Adopted October 20, 2020

Thornbury Township Board of Supervisors

James Benoit, Chairman
Robert Anthony, Vice Chairman
Michael Gallagher
Joseph Lisa
Robert Wiggins

Township Manager – Judy Lizza

Township Planning Commission

Mike Aiello, Chairman
David Black
Dimitry Belokopyty
Terrence Donohue
Karen Greim
Chris Kirby
Matthew Ricketts

Township Zoning Update Task Force

Peter DuFault
Ryan Estrada
Christine Kimmel
Tony Priestley
Robert Wiggins

Township Code Officer – Michael Cosentino – Linn Architects

Township Engineer & Zoning Officer – Michael R. Conrad, P.E. – Yerkes Associates, Inc.

Township Solicitor – Kathryn L. Labrum, Esq. – Donaghue & Labrum, LLP

Technical Assistance and Funding

This Zoning Ordinance was prepared by Thornbury Township with technical assistance provided by the Chester County Planning Commission. Funding was provided, in part, through a grant from the Vision Partnership Program sponsored by the Chester County Board of Commissioners. The Ordinance has been prepared in conjunction with the principles of the County's policy plan, *Landscapes3*, as a means of achieving greater consistency between local and county planning programs.

Page intentionally left blank.

Table of Contents

Article I – Preamble **Page**

§155-100: Short title …… P. I-1

§155-101: Authority and purpose …… P. I-1

§155-102: Community development objectives …….. P. I-1

§155-103: Establishment of scope and controls …….. P. I-2

§155-104: Interpretation and effective date ……. P. I-3

§155-105: Conflict ……... P. I-3

§155-106: Validity and severability ……. P. I-3

§155-107: Repealer …….. P. I-3

Article II – Definitions

§155-200: Word usage ……. P. II-1

§155-201: Definitions of terms …… P. II-1

Article III – Classification of Districts

§155-300: Classes of districts …….. P. III-1

§155-301: Zoning map ……. P. III-1

§155-302: Interpretation of district boundaries …… P. III-1

§155-303: District boundary tolerances ……... P. III-2

§155-304: Federal, state, or county owned property ……... P. III-2

Article IV – R-1 Residential/Agricultural District

§155-400: Purpose …… P. IV-1

§155-401: Uses permitted by right ……... P. IV-1

§155-402: Uses permitted by special exception ……... P. IV-1

§155-403: Conditional uses …….. P. IV-1

§155-404: Accessory uses and structures …… P. IV-2

§155-405: Area and bulk regulations ……... P. IV-2

§155-406: Design standards ……. P. IV-4

Article V – R-2 Residential District

§155-500: Purpose …… P. V-1

§155-501: Uses permitted by right ……... P. V-1

§155-502: Uses permitted by special exception ……... P. V-1

§155-503: Conditional uses …….. P. V-1

§155-504: Accessory uses and structures …… P. V-2

§155-505: Area and bulk regulations ……... P. V-2

§155-506: Design standards ……. P. V-3

Article VI – CC-R Country Club Residential District

§155-600: Purpose …… P. VI-1

§155-601: Uses permitted by right ……... P. VI-1

§155-602: Uses permitted by special exception ……... P. VI-1

§155-603: Conditional uses …….. P. VI-1

§155-604: Accessory uses and structures …… P. VI-1

§155-605: Area and bulk regulations ……... P. VI-2

§155-606: Standards for country club-residential development …….. P. VI-2

§155-607: Design standards ……. P. VI-5

Article VII – PRD Planned Residential Development

§155-700: Purpose …… P. VII-1

§155-701: Application of the comprehensive plan and the open space, recreation, and environmental resources plan ……..…..... P. VII-1

§155-702: Qualifying conditions …….....P. VII-2

§155-703: Site development considerations ……P. VII-3

§155-704: Site analysis ……P. VII-6

§155-705: Permitted uses ……. P. VII-9

§155-706: Density regulations ……..P. VII-10

§155-707: Dwelling unit combination ……..P. VII-12

§155-708: Area and bulk regulations ……... P. VII-13

§155-709: Common open space standards ……... P. VII-15

§155-710: Improvement standards ……... P. VII-17

§155-711: General procedure requirements ……. P. VII-23

§155-712: Application for tentative approval …….. P. VII-24

§155-713: Hearings …….. P. VII-26

§155-714: Action of the board ……. P. VII-26

§155-715: Status of plan after tentative plan approval ……. P. VII-28

§155-716: Application for final plan approval ……. P. VII-28

§155-717: Enforcement and modification of provisions of the plan …… P. VII-31

Article VIII – B – Business District

§155-800: Purpose …… P. VIII-1

§155-801: Uses permitted by right ……... P. VIII-1

§155-802: Uses permitted by special exception ……... P. VIII-2

§155-803: Conditional uses …….. P. VIII-2

§155-804: Accessory uses and structures …… P. VIII-2

§155-805: Area and bulk regulations ……... P. VIII-2

§155-806: Design standards ……. P. VIII-3

Article IX – MP – Multipurpose District

§155-900: Purpose …… P. IX-1

§155-901: Uses permitted by right ……... P. IX-1

§155-902: Uses permitted by special exception ……... P. IX-1

§155-903: Conditional uses …….. P. IX-2

§155-904: Accessory uses and structures …… P. IX-2

§155-905: Area and bulk regulations ……... P. IX-2

§155-906: Design standards ……. P. IX-5

Article X – MHP – Mobile Home Park Overlay District

§155-1000: Mobile home park overlay district…… P. X-1

Article XI – T – Township Overlay District

§155-1100: Purpose …….. P. XI-1

§155-1101: Uses permitted by right ……. P. XI-1

§155-1102: Uses permitted by special exception ……. P. XI-1

§155-1103: Accessory Uses and structures …….. P. XI-1

§155-1104: Design standards ……... P. XI-1

Article XII – CRD Cluster Residential Development

§155-1200: Intent ……..P. XII-1

§155-1201: Qualifying conditions …… P. XII-1

§155-1202: Permitted uses ……P. XII-2

§155-1203: Gross density calculation ……...P. XII-2

§155-1204: Net density and area regulations ……P. XII-3

§155-1205: Design standards ……P. XII-4

§155-1206: Permitted uses within common open space areas ……..P. XII-7

§155-1207: Common open space ownership and maintenance standards …P. XII-8

Article XIII – Historic Resources Protection

§155-1300: Purpose …….. P. XIII-1

§155-1301: Applicability ……..P. XIII-1

§155-1302: General regulations ……P. XIII-1

§155-1303: Historic resources map …….. P. XIII-2

§155-1304: Historic battlefield overlay district ……P. XIII-3

§155-1305: Demolition of historic resources ……... P. XIII-5

§155-1306: Review of proposed rehabilitation, enlargement or alteration of buildings, structures, or sites ……. P. XIII-8

§155-1307: Development requiring historic resource impact study …….....P. XIII-8

§155-1308: Standards for rehabilitation ……...… P. XIII-10

§155-1309: Use regulations ……..…P. XIII-11

§155-1310: Area and bulk regulations ……..P. XIII-11

§155-1311: Enforcement …….. P. XIII-11

Article XIV – Natural Resource Protections

§155-1400: Purpose ……... P. XIV-1

§155-1401: Applicability ……...P. XIV-1

§155-1402: Floodplains …… P. XIV-2

§155-1403: Riparian buffers ……P. XIV-2

§155-1404: Steep slopes ……... P. XIV-2

§155-1405: Wetlands ……P. XIV-3

§155-1406: Woodlands and specimen trees ……. P. XIV-4

§155-1407: Topsoil ……...P. XIV-6

§155-1408: Building lots …….. P. XIV-6

§155-1409: Gross density …… P. XIV-7

Article XV – General Standards

§155-1500: Accessory structures ……..... P. XV-1

§155-1501: Commercial storage ……...P. XV-2

§155-1502: Corner lots ……..... P. XV-2

§155-1503: Flag lots …… P. XV-3

§155-1504: Landscaping …….. P. XV-3

§155-1505: Lighting …… P. XV-5

§155-1506: Residential storage …… P. XV-6

§155-1507: Roadway access …… P. XV-7

§155-1508: Irregular-shaped lots .....…..……P. XV-7

Article XVI – Supplemental Use Standards

§155-1600: Adult-oriented establishments (MP)……...P. XVI-1

§155-1601: Agriculture (R-1, CC-R)…….P. XVI-2

§155-1602: Agritourism (R-1)……...P. XVI-2

§155-1603: Bed-and-breakfast (R-1, R-2)……P. XVI-4

§155-1604: Cemetery (R-1)……...P. XVI-5

§155-1605: Clubs (MP)…….…… P. XVI-6

§155-1606: Communications towers (B, MP)……...P. XVI-7

§155-1607: Consumer fireworks (MP)……..……P. XVI-14

§155-1608: Day care (R-1, R-2, B, MP)…….…….. P. XVI-15

§155-1609: Drive-through services (B, MP)……. P. XVI-16

§155-1610: Funeral homes (B, MP)……...……... P. XVI-17

§155-1611: Gasoline service stations (B, MP)……...…... P. XVI-17

§155-1612: Home based business (R-1, R-2, CC-R)…….……P. XVI-18

§155-1613: Indoor recreation (B, MP)……...…... P. XVI-19

§155-1614: Microwave antennas (R-1, R-2, B)……....……P. XVI-20

§155-1615: Non-tower based wireless communication facilities (ALL)….. P. XVI-21

§155-1616: Outdoor private recreation (R-1)…….……...P. XVI-31

§155-1617: Outdoor stadium lighting (R-1)…….……P. XVI-33

§155-1618: Religious facility (R-1)……...……P. XVI-35

§155-1619: Renewable energy systems ……P. XVI-36

§155-1620: Restaurant (B, MP)…….……P. XVI-45

§155-1621: School (R-1)……... P. XVI-45

§155-1622: University (R-1)……..P. XVI-46

§155-1623: Veterinary clinic and dog day care (R-1, B, MP)……...P. XVI-50

Article XVII – Signs

§155-1700: Applicability ……..P. XVII-1

§155-1701: Purpose and intent ……. P. XVII-1

§155-1702: Definitions ……. P. XVII-1

§155-1703: Prohibited signs ……. P. XVII-5

§155-1704: Exempt signs ……..... P. XVII-6

§155-1705: General regulations ……P. XVII-7

§155-1706: Sign type ……P. XVII-8

§155-1707: Billboards …….. P. XVII-10

§155-1708: Signs located in residential districts …….. P. XVII-13

§155-1709: Signs located in commercial districts …… P. XVII-14

§155-1710: Removal of unsafe, unlawful, or abandoned signs ……P. XVII-16

§155-1711: Permits and applications ……P. XVII-17

§155-1712: Nonconforming signs …… P. XVII-18

§155-1713: Substitution clause ……..…P. XVII-18

§155-1714: Violations ……..…… P. XVII-18

Article XVIII – Off-street Parking and Loading

§155-1800: Purpose and applicability …….. P. XVIII-1

§155-1801: General standards …….. P. XVIII-2

§155-1802: Interior circulation …….…… P. XVIII-5

§155-1803: Loading and unloading ……..P. XVIII-7

Article XIX – Nonconformance Standards

§155-1900: Applicability ……..P. XIX-1

§155-1901: Intent …….……P. XIX-1

§155-1902: Continuation …….. P. XIX-1

§155-1903: Nonconforming uses, buildings, and structures …… P. XIX-1

§155-1904: Nonconforming lots of record ……... P. XIX-3

§155-1905: Nonconforming signs …… P. XIX-4

§155-1906: Existing structures subject to Floodplain Management …… P. XIX-4

Article XX – Zoning Hearing Board

§155-2000: Purpose and jurisdiction …… P. XX-1

§155-2001: Membership, organization, and expenditures ……P. XX-1

§155-2002: Hearings ……..……P. XX-3

§155-2003: Hearing decisions …….. P. XX-5

§155-2004: Variances ……...…… P. XX-6

§155-2005: Special exceptions ……. P. XX-7

§155-2006: Time limitation for appeals ……...…… P. XX-8

§155-2007: Expiration of special exceptions and variances …… P. XX-8

§155-2008: Stay of proceedings ……...…… P. XX-8

§155-2009: Appeals to court …… P. XX-9

Article XXI – Administration

§155-2100: Purpose …….. P. XXI-1

§155-2101: Zoning officer ……P. XXI-1

§155-2102: Zoning permits ……..……..P. XXI-2

§155-2103: Fees ……P. XXI-3

§155-2104: Board of Supervisors jurisdiction ……..P. XXI-3

§155-2105: Conditional use process …….P. XXI-3

§155-2106: Municipal liability ……. P. XXI-9

§155-2107: Violations, causes of action, and enforcement …….…… P. XXI-9

§155-2108: Zoning ordinance amendments ……. P. XXI-11

Article I: Preamble

SECTION 155-100. SHORT TITLE

This Chapter shall be known and may be cited as "The Thornbury Township Zoning Ordinance of 2020, as amended."

SECTION 155-101. AUTHORITY AND PURPOSE

This Chapter is enacted under and pursuant to the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended, to maintain and enhance the character of the Township and the suitability of its various parts for particular Uses, Buildings, and Structures, in order to:

A. Promote, protect, and facilitate: the health, safety, and general welfare of the inhabitants of the Township by promoting the development and use of land within the Township in such a manner as to secure the population from fire, flood, panic and other dangers. This is accomplished through coordinated and practical community development; emergency management preparedness and operations; provision of a safe, reliable, and adequate water supply for domestic, commercial, agricultural or industrial use, and other public requirements; preservation of natural, scenic, historic features, forests, wetlands, aquifers, and floodplains; provisions of adequate light and air, police protection, transportation, sewerage, schools, recreational facilities, and public grounds.

B. Prevent: blight; danger and congestion in travel and transportation; loss of health, life, or property from fire, flood, panic, or other dangers.

C. Provide for the use of land within the Township for residential uses with various dwelling types encompassing all basic forms of housing.

D. Respect carrying capacity of land and accommodate reasonable overall community growth and opportunities for development of a variety of residential and nonresidential uses.

SECTION 155-102. COMMUNITY DEVELOPMENT OBJECTIVES

This Chapter is enacted to implement the purposes set forth in the application of the Comprehensive Plan, and other applicable codes, chapters, plans, or studies of the Township.

A. Planning Vision: Retain and enhance the traditional suburban community identity and quality of life. Maintain a balance between the accommodation of change and development with the ability of the land to sustain new uses and the conservation of resources to preserve the suburban character and protect the health, safety, and welfare of current and future residents.

B. Land Use: Direct future growth to the most appropriate areas of the Township in a manner that reflects the existing community and establishes a balance between land uses, the transportation network, and the ability of natural systems to support development. Continue to support the Township’s commercial properties to provide for employment opportunities and commercial resources in the Township.

C. Housing: Plan for the present and future housing needs of residents that reflects the existing community character and enhances neighborhoods while protecting the Township's traditional historic, natural, and scenic qualities.

D. Natural Resources: Preserve, protect, and maintain the Township's existing natural resources to sustain ecosystems, public health, and quality of life.

E. Historic and Scenic Resources: Identify, protect, and enhance the integrity of historic and scenic resources and their settings to preserve the Township's heritage and character.

F. Energy Conservation and Sustainability: Encourage energy conservation and the effective utilization of renewable energy resources to reduce energy costs and environmental impacts.

G. Community Facilities and Services: Provide for appropriate and adequate community services and facilities within the practical fiscal limits of the Township and the natural constraints of the land to meet the needs of current and future Township residents and businesses.

H. Open Space, Trails, Parks, and Recreation: Continue to maintain, enhance, and expand parks, recreational facilities and community programming at parks while protecting and preserving existing Township open spaces for the enjoyment of all Township residents.

I. Transportation and Circulation: Plan for a safe, effective, and diversified transportation and circulation system that addresses current and future needs in coordination with land use planning and resource protection objectives while protecting community-defining characteristics.

J. Regional Planning: Continue cooperative planning with surrounding municipalities and regional planning groups to achieve mutually beneficial goals for the Township and region.

SECTION 155-103. ESTABLISHMENT AND SCOPE OF CONTROLS

Act 247 grants local municipalities the power to enact, amend, and repeal zoning chapters. Thornbury Township has enacted this Chapter in accordance with the provisions of Act 247, establishing the following controls:

A. Land shall be Developed, Used, or occupied, and Structures shall be Constructed, Altered, Used, occupied, or Demolished in accordance with provisions of this Chapter.

B. Uniform regulations: The provisions established by this Chapter within each zoning district shall apply uniformly to each class or type of Structure or land.

C. New Uses and Structures: Following the effective date of this chapter, any new Building or other Structure or any tract of land shall be Developed, Constructed, occupied, and Used in accordance with the provisions of this Chapter and other chapters, as applicable.

D. Existing Uses, Structures, Lots, or Signs: Following the effective date of this Chapter, any existing Use, Structure, Lot, or Sign that is not in conformity with provisions of this Chapter shall be deemed nonconforming and subject to Article XIX – Nonconformance Standards.

SECTION 155-104. INTERPRETATION AND EFFECTIVE DATE

A. Chapter provisions shall be interpreted, applied, and administered in such a manner as to facilitate attainment of the purpose of this Chapter in §155-101 and objectives of this Chapter in §155-102.

B. This Chapter shall become effective the day after its adoption.

SECTION 155-105. CONFLICT

It is not intended by this Chapter to repeal, abrogate, annul, or interfere with any existing ordinance, or any statue, rule, regulation, or permit adopted or issued thereunder, provided the same is not inconsistent or in conflict with any of the provisions of this Chapter. Where this Chapter imposes greater restrictions on the Use of Structures or land, height or Bulk of Structures, prescribes larger open spaces or parklands, or other applicable provisions, the provisions of this Chapter shall control.

SECTION 155-106. VALIDITY AND SEVERABILITY

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

SECTION 155-107. REPEALER

“The Thornbury Township Ordinance of 1983, as amended” is hereby repealed and replaced by the provisions of “The Thornbury Township Zoning Ordinance of 2020, as amended.”

Page intentionally left blank.

Article II: Definitions

SECTION 155-200. WORD USAGE

Unless otherwise expressly stated, the following words and phrases shall be construed throughout this Chapter to have the meaning and usage indicated as follows:

A. If the zoning ordinance explicitly says that a word or phrase has a specific meaning to be used in a specified part of the zoning ordinance, then the word or phrase has that specific meaning throughout the specified part regardless of capitalization.

B. The present tense includes the future. The singular includes the plural and plural the singular. The masculine gender includes the feminine.

C. The words “person,” “party,” and “entity” are interchangeable and include any individual, partnership, association, organization, Limited Liability Company, corporation, firm, trust, estate, municipality, governmental unit, public utility, or any other legal entity.

D. The words “shall” or “must” indicate a mandatory requirement. The word “may” is optional.

E. The word “used” includes the words “designed,” “arranged,” and “intended to be used".

F. The word “built” includes the words “erected,” “constructed,” or “altered.”

G. The word “including” is not limited to the specified example, but is intended to extend its meaning to all other instances of similar kind and character.

H. The word "Township" means Thornbury Township, Chester County, Pennsylvania.

I. The terms "Board of Supervisors" or “Supervisors” mean Thornbury Township Board of Supervisors.

J. The term “Planning Commission” means the Thornbury Township Planning Commission, as established under the provisions of the Pennsylvania Municipalities Planning Code and as described in Chapter 46, Planning Commission.

K. The term "Zoning Hearing Board" means Thornbury Township Zoning Hearing Board.

L. The word “herein” shall refer to the regulations of the full Zoning Ordinance.

M. The word “Chapter” shall refer to Thornbury Township Zoning Ordinance, as amended, unless otherwise specified.

N. When terms, phrases or words are not defined, they shall have their ordinarily accepted meaning or such as the context may imply.

SECTION 155-201. DEFINTIONS OF TERMS

The following words, terms, and phrases, when used in this Chapter, shall have the meanings ascribed to them in this Article, except where the context clearly indicates a different meaning:

ABANDONMENT
An intentional and absolute relinquishment and cessation of a use with no intention to resume such use.

ACCESSORY BUILDING STRUCTURE
A building or structure that is not a principal building or structure and which is used for purposes that are entirely incidental and subordinate to those of the principal building or structure and located on the same lot. Structures including but not limited to tennis courts, barns, swimming pools, sheds, carports and garages shall be considered as accessory structures.

ACT 247
See "Pennsylvania Municipalities Planning Code."

ADULT-ORIENTED ESTABLISHMENTS
Any use meeting the definition for this term in Title 68, Chapter 55 of the Pennsylvania Consolidated Statutes, as amended. An adult-oriented establishment shall be considered a distinct use, not be considered retail sales, theater, entertainment, personal service or any other use, and only be allowed where specifically stated in this Chapter.

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.

AGRITOURISM
An accessory use customarily associated with an agriculture use and incidental to it, located on the same parcel as the principal agriculture use or an adjacent parcel owned by the same person(s) or a member(s) of their immediate family (spouse, sibling, child, grandchild, parent, grandparent), including those owned, in whole or in part, by entities (corporations, LLCs, partnerships) controlled by the operator of the agricultural operation and the immediate family members thereof, including associated off-street parking areas on those properties.

AGRITAINMENT
Activities conducted on an agricultural operation that are offered to the public or invited groups for the primary purpose of providing entertainment and/or recreation experiences. Examples of these activities include, but are not limited to: agricultural seasonal fairs/festivals; children's activities; corn and crop mazes; petting zoos; haunted activities; company picnics; weddings; and other activities that combine an agricultural setting with entertaining or recreational activities, including agritourism activities. Agritainment shall only be permitted as an accessory use customarily associated with an agriculture use and incidental to it.

ALTERATION
Any change to any portion of a building or structure for the same or a different use.

APPLICANT
A landowner or developer, as herein defined, who has filed an application for development, including their heirs, successors and assigns.

ARTISAN TRADES
Professionals and/or tradespersons that are essential to and chiefly practiced in connection with the production of commercial goods by a manual worker or craftsperson such a jewelry, metalwork, cabinetry, stained glass, textiles, ceramics, or hand-made food products. Artisan trades do not include any activity that causes noise, odor, or vibration to be detectable on a neighboring property.

BARN
A building used for the shelter of livestock, the storage of agricultural products produced or consumed on the premises, or the storage and maintenance of farm equipment and agricultural supplies used for the agricultural operations on the premises.

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

BASE SITE AREA
The land area contained within the boundaries of a tract, exclusive of the areas of such permanent easements as are associated with provision of public or private utilities, land within the right-of-way of existing or planned roads or roads that may be required by Chapter 115, Subdivision and Land Development.

BED-AND-BREAKFAST
An owner-occupied or tenant/manager-occupied building designed, used and occupied as a single-family residence having, as an accessory use therein, public lodging rooms and facilities for and serving food and drink prepared within the building to transient guests which meets the requirements of §155-1603.

BERM
An earthen embankment which serves purposes such as: retaining/detaining the flow of surface water runoff, preventing soil erosion, or supporting plant materials to aid in screening.

BILLBOARD
A freestanding commercial structure, erected, operated, and maintained for the purpose of advertising or conveying communications.

BLOCK
A tract of land bounded by streets, public parks, railroad rights-of-way, and/or corporate boundary lines of the Township.

BUFFER
An area designated to functionally and/or to visually separate conflicting land uses.

BUFFER PLANTING STRIP
A strip of required yard space adjacent to the boundary of a property or district, which is landscaped for the full width and on which is placed a screen of sufficient density not to be seen through and of sufficient height to constitute an effective screen and give maximum protection and immediate visual screening to an abutting property or district.

BUILDABLE AREA
That area of a lot within all required setback lines and not lying within a floodplain or other protected lands.

BUILDING
A combination of materials to form a permanent structure having walls and a roof.

A. DETACHED
A building having only one dwelling unit from ground to roof, independent outside access and open on all sides.

B. SEMIDETACHED
A building having one shared or party wall in common with an adjoining building.

C. ATTACHED
A building in a group of more than two buildings wherein there are two or more party walls in common with the adjoining buildings.

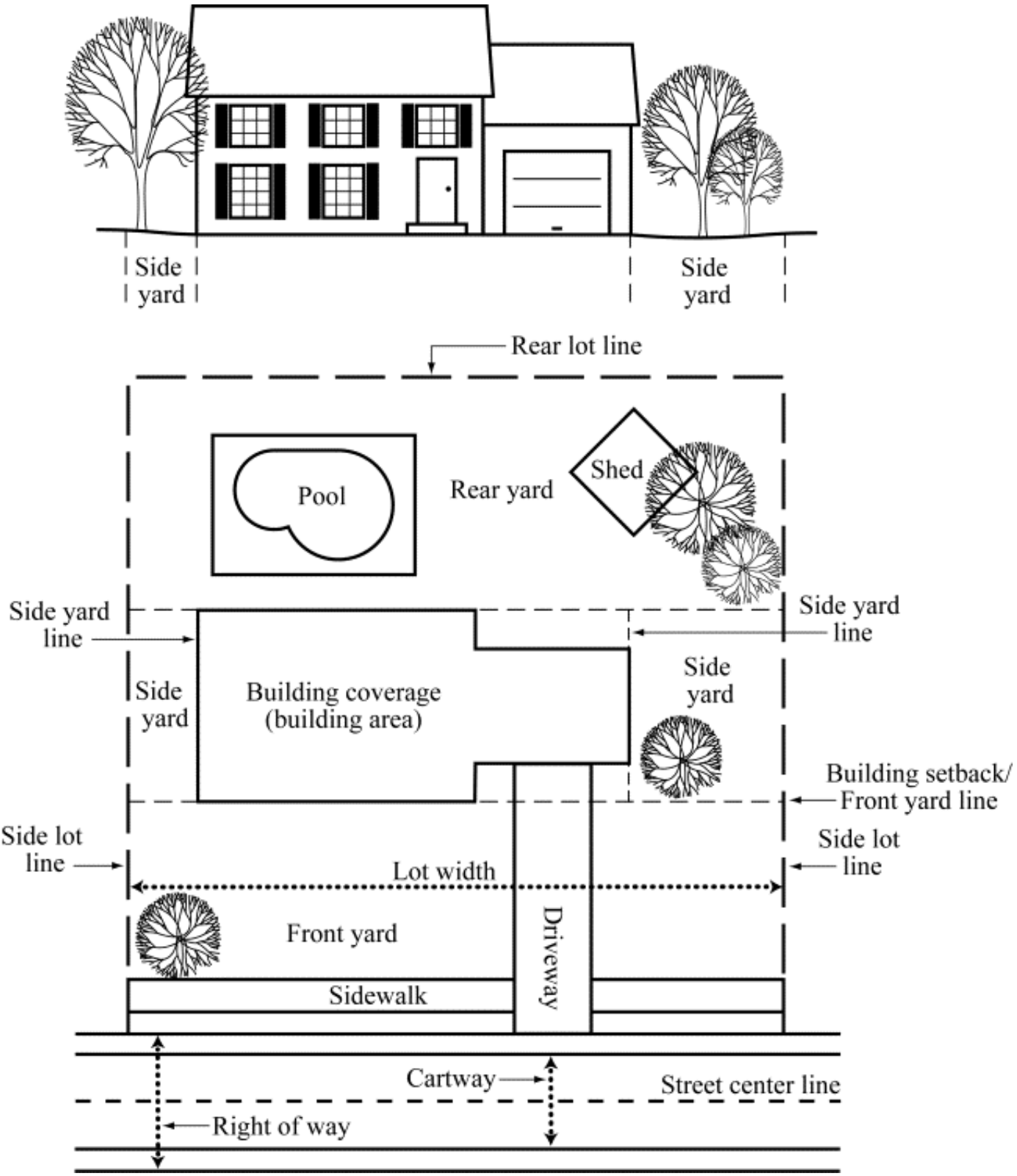
BUILDING, PRINCIPAL
The main building on a lot or any building that is not an accessory building. Each dwelling or apartment house and each commercial, industrial or institutional building which houses a separate commercial, industrial or other enterprise or a group of permitted commercial or industrial uses shall be construed to be a principal building.

BUILDING AREA
The aggregate of the maximum horizontal cross-sectional areas of all buildings and structures on a lot above the ground level measured at the greatest outside dimensions, excluding cornices, eaves, gutters, chimneys and steps, provided that they do not project more than two feet from the building.

BUILDING CODE
The most current version of the UCC building code adopted by Thornbury Township.

BUILDING COVERAGE

The ratio of the total ground floor area of all buildings on a lot to the total area of the lot on which they are located.



BUILDING HEIGHT
The vertical distance from the average grade (the average of the grades taken at ten-foot intervals around the building perimeter) to the top of the highest roof beams of a flat roof or to the mean level of a sloped roof, provided that chimneys and spires shall not be included in measuring the height. Elevator, stair and equipment penthouses, tanks and air-conditioning towers shall not be included. The height shall be measured from finished grade, but such measurement shall not be made from a point higher than eight feet above original grade.

BUILDING LINE
A line parallel to the street right-of-way at a distance therefrom equal to the depth of the front yard setback required for the district in which the lot is located, except in the case of an interior lot not fronting on the street or highway for its full width, in which case the building line shall be a line parallel to the highway or street at a distance from the property line nearest the highway or street equal to the depth of the front yard required for the district in which the lot is located.

BUILDING PERMIT
The permit to be issued by the Code Enforcement Officer when all the requirements of the zoning, sanitation and other relevant ordinances are met.

BULK
A term used to describe the size of buildings or other structures and their relationship to each other, to open areas such as yards and or lot lines and includes: the size, height and floor area of a building or other structure; the relation of the number of dwelling units in a residential building to the area of the lot (density); and, all open areas in yard space relating to buildings and other structures in accordance with the area and bulk requirements and other applicable requirements of this Chapter.

CALIPER
The diameter of a tree trunk measured six (6) inches above the ground for trees up to and including four (4) inch diameter and measured twelve (12) inches above the ground for trees larger than four (4) inch diameter.

CARTWAY
The paved surface of a street available for vehicular traffic.

CEMETERY
Land used or intended to be used for the burial of bodies or cremated remains thereof, including columbariums and mortuaries when operated in conjunction with and within the boundary of such cemetery.

CERTIFICATE OF CONTINUANCE
A certificate authorized by the Board of Supervisors to allow for the discontinuance, not abandonment, of a nonconforming use for an extended period of time and resuming the nonconforming use at a later date.

CLEAR SIGHT TRIANGLE
An area of unobstructed vision at street intersections defined by lines of sight between points at given distances from the intersection of street center lines in accordance with the Multimodal Circulation Handbook for Chester County, PA.

CLUB
A property, buildings, or facilities used for or any organization established for some common social, fraternal, professional, or recreational purpose and characterized by regular meetings, and a charter and/or bylaws. A club does not include health clubs or gyms.

CODE ENFORCEMENT OFFICER
An agent of the Board of Supervisors charged with the administration and enforcement of one (1) or more of the Township's codes and ordinances, including the Zoning Ordinance and Building Code.

COMMUNICATION TOWER
A reception and transmission tower intended for transmitting or receiving radio, television, telephone or digital communications.

COMPREHENSIVE PLAN
The Comprehensive Plan of the Township of Thornbury, Chester County, Pennsylvania, as adopted and amended from time to time in accordance with the Pennsylvania Municipalities Planning Code.

CONSERVATION AREA
An undisturbed or nearly undisturbed natural area consisting of vegetation that is native to the area and intended to be preserved in its natural state.

CONSERVATION LOT
A lot that is created with a stated intent to preserve and protect an existing historic resource that is listed on the Thornbury Township Historic Resources Map or is eligible for the National Register of Historic Places. The conservation lot must be offered for sale to the Township by the developer. The total lot size shall be at least five times larger than the average residential lot proposed by the subdivision. The area of the conservation lot may be counted toward the open space required by the applicable ordinance.

CONSTRUCTION
The erection, modification, or alteration of any structure. Limited disturbance to soil or vegetation associated with entering the premises for purposes of surveying, staking, or to obtain necessary data on existing conditions shall not be deemed “Construction.”

CONSUMER FIREWORKS
Any combustible or explosive composition or any substance or combination of substances intended to produce visible and/or audible effects by combustion and which is suitable for use by the public that complies with the construction, performance, composition and labeling requirements promulgated by the Consumer Products Safety Commission in 16 CFR (relating to consumer practices) or any successor regulation and which complies with the provisions for "consumer fireworks" as defined in the American Pyrotechnics Association (APA) Standard 87-1, including but not limited to Sections *3.1 and *3.5, or any successor standard. The term does not include devices such as "ground and handheld sparkling devices" as defined in APA Standard 87-1, Section *3.1.1, "novelties" as defined in APA Standard 87-1, Section *3.2, or "toy caps" as defined in APA Standard 87-1, Section *3.3.

CONTRIBUTING RESOURCE(S)
A resource in an historic district or historic complex, as filed with the National Register of Historic Places, or the Pennsylvania Historical and Museum Commission, which supports the district's or complex's historical significance through location, design, setting, materials, workmanship, feeling and/or association.

CONVERSION
An alteration of a building, structure or land by change of use, theretofore existing, to a new use.

CREMATORY
A place which has been certified by the Commonwealth of Pennsylvania for the cremation of deceased persons or animals.

CUL-DE-SAC
A street with access at one end and terminated at the other by a paved vehicular turnaround.

DAY CARE
Land and buildings where daytime care and/or instruction is provided for seven or more individuals and including staffed professional supervision necessary to serve such purposes. Such use may, but need not, be in support of and operated by another nonresidential use. Operation of a day care center may be by a public agency, a private non-profit organization or a private commercial entity, and shall be licensed by the Commonwealth of Pennsylvania.

DEFINING CHARACTERISTICS
The features of a building which give it its particular architectural character and which, if removed or changed, would result in a significant change to its appearance and character.

DEMOLITION
The dismantling or tearing down of all or part of the exterior portion of a building or structure.

DENSITY, BASE
The number of dwelling units per acre, calculated by dividing the total number of dwelling units by the base site area.

DENSITY, GROSS
The number of dwelling units per acre, calculated by dividing the total number of dwelling units by the total acreage of the tract.

DENSITY, MAXIMUM ACHIEVABLE
The allowable increase in dwelling unit density above base density.

DESIGN REVIEW COMMITTEE
A committee of not more than three, registered landscape architects, architects or land planners appointed by the Board of Supervisors for study and recommendation as to the aesthetic aspects, the adequacy of overall plan design, open space, recreational and community facilities in a proposed development and the compatibility of the development with the existing and contemplated land uses of adjoining and nearby properties.

DETERMINATION
Any final action of the Building, Zoning, or Code Enforcement Officer, Township Engineer, Planning Commission, or other authorized Township officer relative to the provisions of this Ordinance, as specified herein.

DETERMINATION OF ELIGIBILITY (DOE)
The process wherein an historic resource is determined by the Pennsylvania Historical and Museum Commission as meeting National Register criteria, but is not formally listed on the National Register.

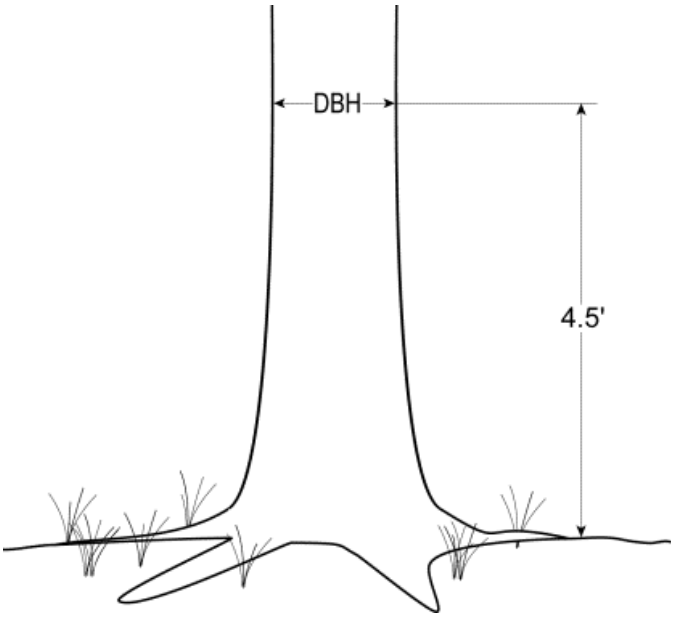
DEVELOPABLE AREA
The developable area of a parcel is determined by subtracting protected areas from the base site area.

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

DEVELOPMENT FACTOR
The percentage of density credit granted for protected areas within a given parcel, based upon the percentage of the base site area represented by the protected areas.

DEVELOPMENT PLAN
The provisions for development, including a Planned Residential Development (PRD), and/or a plat of subdivision, including all covenants relating to use, location and bulk of buildings and other structures, intensity of use or density of development, streets, pathways, parking facilities, common open space, stormwater facilities, public facilities and other features and/or information as required by Township ordinances. The provisions of the development plan shall mean the written and graphic materials referred to in this definition.

DIAMETER AT BREAST HEIGHT (DBH)
The outside diameter of a tree at four and one half (4.5) feet above the forest floor on the uphill side of the tree. The measured section should be unbranched and representative of the typical age of the tree species.



DOG DAY CARE
A short-term boarding kennel for dogs during the day with no overnight accommodations.

DRIVEWAY, PRIVATE
That portion of a lot which is intended for vehicular use and which is privately owned, whether paved or unpaved as regulated under Chapter 108, Article I.

DWELLING, DWELLING UNIT

A building or entirely self-contained portion thereof containing food preparation and bathroom facilities, for occupancy by only a single housekeeping unit (including any domestic servants living or employed on the premises) with no enclosed space (other than vestibules, entrance or other hallways or porches) in common with any other dwelling unit. Dwellings may be classified as follows:

A. SINGLE-FAMILY DETACHED

A building having only one dwelling unit from ground to roof, independent outside access and open on all sides.

B. SEMIDETACHED

A building containing two dwelling units (detached, semidetached, or attached), including but not limited to twin or duplex:

(1) TWIN

A building containing two dwelling units, separated by a party wall, each having independent outside access and open space on three sides.

(2) DUPLEX

A building containing two dwelling units from ground to roof, each of which has independent outside access and open space on all sides.

C. MULTIFAMILY

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

(1) FOUR-FAMILY DWELLING (FOURPLEX, QUADRAPLEX)

A building containing four dwelling units, each of which has independent outside access, two nonparallel walls in common with adjacent dwelling units, and open space on two nonparallel sides.

(2) TOWNHOUSE; ROWHOUSE (SINGLE-FAMILY ATTACHED)

A building containing dwelling units separated by parallel party walls, each of which has only one dwelling unit from ground to roof, independent outside access, not more than two walls in common with adjoining units, and open space to the front and rear (internal units) or front, rear, and one side (end units).

(3) APARTMENT BUILDING; CONDOMINIUM BUILDING

A building containing three or more dwelling units separated by party walls, and which may have more than one dwelling unit from ground to roof, common outside accesses, and hallways. The dwelling units may either be renter occupied or owner occupied as condominium units with separate ownership.

EASEMENT

A right-of-way granted, but not dedicated, for limited use of private land for a public or quasi-public purpose, and within which the owner of the property shall not erect any permanent structures, but shall have the right to make any other use of the land which is not inconsistent with the rights of the grantee.

EFFECTIVE SCREEN
The use of plant materials, fencing, walls and/or earthen berms or combinations thereof, to aid in the concealment of such features as parking areas and vehicles within them and to provide privacy between two or more different land uses or activities; a visual and/or other barrier.

ENGINEER
The duly designated Engineer of Thornbury Township or the engineer or consultant employed by the Township to perform the duties herein prescribed.

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

FAMILY
A family may be composed of:

A. A single person occupying a dwelling unit.

B. Any number of persons related by blood, marriage or adoption including not more than four (4) foster children, domestics, resident nurse, and one (1) other individual not related to another in the housekeeping unit.

C. Not more than three (3) unrelated persons living together as a single cooperative household unit.

D. A group of individuals with disabilities living together as the functional equivalent of a family and entitled to a reasonable accommodation to allow them adequate housing choices pursuant to the Federal Fair Housing Amendments Act of 1988 (42 U.S.C.§§§ 601 et. seq.) and the Pennsylvania Human Relations Act (43 P.S. §§ 951-963).

The Zoning Officer or other official Township representative shall have the authority to determine whether a group of individuals is living together as the functional equivalent of a family for purposes of this Chapter. A family as herein defined specifically excludes individuals and groups occupying a boarding or rooming house, lodging house, club, fraternity, hotel or similar living environment.

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 MANAGEMENT
Chapter 83 of the Township Code for the management of flood-prone areas as amended from time to time.

FLOOR AREA, GROSS
The sum of the total horizontal area of all of the floors of a building.

FLOOR AREA, NET
The gross floor area less areas not directly used for the principal use intended, such as walls, columns, stairwells, shaftways, elevators or escalators, corridors, equipment or mechanical rooms, storage areas and lavatories.

FLOOR AREA RATIO (FAR)
The measurement of a building's gross floor area in relation to the size of the lot/parcel that the building is located on.

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

FUNERAL HOME
A building or part thereof used exclusively for human burial services, including mortuaries. Such building may contain space and facilities for:

A. Embalming and the performance of other services used in the preparation of the dead for burial.

B. A crematory.

C. The storage of caskets, funeral urns, other related funeral supplies, and funeral vehicles.

D. The viewing of and services for the deceased.

GARAGE, PRIVATE
An accessory structure designed, built or used by the owner or tenant of the principal structure on a lot for storage of motor vehicles and other household items. A private garage is not affiliated with a motor vehicle business, service or industry.

GARAGE, PUBLIC
A structure used for the repair, servicing, or storage of motor vehicles. A public garage is not intended for sale of gasoline or use as a private garage.

GARDEN CENTER
An establishment for the wholesale or retail sale of nursery and garden products, supplies, tools, and/or equipment.

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

GRADING
The changing of the surface of the ground by excavation, filling, or combination of the two; the act of moving earth.

HISTORIC RESOURCES
All buildings, sites and structures shown on the Thornbury Township Historic Resources Map; and sites, areas, structures, trails and/or routes which are valued due to their significance as examples and/or locations of events, customs, skills and/or arts of the past. This may include any building, structure or site that is recognized for its historic, architectural or archaeological significance by the Pennsylvania Historical and Museum Commission, or designated as contributing to a National Register Historic District.

HISTORIC RESOURCES INVENTORY
An official list of historic resources in Thornbury Township which is maintained by the Thornbury Historic Preservation Commission. These resources are further depicted on the Historic Resources Map.

HISTORIC RESOURCES MAP
A map adopted as part of this chapter showing the location of the historic properties and listing the historic sites and historic resources of the Historic Resources Inventory.

HOME BASED BUSINESS
An accessory use constituting entirely or partly the livelihood of person(s) living in a dwelling unit, when in accordance with §155-1612.

A. Minor home occupation (No-Impact home based business). A business or commercial activity administrated 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 the residential use.

B. Major home occupation. A business or commercial activity that exceeds the limits of a no-impact home based business, such as a business that has employees that are not residents of the dwelling unit in which the home occupation is located.

HOMEOWNERS ASSOCIATION, HOA
A non-profit organization comprised of homeowners or property owners, planned and operated under negotiated and approved rules and regulations, for the purpose of administering the needs of residents, subject to the provisions of the Pennsylvania Uniform Planned Community Act of 1996.

HOTEL, MOTEL OR INN
A commercial facility offering transient lodging accommodations to the general public and providing additional services or accessory uses including but not limited to restaurants, meeting rooms, and recreational facilities made available to patrons. This definition does not include Bed-and-Breakfasts.

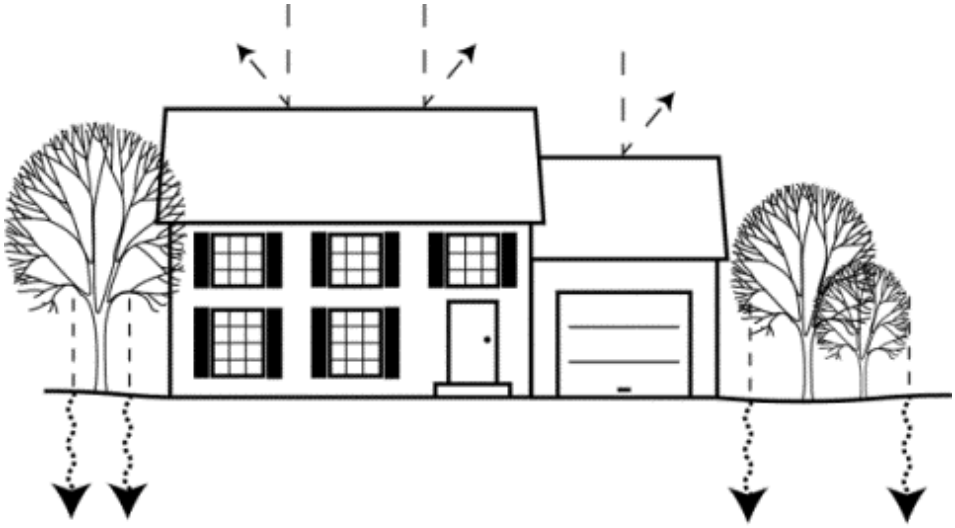
HYDRIC SOILS
Soils that form under conditions of saturation, flooding or ponding long enough during the growing season to develop anaerobic conditions in the upper part, including soils inventoried or described as hydric according to the Soil Survey of Chester and Delaware Counties, Pennsylvania, or other information provided by the U.S. Natural Resources Conservation Service (NRCS). In Thornbury Township, hydric soils shall include, but are not limited to:

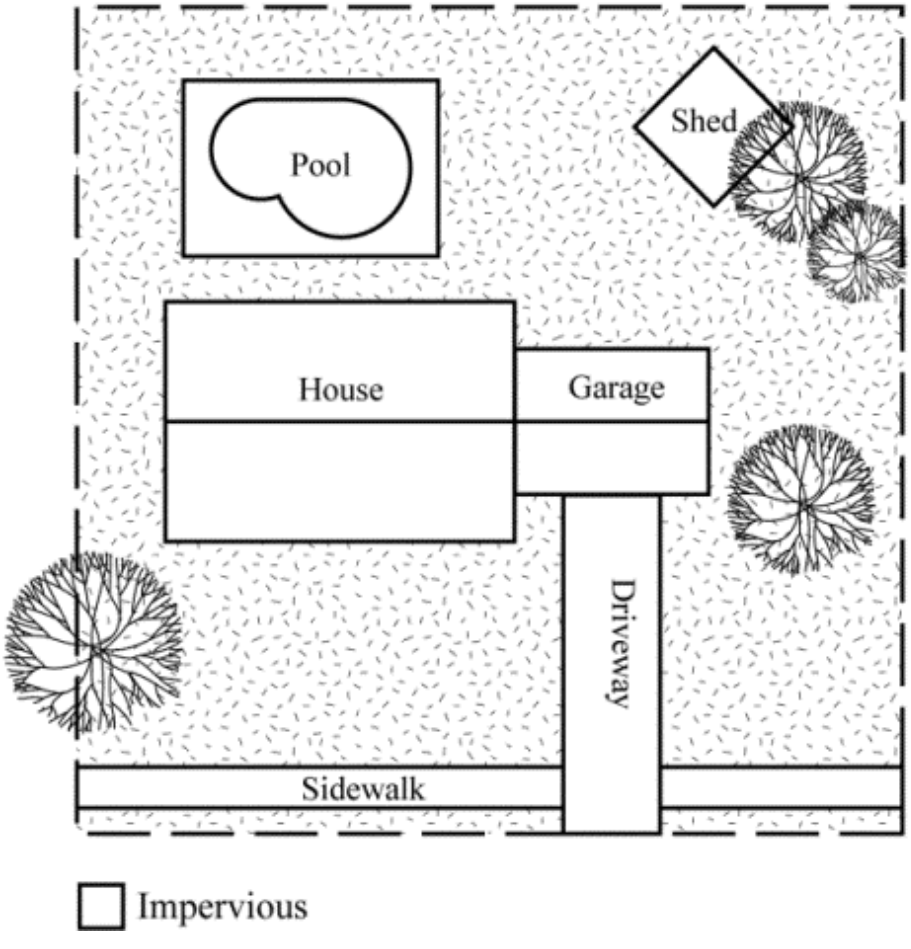
A. Bedford Silt Loam (Bd).
B. Lawrence Silt Loam (La).
C. Glenville Silt Loam (Gn).
D. Chewacla Silt Loam (Ch).
E. Guthrie Silt Loam (Gu).
F. Worsham Silt Loam (Wo).

IMPACT STUDY
A study designed to determine the impact that a development will have in the area it is being proposed and the surrounding area.

IMPERVIOUS SURFACE

A surface that has been compacted or covered with a layer of material so such that it prevents or is resistant to infiltration of water, including but not limited to structures such as roofs, buildings, storage sheds; other solid, paved or concrete areas such as streets, driveways, sidewalks, parking lots, patios, decks, tennis or other paved courts; or athletic playfields comprised of synthetic turf materials. For the purposes of determining compliance with this chapter, compacted soils or stone surfaces used for vehicle parking and movement shall be considered impervious. Surfaces that were designed to allow infiltration (i.e., areas of porous pavement) will be considered on a case-by-case basis by the Township Engineer, based on appropriate documentation and condition of the material, etc.





INSTITUTIONAL USE
A property involving buildings and grounds, including but not limited to, schools, service clubs, museums, places of worship, hospitals, treatment facilities, and prisons.

LAND DEVELOPMENT
Any of the following activities:

A. The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving:

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

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

B. A subdivision of land.

C. Development in accordance with §503(1.1) of the Municipalities Planning Code.

LANDSCAPING
Living vegetative material, including but not limited to grass, ground covers, trees, and shrubs required upon all lots, except where agricultural production or gardens are permitted, so as not to leave bare dirt exposed to erosion.

LEARNING CENTER
An educational or training academy providing instruction or programs of learning, including but not limited to academic tutoring and college entrance exam preparatory courses, art education programs, artistic performances, and music lessons. Private educational institutions may include indoor recreation programs including, but not limited to yoga studios, martial arts, gymnastics, dance, or cycling. Private educational institutions do not include daycare centers, institutional uses, or education conducted in the provider's home as a Home Occupation.

LOADING SPACE OR BERTH
An off-street space provided for cargo vehicles, when loading and unloading.

LOT
A parcel of land on which a principal building or, where authorized by this Chapter, a unified group of buildings and any accessory buildings are, or may be, placed, together with the required open spaces, such open spaces and the area and dimensions of such lot being not less than the minimum required by this Chapter. The use of a lot for more than one principal building or for a unified group of buildings shall be considered a subdivision or land development, and the plan for any such use shall be subject to approval in accordance with Chapter 115, Subdivision and Land Development.

LOT AREA
See “Base site area.”

LOT, CORNER
A lot abutting upon two or more streets, at their points of intersection; or a lot with two or more connected sides which abut upon a street or streets, the interior angle being not more than 135°.

LOT, COVERAGE
The percentage of lot area covered by any and all improved or hardened materials and impervious areas, such as buildings, paved parking areas, paved walks, terraces and similar surfaces which do not normally absorb rainfall.

LOT, FLAG
A lot created by subdivision, which, while having the required area and being capable of having the required front, rear and side yard clearances, lacks the required public road frontage, and is connected to a public road by a narrow portion of the lot containing a private driveway or a private roadway of approved width.

LOT, INTERIOR
A lot with side lot lines which do not abut a street.

LOT, IRREGULAR-SHAPED
A lot with more than two acute interior angles or a lot with an unconventional number of changes in direction which create areas which are extremely limited in use.

LOT, REVERSE FRONTAGE
A lot extending between and having frontage on two generally parallel streets, with vehicular access only from the minor street.

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

LOT WIDTH
The horizontal distance between side lot lines measured along the building setback line. Where the street line is curved, the measurement shall be made on the arc parallel to the curve of the street line.

MANUFACTURED HOME
A single-family dwelling unit fabricated in an off-site manufacturing facility for installation or assembly at the building site, bearing a seal certifying that it was built in compliance with the Federal Manufactured Housing Construction and Safety Code, and is designed for use with or without a permanent foundation when attached to the required utilities.

MEDICAL OFFICE OR CLINIC
A use involved in the examination and treatment of persons as outpatients by licensed physicians or medical specialists practicing medicine during office hours. Medical clinics may include limited secondary facilities such as laboratory facilities and pharmacies to service patients. Medical clinics may include but not be limited to urgent medical care centers and facilities offering minor medical treatment for illnesses or minor outpatient surgeries. Uses providing overnight lodging of patients or prolonged surgical procedures (inpatient) shall not be considered medical clinics.

MICROWAVE ANTENNA FOR SATELLITE COMMUNICATION
A parabolic ground-based reflector, together with its pedestal and any other attachments and parts thereof commonly referred to as a dish-shaped antenna used or intended to receive radio or electromagnetic waves from an overhead satellite.

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

MOTOR VEHICLE SERVICE STATION
A lot with principal and accessory buildings used for sale of gasoline, oil and motor vehicle accessories, electric vehicle charging, and/or the servicing of motor vehicles, including washing of cars and minor repairs, but not for body and fender work or painting.

NATIONAL REGISTER OF HISTORIC PLACES
A list maintained by the Secretary of the United States Department of the Interior composed of buildings, sites, structures and districts of national, state or local significance in American history, architecture, archaeology, engineering and culture. Structures and/or districts listed on the Register must meet criteria promulgated by the Secretary of the United States Department of the Interior against which historic resources nominated to the National Register are evaluated.

NEIGHBORHOOD CENTER
An area within a PRD to which residents may walk by way of an integrated sidewalk/pathway system and in which a mix of uses are found such as a store, church, library, park, playground, school, day-care center, other civic or public uses, amenities or services.

NEW CONSTRUCTION
Structures for which the start of construction commended on or after the effective date of this Chapter.

NEW MOBILE HOME PARK OR NEW MOBILE HOME SUBDIVISION
A parcel (or contiguous parcels) of land divided into two or more mobile home lots for rent or sale for which the construction of facilities for servicing the lot on which the mobile home is to be affixed (including, at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads, and the construction of streets) is completed on or after the effective date of this Chapter.

NONCONFORMING LOT
A lot the area or dimension of which was lawful prior to the adoption or amendment of a zoning ordinance, but which fails to conform to the requirements of the zoning district in which it is located by reasons of such adoption or amendment.

NONCONFORMING STRUCTURE
A structure or part of a structure manifestly not designed to comply with the applicable use or extent of use provisions in a zoning ordinance or amendment heretofore or hereafter enacted, where such structure lawfully existed prior to the enactment of such ordinance or amendment or prior to the application of such ordinance or amendment to its location by reason of annexation. Such nonconforming structures include, but are not limited to, nonconforming signs.

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

NURSING HOME
A facility operated for the purpose of providing therein lodging, board, and nursing care to sick, invalid, infirm, disabled, or convalescent persons for compensation, provided that the facility has obtained proper governmental licensing. The term "convalescent home" is included in this definition.

OFFICIAL MAP AND ORDINANCE
A map identifying the location of existing and proposed public streets, well sites, watercourses and public grounds, including widenings, narrowing, extensions, diminutions, openings or closings, adopted by ordinance under Chapter 37: Official Map, pursuant to Article IV of the MPC.

OPEN SPACE, COMMON
A parcel or parcels of land or an area of water or a combination of land and water within a developed site and designed and intended for the use and enjoyment of residents of a development, not including: streets; off-street parking areas; building lots; the four-thousand-square-foot equivalent lot area for multifamily dwellings; an area within twenty (20) feet from any exterior walls of any building containing multi-dwelling structures; areas set aside for public facilities; buildings and other aboveground structures associated with sewage disposal systems; and areas set aside for stormwater management facilities (unless designed as a pond, wet year-round).

OPEN SPACE, RECREATION AND ENVIRONMENTAL RESOURCES PLAN
A plan including an inventory of land and water resources in Thornbury Township and recommendations related to future open space, recreation needs and environmental resources protection, adopted by Thornbury Township in 1993.

OUTDOOR RECREATIONAL/AGRICULTURAL OPEN SPACE
A parcel or parcels of land or an area of water or a combination of land and water to be permanently deed restricted from subdivision and to outdoor recreational/agricultural uses, setting out areas of such parcel devoted to streets, driveways, off-street parking areas, stormwater management facilities, wastewater management structures and buildings accessory to such use.

OUTDOOR RECREATIONAL USE
A use or combination of recreational uses carried on primarily outdoors, without the use of artificial illumination.

PARKING SPACE
A generally level space, available for the parking of one (1) motor vehicle, exclusive of aisles, passageways, driveways, or other means of circulation or access.

PARTY WALL
A common shared wall between two separate buildings. For purposes of a single-family attached or single-family semidetached dwelling, the party wall must extend continuously from the foundation of the dwelling through the roof of the dwelling.

PENNSYLVANIA MUNICIPALITIES PLANNING CODE (MPC)
The Pennsylvania Municipalities Planning Code Act of 1968, P.L. 805, No. 247 as reenacted and amended.

PERMEABLE (PERVIOUS) SURFACE
A surface that presents an opportunity for precipitation to infiltrate into the ground, including any surface not considered an impervious surface and when approved by the Township Engineer.

PERSONAL SERVICES
A commercial establishment primarily engaged in providing services involving the care of a person or his or her apparel or merchandise and offering only limited, if any, products for sale, including, but not limited to, barbershops, salons, tanning salons, tailors, optometrists, beauticians, repair of electronic goods, bicycle repair, gyms, health clubs, fitness centers, and other similar uses.

PLAN, PRD
See "development plan."

PLANNED RESIDENTIAL DEVELOPMENT (PRD)
An area of land, controlled by a landowner, to be developed as a single entity for a number of dwelling units or combination of residential and nonresidential uses, the development plan for which does not correspond in lot size, bulk, type of dwelling or use, density or intensity, lot coverage and required open space to the regulations established in any one article of this Chapter.

PROFESSIONAL CONSULTANTS
Persons who provide expert or professional advice, including, but not limited to, architects, attorneys, certified public accountants, engineers, geologists, land surveyors, landscape architects or planners.

PROFESSIONAL OFFICE
Offices where services are provided that require specialized training or professional certification and where no goods or merchandise are sold or exchanged, except for those directly related to the service provided, including but not limited to accountant, appraiser, attorney, architect, financial planner, landscape architect and engineer. A professional office shall not constitute a Medical Office or Clinic, including but not limited to physician, dentist, chiropractor, massage therapist, psychologist and optometrist.

PROTECTED AREA
A protected area is any portion of any lot covered by any of the characteristics as outlined under Article XIV: Natural Resources Protections and Article XIII: Historic Resources Protection.

PUBLIC SERVICE CORPORATION BUILDING, GROUNDS OR FACILITY
A building grounds or facility used for a service furnished by a public service or utility corporation. This shall not apply to any existing or proposed building or extension thereof, used or to be used by a public service corporation, if, upon petition of the corporation, the 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 of the public.

PUBLIC HEARING
A formal meeting held pursuant to public notice by the governing body or planning agency, intended to inform and obtain public comment, prior to taking action in accordance with this act.

PUBLIC MEETING
A forum held pursuant to notice under 65 Pa. C.S. CH. 7 (Relating to open meetings).

PUBLIC NOTICE
Notice published once each week for two successive weeks in a newspaper of general circulation in the municipality. 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 30 days and the second publication shall not be less than seven (7) days from the date of the hearing.

PUBLIC WAY
A paved access way which is manifest in one or more of the following: all state roads and highways; all dedicated roads maintained by the Township; all roads for which the offer of a deed of dedication has been made; and all private roads over which the general public has the right of access.

RECREATIONAL VEHICLE
A vehicular type unit for recreational, camping or travel use, which either has its own motive power or is mounted on or drawn by another vehicle. Recreational vehicles include, but are not limited to: travel trailers, camping trailers, boat trailers, truck campers and motor homes. A recreational vehicle is not designed for use as a permanent dwelling but is temporary housing quarters for recreational, camping, travel, or seasonal use.

REGISTERED HISTORIC STRUCTURE
See "historic structure, registered."

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

RELIGIOUS USE
A nonprofit use of land or a building(s) where religious services are conducted as the principal purpose, such as a place of worship, and may include ancillary related uses such as religious education, reading rooms, and residences for pastoral staff.

RESTAURANT
Any form of restaurant and/or tavern open to the public and dispensing food and drink. Such use shall not be considered to include drive-thru service.

RESTAURANT, DRIVE-THRU SERVICE
An establishment designed to allow patrons, without leaving their vehicles, to order and pick-up food, beverages, ice cream, and other similar confections for off-site consumption.

RETAIL USE
An establishment engaged in selling goods or merchandise to the general public and rendering services incidental to the sale of such goods. Examples of a retail use include, but are not limited to, a grocery store, hardware store, pharmacy, magazine or book store, florist, clothing store, bakery, and other uses of a similar nature, but not including a convenience store.

RIGHT-OF-WAY
An area of land or water reserved or dedicated for any public or private access or utility purpose.

RIGHT-OF-WAY, STREET
A public thoroughfare for vehicular traffic and/or pedestrian traffic, whether designated as a street, highway, thoroughfare, parkway, road, avenue, boulevard, lane, alley, or however designated.

ROOMING HOUSE
A single-family dwelling in which the occupant, for compensation, supplies living accommodations, but no meals, by the week or longer to other than members of his family, provided that there shall be as least five hundred (500) square feet of habitable space for each occupant.

SCENIC LANDS
Lands containing protected areas as well as being located adjacent to scenic roadways and containing historic sites, as identified in the Thornbury Township open space, recreation and environmental resources plan.

SCREEN
A buffer comprised of natural and/or man-made material arranged in a certain specified depth, height and density to effectively block the view from one side to another during all seasons of the year and to reduce the transmittal of noise and odors between the sides.

SIGN
Any device for visual communication that is used for the purpose of bringing the subject thereof to the attention of the public, but not including any flag, badge or insignia of any government or governmental agency.

SIGNIFICANT TREE
Any tree having a caliper of more than twelve (12) inches at a height of four and one half (4.5) feet above the ground.

SITE
A tract or a portion of a tract being developed.

SLOPES, MODERATE
Those areas having slopes of fifteen percent (15%) or greater but less than twenty-five percent (25%), delineated and measured over a six (6)-foot difference in vertical elevation, as measured perpendicular to any contour line. (The percent of slope is determined by dividing the total amount of vertical rise or fall by the horizontal distance over which the rise or fall occurs.) Areas of moderate slope less than five hundred (500) square feet in horizontal area shall be exempt from regulations pertaining to moderate slopes.

SLOPES, STEEP
Those areas having slopes of twenty-five percent (25%) or greater, delineated and measured over a six (6) foot difference in vertical elevation, as measured perpendicular to any contour line. (The percent of slope is determined by dividing the total amount of vertical rise or fall by the horizontal distance over which the rise or fall occurs.) Areas of steep slope less than five hundred (500) square feet in horizontal area shall be exempt from regulations pertaining to steep slopes.

SOLICITOR
An attorney appointed by the Supervisors of Thornbury Township responsible for providing legal advice.

STANDARDS FOR REHABILITATION
Standards promulgated by the Secretary of the Interior, as adopted by Thornbury Township and set forth in §155-1308, to guide and evaluate the rehabilitation of historic buildings.

STORMWATER MANAGEMENT FACILITY
Any feature, natural or man-made, that, due to its condition, design, or construction, conveys, stores, or otherwise affects stormwater runoff quality, rate, or quantity. Typical stormwater management facilities include, but are not limited to, detention and retention basins, open channels, storm sewers, pipes, and infiltration facilities.

STORMWATER ORDINANCE
Chapter 116 of the Township Code for the management of stormwater as amended from time to time.

STREET
A public or privately owned right-of-way, serving as a means of vehicular and pedestrian travel, furnishing access to abutting lots, and used to reserve space for the installation of improvements such as sewers, utilities, and other amenities.

STREET, PRIVATE
Those streets not offered for dedication.

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

STRUCTURE
An assembly of material forming a construction for occupancy or use, including, among others, buildings, stadiums, tents, reviewing stands, platforms, stagings, observation towers, water tanks, trestles, open sheds, shelters and display signs.

SUBDIVISION AND LAND DEVELOPMENT ORDINANCE
The Thornbury Township Subdivision and Land Development Ordinance of 1983, as amended.

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

SWALE
An artificial or natural waterway or low-lying stretch of land that gathers and conveys stormwater or runoff and is generally vegetated for soil stabilization, stormwater pollutant removal, and infiltration.

SWIMMING POOL (PUBLIC AND PRIVATE)
A structure, above or below ground level, for the purpose of containing water to a depth, at any point, in excess of two (2) feet and intended primarily for recreation without regard to materials of its construction.

TOPSOIL
The upper part of the soil, which is the most favorable material for plant growth. It is ordinarily rich in organic matter and is used to topdress roadbanks and lawns.

TOTAL SITE AREA
The total horizontal area within the lot lines of a tract, excluding any area within a street or street right-of-way and the area of any right-of-way or easement exclusive to the holder thereof.

TOWNSHIP SECRETARY
The Secretary of the Township of Thornbury, Chester County, Pennsylvania.

TRACT
A parcel of land intended for development under the terms of this Chapter. A tract may consist of one or more lots held by single and separate owners at the time of application for approval and developed pursuant to a common plan by agreement of the owners.

TRAILER
Any vehicle which is normally towed and has either an overall height of more than four (4) feet or an overall length of more than fifteen (15) feet and is not used for farm purposes.

TREE, PROTECTED
A tree with a DBH of eight (8) inches or more.

TREE, SPECIMEN
A mature tree which most typically represents a whole class or group in shape, form, historical importance or any other characteristic which may be designated as such by the Township. Specimen trees shall measure a minimum twenty-four (24) inches DBH, have attained the minimum mature size as specified in the Manual of Woody Landscape Plants: Their Identification, Ornamental Characteristics, Culture, Propagation and Uses, by Michael A. Dirr (Stipes Publishing Company, Champaign, Illinois, 1983), or be of specimen quality as determined by a registered landscape architect.

UNIVERSITY
An institution of higher education and research which awards academic degrees in various academic disciplines, typically providing undergraduate and postgraduate education.

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, occupation, business, or operation carried on or intended to be carried on in a building or other structure or on a tract of land.

USE AREA
Any area of land which is given to one category of land use, which is used to compute net density.

USE, ACCESSORY
A building, structure, land, or use thereof that is not a principal permitted use, but which is clearly incidental and subordinate to the associated principal permitted building, structure, or use on the same lot.

USE, CONDITIONAL
A use as permitted under the provisions set forth under §155-2105.

USE, PERMITTED (BY-RIGHT)
All uses allowed in accordance with the provisions of this Ordinance not subject to the provisions set forth in either §155-2005 or §155-2105.

USE, PRINCIPAL
The primary use of a lot. Except as specifically permitted by this Ordinance, there shall be only one (1) principal use on each lot.

USE, SPECIAL EXCEPTION
A use as permitted under the provisions set forth under §155-2005.

VARIANCE
A modification of the regulations of the Zoning Ordinance granted by the Zoning Hearing Board on grounds of physical conditions or unnecessary hardship, not self-imposed, pursuant to the provisions of §155-2004 and the Municipalities Planning Code.

VETERINARY CLINIC
A building used primarily for the treatment, by a veterinarian, of small domestic animals such as dogs, cats, rabbits, birds or fowl. No outdoor boarding of animals is permitted.

WATERCOURSE
Any natural or artificial stream, river, creek, ditch, channel, canal, waterway, gully or ravine in which water flows in a definite direction or course, either continuously or intermittently, and has a defined bed and banks.

WATER SUPPLY SYSTEMS

A. INDIVIDUAL SUPPLY SYSTEM
A safe and healthful supply of water, to a single user from a private well located on the lot in which the use is located.

B. COMMUNITY OR PUBLIC SUPPLY SYSTEM
A system for supplying water from a common source or sources to all dwellings and other buildings within a development or service area. The water supply source may be located on-site and/or off-site and may be publicly or privately-owned.

WETLAND
Those areas that are inundated and saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs and similar areas. Any area meeting the official wetland definition of the U.S. Army Corps of Engineers, as amended, will be considered a wetland for the purposes of this Chapter.

WOODLAND
A tree mass or plant community in which tree species are dominant, and the branches of the trees form a complete, or nearly complete, aerial canopy. The extent of any woodland plant community or any part thereof shall be measured from the outermost dripline of all the trees in the community. Woodland shall include any area where timber has been harvested within the previous three (3) years and/or woodland disturbance has occurred within the previous three (3) years which would have met the definition of woodland prior to timbering or disturbance. Woodlands do not include orchards, hedgerows, or old fields.

YARD
The required open space area, around the inner periphery of a lot, in which no principal building or structure shall be located. The area of the lot not required to be open space shall be called the buildable area of the lot.

A. FRONT
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 the permitted principal or accessory building or buildings on the lot. In the case of corner lots which do not have reversed frontage, a front yard of the required depth shall be provided along the frontage which abuts the primary street, and the yard along the other frontage which abuts the secondary street shall be designated as the second front yard and have the same depth as that which applies to the front yard. In the case of reversed frontage corner lots, a front yard of the required depth shall be provided on either frontage, and a second front yard of equal depth shall be provided on the other frontage.

B. SIDE
The minimum open space required between each side lot line and any principal building on the lot, exclusive of cornices, eaves, gutters and chimneys projecting not more than two (2) feet from the building.

C. REAR
The minimum open space extending the full width of a lot, required between the rear line of the lot and any principal building on the lot, exclusive of cornices, eaves, gutters and chimneys projecting not more than two (2) feet from the building.

ZONING MAP
The official Zoning Map of Thornbury Township, Chester County, Pennsylvania.

ZONING OFFICER
An official appointed by the Supervisors of Thornbury Township who is responsible for the enforcement of the regulations herein.

ZONING PERMIT
A document signed by a Zoning Officer as required and defined in this Chapter.

Page intentionally left blank.

Article III: Classification of Districts

SECTION 155-300. CLASSES OF DISTRICTS

For the purposes of this Chapter, Thornbury Township is hereby divided into classes of districts which shall be designated as follows:

A. Base Districts.

R-1 – Residential/Agricultural District (Article IV)
R-2 – Residential District (Article V)
CC-R – Country Club-Residential District (Article VI)
PRD – Planned Residential District (Article VII)
B – Business District (Article VIII)
MP – Multipurpose District (Article IX)

B. Overlay Districts.

MHP – Mobile Home Park Overlay District (Article X)
T – Township Overlay District (Article XI)
HB – Historic Battlefield Overlay District (§155-1304)

C. All land areas of the Township shall be deemed by this Chapter to be within a zoning district, and all buildings, structures, lots, and land in the Township, except as provided herein or in other applicable law, shall be subject to the provisions of the district in which they are located. Buildings or structures may be constructed or used, and lots, tracts, or land may be developed, used, or occupied only for land uses, as primary or accessory uses-by-right, conditional uses when approved by the Board of Supervisors, or uses by special exception or variances when approved by the Zoning Hearing Board, which adhere to standards and which are permitted in the zoning district where the same are located.

SECTION 155-301. ZONING MAP

A. Names and boundaries of zoning districts shall be as shown on the "Zoning Map of Thornbury Township" (Zoning Map) as may be amended. Said map and all notations, references and other information shown thereon shall be made part of and incorporated by reference into this Chapter.

B. Applicable maps for the Historic Resources Overlay District and Historic Battlefield Overlay District shall be found in Appendix A.

C. Applicable maps for other Natural Resource areas shall be as found in the Township Comprehensive Plan, unless otherwise specified.

SECTION 155-302. INTERPRETATION OF DISTRICT BOUNDARIES

District boundaries shall be property, tract, or lot lines; center lines of streets, lanes, railroads, watercourses, ponds, or rights-of-way of power lines or other public utilities; and such lines extended and parallel thereto, as existing at the effective date of this Chapter and amendments

thereto. The following rules shall apply where uncertainty exists as to the location of any boundary on the Zoning Map:

A. Where a district boundary is indicated as approximately following the center line of a street, lane, railroad, watercourse, pond, or right-of-way of a power line or other public utility, such center line shall be construed to be the boundary.

B. Where a district boundary is indicated as including both sides of a street, lane, railroad, watercourse, pond, or right-of-way of a power line, or other public utility, the district shall be construed to apply to the entire bed of such and the boundary to follow the edge of such.

C. Where a district boundary is indicated as approximately following a property, tract, or lot line, such line shall be construed to be the boundary.

D. Where a district boundary divides a lot or tract or runs through undivided property, the location of such boundary, unless otherwise specified by information on the Zoning Map, shall be determined by the scale of the said map.

E. Where questions develop as to the exact location of a district boundary, the Zoning Officer shall investigate and render a decision. Appeals of this decision may be taken to and shall be decided by the Zoning Hearing Board per provisions of Article XX.

SECTION 155-303. DISTRICT BOUNDARY TOLERANCES

Where a district boundary divides a lot held in single and separate ownership at the effective date of this Chapter, use regulations applicable to the less restrictive district may extend into that portion of said lot in the more restrictive district to either the nearest lot line or to a distance of fifty (50) feet beyond the district boundary, whichever is less. Full usage shall first be made of the area of the lot in the less restrictive district before extension of a use into the portion of the lot in the more restrictive district. Any extension of a use into the more restrictive district must meet the area and bulk requirements of the more restrictive district. For the purpose of this chapter, the more restrictive district shall be the district with the greater minimum lot size requirement. If the lot size requirements in both districts are equal, the district with the greater setback requirements shall be considered the more restrictive district.

SECTION 155-304. FEDERAL, STATE, OR COUNTY OWNED PROPERTY

Whenever federal, state or county owned property is included in one or more zoning districts, it shall be subject to the provisions of this Chapter only insofar as is permitted by the Constitution and Laws of the United States of America and the Commonwealth of Pennsylvania.

Article IV: R-1 – Residential/Agricultural District

SECTION 155-400. PURPOSE

It is the purpose of this district to preserve the agricultural and rural residential character of appropriate areas of the Township, provide housing opportunities for residential development at low densities consistent with such character, and provide for clustering of housing as an option to preserve and enhance the natural, scenic, and historic character of the landscape. In addition, it is the intent of this district to achieve the applicable purposes and community development objectives of Article I.

SECTION 155-401. USES PERMITTED BY RIGHT

A. Single-family detached dwelling.

B. Agriculture per §155-1601.

C. Agritainment per §155-1602.

D. Agritourism per §155-1602.

E. Non-tower-based wireless communications facilities per §155-1615.

SECTION 155-402. USES PERMITTED BY SPECIAL EXCEPTION

The following uses shall be permitted by special exception, when authorized by the Zoning Hearing Board, subject to the provisions of §155-2005 and the specific sections listed below:

A. (RESERVED)

SECTION 155-403. CONDITIONAL USES

The following uses shall be permitted by conditional use, when authorized by the Board of Supervisors, subject to the provisions of §155-2105 and the specific sections listed below:

A. Bed-and-breakfast (historic resource) per §155-1603.

B. Cemetery per §155-1604.

C. Cluster residential development per Article XII.

D. Day care per §155-1608.

E. Outdoor private recreation per §155-1616.

F. Outdoor stadium lighting per §155-1617.

G. Religious facility per §155-1618.

H. School per §155-1621.

I. University per §155-1622.

J. Veterinary clinic per §155-1623.

SECTION 155-404. ACCESSORY USES AND STRUCTURES

Except as otherwise indicated in this Chapter, accessory uses customarily incidental to any of the principal uses in this district shall be permitted by right on the same lot as the principal use and subject to the applicable provisions for accessory uses of Article XVI. The following specific accessory uses shall also be permitted by right subject to the applicable provisions of Article XVI:

A. Home based business per §155-1612.

B. Microwave antennas per §155-1614.

C. Renewable energy systems per §155-1619.

D. Secondary farm business per §155-1601.B.

E. Private parking and/or garage (structure).

F. Private swimming pool per §155-1616.L.

G. Private tennis court per §155-1616.L.

SECTION 155-405. AREA AND BULK REGULATIONS

Unless specifically stated otherwise or differing for a specific use as authorized by this Chapter, the following shall be the minimum area and bulk regulations for the district.[1]

A. Lot coverages

1. Building coverage: Fifteen percent (15%) maximum.

2. Impervious coverage: Twenty percent (20%) maximum.

B. Principal structure

1. Lot size per dwelling unit or use: 80,000 square feet.

2. Lot frontage: Two hundred fifty (250) feet.

3. Lot frontage (cul-de-sac): One hundred twenty-five (125) feet.

[11] See Article II, for the definition of "Building Coverage" for a diagrammatic lot layout illustrating setbacks and building coverages

4. Front yard setback: One hundred (100) feet.

5. Side yard setback: Fifty (50) feet.

6. Rear yard setback: Seventy-five (75) feet.

7. Building height: Thirty-five (35) feet maximum.

C. Accessory structure(s). See §155-1500 for lot and bulk standards for various types of accessory structures.

D. Optional subdivision configuration

1. At the applicant's option, minimum lot sizes within subdivisions in the R-1 District may be reduced in exchange for configuring of protected areas as defined in Article XIV into conservation tracts designated separately from building lots.

2. In order to exercise this option, the following provisions must be met:

a. All protected areas with a contiguous area of 10,000 square feet or greater shall be held in tracts designated separately from developable lots. These tracts:

1. Shall not count against the allowed number of developable lots within the subdivision;

2. Shall not be subject to otherwise applicable minimum lot size requirements;

3. Shall be restricted from further subdivision or land development by deed restriction, conservation easement or other agreement in a form acceptable to the Township and duly recorded in the office of the Recorder of Deeds of Chester County and shall be noted on the face of the record plan. Any such restrictive mechanism shall be structured in a manner that would require the agreement of both the Township and a homeowners' association or like organization in order to abolish it in the future;

4. Shall be clearly identified on the face of the record plan; and

5. Shall be owned and maintained per the provisions in §155-1207, except that §155-1207(B)(5) shall not be applicable.

b. Minimum lot sizes of developable lots may be reduced as follows:

1. The average lot size within a development shall be no less than 70,000 square feet.

2. No lot shall have an area of less than one (1) acre.

3. No more than fifty percent (50%) of the lots in a development shall have an area of less than 70,000 square feet.

4. No more than ten percent (10%) of the lots in a development shall have an area of less than 60,000 square feet.

SECTION 155-406. DESIGN STANDARDS

The following design standards as applicable for permitted uses in this district shall include:

A. Supplemental Use Standards, per Article XVI.

B. Signs, per Article XVII.

C. Natural Resource Protections, per Article XIV.

D. Historic Resources Protection, per Article XIII.

E. General Standards, per Article XV.

F. Off-street Parking and Loading, per Article XVIII.

G. Fences, Walls and Screens, per Chapter 76.

H. Floodplain Management, per Chapter 83.

I. Stormwater Management, per Chapter 116.

Article V: R-2 – Residential District

SECTION 155-500. PURPOSE

It is the purpose of this district to preserve the residential character of appropriate areas of the Township, provide housing opportunities for residential development at medium densities consistent with such character, and provide for clustering of housing as an option to preserve and enhance the natural, scenic, and historic character of the landscape. In addition, it is the intent of this district to achieve the applicable purposes and community development objectives of Article I.

SECTION 155-501. USES PERMITTED BY RIGHT

A. Single-family detached dwelling.

B. Non-tower-based wireless communications facilities per §155-1615.

SECTION 155-502. USES PERMITTED BY SPECIAL EXCEPTION

The following uses shall be permitted by special exception, when authorized by the Zoning Hearing Board, subject to the provisions of §155-2005 and the specific sections listed below:

A. (RESERVED)

SECTION 155-503. CONDITIONAL USES

The following uses shall be permitted by conditional use, when authorized by the Board of Supervisors, subject to the provisions of §155-2105 and the specific sections listed below:

A. Bed-and-breakfast (historic resource) per §155-1603.

B. Child day care home per §155-1608.C

C. Cluster residential development per Article XII.

SECTION 155-504. ACCESSORY USES AND STRUCTURES

Except as otherwise indicated in this Chapter, accessory uses customarily incidental to any of the principal uses in this district shall be permitted by right on the same lot as the principal use and subject to the applicable provisions for accessory uses of Article XVI. The following specific accessory uses shall also be permitted by right subject to the applicable provisions of Article XVI:

A. Home based business per §155-1612.

B. Microwave antennas per §155-1614.

C. Renewable energy systems per §155-1619.

D. Secondary farm business per §155-1601.B.

E. Private parking and/or garage (structure).

F. Private swimming pool per §155-1616.L.

G. Private tennis court per §155-1616.L.

SECTION 155-505. AREA AND BULK REGULATIONS

Unless specifically stated otherwise or differing for a specific use as authorized by this Chapter, the following shall be the minimum area and bulk regulations for the district.[1]

A. Lot coverages

1. Building coverage: Fifteen percent (15%) maximum.

2. Impervious coverage: Twenty percent (20%) maximum.

B. Principal structure

1. Lot size per dwelling unit or use: 40,000 square feet.

2. Lot frontage: Two hundred (200) feet.

3. Lot frontage (cul-de-sac): One hundred twenty-five (125) feet.

4. Front yard setback: One hundred (100) feet.

5. Side yard setback: Thirty (30) feet.

6. Rear yard setback: Fifty (50) feet.

7. Building height: Thirty-five (35) feet maximum.

C. Accessory structure(s). See §155-1500 for lot and bulk standards for various types of accessory structures.

D. Optional subdivision configuration

1. At the applicant's option, minimum lot sizes within subdivisions in the R-2 District may be reduced in exchange for configuring of protected areas as defined in Article XIV into conservation tracts designated separately from building lots.

2. In order to exercise this option, the following provisions must be met:

a. All protected areas with a contiguous area of 10,000 square feet or greater shall be held in tracts designated separately from developable lots. These tracts:

[1]See Article II, for the definition of “Building Coverage” for a diagrammatic lot layout illustrating setbacks and building coverages

1. Shall not count against the allowed number of developable lots within the subdivision;

2. Shall not be subject to otherwise applicable minimum lot size requirements;

3. Shall be restricted from further subdivision or land development by deed restriction, conservation easement or other agreement in a form acceptable to the Township and duly recorded in the office of the Recorder of Deeds of Chester County and shall be noted on the face of the record plan. Any such restrictive mechanism shall be structured in a manner that would require the agreement of both the Township and a homeowners' association or like organization in order to abolish it in the future;

4. Shall be clearly identified on the face of the record plan; and

5. Shall be owned and maintained per the provisions in §155-1207, except that §155-1207(B)(5) shall not be applicable.

b. Minimum lot sizes of developable lots may be reduced as follows:

1. The average lot size within a development shall be no less than 70,000 square feet.

2. No lot shall have an area of less than one (1) acre.

3. No more than fifty percent (50%) of the lots in a development shall have an area of less than 70,000 square feet.

4. No more than ten percent (10%) of the lots in a development shall have an area of less than 60,000 square feet.

SECTION 155-506. DESIGN STANDARDS

The following design standards as applicable for permitted uses in this district shall include:

A. Supplemental Use Standards, per Article XVI.

B. Signs, per Article XVII.

C. Natural Resource Protections, per Article XIV.

D. Historic Resources Protection, per Article XIII.

E. General Standards, per Article XV.

F. Off-street Parking and Loading, per Article XVIII.

G. Fences, Walls and Screens, per Chapter 76.

H. Floodplain Management, per Chapter 83.

I. Stormwater Management, per Chapter 116.

Page intentionally left blank.

Article VI: CC-R – Country Club-Residential District

SECTION 155-600. PURPOSE

It is the purpose of this district to provide guidelines for the development of country clubs, and associated housing opportunities for residential development consistent with existing densities and scale of that existing within the Township. In addition, it is the intent of this district to achieve the applicable purposes and community development objectives of Article I.

SECTION 155-601. USES PERMITTED BY RIGHT

A. Single-family detached dwelling.

B. Agriculture per §155-1601.

C. Non-tower-based wireless communications facilities per §155-1615.

SECTION 155-602. USES PERMITTED BY SPECIAL EXCEPTION

The following uses shall be permitted by special exception, when authorized by the Zoning Hearing Board, subject to the provisions of §155-2005 and the specific sections listed below:

A. (RESERVED)

SECTION 155-603. CONDITIONAL USES

The following uses shall be permitted by conditional use, when authorized by the Board of Supervisors, subject to the provisions of §155-2105 and the specific sections listed below:

A. Country club – single-family attached residential development in accordance with the provisions of §155-606.

B. Golf club or other outdoor recreational use customarily located in natural woodland and/or agricultural areas, including a country club or similar use in conjunction with any permitted outdoor recreational or agricultural use.

SECTION 155-604. ACCESSORY USES AND STRUCTURES

Except as otherwise indicated in this Chapter, accessory uses customarily incidental to any of the principal uses in this district shall be permitted by right on the same lot as the principal use and subject to the applicable provisions for accessory uses of Article XVI. The following specific accessory uses shall also be permitted by right subject to the applicable provisions of Article XVI:

A. Home based business per §155-1612.

B. Renewable energy systems per §155-1619.

C. The following accessory uses shall be permitted within a country club or golf club tract as part of conditional use approval subject to §155-603:

1. Golf course, including driving ranges and practice areas.

2. Outdoor tennis courts; outdoor pool.

3. Outdoor paddle tennis courts.

4. Lawn sports.

5. Clubhouse; pro shop; ninth hole facility.

6. Maintenance buildings; storage sheds; cart storage building.

7. Patio dining and social activities.

D. Within the clubhouse facilities of a country club or golf club tract, the following accessory uses and no others are permitted as part of conditional use approval subject to §155-603:

1. Dining.

2. Bar and grill rooms.

3. Golf course administration.

4. Lounge areas.

5. Locker room facilities.

6. Guest facilities.

7. Conferences.

8. Banquets.

9. Weddings.

10. Dinner dances and similar social functions.

SECTION 155-605. AREA AND BULK REGULATIONS

The area and bulk regulations as set forth in §155-405 or §155-505 of this Chapter, shall be applicable to all uses within the CC-R District, with the exception of the development area of a Country Club - Residential Development, which shall be governed by the regulations set forth in §155-606.

SECTION 155-606. STANDARDS FOR COUNTRY CLUB – RESIDENTIAL DEVELOPMENT

A. Eligibility and density. As a conditional use in the CC-R Zoning District, a developer may be allowed to modify area and bulk regulations in order to develop townhouse residential uses in conjunction with permanently restricting the balance of the tract to outdoor recreational and

agricultural uses, such as a country club, provided that the following procedures and conditions are met:

1. The gross area of the tract to be subdivided or developed, including the area to be devoted to outdoor recreational or agricultural use, shall be not less than one hundred (100) acres. In such event, the overall tract shall be divided as follows:

    a. Not more than fifteen percent (15%) of the overall tract shall constitute the development area, to be utilized for townhouse lots, common drives and private streets, parking areas, individual driveways and common landscape areas as specified in §155-606(B)12.

    b. Not less than eighty-five percent (85%) of the overall tract shall constitute a deed restricted country club area, permanently restricted to outdoor recreational or agricultural uses and accessory buildings and structures, as herein defined. Within the country club area:

        1. Not more than twelve and one-half (12.5) acres shall constitute accessory buildings (such as clubhouse facilities, maintenance facilities and the like), paved parking areas, stormwater management facilities and/or wastewater management structures; and

        2. The balance thereof shall constitute outdoor recreational/agricultural open space as herein defined.

2. The density of development shall not exceed 0.62 dwelling units per acre, based upon the total gross acreage of the tract, nor 0.68 dwelling units per acre, based upon the net acreage of the tract (after deducting from gross acreage ponds, water line and stormwater and sewer easements and drives, parking areas and building footprint areas within the restricted outdoor recreational or agricultural use portion of the tract).

3. The site shall be suitable for development in the manner proposed without hazards to persons or property, on or off the site, due to flooding, erosion, subsidence or slipping of the soil or other dangers or inconvenience. Conditions of soil, groundwater level, drainage and topography shall be compatible with proposed site design.

4. In granting or denying a conditional use or establishing conditions on such grant, the standards set forth in §155-2105, as applicable to special exceptions, shall be applied. The burden of establishing compliance with the objective standards set forth herein shall be on the applicant, and the burden of establishing noncompliance with the general standards of §155-2105 shall be upon any opponents to the conditional use application.

B. Single-family attached dwelling units. For country club - residential developments, all dwelling units shall be single-family attached dwelling units (townhouses), conforming to the following area and bulk regulations:

1. Maximum number of dwelling units within a building: six (6).

2. Minimum spacing between building facades:

    a. Side-to-side: thirty-five (35) feet.

    b. Rear-to-rear: sixty (60) feet.

c. Front-to-front: eighty (80) feet (not including garages).

3. Minimum setback from tract boundaries, with buffer area acceptable to the Board of Supervisors: thirty (30) feet.

4. Minimum setback from internal property boundaries of the country club or outdoor recreational use: twenty (20) feet.

5. Minimum setback from the cartway of a common drive or private street, where on-street parking is not provided for: twenty (20) feet.

6. Minimum setback from the edge of guest parking spaces adjacent to a common drive or private street: fifteen (15) feet.

7. Minimum lot (unit) width of attached single-family dwellings: twenty-four (24) feet.

8. Maximum building height: thirty-five (35) feet.

9. Minimum cartway width for common drives or private streets, in addition to any adjacent parking areas: eighteen (18) feet (plus curb and gutter).

10. All single-family attached dwelling units shall be served with public or community water and sewer. The backup generator for the sewage system and the pump located at the treatment plant shall be located at least 250 feet away from the nearest residence, and the noise levels from the generator and pump shall not exceed sixty decibels (60 dB) at any of the residences.

11. There shall be a minimum of 2.4 off-street parking spaces each measuring at least nine (9) feet by eighteen (18) feet for each single-family attached dwelling unit, which spaces may be placed within garages, individual driveways and perpendicular parking stalls adjacent to internal drives or private streets (or in any combination thereof).

12. The single-family attached (townhouse) development shall be located within an area or areas of the overall country club residential tract ("overall tract") to be subdivided from the overall tract. Such area(s) of the overall tract shall be delineated as the development area(s), and shall be in conformity with the following standards:

    a. The development area(s) shall not exceed fifteen percent (15%) of the overall tract.

    b. The development area(s) may include, in addition to housing sites (within individual lots or "building footprint" lots, at the developer's election), internal common drives or private streets, parking spaces and/or individual driveways and common areas to be owned and maintained by an association of unit owners, in conformity with the "Maintenance of Open Space" standards set forth for planned residential developments in §155-709.C; the documents governing the development area(s) shall be subject to the review and approval of the Township Solicitor.

13. Impervious surfaced sidewalks meeting the requirements of the ADA shall be installed throughout the development area.

C. Restrictions on future use and development. Not less than eighty-five percent (85%) of the overall tract shall be permanently restricted to future use as a golf course (with or without accessory country club facilities, such as tennis courts, platform tennis courts or swimming pools) and accessory buildings and structures or for other outdoor recreational or agricultural uses. Such area(s) shall be delineated as the "country club area(s)," and shall be in conformity with the following standards:

1. As part of any conditional use approval for country club residential development in the CC-R District, the Board of Supervisors shall approve appropriate conditions restricting both the country club area(s) and the common areas within the development area(s) against any future resubdivision or development and limiting the uses of each. Within the country club area, the Board shall review and approve a plan delineating the limits within which any future expansion of the country club facilities (buildings, structures and parking areas) shall be confined. Accessory uses within the country club areas shall be limited to those set forth above in the definition of country club accessory uses; provided, however, that the Board may, by amendment to such definition, authorize in the future additional or alternative accessory uses.

2. The country club area(s) are not intended to be dedicated to the homeowners' association, but shall remain in private ownership (i.e., as either a business or investment entity or as a nonprofit association or corporation), subject to the required declaration of restrictive covenants which shall be recorded in the Chester County Recorder of Deeds Office, and, where a portion of the country club area(s) extends into Delaware County, the declaration shall also be recorded in the Delaware County Recorder of Deeds office. The declaration shall limit the uses of the country club areas in perpetuity to outdoor recreational and agricultural use not to be further subdivided or developed, except for buildings and structures accessory to permitted golf course, country club or other outdoor recreational or agricultural uses, as hereinabove defined; the declaration shall be subject to the review and approval of the Township Solicitor.

3. In the event that, at any time in the future, the owner of the country club area shall wish to change the originally approved outdoor recreational use to another type of such use or outdoor agricultural use, such change shall be presented to the Board of Supervisors in the form of an application to modify the conditional use approval, and the Board shall review such proposed change as set forth in §155-606.A.4 above.

D. Minimum outdoor recreational/agricultural open space. Within the county club area(s), not more than twelve and one-half (12.5) acres shall constitute accessory buildings (such as clubhouse facilities, maintenance facilities, golf cart storage facilities and the like), paved parking areas, stormwater management facilities and/or wastewater management structures, and the balance thereof shall constitute outdoor recreational/agricultural open space. Future development up to this maximum shall be authorized to take place only within the limited areas specified as part of conditional use approval, referred to in §155-606.C.1 and in accordance with the area and bulk regulations in §155-605 above.

SECTION 155-607. DESIGN STANDARDS

The following design standards as applicable for permitted uses in this district shall include:

A. Supplemental Use Standards, per Article XVI.

B. Signs, per Article XVII.

C. Natural Resource Protections, per Article XIV.

D. Historic Resources Protection, per Article XIII.

E. General Standards, per Article XV.

F. Off-street Parking and Loading, per Article XVIII.

G. Fences, Walls and Screens, per Chapter 76.

H. Floodplain Management, per Chapter 83.

I. Stormwater Management, per Chapter 116.

Article VII: PRD – Planned Residential District

SECTION 155-700. PURPOSE

The provisions of this article are enacted in order:

A. To recognize the need to direct increasing urbanization to appropriate locations in the Township;

B. To accommodate for housing of all required forms at a scale and design configuration which compliments the semirural, open character of the Township;

C. To encourage desirable innovations in residential and nonresidential design which preserve and incorporate the agricultural, natural, scenic, historic and open space resources of the Township;

D. To provide uniform procedures which relate the type, design and layout of a unified development to the particular physical characteristics of site;

E. To establish design provisions which allow for flexible lot layout and more efficient use of land and open space than is afforded under conventional zoning;

F. To prolong the effective life of community services and facilities, maintain fiscal solvency of the Township and protect property values within the Township;

G. To develop large tracts of land in accordance with Article XIV Natural Resource Protections; and

H. To further implement the goals and objectives of the Township's Comprehensive Plan and the Open Space, Recreation and Environmental Resources Plan.

SECTION 155-701. APPLICATION OF THE COMPREHENSIVE PLAN AND THE OPEN SPACE, RECREATION, AND ENVIRONMENTAL RESOURCES PLAN

The provisions of this article shall be interpreted in relation to the goals and objectives of the Thornbury Township Comprehensive Plan. Every development plan for approval of a PRD shall be based and interpreted in relationship to the Comprehensive Plan. Specifically, the development plan shall be designed to:

A. Guide and encourage the future development of Thornbury Township in accordance with comprehensive planning of land use and population density that represents the most beneficial and convenient relationship among the agricultural, residential, commercial and other areas within the Township, having regard to their suitability for the various uses appropriate to each of them and their potential for such uses;

B. Minimize the grading or other alteration of the site, in order, among other things, to prevent soil erosion and to conserve important vegetative and scenic resources;

C. Protect the character and the social and economic stability of the Township and encourage orderly and beneficial growth;

D. Protect and conserve the value of land and buildings throughout the Township appropriate to the various uses proposed;

E. Aid in bringing about the most beneficial relationship between land use and the traffic circulation patterns throughout the Township, having particular regard to the avoidance of congestion in the roads and the provision of safe and convenient access appropriate to the various land uses;

F. Aid in providing a guide for public policy and action in the efficient provision of public facilities and services, in the provision of safe and proper sanitary sewage disposal;

G. Protect and preserve historic resources as shown on the Thornbury Township Historic Resources Map; and

H. Protect and conserve those resources mapped in the Open Space, Recreation and Environmental Resources Plan and in particular the water resources (Map 2), steep slopes (Map 3) and biotic resources (Map 4).

SECTION 155-702. QUALIFYING CONDITIONS

The following conditions shall be satisfied prior to the consideration of the Board of Supervisors on any application request for a PRD:

A. The tract of land so developed shall be in single ownership, or, in the case of multiple ownership of the tract, the application shall be filed jointly by all of the owners of the tract and, in any case, it shall be agreed that the tract will be developed, within the time limits specified by the Board, under a single direction and in the manner approved;

B. The tract shall be located entirely in the PRD District;

C. Tract size.

1. A tract in the PRD District shall have a minimum contiguous area of one hundred (100) acres. In the event that the minimum tract acreage in the PRD District is not contiguous due to separation by one or more public roads or public rights-of-way, such separation shall not preclude development of the tracts as a PRD if they are developed in a unified manner as a single PRD.

2. Those portions of the tract encumbered by land conservancy easements or similar easements requiring the eased land to be maintained as open space or parkland shall not be included in the tract area for purposes of the calculation of density of dwellings.

D. All PRDs shall have primary access onto a designated collector road;

E. The tract shall be served by either an approved community or public water and community or public sewer systems;

F. Soil and subsoil conditions must be suitable for excavation and site preparation and for on-site water systems, where applicable;

G. Impact studies shall be developed in accordance with §155-704 and made part of the application for tentative plan approval so that existing and possible negative impacts will be mitigated;

H. The development will preserve and incorporate a limited visibility of the proposed development into the proposed landscaping, to the maximum extent possible, taking into consideration natural features such as topographic conditions, ponds, streams, tree stands, shrubs and other vegetation;

I. The topography of the tract of land and its drainage shall be suitable for the proposed development, with consideration given to preventing soil erosion;

J. All dwelling units shall have direct access to internal streets within the proposed PRD; and

K. The application shall provide a minimum of forty percent (40%) open space.

SECTION 155-703. SITE DEVELOPMENT CONSIDERATIONS

In order to facilitate a comprehensive review of site suitability, the following standards shall be applied to sites being considered for a PRD except wherein twenty-five (25) acres are developed for mobile homes, wherein the mobile home ordinance standards shall apply:

A. Modification of otherwise applicable standards. The uniqueness of each proposal for PRD may require that the standards and specifications in the other parts of this Chapter and/or Chapter 115, Subdivision and Land Development, may be subject to modification for such features as: the width and surfacing of the streets and highways; alleys; public utilities; curbs; gutters; sidewalks; pathways/trails; street lights; public parks and playgrounds; school grounds; stormwater drainage; water supply and distribution; sanitary sewers and sewage collection and treatment; parking spaces and areas; and setbacks and separations of structures in relation to each other and property lines.

   The Board of Supervisors may modify certain standards and specifications, provided that the modifications of such standards and specifications are: consistent with the public interest; consistent with the purpose and intent of this Chapter; and that such modification represents the least change to the chapter. Where there is conflict between standards and specifications of this article and other ordinance provisions, the Board of Supervisors shall determine which ordinance provisions will prevail; and where not specifically modified by the Board of Supervisors, the provisions of the other parts of this Chapter and Chapter 115, Subdivision and Land Development, shall fully apply to developments under this article.

B. General tract considerations. In order to determine which areas of a prospective tract are suitable for development and which areas should remain in open space, a thorough analysis of the natural and man-made resources of the site shall be mapped and described in a written report. The Township shall require site design proposals to address the results of these analyses in a way which will conserve natural resources. The analysis shall include the following inventory:

   1. Natural features such as lakes, streams, wetlands and wooded slopes to be preserved and incorporated into the proposed landscaping of the development plan to the maximum extent possible. The applicant shall demonstrate the means whereby trees and other natural features shall be protected during construction. The location of such trees and other natural features must be considered when planning and designing such features as: common open space,

locations of buildings, underground utilities and services, sidewalks, pathways, paved areas and finished grade levels.

2. An analysis of the watershed in which the tract is located, including site-specific analysis of water resources such as streams, drainage swales, floodplain areas, wetlands and areas with high water table soils. Water bodies shall be preserved in their natural state and incorporated into the design of the development.

3. An analysis of rock formation characteristics underlying the tract, including aquifers, areas of shallow soil and rock outcroppings and areas which are unsuitable to serve as foundation materials.

4. An analysis of the terrain of the tract, including the mapping of elevation in at least twenty (20) foot bands on a topographic elevation map and the delineation of slope into the following categories: 0% to 15%, 15% to 25% and over 25% slope. The mapping of slopes shall be performed using a two (2) foot contour interval aerial or field-derived topographic survey. All moderate and steep slopes shall be mapped. However, restrictions on use of the slopes shall apply whenever three or more consecutive two (2) foot contours (six (6) cumulative feet or more) are impacted. Slopes exceeding 25% shall be reserved in their natural state. Seeding, sodding and other plantings shall be applied to stabilize steep slopes and to enhance the appearance of open areas.

5. Where adequate surface drainage is not possible by grading alone, a supplementary drainage system approved by the Township shall be required.

C. General design guidelines. The following guidelines shall apply:

1. All housing shall be designed with regard to the topography and natural features of the site. All proposed building locations shall be set back at least ten (10) feet from slopes in excess of twenty-five percent (25%), floodplain areas and wetlands. In addition, all proposed building locations shall be free of high water table soil types and unstable geologic formations. The effects of prevailing winds, seasonable temperature and hours of sunlight on the physical layout and form of the proposed development shall be demonstrated.

2. Variations in the building design shall be required to create architectural interest in the layout and character of dwellings. Such variations may be achieved, among other ways, through the design of buildings to include such features as porches, courtyards or atrium spaces formed by attached dwellings or multifamily buildings and arcade/foyer spaces formed by nonresidential buildings.

3. All dwellings shall be designed to ensure natural light and ventilation, while affording maximum privacy.

4. Access to vehicular parking and pedestrian walks shall be convenient to dwellings without creating a nuisance or detracting from privacy of residents. All dwellings shall be served by local streets.

5. The entire perimeter of the tract(s) to be developed shall include a landscape buffer in accordance with this article. However, if the Design Review Committee determines that sufficient existing vegetation and/or topography buffer and screen views of the proposed development, the buffer requirement may not be required. All proposed residential principal

structures shall be set back from the tract boundary a minimum distance of one hundred (100) feet, and all proposed residential accessory structures shall be set back at least fifty (50) feet from the tract boundary, both of which shall be measured from the adjacent property lines, or, in the case of a street, alley, roadway or highway, from the ultimate right-of-way lines.

6. Dwelling units and lots shall be clustered to minimize the disruption of the site and to provide for an adequate open space design.

7. This Article is intended to encourage good quality development by taking into consideration the appearance of all elevations and layouts of buildings and external spaces and materials used therein. The Design Review Committee shall evaluate the quality of development proposed and may make recommendations to the Board to improve such quality.

8. Lots, buildings, roads and other structures shall be grouped into clusters so as to create a sense of neighborhood. A sense of neighborhood shall be achieved by incorporating the following features into the development plan: a neighborhood center; parks, playgrounds or other recreation facilities within a one-fourth-mile radius of a group or cluster of dwellings; a street, sidewalk and pathway system designed in an integrated manner and leading to and from the neighborhood center; and parking on the side and rear of buildings in the neighborhood center so as to create and promote pedestrian space between the building facades and the street lines.

   A sense of neighborhood may also be created by the design and placement of dwellings and structures in the form of a traditional neighborhood with: buildings twenty-five (25) feet from the street line and detached garages accessible from a rear service alley; front porches; street trees; sidewalks on both sides of the street; and pathways leading to parks and a neighborhood center.

9. Development shall be located on areas of the tract to minimize the disruption of sensitive environmental features such as hedgerows, woodlands, steep slope areas and water bodies. These features shall be incorporated into the common open space to provide visual screening between clusters. Clusters of lots shall be defined and separated by common open space in order to allow direct access to open space and recreational facilities. The common open space between clusters shall have a minimum width of one hundred (100) feet. A minimum setback of twenty (20) feet from the exterior walls of all multiple-dwelling structures shall be achieved in order to define the boundary of the common open space close to proposed buildings.

10. All areas designed for open space and recreational use shall also conform to §155-709.

11. Historic resources, as shown on the Thornbury Township Historic Resources Map, shall be protected and, when not proposed as a residence, shall be preserved in a setting surrounded by open space. The applicant's proposal for protection and preservation shall include provisions for future ownership and maintenance approved by the Design Review Committee.

12. Eighty percent (80%) of the area of the minimum required lot size shall be outside areas subject to Floodplain Management, wetlands, steep slopes, and stormwater management basins. For purposes of this regulation, the area of a stormwater basin shall be calculated by measuring the area of the water surface within the basin projected to exist at the level of the

basin overflow. Every lot shall be free of wetlands, floodplains and steep slopes. Whenever this subsection conflicts with any other provision of this Section, the stricter regulation shall apply.

D. Optional sketch plan review and discussion.

1. Although optional, the applicant is strongly urged to submit a sketch plan for review and discussion with the Township.

2. The sketch plan shall embody and be accompanied by maps, plans and other data to express: the general tract considerations as set forth in §155-703.B above and the general design guidelines of §155-703.C above, except that the contour interval for slope mapping may be at ten (10) feet.

3. The sketch plan shall include typical elevations of the proposed buildings.

4. The sketch plan review and discussion process is intended to provide the Thornbury Township Board of Supervisors, Planning Commission and Design Review Committee with an opportunity to engage in a meaningful analysis of design issues, alternatives and options.

5. Through the review and discussion of the sketch plan, the applicant and the Township can explore conceptual design solutions for ingress/egress, vehicular and pedestrian circulation, open space, recreational areas, the use of developable areas, the relationship of developable areas to one another, the location and form of the design to create a sense of neighborhood and other matters.

SECTION 155-704. SITE ANALYSIS

The applicant shall be responsible for the preparation of the following impact studies. These studies shall be submitted as part of the application for tentative plan approval. This supporting data shall be designed to assist the Township in the review of the proposal and offer documentation on how negative impacts associated with the project shall be minimized and mitigated.

A. Traffic impact study. The applicant shall hire a Transportation Engineer/Traffic Consultant to prepare said study with the approval of the Township. The study shall follow current PennDOT guidelines for such studies and the methodology shall be subject to Thornbury Township review and approval. The study area shall include all intersections within 2,000 feet of the tract and any other major intersections as recommended by the Planning Commission. The study shall assess the impact of a proposed development on the highway network and Township roads, to identify traffic problems associated with the proposed development, to identify potential solutions and to present improvements to be incorporated into the project design. Mitigating measures shall include methods of maintaining the capacity of the road network within the study area. Mitigation measures shall be proposed to minimize adverse impacts, and the Board of Supervisors may condition any PRD Plan approval on such mitigation in accordance with §155-714.

B. Community impact study. The applicant shall submit an impact study which will sufficiently assess the impact the development will have on the Township and the level of public services. The study shall address the manner in which identified negative impacts shall be mitigated by the applicant to enable the Board of Supervisors to ascertain if the proposed development is capable of being serviced by existing public services and, further, to specify what efforts the

applicant has made to minimize the demand for services. The study shall analyze the following services and facilities:

1. Fire protection. The impact the proposed development will have on fire protection capability, including but not limited to municipal water supply, pumping capacity and specialized equipment, shall be analyzed. The applicant must adequately demonstrate what effect the proposed development will have on these factors and its ability to meet any specialized needs so that the development will not have any impact on the public safety by adversely affecting the fire protection capability available to the community.

2. Solid waste. A study to determine what amount of solid waste will be generated as a result of the development shall be prepared. The study shall identify what method will be used to dispose of the solid waste and what effort will be directed toward recycling solid waste.

3. Historical. A study shall be made that determines the location of historic properties and structures both on and within two hundred (200) feet of the site and the effect said development will have on these properties and structures and what effort the developer will make to preserve such historic properties and structures. All historic resources, as shown on the Thornbury Township Historic Resources Map, shall be preserved.

4. Water. A study of the amount of water needed for domestic and fire use shall be provided. The study shall indicate the location of the source and anticipated pressure of proposed source of water. The applicant shall pay for the cost of improvements to a public water system if connection to said system is proposed.

5. School facilities. A study to determine the impact the development will have on school enrollment within the West Chester Area School District shall be provided. The study shall project the number of school-aged children to be generated by the development. Calculations shall be made for each dwelling type proposed and shall utilize demographics of the U.S. Census, the Township Comprehensive Plan and/or other available sources.

6. Fiscal impact. The applicant shall submit a report which identifies the fiscal consequences of the proposed PRD. The report shall be prepared by a qualified professional and shall address:

    a. The economic and fiscal characteristics related to the proposed development, including a profile of the Township, county and school district revenues which the proposal may generate and the Township, county and school district costs it may create. Such information shall be related to initial, phased and completed development conditions.

    b. The extent to which the development can be expected to be or not to be detrimental to the Township for annual and capital budgeting purposes.

    c. The ability or inability of the development to make adequate provision for educational, recreational and other essential community facilities which will be required as a result of the development. Other essential community facilities shall include a day-care center and other civic amenities as part of the neighborhood center.

C. Environmental impact study. The applicant shall submit a report which identifies the environmental consequences of the proposed PRD and the measures proposed to mitigate environmental impacts. Said study shall be prepared by a licensed engineer, architect, landscape

architect or a certified land planner. Particular emphasis shall be placed on the effects of the proposed project on the site and abutting properties. The study shall consist of text, tables, mapping and photography designed to illustrate how environmental resources will be conserved and/or protected. The study shall include, as a minimum, the following components:

1. Site analysis plan. A composite map shall be prepared which depicts natural and man-made features of the site. Said plan shall be displayed at a scale of not greater than one (1) inch equals one hundred (100) feet. The plan shall, as a minimum, identify and analyze the following features:

    a. Topographic conditions of the site depicted by existing contours at vertical intervals of two feet based on information derived from either actual field survey or aerial topographic interpretation, consistent with National Mapping Accuracy Standards. Slope shall be accurately depicted through the use of shading between contour intervals for slope between fifteen percent (15%) and twenty-five percent (25%) and for slope equal to or exceeding twenty-five percent (25%). Datum, which elevations refer to, shall be identified. Points of highest elevation, including hilltops and ridgelines, shall also be clearly noted. [Refer to §155-703.B.4 for mapping criteria.]

    b. All existing watercourses and waterbodies, including such features as ponds, creeks and intermittent streams, shall be identified.

    c. The actual limits of the floodplain and wetlands shall be accurately presented on the plan. Both floodplain and wetland limits shall be based on actual field survey and include the limits of hydric soil conditions and the designated one-hundred-year flood hazard area as defined by the Flood Hazard Map of FEMA. Wetland areas shall be based upon the criteria of the U.S. Army Corps of Engineers and the Pennsylvania Department of Environmental Protection and include all hydric soil areas.

    d. All soils on the tract, depicted by the limits of soil series as identified by the Soil Survey for Chester and Delaware Counties, by the U.S.D.A. Soil Conservation Service. A table listing the soil characteristics pertaining to slope, depth to water table, depth to bedrock and septic tank limitations shall be included.

    e. The location of all tree masses, hedgerows and individual trees shall be shown as part of the topographic survey plan for the property. The predominant type of all trees shall be noted, along with any plants or natural areas as identified in the 1994 "Natural Areas Inventory for Chester County, Pennsylvania."

    f. The limits of all existing streets, utilities, pipelines and associated rights-of-way or easements shall be identified.

    g. The limits of each geologic formation or rock type on the tract shall be plotted. The location and type of rock outcroppings shall be identified.

    h. The location of all buildings and structures, including ruins and remnants. Structures of historic and archaeological significance shall be documented. Such resources shall include those listed on the National Register of Historic Places, the Pennsylvania Inventory of Historic Places and the Chester County Historic Site Survey.

i. An analysis of access to the site, including the identification of existing accesses and optimum points of access in terms of sight distance, intersection alignment, turning movement conditions and other important factors.

2. Site character and current conditions. A combination of narrative and series of photographs depicting the general character of the site as viewed from ground level and from an aerial photographic base. Key aspects of the site analysis study in §155-704.C.1 shall be addressed, including woodlands, hedgerows, fields, primary views into the tract, water bodies and streams, significant views and the like.

3. Land use conditions. A narrative shall be prepared which defines current and past land use activities of the site. Current land uses and the location of buildings and structures, including the distance each is set back from the tract boundaries.

4. Historic and archaeological resource protection. Methods of conserving and protecting the resources identified in the site analysis plan shall be described through a combination of narrative and maps.

5. Visual resource protection. Methods of preserving the visual resources associated with the tract shall be described, including vistas, ridgelines, hilltops and stream valleys which can be seen from public streets. Preservation methods shall include conservation of existing features, landscaping, berming, the use of buffers and creative building setbacks through the placement of buildings and structures in less visually prominent locations.

6. Adverse effects of the project. The study shall identify adverse impacts which cannot be precluded through design alterations. The narrative shall identify whether the impact poses an immediate or indirect impact on a particular resource or characteristic of the site.

7. Mitigating measures. The study shall identify and depict measures which will mitigate the impacts identified in §155-704.C.6. The narrative shall identify measures that are required by existing standards and those which are unique to the proposed project. All adverse impacts shall be mitigated. All mitigation measures shall be clearly depicted on a separate plan sheet to be entitled "Impact Mitigation Plan."

D. The Board of Supervisors may require additional specific information and analysis as it deems necessary to adequately assess traffic impacts, community impacts, environmental impacts and fiscal impacts and to prescribe mitigation measures.

SECTION 155-705. PERMITTED USES

The uses permitted in a PRD shall be limited to:

A. A combination of dwelling units in single-family detached, two-family or multifamily detached, semidetached and attached when in accordance with the provisions of §155-707;

B. Those nonresidential uses deemed to be appropriate for the incorporation in the design of the PRD, including but not limited to a neighborhood center, community facilities, day care centers, agricultural facilities and uses and recreational facilities;

C. Accessory uses customarily incidental to the foregoing uses; and

D. Use of common open space areas.

1. Common space areas may include:

a. Agriculture, including cultivation of the soil; raising and harvesting of products of the soil, including nurserying, horticulture and forestry; or any other agricultural use which the Board of Supervisors deems appropriate for incorporation within PRD.

b. Natural areas, including but not limited to woodland, meadow, wetlands, streams, boundary buffer or similar conservation-oriented area.

c. Lawn: a grass area with or without trees which may be used by the residents for a variety or purposes and which shall be mowed regularly to ensure a neat and tidy appearance.

d. Outdoor recreation area, either active or passive.

e. Sewage disposal system involving land application and groundwater recharge, but excluding buildings and other aboveground structures associated with such facilities.

f. Historic resources.

2. Common open space areas shall not include:

a. Streets and off-street parking areas.

b. Building lots.

c. The 4,000 square foot equivalent lot area for multifamily dwellings.

d. Twenty (20) feet from any exterior walls of any townhouse or apartment dwelling.

e. Stormwater management facilities, unless designed as a pond, wet year-round.

SECTION 155-706. DENSITY REGULATIONS

A. Base residential density. The Board of Supervisors may permit a PRD application to include a greater number of dwelling units per acre than would be permitted by the zoning regulations otherwise applicable to the site. Such density increase shall be contingent upon the applicant successfully meeting the requirements of this Chapter. The maximum base density computed over the developable area of the PRD shall not exceed 3.0 dwellings per acre, except for those areas of the tract developed for mobile homes, wherein Article X, Mobile Home Park Overlay District, shall apply.

B. Maximum achievable density. The Board of Supervisors may permit a further increase in density, provided that the total density shall not exceed 4.0 dwellings per acre of developable area. The maximum density permitted under this section may not necessarily be achievable due to natural constraints and configurations of the site. To qualify for an increase in density, the applicant shall satisfy the following conditions:

1. Common open space is increased to a minimum of fifty percent (50%).

2. Active recreation facilities, as recommended by the Design Review Committee and deemed appropriate by the Board of Supervisors, are incorporated into the project design.

3. Watercourses, wetlands, trees of twelve (12) inches DBH or greater remain undisturbed in their natural state.

4. The preservation of agricultural uses and prime agricultural soils as defined by the USDA Soil Conservation Service.

5. All buildings located along the tract perimeter are screened from view along public roads through the use of landscaping and earthen berms which, when combined, total a minimum of twelve (12) feet in height, unless the Design Review Committee determines that the perimeter is sufficiently screened by existing vegetation and topography.

6. The applicant pays for the installation of off-site road improvements required as a direct result of the project and provide an equitable share of the cost of those off-site road improvements where it is documented that the project will generate a portion of the improvement need as identified in the traffic impact study.

C. Commercial use. Retail and office facilities shall be permitted only under the following conditions:

1. The application shall propose a minimum of one hundred (100) dwelling units;

2. A minimum of twenty-five percent (25%) of the proposed dwelling units shall be constructed and ready for occupancy prior to the commencement of constructing any retail and office facility;

3. The maximum land area reserved for commercial use shall not exceed five percent (5%) of the total tract area, and any such use shall be located in the neighborhood canter(s);

4. The area planned for commercial use shall be integrated into the neighborhood center of the PRD design in terms of lot layout, building design, environmental conditions and internal pedestrian and vehicular access;

5. The amount of permitted retail floor area shall be computed by allotting 250 square feet of gross floor area per each dwelling unit proposed. No more than ten percent (10%) of the total dwelling units proposed may be used in determining maximum floor space; and

6. A minimum of forty percent (40%) of the land area devoted to commercial use shall remain as a landscaped area. Such landscaped area shall be designed to be contiguous to the proposed open space to the maximum extent possible, in order to promote pedestrian linkages from the commercial area to the immediate neighborhood(s) that it serves.

D. Phased development. The application for PRD shall designate divisible geographic sections of the proposal which are to be developed in phases. Such designation shall include the following:

1. The number, type and density of the proposed uses. The net density phase may differ from phase to phase, provided that the overall gross density of the proposal complies with the terms of this article. Such deviation shall not exceed ten (10) dwelling units per acre in any

given phase. Further, no less than fifteen percent (15%) of the total number of proposed units shall be included in any phase.

2. The timing of development. The applicant shall submit a construction schedule which will indicate when each phase will be constructed. Such schedule shall include the number of units, the length of road, sewer and water facilities and lines, stormwater management devices and open space areas to be included in each phase.

3. The minimum required percentage of open space (as per §155-709) shall be achieved/proposed for each individual phase of the development.

4. A master plan shall be submitted with or before submission of the final plan for each phase of the PRD. The master plan shall be produced at a scale of one (1) inch equals one hundred (100) feet. The master plan shall be the first one or two sheets of the plan set, at the time of filing for approval of any phase thereof, and it shall reflect or be revised to reflect any changes made to the plan in all prior phases of final approval as an as-built condition and any changes to the overall contemplated layout for the entire development.

5. Each phase of the final PRD plan shall show all easements for stormwater drainage that are required on any area of the site outside of the phase under consideration, and easements for such drainage shall be required as a condition of final approval of that phase, if required.

6. The required typical elevations of all building types shall be submitted at the time of submission of plans for each phase of PRD plan approval.

7. The construction period for the entire development and commencement date for each section thereof may be modified from time to time by the Board of Supervisors upon the showing of good cause by the applicant.

8. The applicant shall establish a declaration of covenants, easements and other restrictions and shall furnish such performance bond or bonds in place of or in addition to those required by Chapter 115, Subdivision and Land Development. Such bonding shall be required to assure completion of streets, utilities, community and recreation facilities and other on-site or off-site improvements in accordance with the plan to protect the public interest in the event of abandonment of said plan before completion.

SECTION 155-707. DWELLING UNIT COMBINATION

A PRD shall comply with the following dwelling unit combination to ensure a variety of housing types:

A. A minimum of thirty percent (30%) single-family;

B. A minimum of five percent (5%) two-family;

C. A minimum of twenty percent (20%) multifamily;

D. The remainder of the housing units shall be left to the discretion of the developer, except that single-family dwellings shall comprise no more than seventy-five percent (75%) of the total number of housing units; and

E. At the discretion of the Board of Supervisors, dwelling unit combinations may be modified upon the showing of good cause by the applicant.

SECTION 155-708. AREA AND BULK REGULATIONS

The following area and bulk requirements shall apply to all residential uses permitted within a PRD:

A. Single-family.

1. Base minimum lot size: 10,000 square feet.
2. Bonus minimum lot size: 8,000 square feet.
3. Minimum lot width (base and bonus).
    a. Building line: fifty (50) feet.
    b. Street line: fifty (50) feet.
4. Minimum front yard depth: twenty-five (25) feet.
5. Minimum side yard: ten (10) feet.
6. Minimum rear yard depth: thirty (30) feet.
7. Base maximum building coverage: thirty percent (30%).
8. Bonus maximum building coverage: thirty-five percent (35%).
9. Base maximum lot coverage (total): forty percent (40%).
10. Bonus maximum lot coverage (total): fifty percent (50%).
11. Maximum building height: thirty-five (35) feet.

B. Two-family (twin and duplex).

1. Base minimum lot size per dwelling unit: 5,000 square feet.
2. Bonus minimum lot size per dwelling unit: 4,000 square feet.
3. Minimum lot width per dwelling unit (base and bonus).
    a. Building line: fifty (50) feet.
    b. Street line: thirty-five (35) feet.
4. Minimum front yard depth: twenty-five (25) feet.
5. Minimum side yard: ten (10) feet.

6. Minimum rear yard depth: thirty (30) feet.

7. Base maximum building coverage: thirty percent (30%).

8. Bonus maximum building coverage: thirty-five percent (35%).

9. Base maximum lot coverage (total): forty percent (40%).

10. Bonus maximum lot coverage (total): fifty percent (50%).

11. Maximum building height: thirty-five (35) feet.

C. Multifamily.

1. Base minimum allowable lot area to be reserved for each dwelling unit, exclusive of common parking and street areas: 4,000 square feet.

2. Bonus minimum allowable lot area to be reserved for each dwelling unit, exclusive of common parking and street areas: 3,000 square feet.

3. Minimum distance between buildings: fifty (50) feet.

4. Minimum setback from common parking: twenty (20) feet.

5. Base maximum building coverage: twenty-five percent (25%).

6. Bonus maximum building coverage: thirty percent (30%).

7. Base maximum lot coverage: forty percent (40%).

8. Bonus maximum lot coverage: fifty percent (50%).

9. Maximum building height: thirty-five (35) feet.

10. Maximum building length: one hundred sixty (160) feet.

11. Minimum setback from common open space: twenty (20) feet.

12. The following additional standards shall apply when individual lots are proposed:

    a. Minimum front yard depth: twenty-five (25) feet.

    b. Minimum rear yard depth: fifty (50) feet.

    c. Maximum building coverage: twenty-five percent (25%).

    d. Maximum lot coverage (total): thirty percent (30%).

13. Maximum number of dwelling units per building: twelve (12) units.

SECTION 155-709. COMMON OPEN SPACE STANDARDS

A. Area calculation standards.

1. A minimum of forty percent (40%) of the site shall be set aside for common open space.

2. When providing the minimum amount of open space as required by §155-710, no more than fifty percent (50%) of its land area shall be comprised of floodplain, wetlands and slopes in excess of twenty-five (25%).

3. Land areas designated for commercial, infrastructure and utilities, stormwater management facilities, wells, streets, internal drives, parking areas, as well as those features described in §155-705.D.2, shall not be included in the calculation for minimum open space. Included in the calculation of minimum open space may be a sewage disposal system involving land application and groundwater recharge, but excluding buildings and other aboveground structures associated with such system.

B. Design and location standards. In addition to the standards of §155-703, through 155-706 and §155-710, the following shall apply:

1. Open space shall be planned in accordance with the best principles of site design in order to be sensitive to the physical characteristics of the site. Open space shall be available to all residents of the PRD and shall be designed to provide direct access from all dwelling units.

2. A minimum of twenty percent (20%) of the area designated for common open space shall have environmental characteristics which make it suitable for supporting active recreation in the form of playfields (soccer fields, baseball fields), courts (tennis, basketball), swimming pools and the like.

3. A minimum of thirty percent (30%) of the designated open space area shall remain undisturbed in its natural state or designated for agricultural use. This may include floodplain areas and slopes in excess of twenty-five (25%); provided, however, that no more than fifty percent (50%) of such undisturbed/natural/agricultural open space shall be floodplain areas and/or slopes in excess of twenty-five (25%), either individually or cumulatively.

4. Land designated as open space shall not be a collection of scattered and narrow strips, but shall create a network of meaningful open space resources. Common open space areas shall not be less than two (2) acres in area, except that the open space areas within a neighborhood center may be one half (1/2) acre in size.

5. Open space areas shall contain only those structures relating to the designated purpose for which the land has been reserved.

6. All land set aside for open space shall be deed restricted from further subdivision or land development.

7. All alluvial, floodplain and/or hydric soils as delineated in accordance with §155-704.C.1.c shall be preserved into permanent open space.

8. A declaration of covenants, easements and restrictions shall be required to limit excavation, earthmoving procedures and other changes to the landscape in order to ensure preservation of the areas to be retained as open space.

9. The provisions for the placement and forms of open space shall be consistent with the Open Space, Recreation and Environmental Resources Plan.

C. Maintenance of open space.

1. The applicant of every PRD shall prepare and present at the time of submission of the tentative development plan for the approval of the Board of Supervisors documents creating and governing a property owner's organization and containing the declarations of covenants, restrictions, easements, charges and liens deemed necessary to own and maintain the common open space and recreation areas within the PRD.

2. Areas to be preserved in common open space shall be held either individually or collectively using the following methods of ownership:

   a. Homeowners' association. The common open space areas and their facilities may be held in common ownership by a homeowners' association. The association shall be formed and operated in accordance with the provisions of §155-710.C.3.

   b. Condominium. The common open space areas and their facilities may be held as common element under a condominium agreement. Such agreement shall be in conformance with the Uniform Condominium Act of 1980, as amended.

   c. Fee simple dedication to the Township. The Board of Supervisors may consider for dedication open space lands and their facilities for public use at the time of application for PRD approval. The Township has neither the obligation to accept such property nor the need to require common property be dedicated as a condition for approval.

   d. Dedication of easements. Easements within common areas along such unique natural features as water bodies may be offered for dedication to the Township for public use or to a private conservancy. Title to such lands remains in ownership by homeowners' association or condominium agreement.

   e. Lease-back option. To encourage the retention of agricultural lands, the Township, homeowners' association or the condominium agreement may permit all or portion of the open space lands to be leased back to a farmer. Approval of the lease-back option shall be conditioned on appropriate agreements between the title holder and the farmer concerning permitted farming practices and use of land in the event that farming practices cease in addition to the requirements of §155-710.C.3.

3. In addition to the foregoing, these documents shall contain the following minimum essential provisions with respect to such organization:

   a. Powers and duties in maintaining and administering open space, recreational and community facilities and supplementary project facilities like light fixtures, refuse stations, shopping areas, etc.; in administering and enforcing all covenants and restrictions and in the levying, collecting and disbursing of assessments and charges.

b. Membership and voting rights.

c. Rights and duties of the Township of Thornbury, members of the organization and residents of the PRD in the event of a breach of the covenants and restrictions.

d. If such organization is abandoned or abolished or if such organization desires to dispose of the common open space and recreation areas, said open space recreation areas shall be first offered to dedication to the Township of Thornbury at no cost to the Township before it is otherwise disposed of. The Township may refuse to accept such dedication and elect, as provided in the next subsection, to maintain the open space, with all costs of such maintenance being paid ratably by the residents of the development.

e. In the event that the organization established to own and maintain common open space, or any successor organization, shall at any time after establishment of the PRD fail to maintain the common open space in reasonable order and condition in accordance with the plan, the Board may proceed as provided in §705(f)(2) of the Act to demand that the deficiencies of maintenance be corrected or that the Township will enter upon and maintain common open space.

The Township may continue to maintain such open space, as further provided in that section of the Act, until an organization is established by the residents of the PRD which the Board of Supervisors finds is ready and able to maintain such common open space. Notice to affected property owners in accordance with the provisions of the plan as required above shall be deemed to be adequate by the Township. The cost of such maintenance by the Township shall be assessed ratably against the properties within the PRD that have a right of enjoyment of the common open space and shall become a lien on said properties. The Township, at the time of entering upon said common open space for the purpose of maintenance, shall file a notice of lien in the office of the Prothonotary of Chester County upon the properties affected by the lien within the PRD.

SECTION 155-710. IMPROVEMENT STANDARDS

A. Streets.

1. Types. The street system shall be related in design and type to the uses served by them and to the streets with which they intersect, and shall be identified on the plan as collector streets, secondary streets, minor streets and service alleys. The definitions of the types of such streets specified in §115-6 of Subdivision and Land Development shall apply, except to the extent inconsistent with the requirements of this Section. Service alleys, when incorporated in the design and layout of the street system, are defined as passageways providing secondary vehicular access to the rear of dwellings.

2. Widths.

a. All entrances to the proposed development and through streets within the development shall be designed as collector streets. Collector streets must have a minimum right-of-way of sixty (60) feet and a cartway width of twenty-eight (28) feet. Collector streets shall be designed for all types of vehicles and through traffic. Pedestrian crossovers shall be limited to a minimum of controlled points, and segregated pedestrian underpasses shall be encouraged. Length of collector streets is unlimited, the maximum grade is eight percent (8%) and the minimum grade is one percent (1%), with other technical

requirements conforming to the policies of the Township and design standards of Chapter 115, Subdivision and Land Development.

b. When the PRD is not provided with two (2) principal entrance and exit collector streets to existing public roads, the collector street providing the principal means of ingress and egress to the development shall be provided with a boulevard entrance extending to the first intersecting street within the development, which shall be not less than 200 feet from the existing intersecting road. The boulevard shall have a paved cartway surface of sixteen (16) feet for ingress and a paved cartway surface of sixteen (16) feet for egress, separated by a raised planting bed having a minimum width of ten (10) feet.

c. All internal roads accessing directly onto a collector road shall be designed as secondary streets. Secondary streets must have a minimum right-of-way of fifty (50) feet and a cartway width of twenty-four (24) feet. They shall serve primarily private and service vehicles; through traffic is discouraged. Pedestrian crosswalks shall be designated. Intersections with collector roads should be T-shaped. A maximum grade of eight percent (8%) shall be maintained.

d. Minor streets must have a minimum right-of-way of fifty (50) feet and a twenty-four (24) foot cartway width. The maximum grade shall be eight percent (8%). The minimum grade of secondary and minor streets shall not be less than one percent (1%).

e. Service alleys must have a minimum paved cartway and right-of-way of eighteen (18) feet for two-way access and twelve (12) feet for one-way access. The maximum and minimum grades shall be as required for minor streets.

3. Vertical curves. For all streets, vertical curves shall be used in all changes of grading exceeding one percent (1%) and must be designed for maximum visibility. A one percent (1%) grade per twenty-five (25) feet of cartway shall be the maximum allowance.

4. Culs-de-sac; dead-end streets.

   a. Cul-de-sac. A cul-de-sac street may be used only when designed and constructed as a minor street providing access to not more than twenty-five (25) dwelling units. A cul-de-sac street shall have a minimum length of two hundred and fifty (250) feet and a maximum length of one thousand (1,000) feet and shall be provided at the closed end with a paved turnaround having a minimum radius to the outer pavement edge of fifty (50) feet and a corresponding right-of-way having a minimum radius of sixty (60) feet within the turnaround areas.

   b. Dead-end street. Dead-end streets shall be prohibited, except as stubs to permit future street extension into adjoining tracts, if approved by the Board, or when approved as cul-de-sac. Dead-end streets shall be designed and constructed with a paved turnaround having a paved radius of not less than twenty-five (25) feet. Should the Board determine that development of adjoining property is not imminent, the Board shall require that a permanent curbed cul-de-sac complying with the minimum standard of this §155-710.A.4.a be constructed.

5. All streets and parking areas shall have curbs. The type of curb shall be approved by the Board of Supervisors upon the recommendation of the Township Engineer.

6. Sidewalks, pathways and bridle, bicycle and hiking trails. Collector streets shall have four (4) foot wide paved sidewalks at least two (2) feet from the curb. A sidewalk must be provided on both sides of a secondary or minor street. Sidewalks and pedestrian ways shall supplement and complement street systems in establishing the character of a residential neighborhood environment.

   Pedestrian circulation systems must be provided as convenient, safe and attractive links between residential groupings, open space areas, recreation areas, schools, local shopping facilities and the neighborhood center. Sidewalks shall be provided in all multifamily residential areas at a minimum width of four (4) feet. All pedestrian accessways shall be in compliance with the Americans with Disabilities Act (ADA). Bridle, bicycle and hiking trails also shall be provided. An overall pedestrian circulation system shall be proposed to form a looped system throughout the development. However, the maximum grade for any pedestrian path shall be 12 to 1.

7. Street specifications. The street construction specifications of §115-57 of Subdivision and Land Development shall apply to all streets constructed within a PRD.

B. Off-street parking.

1. There shall be a minimum of two and one half (2.5) off-street parking spaces measuring nine (9) feet by eighteen (18) feet for each townhouse dwelling unit with aisles at least twenty (20) feet wide. For other residential types, there shall be a minimum of two (2) off-street parking spaces. Driveways and garages can be substituted for parking space requirements, provided that the minimum area is provided. Detached garages accessible from a rear service lane or alley are encouraged to save the frontage appearance of the dwellings from the suburban garage door appearance and to promote the sense of neighborhood for the PRD.

2. There shall be one (1) off-street parking space measuring nine (9) feet by eighteen (18) feet for each two hundred and fifty (250) square feet of shopping or office space with the requirements specified generally for parking areas herein.

3. Parking areas shall be arranged in the neighborhood center to be on the side and rear of buildings in order to promote a pedestrian-oriented streetscape.

4. Parking areas shall be screened from adjacent collector streets with the use of hedges, dense planting, earth berms, changes in grade or decorative walls. All parking lots shall be a minimum of twenty (20) feet from all structures, buildings, access drives and/or streets.

5. No more than fifteen (15) parking spaces shall be permitted in a continuous row without being interrupted by an approved landscaping island which shall be a minimum of nine (9) feet in width and eighteen (18) feet in depth.

6. No more than sixty (60) parking spaces shall be accommodated in any single parking lot. Where the proposed development contains fifty percent (50%) or more of multifamily dwelling units, the Board may require that at least fifteen percent (15%) of the overall parking be provided with garages.

7. All common off-street parking areas shall be adequately illuminated. All such lighting shall be so arranged as to direct the light away from adjoining residences and shall be shielded.

8. All common off-street parking areas and off-street loading (i.e., elevated docks or other areas where merchandise is loaded onto vehicles) areas shall be graded and drained so as to manage all surface water without soil erosion or flooding. Any drainage toward buildings shall be collected through a subsurface system of piping.

9. All storage for other than private automobiles shall be structurally enclosed or permanently screened from view, including but not limited to boats, camping trailers and similar vehicles.

C. Landscaping, screening and tree replacement.

1. Landscaping shall be an essential feature of every PRD area in order to enhance the appearance and marketability of housing, provide protection from wind and sun; and for screening and buffering roads, parking areas and other development from view by nearby properties.

2. The applicant shall submit a master landscaping plan at the time of tentative PRD plan submission which depicts the location, quantity, type and size of plant materials to be incorporated into the design of the PRD.

3. A minimum of ten percent (10%) of all parking areas shall be landscaped. In addition to the other requirements of this section, the interior of the lot shall have one (1) four (4) inch caliper shade tree for every four (4) vehicle spaces.

4. Shade trees shall be provided to landscape the tract, the internal streets and other features. In determining the appropriate amount of trees to be provided, the Board of Supervisors shall consider the character of the development, the comfort of the residents of the development and the presence or absence of existing trees. However, there shall be at least three (3) deciduous trees of two-and-one-half-inch-to-three (2.5-3) inch caliper per dwelling unit and at least two (2) conifer trees of six (6) feet to eight (8) feet per dwelling unit, distributed over the lot and/or PRD site, which shall be in addition to the required street trees and trees within a parking lot.

5. The plant materials selected shall have suitable characteristics for their particular application and shall be free of disease and injury. Plantings shall be permanently maintained and shall comply with the American Standard for Nursery Stock of the American Association of Nurserymen.

6. All trees which are mapped to fulfill the requirements of §155-704.C.1.e shall be identified on the landscape plan. Trees to be preserved shall be protected from disturbance during construction and may be used in the street tree and shade tree calculation for streets and parking areas, if located within twenty (20) feet of the curbline.

7. Any building lot having more than one (1) viable tree of twelve (12) inch DBH or greater per one thousand and five hundred (1,500) square feet shall be considered a wooded lot. On wooded lots, no more than twenty-five percent (25%) of the trees twelve (12) inch DBH or greater shall be lost to disturbance without replacement or compensatory plantings being required. on lots where trees are to be reduced by more than twenty-five percent (25%), compensatory plantings shall be required on a one-for-one basis, with one new tree with a minimum caliper two-and-one-half-inch-to-three (2.5-3) inches being required for each tree over twelve (12) inches DBH being lost. The trees to be eliminated shall be shown on the

tentative and final PRD plans, along with the location of any new plantings required. The new plantings shall be native species placed at the edge of the remaining wooded area to the maximum extent possible.

8. Retaining walls, tree walls, tree wells and the like shall be proposed to the maximum extent possible to save existing trees, wooded lots, hedgerows and other vegetation.

9. Street trees shall be planted along both sides of all streets, existing and proposed, at an interval of fifty (50) feet on each side of the street. Street trees shall be staggered such that the interval along the street for each tree from one side to the other is twenty-five (25) feet. After the number of street trees is calculated, such trees may be grouped to achieve the intended design solution when approved by the Board of Supervisors.

D. Street signs, street furniture and streetlighting.

1. Careful attention shall be given to the quality of design of street signs, street furniture (such as benches and plant receptacles) and streetlighting. Street names are subject to approval by the Board of Supervisors and the U.S. Postal Service.

2. All streets and areas of high pedestrian use shall be adequately illuminated, pursuant to standards determined by the Board of Supervisors.

3. The character, size and shape of all outdoor directional signs shall be reviewed by the Board of Supervisors at the time of request for final approval.

4. Detailed designs of outdoor signs shall be reviewed by the Board of Supervisors prior to the issuance of permits.

5. Outdoor directional signs shall be designed so as not to be a nuisance to adjacent residences and so that size, shape and design shall be in harmony with its context. The Board may order the removal of any sign which it deems objectionable. The declaration of covenants, easements and restrictions shall address all signage proposed for the PRD.

6. Development name signs shall be limited to one (1) per entrance and shall not exceed four (4) feet in height or obstruct clear sight distances. Earthworks and the use of natural materials is encouraged.

E. Supplementary PRD facilities.

1. Commercial and office use areas within a PRD shall be located to blend with the residential character of nearby dwelling units. Parking and loading spaces must be carefully screened from view of adjacent residential development. The neighborhood center shall be designed to promote the sense of neighborhood as described in §155-703.C.8.

2. The use and design of commercial and office facilities shall be reviewed by the Board at the time of submission for tentative plan approval.

3. Swimming pools, skating rinks and other recreational areas shall be located to blend with the residential character of adjacent dwellings and, where necessary, shall be screened and/or fenced.

4. The neighborhood center shall have common open space in the form of a centrally located park or lyceum. The developer and/or landowner shall provide special facilities and common open space to insure that the neighborhood center functions to serve the PRD as the hub of civic activity. Benches, bus stops and special event parking spaces shall be accommodated.

5. Refuse stations must be screened by fencing, placed in locations convenient for collection and removal and not offensive to the occupants of adjacent dwelling units; and contain adequate capacity to handle the units intended to be served by them. The applicant shall demonstrate to the Township that garbage disposal for the uses proposed on the site will be adequate.

6. Adequate lighting must be provided to the outdoor areas used by residents after dark. Lighting fixtures must be provided for walkways and to identify streets, steps, ramps, directional changes and signs. Lighting shall be shielded and positioned to avoid shining directly into habitable room windows or into private yard areas associated with dwelling units.

7. All utilities, cable television and other lines shall be located underground within the PRD.

8. Water and sewage disposal must be furnished in accordance with the requirements of the state, county and the Township. Off-site water and sewage facilities or an on-site sewage treatment plant may be required where deemed necessary to the Board. In all cases where trunk line, sanitary sewer facilities are available, owners shall be required to install sanitary sewers and connect the same to such trunk line sewers. Plans for the design of water and sewer systems shall clearly show that they are free of such deficiencies as undersized pumps, insufficient distance of pipes below the ground, inadequate sealing protection from tree roots, inadequate distance between sewer and water lines, inadequate distance from natural gas lines, location in the paved section of roadways, inappropriate size of pipes, inappropriate material for pipes and other equipment, inadequate distance from property lines and other such deficiencies.

9. Plans for the operation of water and sewage disposal systems shall disclose that appropriate personnel will be hired, including that there will be a continuing consulting contract with an engineering firm familiar with the operation of such systems and that, in other respects, such operations shall be appropriate. In the event that the operations are improper, the Township may take such legal action as is necessary to create a municipal receivership of such systems and operate them in a manner that all cost of such systems are paid only by the residents they were initially intended to serve or actually serving.

10. The Board shall require the developer to provide areas for playfields and other recreational and community facilities in accordance with §155-709.B.2. Areas provided for such facilities should be adequate to provide for building sites, landscaping, off-street parking and other facilities appropriate to the use proposed. Such areas also shall be located in a manner best designed to serve the residents by way of pathway, trail and/or sidewalk connections. All such facilities will be operated by the organization described in §155-709 to maintain common open space. In the event of improper operations, the Township may operate such facilities as a receiver for the residents of the PRD, as further provided in this section.

11. Accessory buildings shall be located so as to visually and aesthetically be related to the principal buildings on the property where they are located, shall be screened by landscaping and shall otherwise comply with any Township ordinances dealing with such buildings.

12. All signs shall be in accordance with Article XVII Signs, and the following regulations:

    a. All signs shall be evaluated by the Design Review Committee. No entrance sign(s), directional signs, street name signs or other signs shall be approved by the Board of Supervisors until recommendations are received by the Design Review Committee.

    b. Any development name sign(s), which are installed as an approved temporary sign, shall be removed within sixty (60) days after the issuance of an occupancy permit for the last dwelling unit or nonresidential building.

SECTION 155-711. GENERAL PROCEDURE REQUIREMENTS

A. Administration. The Board of Supervisors shall administer PRD as set forth in this article. The Board of Supervisors, however, shall refer all plans for such development to the Planning Commission for their evaluation and recommendations. The Planning Commission may request comments from the Township Solicitor on the legal implications of the proposed development, may request comments from the Township Engineer on the engineering aspects of the proposed development and may request comments from the Design Review Committee.

B. Referral. All applications for tentative approval shall be referred to:

    1. The Chester County Planning Commission for study and recommendations to all aspects of the proposed development.

    2. The West Chester Area School District for study and recommendation as to the provision of appropriate educational and related facilities in the proposed development.

    3. The Design Review Committee for study and recommendation as to preventing adverse impacts to ecological systems and natural resources and to creating a bona fide sense of neighborhood as described in §155-703.C.8.

    4. The Chester County Conservation District for study and recommendation as to preventing soil erosion and sedimentation during and after construction of the proposed development.

    5. The Pennsylvania Department of Transportation for study and recommendations as to the impact of the proposed development on the highway systems serving it and the adequacy of its storm drainage systems.

    6. The Chester County Health Department for study and recommendations to the adequacy of sanitary sewer systems.

    7. The Pennsylvania Department of Environmental Protection as necessary for sewer, water, wetlands or other matters.

C. All reviewing agencies, other than the Township's Planning Commission, shall report to the Board of Supervisors. The Township's Planning Commission shall have such time necessary, but not to exceed sixty (60) days for tentative plan approval and forty-five (45) days for final plan approval, to complete its evaluation and comments, including the review of the recommendations made by other reviewing agencies. The Township's Planning Commission

will present its findings and those of the other reviewing agencies in the public hearings required by §155-713.

D. Owners are strongly urged to submit sketch plans for informal review to the Planning Commission in accordance with §155-703.D.

E. Other than the optional sketch plan submittal, all applications for PRD follow the stages listed below:

1. Tentative plan approval (§155-712).

2. Final plan approval (§155-716).

SECTION 155-712. APPLICATION FOR TENTATIVE APPROVAL

A. An application for tentative approval of a development plan of a PRD shall be filed by or on behalf of the owners of the land. If an application form is made available by the Board, any such application shall be made upon such form. An application shall be accompanied by such fee as may be fixed by the Board from time to time. An application shall be filed with the Township Secretary.

B. Plans shall be at a scale of one (1) inch equals one hundred (100) feet, except for the neighborhood center plan, which shall be at one (1) inch equals fifty (50) feet. In the event that the tract requires multiple sheets, a master sheet at a scale of one (1) inch equals two hundred (200) feet shall be provided.

C. An application for tentative plan approval of a PRD shall demonstrate compliance with this Chapter and all other applicable ordinances and shall contain the following as a minimum:

1. Site analysis plan.

2. Development plan.

3. Open space, recreation, community facilities, sidewalks, pathways and trails plan (such plan shall indicate the exact location of common open space and the exact areas intended to meet the minimum required open space and recreational space requirements).

4. Neighborhood center plan.

5. Grading plan.

6. Landscaping and lighting plan.

7. Utilities plan.

8. Stormwater management plan.

9. Road profiles plan.

10. Environmental impact mitigation plan.

11. Architectural elevations, floor plans and perspectives.

D. The above mentioned, submitted for tentative plan approval, shall include the following:

1. The location, size, topography and natural features, including but not limited to vegetation, hydrology, drainage and soils of the site; and the nature of the owner's interest in the land proposed for development.

2. All sections of the development plan which include topography shall have the areas of fifteen percent (15%) to twenty-five percent (25%) and twenty-five percent (25%) and greater slopes shaded.

3. The types and density of land use proposed for each of the various parts of the site.

4. The location, size and types of active and passive recreational areas and the natural areas proposed for portions of common open space; and the dimensions and location of areas reserved for community facilities. All open space, recreational and community facility areas shall be depicted and noted on the plans.

5. The use and approximate height, bulk and location of buildings and other structures in plan and profile. All building lots and dwelling units shall be numbered consecutively. Architectural elevations, floor plans and perspectives shall be submitted by a registered architect.

6. A grading plan depicting existing and proposed contours at two (2) foot intervals and delineating retaining walls and other measures to minimize land disturbance.

7. The feasibility of proposals for the disposition of the sanitary waste and storm sewer and provision of water supply.

8. A draft document describing the substance of covenants, grants and easements or other restrictions proposed to be imposed upon the use of the land, buildings and structures, including homeowner's documents, proposed easements and grants for public utilities and common open space.

9. The provisions for parking of vehicles and the location and width of proposed street, public ways, sidewalks, pathways, crosswalks, trails and the like.

10. The requested modifications in the land use regulations otherwise applicable to the subject property.

11. Fifteen (15) copies of the plan shall be submitted and will be distributed by the Township Secretary to all the aforementioned review agencies.

12. In the case of development plans which call for development over a period of years, a schedule shall be submitted showing the proposed times within which applications for final approval of all sections of the PRD are intended to be filed, and this schedule must be updated annually, on the anniversary of approval, until the development is completed and accepted.

E. An application for tentative plan approval shall contain all applicable impact studies as required by §155-704.

F. Filing fee.

1. Every applicant shall, at the time of filing application for PRD, pay to the Township of Thornbury a base filing fee, as per the schedule established by resolution of the Board.

2. Every applicant shall, as part of his application for approval of a plan, agree to pay the Township of Thornbury such fees and expenses as said Township incurs for the services of a land planner, landscape architect, architect, Township Engineer and/or Inspector, Township Solicitor and such other consultants determined by the Board to be necessary in investigation, tests and advising the Board in relation to the plan, inspection of construction of public improvements and review agreements and documents required by this Chapter.

G. The application for tentative plan approval of a PRD shall include a written statement by the landowner setting forth the reasons why, in his opinion, a PRD would be in the public interest and would be consistent with the comprehensive plan for the development of the Township. The statement shall include projections of the costs to be incurred and the revenues to be realized by the Township for both annual and capital budgeting purposes. Furthermore, to provide the Township with information regarding the risk to it that the owner might not complete the development, the owner will estimate the total development cost and describe the financial arrangements he has made to secure the necessary capital. Letters of intent of commitments from the financing sources will be attached to the application.

SECTION 155-713. HEARINGS

A. Within sixty (60) days after the filing of an application for tentative plan approval of a PRD pursuant to this article, a public hearing pursuant to public notice on said applicant shall be held by the Board of Supervisors, in the manner prescribed in §155-2002. The Chairman, or in his absence the Acting Chairman, of the Board may administer oaths and compel the attendance of witnesses. All testimony by witnesses at the hearing shall be given under oath, and every party of record at the hearing shall have the right to cross-examine adverse witnesses.

B. The Board may continue the hearing from time to time and may refer the matter back to the Planning Commission for a further report.

SECTION 155-714. ACTION OF THE BOARD

A. The Board, within sixty (60) days following the conclusion of the public hearing provided for in this article, shall, by official written communications to the landowner, either:

1. Grant tentative plan approval of the development plan as submitted;

2. Grant tentative plan approval subject to specified conditions not included in the development plan as submitted; or

3. Deny tentative plan approval to the development plan.

B. In the event that tentative plan approval is given subject to conditions, the landowner may, within thirty (30) days after receiving a copy of the official written communications of the Board of Supervisors, notify the Board of his refusal to accept all said conditions, in which case the Board shall be deemed to have denied tentative plan approval of the development plan. In the event that the landowner does not, within said period, notify the Board of his refusal to accept all said conditions, the tentative plan approval of the development plan, with all said conditions, shall stand as granted.

C. The grant or denial of tentative plan approval by official written communication shall include not only conclusions but also findings of fact related to the specific proposal and shall set forth the reasons for the grant, with or without conditions, or for denial, and said communications shall set forth with particularity in what respects the development plan would or would not be in the public interest, including but not limited to findings of fact and conclusions on the following:

1. In what respects the development plan is or is not consistent with the Comprehensive Plan for the development of the Township;

2. The extent to which the development plan departs from zoning and subdivision regulations otherwise applicable to the subject property, including but not limited to density, bulk and use, and the reasons why such departures are or are not deemed to be in the public interest;

3. The purposes, composition and amount of the common open space in the PRD, the reliability of the proposals for maintenance and conservation of the common open space and the adequacy or inadequacy of the amount and purpose of the open space as related to the proposed density and type of residential development;

4. The physical design of the development plan and the manner in which said design does or does not make adequate provision for utilities and public service, provide adequate control over vehicular traffic and further the amenities of light and air, recreation and visual enjoyment;

5. The relationship, beneficial or adverse, of the proposed PRD to the neighborhood in which it is proposed to be established;

6. The adequacy or inadequacy of the provisions in the development plan for protecting against imbalances in ecological systems, air and water pollution, soil erosion and unjustifiable destruction of natural resources;

7. The adequacy or inadequacy of the development plan to create the sense of neighborhood described in §155-703.C.8.

8. The probability that the applicant will be able to obtain adequate financing to complete the development;

9. Special conditions that must be met, such as reserving land, providing bonds or, in some other manner, providing for a fair contribution by the development to utilities, schools and other public and community facilities which will be required within the area where the development is located; and

10. In the case of a development plan which proposed development over a period of years, the sufficiency of the terms and conditions intended to protect the interest of the public and the residents of the PRD in the integrity of the development plan.

D. In the event that the development plan is granted tentative plan approval, with or without conditions, the Board may set forth in the official written communications, the time within which an application for final plan approval of the development plan shall be filed or, in the case of a development plan which provides for development over a period of years, the periods of time within which applications for final plan approval of each part thereof shall be filed. Except upon the consent of the applicant, the time so established between grant of tentative plan approval and an application for final plan approval shall not be less than three months and, in the case of development over a period of years, the time between applications for final plan approval of each part of the plan shall not be less than twelve (12) months.

SECTION 155-715. STATUS OF PLAN AFTER TENTATIVE PLAN APPROVAL

A. The official written communication provided for in this article shall be certified by the Secretary of the Township and shall be filed in his office, and a certified copy shall be mailed to the landowner.

B. Tentative plan approval of a development plan shall not qualify a plan of the PRD for recording nor authorize development or the issuance of any building permits. A development plan which has been given tentative plan approval with conditions which have been accepted by the landowner (and provided that the landowner has not defaulted or violated any of the conditions of the tentative plan approval) shall not be modified or revoked nor otherwise impaired by action of the Township pending an application or applications for final plan approval without the consent of the landowner, provided that an application for final plan approval is filed or, in the case of a development over a period of time, provided that applications are filed within the time specified in the official written communications granting tentative plan approval.

C. In the event that the development plan is given tentative plan approval, and thereafter, but prior to final plan approval, the landowner shall elect to abandon said development plan and shall so notify the governing body, in writing, or in the event that the landowner shall fail to file application or applications for final plan approval within the required period of time or times, as the case may be, the tentative plan approval shall be deemed to be revoked, and all that portion of the area included in the development plan for which final plan approval has not been given shall be subject to those ordinances otherwise applicable thereto as they may be amended from time to time and shall be noted in the records of the Secretary of the Township.

D. By agreement of all interested parties, application for both tentative plan and final plan approval of a development plan may be made concurrently and both tentative plan approval and final plan approval shall be given by the Board if said plan meets the requirements for both types of approval.

SECTION 155-716. APPLICATION FOR FINAL PLAN APPROVAL

A. An application for final plan approval may be for all the land included in a development plan or, to the extent set forth in the tentative plan approval, for a section thereof. Said application shall be made to the Board within the time or times specified by the official written communication granting tentative plan approval. The application shall include any drawings, specifications, covenants, easements, performance bonds and such other requirements as may be specified by

this article or by Chapter 115, Subdivision and Land Development, or regulations of Thornbury Township, as amended, as well as any conditions set forth in the official written communication at the time of tentative plan approval. A public hearing on an application for final plan approval of the development plan, or a part thereof, shall not be required, provided that the development plan, submitted for final plan approval, is in compliance with the development plan theretofore given tentative plan approval and with any specified conditions attached thereto.

B. Plans submitted for final plan approval of all or a portion of the PRD shall be prepared in accordance with the following requirements:

1. Each application for approval of any final plan shall be accompanied by at least fifteen (15) copies of such plan, which shall be a clear and legible print. (One copy must be ink, on linen or equivalent.)

2. The final plan shall be at a scale of not more than fifty (50) feet to the inch and shall include the following information:

a. Name, seal and appropriate certification of the registered professional engineer, architect and landscape architect responsible for the plan.

b. All information required under tentative plan approval in §155-713 to be submitted in final form.

c. Street lines, lot lines, rights-of-way, easements and area proposed to be open space.

d. Sufficient data to determine readily the location, bearing and length of every street, lot and boundary lines and to reproduce such lines on the ground.

e. The lengths of all straight lines, radii, lengths of curves and tangent bearings for each street.

f. The proposed building setback line for each street and/or the proposed placement of each building.

g. Stormwater management plan which shall delineate the location, size and invert elevation of all sanitary and storm sewers and location of all manholes, inlets and culverts, headwalls, water mains, petroleum or petroleum product lines, fire hydrants and other significant man-made features. The size and nature of all culverts, inlets, catch basins, etc., and all headwalls, with the height in feet from the bottom of the pipe indicated.

h. All dimensions shall be shown in feet and hundredths of a foot.

i. Permanent reference monuments shall be shown on the plan thus: (x).

j. Road profile plan which shall delineate the location, width and character of the paved cartway and a typical cross-section of said cartway showing curbs and/or gutters, sidewalks and maximum bank slopes.

k. Utilities plan which shall delineate ownership, maintenance and location of all utilities (e.g. electric lines, sewer and water lines, lighting standards, pipelines, etc.) and utility easements located within the tract boundary.

C. The specifications governing the construction of streets, storm drainage, sidewalks and all public improvements shall be in strict accordance with the specification and general standards of the Township of Thornbury and the Commonwealth of Pennsylvania covering similar types of construction.

D. Where any public improvements are to be constructed within a PRD, Chapter 115, Subdivision and Land Development, shall govern the construction and acceptance of such public improvements, including the provisions for requirements of performance and maintenance bonds.

E. In the event that the application for final plan approval has been filed, together with all drawings, specifications and other documents in support thereof and as required by this article and the official written communication of tentative plan approval, the Board shall, within forty-five (45) days of such filing, grant such development plan final plan approval.

F. Action on application for final approval.

1. In the event that the development plan as submitted contains variations from the development plan given tentative plan approval, the Board may refuse to grant final plan approval and shall, within forty-five (45) days from the filing of the application for final plan approval, so advise the landowner, in writing, of said refusal, setting forth in said notice the reasons why one or more of the said variations are not in the public interest. In the event of such refusal, the landowner may either:

   a. Refile his application for final plan approval without the variations to which the Board has objected; or

   b. File a written request with the governing body or its designated agency that it hold a public hearing on his application for final plan approval.

2. If the landowner wishes to take either alternate action, he may do so at any time within which he shall be entitled to apply for final plan approval, or within thirty (30) additional days if the time for final plan approval shall have already passed at the time when the landowner was advised that the development plan was not in substantial compliance. In the event that the landowner shall fail to take either of these alternate actions within said time, he shall be deemed to have abandoned the development plan. Any such public hearing shall be held pursuant to public notice within thirty (30) days after request for the hearing is made by the landowner, and the hearing shall be conducted in the manner prescribed in this article for the public hearings on applications for tentative plan approval.

3. Within thirty (30) days after the conclusion of the hearing, the Board shall by official written communication either grant final plan approval to the development plan or deny final plan approval. The grant or denial of final plan approval of the development plan shall, in cases arising under this section, be in the form and contain findings required for an application for tentative plan approval set forth in this article.

G. A development plan, or any part thereof, which has been given final plan approval shall be so certified without delay by the governing body or its designated agency and shall be filed of record forthwith by the applicant in the office of the Recorder of Deeds before any development shall take place in accordance therewith. Upon the filing of record of the development plan, the zoning and subdivision regulations otherwise applicable to the land included in such plan shall cease to apply thereto except as herein noted. Pending completion within a reasonable time of said PRD, or of that part thereof, as the case may be, that has been finally approved, no modification of the provisions of said development plan, or part thereof, as finally approved, shall be made except with the consent of the owner.

H. In the event that a development plan, or section thereof, is given final plan approval and thereafter the landowner shall abandon such plan or the section thereof that has been finally approved and shall so notify the Board, in writing; or in the event the landowner shall fail to commence and carry out the PRD within twelve (12) months after final plan approval has been granted, no development or further development by the landowner shall take place on the property included in the development plan until after the said property is resubdivided; if necessary, said property may be reclassified by enactment of an amendment to the municipal zoning ordinance in the manner prescribed for such amendments. The Board further may act, pursuant to §155-706.D.8, to use the proceeds of a performance bond or bonds to satisfactorily complete all or a portion of an abandoned PRD. In the event that the Board finds that the developer is not proceeding with reasonable diligence in executing the development, it may consider the plan abandoned and proceed as provided below.

SECTION 155-717. ENFORCEMENT AND MODIFICATION OF PROVISIONS OF THE PLAN

A. To further the mutual interest of the residents of a PRD and of the public in the preservation of the integrity of the development plan, as finally approved, and to ensure that modifications, if any, in the development plan shall not impair the reasonable reliance of the said residents upon the provisions of the development plan, nor result in changes that would adversely affect the public interest, the enforcement and modifications of the provisions of the development plan, as finally approved, whether those are recorded by plan, covenant, easement or otherwise, shall be subject to the following provisions:

1. The provisions of the development plan relating to the following shall run in favor of the Township and shall be enforceable in law or equity by the Township without limitation on any powers or regulations otherwise granted the Township by law:

   a. The use, bulk and location of buildings and structures;

   b. The quantity and location of common open space, except as otherwise provided in this article; and

   c. The intensity of use or the density of residential units.

2. All provisions of the development plan shall run in favor of the residents of the PRD, but only to the extent expressly provided in the development plan and in accordance with the terms of the development plan, and to that extent said provisions, whether recorded by plan, covenant, easement or otherwise, may be enforced at law or equity by said residents acting individually, jointly or through an organization designated in the development plan to act on their behalf; provided, however, that no provisions of the development plan shall be implied

to exist in favor of residents of the PRD except as to those portions of the development plan which have been finally approved and have been recorded.

3. All those provisions of the development plan authorized to be enforced by the Township under this section may be modified, removed or released by the Township except grants or easements relating to the service or equipment of a public utility, subject to the following conditions:

   a. No such modification, removal or release of the provisions of the development plan by the municipality shall affect the rights of the residents of the PRD to maintain and enforce those provisions, at law or equity, as provided in this section.

   b. No modification, removal or release of the provisions of the development plan by the municipality shall be permitted except upon a finding by the Board, following a public hearing thereon pursuant to public notice called and held in accordance with the provisions of this article, that the same is consistent with the efficient development and preservation of the entire PRD, does not adversely affect either the enjoyment of land abutting upon or across the street from the PRD or the public interest and is not granted solely to confer a special benefit upon any person.

4. Residents of the PRD may, to the extent and in the manner expressly authorized by the provisions of the development plan, modify, remove or release their rights to enforce the provisions of the development plan, but no such action shall affect the right to the Township to enforce the provisions of the development plan in accordance with the provisions of this section.

B. Violations and penalties.

1. Any person who violates or permits a violation of this Section shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Township before a District Justice, pay a fine of not more than $600, plus all court costs, including reasonable attorney's fees, incurred by the Township in the enforcement of this Section. No judgment shall be imposed until the date of the determination of the violation by the District Justice. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable Rules of Civil Procedure. Each day a violation exists shall constitute a separate offense, unless the District Justice, determining that there has been a violation, further determines that there was a good-faith basis for the person, partnership or corporation violating this Section to have believed that there was not such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the District Justice, and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney fees collected for the violation of PRD provisions shall be paid over to Thornbury Township, Chester County. Further, the appropriate officers or agents of the Township are hereby authorized to seek equitable relief, including injunction, to enforce compliance herewith.

2. The Court of Common Pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem judgment pending a final adjudication of the violation and judgment.

3. Nothing contained in this section shall be construed or interpreted to grant to any person or entity other than Thornbury Township, Chester County the right to commence any action for enforcement pursuant to this section.

Page intentionally left blank.

Article VIII: B – Business District

SECTION 155-800. PURPOSE

It is the purpose of this district to provide sufficient space in appropriate locations for the types of shopping, professional, and service establishments anticipated to be needed in the Township. Specifically, this district seeks to:

A. Protect commercial development against intrusive uses which are incompatible and against objectionable influences.

B. Provide appropriate space for the requirements of commerce, including the provision of off-street parking spaces, safe circulation of pedestrian and motor traffic in the zone and in nearby areas.

C. Promote the most desirable use of land and pattern of building development in accord with a well-considered plan for the district as a whole and to protect the character of the area and nearby districts.

D. Ensure a safe and efficient movement of vehicular traffic along, onto, and off of U.S. Route 202, recognizing its importance as a major highway serving traffic traveling through the region, especially in terms of billboard advertising.

E. Achieve the applicable purposes and community development objectives of Article I.

SECTION 155-801. USES PERMITTED BY RIGHT

A. Artisan trades.

B. Bakeries.

C. Bank or other financial institution.

D. Building trades.

E. Day care per §155-1608.

F. Funeral homes per §155-1610.

G. Gasoline service stations per §155-1611.

H. Medical office or clinic.

I. Non-tower-based wireless communications facilities per §155-1615.

J. Personal service shop

K. Professional office.

L. Restaurant per §155-1620.

M. Retail store.

N. Veterinary clinic and dog day care per §155-1623.

SECTION 155-802. USES PERMITTED BY SPECIAL EXCEPTION

The following uses shall be permitted by special exception, when authorized by the Zoning Hearing Board, subject to the provisions of §155-2005 and the specific sections listed below:

A. (RESERVED)

SECTION 155-803. CONDITIONAL USES

The following uses shall be permitted by conditional use, when authorized by the Board of Supervisors, subject to the provisions of §155-2105 and the specific sections listed below:

A. Shopping center development aggregating over 30,000 feet square or more of gross floor area.

B. Communication towers per §155-1606.

C. Billboards per §155-1707.

D. Drive-thru services per §155-1609.

SECTION 155-804. ACCESSORY USES AND STRUCTURES

Except as otherwise indicated in this Chapter, accessory uses customarily incidental to any of the principal uses in this district shall be permitted by right on the same lot as the principal use and subject to the applicable provisions for accessory uses of Article XVI. The following specific accessory uses shall also be permitted by right subject to the applicable provisions of Article XVI:

A. Storage within a completely enclosed building in conjunction with a permitted use.

B. Microwave antennas per §155-1614.

SECTION 155-805. AREA AND BULK REGULATIONS

Unless specifically stated otherwise or differing for a specific use as authorized by this Chapter, the following shall be the minimum area and bulk regulations for the district.

A. Lot coverages

1. Building coverage (less than one (1) acre): thirty percent (30%) maximum.

2. Building coverage (greater than one (1) acre): twenty-five percent (25%) maximum.

3. Impervious coverage (less than one (1) acre): seventy-five percent (75%) maximum.

4. Impervious coverage (greater than one (1) acre): seventy percent (70%) maximum.

B. Principal structure

1. Minimum lot size: 12,000 square feet.
2. Lot frontage: fifty (50) feet.
3. Front yard setback: thirty-five (35) feet.
4. Side yard setback: twelve (12) feet.
5. Rear yard setback: twenty-five (25) feet.
6. Building height: three (3) stories or thirty-five (35) feet.

C. Accessory structure(s). See §155-1500 for lot and bulk standards for various types of accessory structures.

SECTION 155-806. DESIGN STANDARDS

The following design standards as applicable for permitted uses in this district shall include:

A. Supplemental Use Standards, per Article XVI.

B. Signs, per Article XVII.

C. Natural Resource Protections, per Article XIV.

D. Historic Resources Protection, per Article XIII.

E. General Standards, per Article XV.

F. Off-street Parking and Loading, per Article XVIII.

G. Fences, Walls and Screens, per Chapter 76.

H. Floodplain Management, per Chapter 83.

I. Stormwater Management, per Chapter 116.

J. In addition, new development proposed within this district, as well as the rehabilitation, alteration, or modification of existing structures or uses, shall comply with the following design standards:

1. Landscaping and buffer planting strips shall be required in accordance with §155-1504.
2. Commercial storage shall be in accordance with §155-1501.
3. Lighting shall be in accordance with §155-1505.

4. If a use is included as part of a larger business complex and an internal access road is established therein, the frontage requirement as defined under §155-805.B.2 may be considered as measured along the internal access road.

5. No outdoor vending machine, self-service station, or similar use shall be allowed in any required yard abutting a street or on a public sidewalk.

6. Roof top structures. All rooftop structures, including but not limited to heat pumps, cooling towers or other mechanical equipment shall be screened from view by a single piece of the building structure which is aesthetically compatible in design and materials and color with the building facade and which is at least equal in height to the highest rooftop structure.

7. No wholesale delivery or pickup shall be permitted in the area between the building and any street line.

Article IX: MP – Multipurpose District

SECTION 155-900. PURPOSE

It is the purpose of this district to comply to the greatest extent feasible the Township's legal responsibility to provide for uses recognized as discrete uses under the laws of the Commonwealth by allowing establishing regulations allowing such uses and designating within the limited land mass of the Township a reasonable area where such uses may be located. Accordingly, in the Multipurpose District, the following regulations shall apply.

SECTION 155-901. USES PERMITTED BY RIGHT

A. Artisan trades.

B. Bakeries.

C. Bank or other financial institution.

D. Building trades.

E. Clubs per §155-1605.

F. Day care per §155-1608.

G. Funeral homes per §155-1610.

H. Gasoline service stations per §155-1611.

I. Indoor recreation per §155-1613.

J. Learning center.

K. Medical office or clinic.

L. Non-tower-based wireless communications facilities per §155-1615.

M. Personal service shop

N. Professional office.

O. Restaurant per §155-1620

P. Retail store.

Q. Veterinary clinic and dog day care per §155-1623.

SECTION 155-902. USES PERMITTED BY SPECIAL EXCEPTION

The following uses shall be permitted by special exception, when authorized by the Zoning Hearing Board, subject to the provisions of §155-2005 and the specific sections listed below:

A. (RESERVED)

SECTION 155-903. CONDITIONAL USES

The following uses shall be permitted by conditional use, when authorized by the Board of Supervisors, subject to the provisions of §155-2105 and the specific sections listed below:

A. Adult-oriented establishments per §155-1600.

B. Billboards per §155-1707.

C. Communication towers per §155-1606.

D. Consumer fireworks per §155-1607.

E. Drive-thru services per §155-1609.

F. Light manufacturing, including products requiring light metal processing and/or assembly, pilot studies and prototype development for the production and testing of precision instruments, optical goods, pharmaceuticals, health and personal care products, small electrical and electronic appliances, supplies and equipment, and products from previously prepared nontoxic materials, such as plastic, leather, glass or textiles.

G. Production and sales of products, wholesale storage and distribution facilities, but excluding a truck terminal and/or the outdoor storage of trucks, trailers and/or materials.

H. Research, engineering or testing laboratories for development, excluding all projects with the potential of creating an environmental or genetic hazard.

I. Shopping center development aggregating over 30,000 feet square or more of gross floor area.

J. Any other use recognized by law as a discrete use not otherwise provided for in any other zoning district established in this Chapter.

SECTION 155-904. ACCESSORY USES AND STRUCTURES

Except as otherwise indicated in this Chapter, accessory uses customarily incidental to any of the principal uses in this district shall be permitted by right on the same lot as the principal use and subject to the applicable provisions for accessory uses of Article XVI. The following specific accessory uses shall also be permitted by right subject to the applicable provisions of Article XVI:

A. Storage within a completely enclosed building in conjunction with a permitted use, unless outdoor storage is approved as a conditional use.

B. Cafeteria or recreational facilities for employees only.

C. Day-care center for employees only.

SECTION 155-905. AREA AND BULK REGULATIONS

Unless specifically stated otherwise or differing for a specific use as authorized by this Chapter, the following shall be the minimum area and bulk regulations for the district.

A. Uses permitted by right.

1. Lot coverages.

    a. Building coverage (less than one (1) acre): thirty percent (30%) maximum.

    b. Building coverage (greater than one (1) acre): twenty-five percent (25%) maximum.

    c. Impervious coverage (less than one (1) acre): seventy-five percent (75%) maximum.

    d. Impervious coverage (greater than one (1) acre): seventy percent (70%) maximum.

2. Structure(s).

    a. Minimum lot size: 12,000 square feet.

    b. Lot frontage: fifty (50) feet.

    c. Front yard setback: thirty-five (35) feet.

    d. Side yard setback: twelve (12) feet.

    e. Rear yard setback: twenty-five (25) feet.

    f. Building height: three (3) stories or thirty-five (35) feet.

B. Conditional uses.

1. Lot coverages.

    a. Building coverage: thirty percent (30%).

    b. Impervious coverage: fifty percent (50%).

    c. Front yard impervious coverage: ten percent (10%).

2. Structure(s).

    a. Minimum lot size: two (2) acres.

    b. Lot frontage: one hundred fifty (150) feet.

    c. Lot width at building setback line: two hundred (200) feet.

    d. Front yard setback: fifty (50) feet.

e. Side yard setback: fifty (50) feet.

f. Rear yard setback: one hundred (100) feet.

g. Building height: three (3) stories or thirty-five (35) feet.

3. Bonus regulations.

a. Impervious coverage may be increased an additional three percent (3%) for providing any of the following:

1. Pedestrian and vehicular connections with one or more adjacent properties to facilitate circulation;

2. Integration of historic resources into the proposed development;

3. Reduction in the number of existing curb cuts onto existing streets;

4. Submission of plans which depict architectural style of development designed to avoid the massive scale and uniform impersonal appearances of a big box commercial or industrial complex through facade ornamentation, building offsets, window treatments, variation in roof lines, entry treatments and upgrading building materials.

b. Impervious coverage may be increased up to five percent (5%) for providing both of the following:

1. In addition to required parking lot trees, each lot shall be planted with a combination of deciduous and coniferous trees complying with the following formula: one (1) such tree for each five hundred (500) square feet of building gross floor area; and

2. Each tree planted on the lot shall have a planted caliper of not less than four (4) inches measured four (4) feet above finished ground level and a planted height of not less than nine (9) feet.

C. Accessory structure(s). See §155-1500 for lot and bulk standards for various types of accessory structures.

SECTION 155-906. DESIGN STANDARDS

The following design standards as applicable for permitted uses in this district shall include:

A. Supplemental Use Standards, per Article XVI.

B. Signs, per Article XVII.

C. Natural Resource Protections, per Article XIV.

D. Historic Resources Protection, per Article XIII.

E. General Standards, per Article XV.

F. Off-street Parking and Loading, per Article XVIII.

G. Fences, Walls and Screens, per Chapter 76.

H. Floodplain Management, per Chapter 83.

I. Stormwater Management, per Chapter 116.

J. In addition, new development proposed within this district, as well as the rehabilitation, alteration, or modification of existing structures or uses, shall comply with the following design standards:

1. Landscaping and buffer planting strips shall be required in accordance with §155-1504.

2. Commercial storage shall be in accordance with §155-1501.

3. Lighting shall be in accordance with §155-1505.

4. No outdoor vending machine, self-service station, or similar use shall be allowed in any required yard abutting a street or on a public sidewalk.

5. Roof top structures. All rooftop structures, including but not limited to heat pumps, cooling towers or other mechanical equipment shall be screened from view by a single piece of the building structure which is aesthetically compatible in design and materials and color with the building facade and which is at least equal in height to the highest rooftop structure.

6. No wholesale delivery or pickup shall be permitted in the area between the building and any street line.

Page intentionally left blank.

Article X: MHP – Mobile Home Park Overlay District

SECTION 155-1000. MOBILE HOME PARK OVERLAY DISTRICT

A. This section shall apply to properties in the Mobile Home Park Overlay District.

B. Any mobile home park shall comply with the applicable requirements for Mobile Home and Mobile Home Park Standards of the Thornbury Township Subdivision and Land Development Ordinance.

C. Density. The maximum density for a mobile home park shall be not greater than three (3) mobile home lots per gross acre.

D. Area and Bulk Standards.

1. Mobile home park, tract

    a. Minimum tract size shall be twenty (20) acres.

    b. All structures within a mobile home park shall be setback from all property lines abutting a residential use and/or R-1 or R-2 districts a minimum of one hundred and fifty (150) feet. All internal access drives, parking and loading areas, and solid waste collection facilities shall be setback from all property lines abutting a residential use and/or the R-1 or R-2 districts a minimum of seventy-five (75) feet.

2. Mobile home park, individual mobile home lot

    a. Minimum lot size shall be a gross area of not less than 14,520 square feet.

    b. All mobile homes shall be setback a minimum of fifteen (15) feet from the street curbline.

E. Mobile home units shall be skirted on all sides, to include the skirting or screening of the towing hitch, if it cannot be removed, and the removal of all lights.

F. Not more than one third (1/3) of mobile homes shall be arranged either perpendicular or parallel to private streets. At least one third (1/3) of mobile homes shall be arranged in clusters around driveways or in other acceptable manner so as to achieve some variety in layout.

G. Each lot shall contain an outdoor living area in the form of patio deck or porch equal to two hundred and fifty (250) square feet in area.

H. Open space for mobile home parks shall be a minimum of forty percent (40%) of the gross site area, of which a minimum of ten percent (10%) shall consist of lands not constrained by natural features as defined in Article XIV. Additionally, recreation areas shall be provided for the mobile home park that contains appropriate recreation equipment and pavement for court games, playgrounds, or other approved recreational uses. All dedicated open space and recreational areas shall be reviewed and approved by the Township Planner and shall be documented on the Record Plan for the mobile home park.

I. Screening. All mobile home parks shall provide a buffer planting strip in accordance with §155-1504.C along all property lines.

J. Enforcement. Violations of this Article shall be treated as prescribed within §155-2107.

Article XI: T – Township Overlay District

§155-1100. PURPOSE

It is the purpose of this district to provide for appropriate Township buildings and facilities necessary for the proper functioning of local government and the provision of obligatory public services. This overlay shall only apply to properties under the direct ownership of the Township. Further, this district is to provide open recreation spaces and to preserve physical amenities of the Township by reserving designated natural areas. In addition, it is the intent of this district to achieve the applicable purposes and community development objectives of Article I.

SECTION 155-1101. USES PERMITTED BY RIGHT

A. Municipal administration buildings, municipal service structures, public works facilities, emergency service facilities, and other uses deemed appropriate for the proper functioning of local government.

B. Parks, open space, and recreation areas and facilities, in public ownership.

C. Any other uses permitted by right in the underlying zoning district.

SECTION 155-1102. USES PERMITTED BY SPECIAL EXCEPTION

The following uses shall be permitted by special exception, when authorized by the Zoning Hearing Board, subject to the provisions of §155-2005 and the specific sections listed below:

A. Any use not specifically permitted but deemed appropriate and necessary by the Board of Supervisors for use of a specific Township owned property, which use is not inherently a nuisance.

SECTION 155-1103. ACCESSORY USES AND STRUCTURES

Except as otherwise indicated in this Chapter, accessory uses customarily incidental to any of the principal uses in this district shall be permitted by right on the same lot as the principal use and subject to the applicable provisions for accessory uses of Article XVI. The following specific accessory uses shall also be permitted by right subject to the applicable provisions of Article XVI:

A. Uses customarily accessory and incidental to any park, recreation, or open space use, including parking, refreshment, and service uses or buildings; and rental uses approved by the Board of Supervisors.

B. Renewable energy systems per §155-1619.

C. Secondary farm business per §155-1601.B.

SECTION 155-1104. DESIGN STANDARDS

The following design standards as applicable for permitted uses in this district shall include:

A. Supplemental Use Standards, per Article XVI.

B. Signs, per Article XVII.

C. Natural Resource Protections, per Article XIV.

D. Historic Resources Protection, per Article XIII.

E. General Standards, per Article XV.

F. Off-street Parking and Loading, per Article XVIII.

G. Fences, Walls and Screens, per Chapter 76.

H. Floodplain Management, per Chapter 83.

I. Stormwater Management, per Chapter 116.

J. When constructed adjacent to an existing residential use, buffer planting strips shall be required in accordance with §155-1504.C.

Article XII: CRD – Cluster Residential Development

SECTION 155-1200. INTENT

In addition to the purposes and community development objectives discussed in Article I, the intent of this article is to allow lands encumbered by natural, scenic, historic and cultural resources to be developed in a more site-sensitive manner than is generally possible through conventional subdivisions. The resulting residential development shall preserve the open, rural character of the Township, maintain the quality of the existing scenic landscape, and cause the least possible disturbance to environmentally sensitive resources of the land and result in the greatest possible retention of open space for the use and enjoyment of the residents of the development and the aesthetic benefit of the Township as a whole in a manner which is consistent with: the Township Open Space, Recreation, and Environmental Resources Plan; the Township Comprehensive Plan; the Chester County Comprehensive Plan; and Pennsylvania Municipalities Planning Code.

Such environmentally sensitive and open space-oriented developments can be achieved through a combination of more concentrated development, more efficient use of infrastructure and creative lot design. To encourage the use of this development option, a minimal density bonus shall be granted for development that uses this option. The large tract option was utilized for the development of The Preserve at Squire Cheyney and the small tract option for the development of Sage Hill.

SECTION 155-1201. QUALIFYING CONDITIONS

A. To be eligible for development of a **small tract cluster** residential development, the tract must at a minimum:

   1. Be at least twenty-five (25) acres in total site area; and

   2. Consist of either:

      a. A single parcel of land; or

      b. Multiple contiguous parcels undivided by roads, railroad rights-of-way or other significant obstructions that effectively divide the site. In the case of multiple contiguous parcels, all applicable parcels shall be developed according to a single plan and with common authority and common responsibility. The applicant shall submit evidence of an agreement between all owners of included parcels demonstrating binding commitment to common development of the parcels; and

   3. Be located within the R-1 or R-2 districts; and

   4. Be served by public water and either a community or public sanitary sewage disposal system.

B. In addition to complying with §155-1201.A.3 and 4, to be eligible for development of a **large tract cluster** residential development, the tract must at a minimum:

   1. Comprise a minimum of seventy (70) acres in tract area; and

   2. Consist of either:

a. A single parcel of land; or

b. Multiple noncontiguous parcels directly adjacent to Township-owned open space lands and identified as scenic lands intended to preserve the scenic character of the Township from adjacent roadways and properties as defined by the Thornbury Township Open Space, Recreation and Environmental Resources Plan and are within one hundred (100) feet of each other. All applicable parcels shall be developed according to a single plan and with common authority and common responsibility. The applicant shall submit evidence of an agreement between all owners of included parcels demonstrating binding commitment to common development of the parcels; and

3. Contain protected areas, moderate slopes and woodland areas, which comprise a combined area greater than or equal to twenty-five percent (25%) of the total tract area.

4. Be identified by the Township Open Space, Recreation and Environmental Resources Plan as scenic lands and contain historic resources and be listed on the State Inventory of Historic Places.

SECTION 155-1202. PERMITTED USES

A. The following uses are permitted in both a small and large tract cluster residential development:

1. Single-family detached dwellings.

2. Noncommercial outdoor recreation uses.

3. Publicly owned recreation uses.

4. Protected areas.

5. Stormwater management facilities.

6. Areas and structures for the land application and conveyance of sewage.

B. In addition to those uses listed in §155-1202.A the development of large tract cluster residential development is eligible for the following additional uses:

1. Municipal uses.

2. Scenic lands.

3. Trails for nonmotorized use.

SECTION 155-1203. GROSS DENSITY CALCULATION

For any development under this Article, the maximum permitted number of dwelling units shall be calculated by multiplying the number of units allowed under the provisions of §155-1409, Natural Resource Protection, by one and two tenths (1.20).

SECTION 155-1204. NET DENSITY AND AREA REGULATIONS

A. The following net density and area regulations apply to all small tract cluster residential developments:

1. Common open space.

a. Not less than sixty percent (60%) of the total tract area must be designated on the plan as common open space and held in a tract or tracts separate from the development area.

b. Not less than fifteen percent (15%) or five (5) acres (whichever is greater) of common open space areas must be suitable for active recreational use and free of the following constraints:

1. Protected areas; and

2. Areas used for land application of sewage.

2. Development area.

a. The area(s) of the tract that will not be designated as part of the common open space area must be designated on the plan as development area(s). Development areas are all areas not designated as common open space and include (but are not limited to) building areas, yards, driveways and roads.

b. Within a development area, single-family dwellings may be arranged so as to provide for individual lots for each unit or may be arranged as rental units or condominiums. Sufficient yard areas shall be set aside (see dimensional standards in §155-1205.B.1) and designated on the plan so that throughout the development the maximum net residential density shall not exceed four (4) units per acre.

c. Within any development area that is developed as rental or condominium units rather than in individual lots, the remaining area within the development area (that not containing structures, roads, driveways, etc.) shall be designated local open space. Local open space shall remain separate from common open space, and its use shall be primarily for residents of the development area in which it is located.

d. Uses within local open space areas shall be limited to yard area, landscape areas and walkways. There shall be a minimum of twenty (20) feet between all buildings within development areas and the outer edge of adjacent local open space.

B. The following net density and area regulations apply to all large tract cluster residential developments:

1. Common open space.

a. Not less than fifty percent (50%) of the net tract area must be designated on the plan as common open space and held in a tract or tracts separate from the development area.

b. Conservation lots that contain and preserve historic structures that are either listed on the National Register of Historic Places (NRHP) or are eligible for inclusion on the NRHP may be counted toward the required common open space.

c. A minimum of fifteen percent (15%) of the open space shall be suitable for active recreational uses.

2. Development area. The area(s) of the tract that will not be designated as part of the common open space area must be designated on the plan as development area(s). Development areas are all areas not designated as common open space and include (but are not limited to) building areas, yards, driveways and roads.

a. Within a development area, single-family dwellings shall be arranged so as to provide for individual lots for each unit. Sufficient yard areas shall be set aside (see dimensional standards in §155-1205.B.2) and designated on the plan, so that throughout the development the maximum net residential density shall not exceed four (4) units per acre of the total tract area.

b. There shall be a minimum of twenty (20) feet between all buildings within development areas and adjacent Township open space.

SECTION 155-1205. DESIGN STANDARDS

A. Site design principles. The location of common open space, dwellings and site improvements shall be in response to the findings of the site analysis plan required under Chapter 115, Subdivision and Land Development, §115-29.C.11. The following standards shall apply during the siting process:

1. For both small and large tract cluster residential developments, areas designated as common open space shall be configured so as to:

a. Minimize negative impacts of development on the tract and scenic roads;

b. Maximize conservation of site features identified as having particular conservation, historical, or recreational value, including: steep slopes, floodplains, watercourses, wetlands, high groundwater areas, mature trees, woodlands, hedgerows, fence lines, historic sites or structures, historic road or other transport traces, paths and trails, and other noted landscape features;

c. Serve as buffer areas between clustered dwellings and adjacent tracts; and

d. Maximize views of the common open space from off-site tracts, roads, streets and highways.

2. For both small and large tract cluster residential developments, dwellings and accessory buildings shall be configured so as to:

a. Be located outside of protected areas and natural drainage swales; and

b. Be located outside of broad, open vistas; and

c. Provide maximum views of and access to open space by residents of proposed dwellings.

3. In addition to the standards listed under §155-1205.A.2; dwellings and accessory buildings for a small tract cluster residential developments shall be configured so as to be:

a. Situated below ridge line elevations to preserve existing vistas. To achieve this objective, dwellings and accessory buildings should be sited entirely below the elevation of the nearest ridgeline whenever possible. Where the applicant claims that dwellings or accessory buildings cannot be situated below the ridgeline, it shall be the burden of the applicant to demonstrate why not and how the proposed design creates the minimum possible disturbance of views of the ridgeline per the requirements of §155-1205.B.1.b.1.

B. Dimensional standards.

1. The following dimensional standards are required for any small tract cluster residential development:

a. All dwelling units within a small tract must be set back a minimum of one hundred (100) feet from the nearest tract property line, except as follows:

1. Where preexisting natural features of the subject property, including but not limited to woodland areas, changes in topography, hedgerows or other site characteristics, result in the dwelling unit being completely visually screened from the adjacent property, this setback may be reduced to fifty (50) feet.

2. Where preexisting natural features of the subject property, including but not limited to hedgerows or partially wooded areas, significantly screen dwelling unit(s) from the adjacent property but do not create a complete visual screen, this setback may be reduced to seventy-five (75) feet.

3. The determination of whether the site characteristic in question results in complete visual screening or significant screening is at the sole discretion of the Board of Supervisors.

b. Building height shall be limited to three stories, not to exceed thirty (30) feet.

1. To the extent that any portion of a structure must be located above a ridgeline elevation, such siting shall be contingent upon the submission and approval by the Board of Supervisors of a plan for the mitigation of such ridgeline impacts. Such plans shall identify the locations and dimensions of the proposed structure(s) the architectural style proposed and shall demonstrate how the structure(s) shall be effectively screened from adjacent tracts through screening and/or designed to minimize disruption of views of the ridgeline.

c. No single structure shall be more than one hundred (100) feet in length in any direction.

d. The minimum required distance between buildings shall be fifteen (15) feet.

e. All buildings shall be set back at least twenty (20) feet from the curb of any internal access road.

f. All buildings shall be set back at least ten (10) feet from the edge of any shared parking area, except in the case of adjacent driveways, for which no setback shall be required.

g. Where common open space is designated as separate, noncontiguous parcels, no single parcel shall consist of less than one (1) acre in area. No single area or portion of an area designated as common open space shall be counted toward the minimum required open space wherever such area or portion of area is less than one hundred (100) feet in width (all of which shall be contained on the subject property) except in the case of a trail corridor designated in the Thornbury Township Open Space, Recreation, and Environmental Resources Plan or other linkage between two larger, noncontiguous, open space areas.

h. Any parcel within a cluster development that could qualify for further subdivision, including any common open space parcel, shall be restricted from further subdivision or land development by deed restriction, conservation easement or other agreement in a form acceptable to the Township and duly recorded in the office of the Recorder of Deeds of Chester County and shall be noted on the face of the record plan. Any such mechanism shall be structured in a manner that would require the agreement of both the Township and the homeowners' association or like organization in order to abolish it in the future.

2. The following dimensional standards are required for any large tract cluster residential development:

a. All dwelling units within a tract must be set back a minimum of forty (40) feet from the nearest tract property line, except as follows:

1. Where proposed development is adjacent to existing Township open space, this setback may be reduced to twenty (20) feet.

2. The Board of Supervisors may require additional landscaping to mitigate the impact of the development on the surrounding community.

b. Building height shall be limited to three (3) stories, not to exceed thirty-five (35) feet.

c. No single structure shall be more than one hundred (100) feet in length in any direction.

d. The minimum required distance between buildings shall be twenty (20) feet and the required side yard setback shall be ten (10) feet.

e. All buildings shall be set back at least twenty (20) feet from the road right-of-way of proposed roadways.

f. The minimum total lot size shall be twenty thousand (20,000) square feet.

g. The maximum impervious surface area for any lot shall be thirty-five percent (35%) of the total lot area. Additionally, no more than twenty percent (20%) of the total tract area shall be of impervious surfaces.

h. Where open space is designated as separate, noncontiguous parcels, no single parcel shall consist of less than one (1) acre in area.

i. Any parcel within a scenic open space residential cluster development that could qualify for further subdivision, including any open space parcel, shall be restricted from further subdivision or land development by deed restriction, conservation easement or other agreement in a form acceptable to the Township and duly recorded in the office of the Recorder of Deeds of Chester County and shall be noted on the face of the record plan. Any such mechanism shall be structured in a manner that would require the agreement of both the Township and the homeowners' association or like organization in order to abolish it in the future.

3. Other applicable standards:

a. Natural Resource Protections, per Article XIV.

b. Signs, per Article XVII.

c. Off-street Parking and Loading, per Article XVIII.

d. Lighting, per §155-1505.

SECTION 155-1206. PERMITTED USES WITHIN COMMON OPEN SPACE AREAS

A. Permitted uses within common open space areas, for both small and large tract cluster residential developments, shall be as follows:

1. Natural area, including but not limited to steep slopes areas, woodland, meadow, wetlands, stream, etc.;

2. Lawn;

3. Outdoor recreation area, either active or passive, for the use of the residents of the development;

4. Agriculture, subject to the ownership mechanism, procedures and limitations under §155-1207.B.5;

B. Additional permitted uses within common open space areas for small tract cluster residential developments include:

1. Community or public sewage treatment facility involving land disposal and groundwater recharge facilities, but excluding buildings and other aboveground structures associated with such facilities.

C. Additional permitted uses within common open space areas for large tract cluster residential developments include:

1. Community or public sewage conveyance and treatment facility involving land disposal and groundwater recharge facilities, as well, as buildings and other aboveground structures associated with such facilities, including a sewage pumping station.

2. Areas utilized for stormwater management and groundwater infiltration. The maximum combined areas of stormwater management facilities and sanitary sewer facilities shall not exceed fifty percent (50%) of the required open space areas.

3. Historic structures, as defined within the Open Space, Recreation and Environmental Resources Plan, and associated lot area for the purpose of preserving historic resources.

SECTION 155-1207. COMMON OPEN SPACE OWNERSHIP AND MAINTENANCE STANDARDS

A. The subdivision and/or land development plan submission shall include documents creating and governing a property owner's organization and containing the declarations of covenants, restrictions, easements, charges and liens deemed necessary to own and maintain the common open space area(s), local open space area(s) and any recreation areas within the cluster development.

B. Ownership options. Areas to be preserved in common open space shall be held either individually or collectively using the following methods of ownership:

1. Homeowners' association. The common open space areas and their facilities may be held in common ownership by a homeowners' association. The association shall be formed and operated in accordance with the provisions of §155-1207.C.

2. Condominium. The common open space areas and their facilities may be held as common element under a condominium agreement. Such agreement shall be in conformance with the Uniform Condominium Act.

3. Fee simple dedication to the Township. The Board of Supervisors may consider open space lands and their facilities for dedication for public use at the time of application for cluster development approval. The Township has neither the obligation to accept such property, nor the need to require dedication of common property as a condition for approval.

4. Dedication of easements. Easements within common open space areas along such unique natural features as water bodies may be offered to the Township for public use or to a private conservancy. Title to such lands shall remain in ownership by the homeowners' association or condominium agreement.

5. Lease option. To encourage the retention of agricultural lands, the Township, homeowners' association, or the condominium agreement may permit all or portions of the open space lands to be leased back to a farmer. Approval of the lease-back option shall be conditioned on appropriate agreements between the title holder and the farmer concerning permitted farming practices and use of land in the event that farming practices cease, in addition to the requirements of §155-1207.C.

C. Homeowner association regulations. In addition to the foregoing, the following minimum essential provisions shall be identified with respect to such organization:

1. Powers and duties in maintaining and administering open space, recreational facilities and supplementary project facilities such as light fixtures, refuse stations, etc.

2. Powers and duties in administering and enforcing all covenants and restrictions and in the levying, collecting and disbursing of assessments and charges.

3. Membership and voting rights.

4. Rights and duties of the Township of Thornbury, members of the organization and residents of the development in the event of a breach of the covenants and restrictions.

5. If such organization is abandoned or abolished or if such organization desires to dispose of the common open space and recreation areas, said open space recreation areas shall be first offered for dedication to the Township of Thornbury at no cost to the Township before it is otherwise disposed of. The Township may refuse to accept such dedication and elect, as provided in the following subsection, to maintain the open space, with all costs of such maintenance being paid ratably by the residents of the development.

6. In the event that the organization established to own and maintain common open space, or any successor organization, shall at any time after establishment of the development fail to maintain the common open space in reasonable order and condition in accordance with the recorded plan, the Board may proceed in a manner similar to that provided in Section 705(f)(2) of the Pennsylvania Municipalities Planning Code to demand that the deficiencies of maintenance be corrected or that the Township will enter upon and maintain common open space.

   The Township may continue to maintain such open space, as further provided in that section of the Pennsylvania Municipalities Planning Code, until an organization is established by the residents of the development which the Board finds is ready and able to maintain such common open space. The cost of such maintenance by the Township shall be assessed ratably against the properties within the development that have a right of enjoyment of the common open space and shall become a lien on said properties. The Township, at the time of entering upon said common open space for the purpose of maintenance, shall file a notice of lien in the Chester County Office of the Prothonotary upon the properties affected by the lien within the development.

Page intentionally left blank.

Article XIII: Historic Resources Protection

SECTION 155-1300. PURPOSE

The purpose of this Article is to promote and maintain Township community character through retaining historic resources and cultural landscapes, while allowing for their adaptive reuse and redevelopment into contemporary uses and allowing for nearby future development, which are compatible in type, mass, scale, density, and setbacks. This Article is intended to implement the goals of the Pennsylvania Constitution, Article I, Section 27 that establishes the state policy of encouraging the preservation of historic resources, and to implement the purposes of Section 604(1) and Section 605(2)(vi) of the Municipalities Planning Code. In addition, it is the intent of the Article to implement the Thornbury Township Comprehensive Plan, Thornbury Township Open Space, Recreation, and Environmental Resources Plan, and to achieve the applicable purposes and community development objectives as stated in Article I.

SECTION 155-1301. APPLICABILITY

A. Historical Preservation Commission. The Thornbury Township Historical Preservation Commission is to serve as an advisory body to the Board of Supervisors, Planning Commission, Zoning Hearing Board, Zoning Officer, and residents. The formal duties and responsibilities; membership, organizational, and meeting structure; compensation and funding for the Historical Preservation Commission are established and regulated under Chapter 20.

B. Historic Resources Map. Standards in this Article shall apply to all historic resources identified on the Historic Resources Map (Map). A historic resources identification list that indicates classification, property address, and other applicable information about resources on the Map is maintained by the Historical Commission and updated as needed to reflect any changes in background information about resources; however any changes to classification, additions, or deletions to the list shall follow relevant provisions of §155-2108 for zoning amendments.

C. Relevancy. Provisions of this Article shall supersede applicable requirements of zoning districts where a resource is located when such requirements are in conflict or are less restrictive than provisions herein.

SECTION 155-1302. GENERAL REGULATIONS

A. Inventory and map. The Historical Preservation Commission shall prepare an inventory of historic sites and structures. The Commission shall recommend a Historic Resources Map for adoption by the Board of Supervisors.

B. Changes to resources. Any proposed exterior change or addition to an historic resource, other than maintenance or a minor alteration which does not change its character, shall occur only in full compliance with the terms of this article and other applicable regulations. The regulations of this article shall apply to the exterior of any historic resource, particularly that which is visible from a public way.

C. Historic overlay concept.

1. For any property shown on the Historic Resources Map, the requirements and opportunities contained in this article shall augment the otherwise applicable requirements of the underlying zoning district.

2. Should the Historic Resources Map be voided as a result of legislative or administrative action or judicial decision, the zoning requirements and other regulatory measures applicable to the property in question shall be those of the underlying zoning district without consideration of this article.

D. Preservation of other restrictions. It is not intended by this article to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this article imposes greater restrictions, the provisions of this article shall prevail.

SECTION 155-1303. HISTORIC RESOURCES MAP

A. Classifications. The Historic Resources Map shall depict:

1. Sites listed on the National Register of Historic Places (registered historic structures).

2. Sites on the State Inventory of Historic Places.

3. Other significant sites on the Chester County Historic Site Survey (1982 or as revised) that are not on the National Register of Historic Places.

4. Other significant sites on the Thornbury Township Historic Resources Inventory, which may include buildings, sites and structures not included in the above classifications, Subsection A(1), (2) and (3).

5. Any historic easement, including any as a part of the Brandywine Battlefield National Historic Site.

6. The historic Cheyney Cemetery, Cheyney Farm, and associated historic structures.

B. Adoption and revisions. The Historic Resources Map shall be adopted and may be revised from time to time by legislative action of the Board of Supervisors, after a public hearing held pursuant to public notice, subject to the following guidelines:

1. In considering any revision, including additions, deletions or changes of classification to the Historic Resources Map, the Board shall receive a written recommendation from the Historical Preservation Commission.

2. The owner(s) of any property(ies) which is the subject of any such proposed map change or other administrative action shall be given written notice of the Commission's recommendation to the Board of Supervisors at least twenty-one (21) days prior to public hearing on the proposed action.

C. Inventory of historic resources. The Historical Preservation Commission shall maintain an updated inventory of resources shown on the Historic Resources Map.

SECTION 155-1304. HISTORIC BATTLEFIELD OVERLAY DISTRICT

A. Purpose. The purpose of the Historic Battlefield Overlay District is to implement a program for historic site and historic resource protection which relates directly to the Brandywine Battlefield Park National Historic Landmark as certified and included in the National Register of Historic Places on November 28, 1978 by the U.S. Department of the Interior National Park Service. Specifically, the Historic Battlefield Overlay District is created for the following purposes:

1. To protect those historic resources in the designated portion of Thornbury Township which have a distinctive historical character arising from the direct connection with the Battle of the Brandywine.

2. To awaken or reinforce in the residents of Thornbury Township an interest in its historic past.

3. To promote educational, recreational and cultural activities within the Township which advance the principles and goals of community development and the recommendations set forth in the Comprehensive Plan, as amended.

4. To encourage owners of land within the Historic Battlefield Overlay District to leave such land in its natural state by giving them incentives to develop more intensely their property outside of the Historic Battlefield Overlay District.

B. District boundaries. The boundaries of the Historic Battlefield Overlay District shall be as appears on the Historic Battlefield Overlay District Map.

C. Permitted uses. The uses in the Historic Battlefield Overlay District shall be limited to such uses as are permitted by the respective underlying zoning regulations.

D. Qualifying conditions. The following conditions are required for a development utilizing the provisions of the Historic Battlefield Overlay District:

1. The tract of land so developed shall be in single ownership, or, in the case of multiple ownership of the tract, the application shall be filed jointly by all the owners of the tract and, as the case may be, it shall be agreed that the tract will be developed within the time limits specified by the Board of Supervisors under a single direction and in the manner approved.

2. The holder or holders of any outstanding mortgage and any other liens (except a lien for current taxes) must agree, in writing, that said mortgage, mortgages or lien shall be subject to all of the terms and conditions imposed upon the tract by reason of the utilization of the Historic Battlefield Overlay.

3. The tract of land shall be located all or in part within the area described in §155-1304.B above.

E. Density. Development of land within the Historic Battlefield Overlay District shall be subject to the following density regulations:

1. Overall density. A plan may not provide for a greater number of dwelling units per acre than would be permitted by the Township zoning regulations otherwise applicable to the site.

2. Residential density. A plan may permit lots of not less than 50,000 square feet each, subject to the following conditions:

    a. Each lot shall have frontage on a publicly opened street and shall have at least one hundred and seventy-five (175) feet of frontage measured at the setback line, except in the case of a cul-de-sac street where a lot fronting solely or partially on the turnaround portion shall have frontage measured at the setback line of at least one hundred and twenty-five (125) feet.

    b. No flag lots may be created.

    c. Open space of at least thirty percent (30%) of the site shall be set aside as common open space. Such open space shall conform as closely as possible to the boundaries of the Historic Battlefield Overlay District.

    d. The owner's right to develop shall be subject to the provisions of §155-1304.F.3 of this article relating to transfer of development rights.

3. Density verification. In order to verify that properties being subdivided pursuant to the Historic Battlefield Overlay do not provide for a greater density than that which would be permitted by the Township zoning regulations otherwise applicable to the site, any developer intending to utilize the provisions of the Historic Battlefield Overlay District shall submit to the Township Planning Commission and the Board of Supervisors such plans as are necessary to confirm that the provisions hereof are not violated.

F. Development regulations.

1. Where buildings exist within a parcel of ground to be developed and such parcel lies partially in Thornbury Township and partially in an adjoining township, the plan may show a lot to be created into the adjoining township, provided that such lot meets all area and bulk requirements applicable thereto for that portion of the lot subject to this Chapter, and provided further that the portion of the premises which is not in Thornbury Township is deed restricted in a manner which would prevent its further subdivision, unless such further subdivision resulted in a lot which continued to meet the then-current requirements of this Chapter.

2. The area of an owner's land within the Historic Battlefield Overlay District may be added to owner's contiguous land which is not within the Historic Battlefield Overlay District for purposes of determining tract size eligibility for a PRD under Article VII. If a portion of land eligible for development as a PRD lies within the Historic Battlefield Overlay District, that land shall be used for the required common open space of the planned residential development to the fullest extent possible.

3. In lieu of the development within the Historic Battlefield Overlay District permitted by §155-1304.E of this article, the Board of Supervisors shall have the right, in their sole discretion, to require that any development of land within the Historic Battlefield Overlay District to which an owner is entitled in accordance with this Chapter shall be reduced in density or shall not be permitted at all, to the extent the owner has sufficient contiguous land to permit the transfer of some or all of those development rights to the owner's property which lies outside of the Historic Battlefield Overlay District. In exercising this discretion, the Board of Supervisors shall be guided by the following standards:

a. The lot size required by the zoning regulations of that portion of the owner's land lying outside of the Historic Battlefield Overlay District may be reduced by up to thirty-seven and one-half percent (37.5%) to compensate for the loss of development rights within the Historic Battlefield Overlay District portion of the owner's land. However, in no case shall the owner be entitled to reduce lot sizes in his contiguous property beyond the degree necessary to compensate for the loss of development rights within that portion of his property lying within the Historic Battlefield Overlay District; and in no case shall the number of lots on the owner's contiguous property be greater than the total to which he would be entitled to had all of his property been eligible for development in the absence of the Historic Battlefield Overlay District.

b. In order to qualify for the transfer of the development rights of property within the Historic Battlefield Overlay District to the other property of an owner, such property must be contiguous to the property within the Historic Battlefield Overlay District or separated therefrom only by an existing street; and it must be in common and single ownership with the property within the Historic Battlefield Overlay District.

c. The development of the owner's contiguous property shall be subject to all other applicable regulations of the zoning district in which it is located.

d. The owner shall execute a restrictive covenant, suitable for recording and subject to the approval of the Township Solicitor, by which the land within the Historic Battlefield Overlay District shall be restricted perpetually against further development and subdivision where the development rights of that property have been transferred in accordance with the provisions hereof.

G. Design standards. The following design standards as applicable for permitted uses in this district shall include:

1. Natural Resource Protections, per Article XIV.

2. Fences, Walls and Screens, per Chapter 76.

3. Floodplain Management, per Chapter 83.

4. Stormwater Management, per Chapter 116.

SECTION 155-1305. DEMOLITION OF HISTORIC RESOURCES

A. No historic resource may be demolished unless the applicant obtains a permit and complies with the following:

1. Prohibition of neglect. No historic resource shall be demolished by neglect. Demolition by neglect includes leaving a building or structure open or vulnerable to vandalism or decay by the elements. Unoccupied structures should be tightly sealed, properly ventilated and adequately protected from damage.

2. Demolition permit. No historic resource shall be demolished, in whole or in part, including the indiscriminate removal or stripping of any significant exterior or interior architectural

features, unless a permit is obtained from the Zoning Officer in accordance with the procedures of Thornbury Township.

3. Proposed demolition of historic resources. All applications for demolitions received by the Zoning Officer will be reviewed against the Historic Resources Map. If the application concerns an historic resource, the Zoning Officer will advise the applicant that he must comply with the following procedures and requirements, as applicable.

B. Application requirements for a permit for the demolition of historic resources. In addition to any other applicable requirements under Township ordinances, any applicant seeking a permit to demolish an historic resource shall provide a written report on the following, with respect to that historic resource:

1. Current owner of record.

2. Identification and description as it appears on the Historic Resources Map.

3. Site plan showing all buildings and structures on the property.

4. Recent photographs of the resource proposed for demolition.

5. Reasons for the demolition.

6. Method of demolition.

7. Future uses of the site and of the materials from the resource which is proposed to be demolished.

8. Alternatives to demolition.

C. Review of demolition permit.

1. The Zoning Officer shall notify the Historical Preservation Commission of the application for demolition within five (5) days of acceptance of a properly completed application, including the necessary filing fee.

2. Within forty-five (45) days of receipt of a complete application, at its next regular meeting or a special meeting, the Historical Preservation Commission shall meet to review the application for demolition. The applicant will be notified of the meeting and encouraged to present evidence or testimony pertaining to the demolition. In reviewing the application, the Historical Preservation Commission shall take into account:

   a. The effect of demolition on the historical significance and architectural integrity of neighboring contributing historic resources.

   b. Economic feasibility of adaptively reusing the resource proposed for demolition.

   c. Alternatives to demolition of the resource.

3. Recommendation of the Historical Preservation Commission.

a. The Historical Preservation Commission may recommend immediate approval of the permit and may so advise the Zoning Officer.

b. Alternatively, the Historical Preservation Commission may elect to review the application for a period of up to ninety (90) days in order to provide adequate time for documentation of the resource as set forth in this Section, preparation of a financial analysis as set forth in this section, and discussion with the applicant about alternatives to demolition.

c. By the end of the ninety (90) day review period, the Historical Preservation Commission shall either recommend approval or denial of the demolition permit. If approved, the Zoning Officer then is authorized to issue the permit in accordance with Township ordinances.

d. If denied, the Historical Preservation Commission shall make a written report to the Board of Supervisors setting forth reasons for its recommendation and the evidence considered.

4. Final decision on demolitions. Within thirty (30) days of receipt of the Historical Preservation Commission's report, the Board of Supervisors shall consider the Historical Preservation Commission's recommendation for denial of the application for demolition. The owner of the resource proposed for demolition will be given a minimum of fourteen (14) days' notice of the meeting. The Board of Supervisors will consider any evidence, reports, or testimony from interested parties and will render a decision either to deny or to approve the application for demolition within twenty-one (21) days of the meeting. This period may be extended, and its length established, by mutual consent.

5. Documentation. Prior to the issuance of a demolition permit, the Historical Preservation Commission may require the applicant to provide documentation of the resource proposed for demolition. Such documentation may include photographs, floor plans, measured drawings, and other comparable forms of documentation stipulated by the Historical Preservation Commission.

6. Financial analysis. In its review of an application for demolition, the Historical Preservation Commission may require the applicant to prepare a financial analysis which may include any or all of the following:

a. Amount paid for property, date of purchase, and party from whom purchased, including a description of the relationship, whether business or familial, if any, between the owner and the person from whom the property was purchased.

b. Assessed value of the land and improvements thereon according to the most recent assessment.

c. For depreciable properties, a pro forma financial statement prepared by an accountant or broker of record.

d. Any consideration by the owner as to profitable, adaptive uses for the property.

7. Any costs incurred by the Historical Preservation Commission to review plans or studies submitted shall be reimbursed to the Township by the applicant.

SECTION 155-1306. REVIEW OF PROPOSED REHABILITATION, ENLARGEMENT, OR ALTERATION OF BUILDINGS, STRUCTURES, OR SITES

A. Permits. No permit for the rehabilitation, enlargement, or alteration of an historic resource (other than a minor alteration) shall be issued by the Zoning Officer prior to review and comment on the application by the Historical Preservation Commission. A minor alteration is one that does not change the defining characteristics of the historic resource.

B. Zoning Officer. The Zoning Officer shall forward to the Historical Preservation Commission copies of the application, together with any plans or diagrams required by the ordinances, within five (5) days of receipt of a complete application.

C. Historical Preservation Commission review. The Historical Preservation Commission shall, within forty-five (45) days of receipt of a complete application from the Zoning Officer, review the plans for compliance with the standards contained in §155-1308, and prepare a written report to the Zoning Officer, with a copy to be sent to the applicant, indicating whether the plans are in compliance. The report shall make suggestions, if necessary, as to what specific changes in the plans would bring them into compliance.

D. Issuance of permits.

1. If the Historical Preservation Commission's report indicates that the plans are not in compliance with the terms of this Article, the Zoning Officer shall not issue the permit until the applicant has met with the Historical Preservation Commission to discuss their plans and alternatives to the plans. This meeting shall be held within thirty (30) days of the Historical Preservation Commission report. The purpose of the meeting shall be to reach mutual agreement on the proposed change. If no agreement is reached, the Historical Preservation Commission may send the matter to the Board of Supervisors.

2. Upon receiving a report of substantial compliance from the Historical Preservation Commission, and providing the plans satisfy all other requirements of the Township, the Zoning Officer shall issue the permit.

SECTION 155-1307. DEVELOPMENT REQUIRING HISTORIC RESOURCE IMPACT STUDY

A. A Historic Resource Impact Study shall be required, when any of the following are proposed:

1. Subdivision or land development plans which will lead to the new construction of buildings, structures, roads, driveways, parking areas, etc. located within three hundred (300) feet of the exterior walls of an historic resource.

2. Subdivision or land development plans which propose adaptive reuse or demolition of a historic resource.

3. General bridge or road construction or substantial repair passing within three hundred (300) feet of the exterior walls of an historic resource.

B. The Historic Resource Impact Study shall be prepared and presented by the applicant or their agent for discussion at a meeting of the Historical Preservation Commission.

C. The Historic Resource Impact Study shall at a minimum contain the following information:

1. Background information.

   a. If not otherwise provided by the applicant, a general site description, including existing topography, watercourses, vegetation, landscaping, and structures.

   b. Any easements, deed restrictions, rights-of-way, or any other encumbrances upon the land, including location, size, and ownership.

   c. Site features or conditions, such as hazardous sites, dumps, underground tanks, active and abandoned wells, quarries, landfills, and artificial land conditions.

   d. General description and classification of all historic resources located on the subject tract on tracts immediately adjacent to the subject tract, or within three hundred (300) feet of the subject tract.

   e. Narrative description of the historical development of the subject tract and statement of the historic and architectural significance of each historic resource, both relative to the Township and the region in general.

   f. Physical description of all historic resources identified on the subject tract.

   g. Photographs (minimum size of four (4) inches by six (6) inches) illustrating the architectural features of each historic resource as well as site features.

   h. Proposed change:

      1. A description of the impact of the proposed development on each identified historic resource, with special emphasis on the impact to architectural integrity, historic setting, and future use.

      2. A description of those measures to be undertaken by the developer to minimize the negative impact on the historic resources, including design alternatives, buffering or landscaping.

   i. Post-study review. The Historical Commission may review the impact study, then submit it along with written recommendations to the Planning Commission or Board of Supervisors before the Board makes a decision regarding the subdivision or land development plan.

2. Proposed change.

   a. General description of the project, including time table or phases.

   b. Description of impact on each historic resource identified on the subject tract with respect to architectural integrity, historic setting and future use.

   c. Compliance with the standards of rehabilitation of §155-1308.

d. General description of effect of noise, traffic, and any other impacts generated by the proposed change on each historic resource.

3. Mitigation measures.

a. Recommendations for mitigating the project's impact on historic resources, including siting design and construction alternatives, buffering and landscaping, based on the specific site environment, and any other appropriate measures under the terms of this zoning ordinance and other Township ordinances.

b. Recommendations for mitigating the project's impact as viewed from a public way.

D. The study shall be reviewed by the Historical Preservation Commission, which shall set forth its recommendations, in writing, to the Board of Supervisors within forty-five (45) days of receipt of a conditional use application or sixty (60) days of receipt of an application for subdivision or land development.

SECTION 155-1308. STANDARDS FOR REHABILITATION

A. Standards for rehabilitation. Any proposed rehabilitation, enlargement or alteration of an historic resource under §155-1306 should be in substantial compliance with the following general standards for rehabilitation (credit: the United States Department of the Interior):

1. Significant archaeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.

2. A property shall be used for its historic purpose or be placed in a use that requires minimal change to the defining characteristics of the building and its site and environment.

3. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features or spaces that characterize a property shall be avoided.

4. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.

5. Most properties change over time; those changes that have acquired significance in their own right shall be retained and preserved.

6. Distinctive features, finishes, and construction techniques or examples of craftsmanship which characterize an historic property shall be preserved.

7. Deteriorated historical features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.

8. Chemical or physical treatments that cause damage to historical materials (such as sandblasting) shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.

9. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.

10. New additions and adjacent or related new construction to structures shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

B. Compliance. Determination of compliance with these standards shall be made by written report of the Historical Preservation Commission.

SECTION 155-1309. USE REGULATIONS

A. The use regulations for any historic resource shall be in accordance with those set forth in the Chapter, as amended, relative to the district in which the historic resource is located, except as provided below.

B. Any historic residence, structure, or resource, as shown on the Historic Resources Map, may incorporate a bed-and-breakfast, which shall be permitted as a conditional use when authorized by the Board of Supervisors in accordance with the standards and procedures set forth in §155-2105 for the grant of a conditional use, subject to the standards set forth under §155-1603**.**

SECTION 155-1310. AREA AND BULK REGULATIONS

The area and bulk regulations related to the district in which the historic resource is located shall apply, except as follows:

A. Since many of the historic buildings predate zoning regulations, particularly with regard to front yard setbacks, existing nonconformities may be permitted to continue, in order to maintain the historical integrity of such buildings.

SECTION 155-1311. ENFORCEMENT

Any person who violates the provisions of this Article shall be subject to all of the applicable provisions relating to enforcement under §155-2107.

Page intentionally left blank.

Article XIV: Natural Resource Protections

SECTION 155-1400. PURPOSE

In addition to the purposes and community development objectives discussed in Article I, the primary purposes of this Article are as follows:

A. To recognize that most of the significant undeveloped tracts within Thornbury Township contain significant amounts of land covered by natural resources such as floodplains, wetlands, and steep slopes.

B. To recognize that disturbance of these natural resources may result in negative impacts to the public health, safety and welfare by causing greater soil erosion, siltation and sedimentation, flooding, and degradation of water quality.

C. To recognize that the carrying capacity of any given tract is directly related to how great a portion of the tract consists of natural resources and how great a portion is free of such areas.

D. To require evaluation of potential environmental impacts associated with subdivision and land development applications.

E. To require protection of natural resources to the greatest extent possible by minimizing disturbance of these areas.

F. To require protection of natural resources which are described and/or mapped in the Open Space, Recreation and Environmental Resources Plan and the Comprehensive Plan.

SECTION 155-1401. APPLICABILITY

A. The provisions of this Article shall supplement the provisions of the underlying zoning district. In the event that the provisions of the underlying zoning district and the provisions of this Article are in conflict, the more restrictive provisions shall apply.

B. In the event that two (2) or more natural resource areas identified in this Article overlap, the resource with the most restrictive standard (the least amount of alteration, regrading, clearing, or building) shall apply to the area of overlap.

C. Submission, review, and approval of the following permits and applications shall be contingent upon consistency with the requirements of this section:

1. Applications for zoning or building permits;

2. Submission of plans for subdivision or land development;

3. Conditional use or special exception; or

4. Zoning variances.

D. Where disturbance of a natural resource is permitted, it shall not take place until it has been determined that such disturbance is consistent with the provisions of this Article and other applicable ordinance provisions.

E. Restrictions to disturbance of resources shall apply whether or not construction is proposed on a site and, where proposed, before, during, and after the construction takes place.

SECTION 155-1402. FLOODPLAINS

A. Any land disturbance and/or construction proposed for any area containing a floodplain and/or floodway shall be subject to the provisions set forth under Chapter 83: Floodplain Management.

SECTION 155-1403. RIPARIAN BUFFERS

A. Riparian buffers shall be required subject to the provisions set forth under the Thornbury Township Stormwater Management Standards.

B. Exceptional Value, High Quality, or Impaired Streams. Any watercourse that has been designated by the Pennsylvania Department of Environmental Protection as Exceptional Value (EV), High Quality (HQ), or impaired shall have a protected riparian buffer extending fifty (50) feet to either side of the top of bank of the channel. This area shall not be disturbed, cleared, regraded, filled, built upon or otherwise altered, except for restoration of the riparian buffer to its natural state, including activities such as the removal of non-native, invasive species of vegetation, or the replanting of appropriate species as specified by a landscape architect or similarly qualified professional.

SECTION 155-1404. STEEP SLOPES

A. General provisions.

1. For the purposes of calculating moderate slopes (15- 25%) and steep slopes (>=25%), the percent of slope is determined by dividing the total amount of vertical rise or fall by the horizontal distance over which the rise or fall occurs.

2. Areas of moderate and steep slope less than five hundred (500) square feet in horizontal area shall be exempt from regulations pertaining to moderate and steep slopes herein.

3. Finished driveways in steep slope areas shall cross the slope with the least disturbance reasonably possible.

B. Buildings and foundations shall be setback a minimum of one hundred (100) feet from the top of any steep slope that has a grade differential from top to bottom of at least ten (10) feet. There shall be no disturbance of such slopes except under the following circumstance:

1. Roads necessary to provide required access to the site may cross steep slopes if the following criteria are met:

   a. No feasible alternative route exists;

   b. The road creates the minimum necessary disturbance to the affected slope; and

c. The road is designed to maintain maximum slope stability and minimize risk of landslide, subject to review of the Township Engineer.

2. The burden of proof to demonstrate the criteria listed in §155-1404.A.1 have been met rests solely with the applicant.

C. Disturbance of moderate slopes.

1. Disturbance for building area, access, or other infrastructure shall be limited to sixty percent (60%) of the total area of moderate slopes on any given lot or tract.

2. Within proposed subdivisions, disturbance of moderate slopes may be greater than sixty percent (60%) on individual lots, provided that there would be no more than sixty percent (60%) disturbance of such slopes on the original tract as a whole.

3. Disturbance of moderate slopes, to a maximum of seventy percent (70%), may be allowed if the applicant demonstrates to the satisfaction of the Township Engineer that the result would cause less environmental degradation (such as impacts to wetlands, riparian buffers, and woodlands) than would result under strict adherence to the sixty percent (60%) standard.

D. Disturbance of steep slopes.

1. No more than ten percent (10%) of steep slope areas shall be altered, regraded, cleared, built upon, or otherwise altered or disturbed. The maximum impervious surface coverage of such area shall be two percent (2%). Areas within street rights-of-way, either public or private, shall be considered as a lot for the purposes of these protection standards. Maximum disturbance and impervious surface coverage percentages shall apply on a per lot basis.

E. Exemption. Man-made slopes may be exempt from the disturbance limitations in §155-1404.C and D above as determined by the Township Engineer upon review of documentation produced by the applicant demonstrating the slopes in question are man-made.

SECTION 155-1405. WETLANDS

A. Resource protection standards

1. Any applicant proposing a use, activity, or improvement which would entail the regrading or placement of fill in wetlands shall provide the Township with proof that the Pennsylvania Department of Environmental Protection (Bureau of Dams and Waterway Safety and Bureau of Water Quality Management) and the U.S. Army Corps of Engineers have been contacted to determine the applicability of state and federal wetland regulations.

2. Wetlands shall not be regraded, filled, piped, diverted, removed, built upon, or otherwise altered or disturbed except where state and federal permits have been obtained.

3. Relocated/replaced wetlands and wetland margins, when permitted, shall be at least as large as the original wetlands, of the same composition, within Thornbury Township, and as close to the original site as possible, all subject to Township approval.

4. There shall be no building, impervious surface, or disturbance of earth or vegetation within one hundred (100) feet of any wetland margin.

B. Delineation. The applicant shall delineate the limits of the wetlands and lakes and ponds on the site or within one hundred (100) feet of the site in accordance with §155-704.C.1.c. In addition, the following information shall be provided:

1. A full wetland report conducted by a qualified wetland biologist, or other professional of demonstrated qualifications, shall be submitted to the Township.

2. Such a professional shall certify that the methods used correctly reflect currently accepted technical concepts, including identification and analysis of wetland vegetation, hydric soils, and hydrologic indicators.

3. The wetland report shall include a determination of whether wetlands are present on site and a full delineation, area measurement (in square feet), and description of any wetlands determined to be present. The study shall be approved by the Township Board of Supervisors on the recommendation of the Township Engineer.

4. Where applicable, evidence that the contacts required by §155-1405.A.1 above have been made.

5. If no wetlands are found on the site, or within one hundred (100) feet of the site, a note shall be added to the preliminary and final plans, and on other applicable plans or permits, stating that "This site has been examined by (name and address with a statement of submitted qualifications), and no wetlands as defined by the U.S. Army Corps of Engineers Wetlands Delineation Manual, Technical Report Y-87-1, January 1987, were found to exist."

6. The Township, at its discretion, may require a Jurisdictional Determination from the U.S. Army Corps of Engineers.

SECTION 155-1406. WOODLANDS AND SPECIMEN TREES

A. Resource protection standards. Woodland areas and specimen trees shall be preserved to the greatest extent possible. Protected Trees shall be subject to the standards set forth under Chapter 129: Trees. Disturbance of these areas shall be subject to the following restrictions:

1. No specimen tree(s) shall be removed from any lot or tract except where the applicant demonstrates that such removal is essential to eliminate hazardous conditions or otherwise permit lawful use of the lot or tract; where permitted, removal of specimen vegetation shall be minimized. Specimen trees to be retained shall protected by the use of a tree protection zone and shall be credited toward any tree replacement required under §155-1406.A.4, below. Tree removal shall be limited to terminally diseased or dead trees and those trees located within the following:

a. The ultimate right-of-way of a proposed street or other public improvement along with the minimum associated grading necessary.

b. Fifteen (15) feet from the foundation of a proposed building or structure and minimum associated grading necessary.

c. Utility easements and individual property services along with minimum associated grading necessary.

d. A driveway.

e. Soil erosion control devices and minimum associated grading necessary.

f. Stormwater management facilities and minimum associated grading necessary.

2. Where permitted, woodland disturbance, including the alteration or removal of any hedgerows, shall not involve more than ten thousand (10,000) square feet of existing area of woodland or hedgerow on any lot or tract, without required woodland replacement in accordance with §155-1406.A.4, below. For purposes of this section, the extent of any area of woodland disturbance shall be measured to include the entire area within the drip line of any tree where any part of the area within the drip line of said tree is subject to woodland disturbance.

3. Where possible, woodlands which remain undisturbed shall interconnect with existing woodlands on adjacent properties to preserve continuous woodland corridors and allow for the natural migration of wildlife and the dispersion of native vegetation.

4. Where woodland disturbance involves more than the maximum area permitted under §155-1406.A.2 above, tree replacement shall be required as follows:

   a. Each tree with a diameter of eight (8) inches or more, which is to be removed, shall be replaced with a like-kind tree as approved by the Township. Species of replacement plantings may be substituted at the discretion of the Township on the basis of existing and proposed site conditions, specific functional and design objectives of the plantings, maintenance issues and native species/biodiversity considerations.

   b. Replacement trees shall be planted on the site to mitigate for the removal of existing trees and shall be in addition to other landscaping requirements. All specimen trees to be retained on a tract shall be credited toward any tree replacement requirement at a ratio of three trees credited for each individual specimen tree retained.

   c. If the site cannot accommodate the required replacement trees, the Board of Supervisors may allow the applicant to locate some or all of the replacement trees on public lands or accept an equivalent fee in lieu of plantings, at the Board's discretion.

5. Tree Protection Zone. In order to prevent injury to trees which have been designated for retention, a tree protection zone shall be established. In this zone, the following standards shall apply:

   a. Prior to construction, trees within a designated tree protection zone shall be clearly marked at breast height. This marking shall be maintained until construction and other work has been completed.

   b. During construction, trees within a tree protection zone shall be clearly delineated with a proper barrier and signage to the limits of the tree protection zone to ensure that there is no encroachment and/or compaction of soil or roots within this zone by:

      1. Change of grade;

      2. Excavations or trenching;

      3. Storage (either temporary or permanent) of building materials, top soil, motor vehicles or construction equipment; or

c. Sediment, retention, and detention basins shall not be located within or discharged into a tree protection zone.

d. 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.

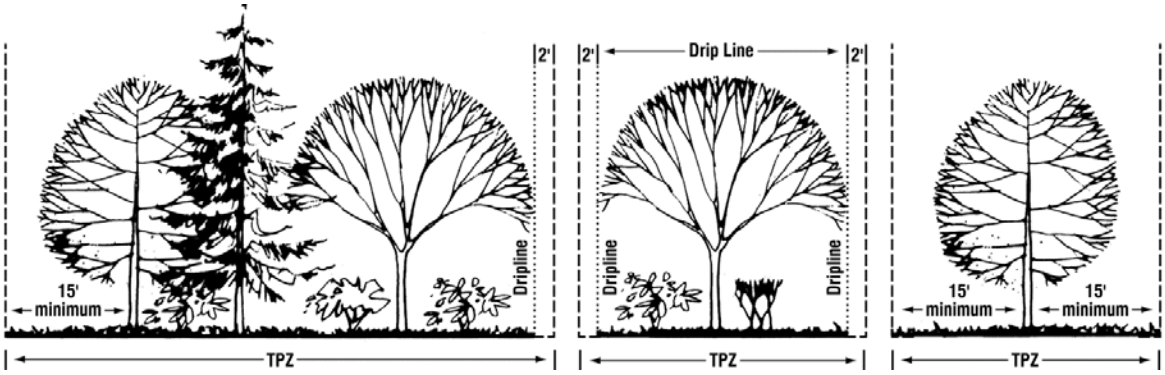
e. When roots from trees within a tree protection zone must be trimmed as a result of disturbance outside of the tree protection zone, they shall be cut by a backhoe or similar equipment aligned radially to the tree. This method reduces the lateral movement of the remaining roots, reducing the possibility of damage to the intertwined roots of surrounding trees and other vegetation.

f. Trees that are to be removed shall not be felled, pushed, or pulled into a tree protection zone.

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

6. Exemption. These standards shall not apply to any operation classified as forestry as defined by the Pennsylvania Municipalities Planning Code.

Figure 155-1406: Tree Protection Zone



SECTION 155-1407. TOPSOIL

A. The continuation of adequate topsoil on the land within the Township is considered necessary for the general welfare of the Township. The permanent removal of topsoil from the land within the Township shall, therefore, be prohibited. This prohibition shall not be construed to render unlawful the temporary removal of topsoil for the purpose of construction of a building or buildings and the regrading of the land following construction.

SECTION 155-1408. BUILDING LOTS

For any building lot that contains protected areas, the following standards shall apply:

A. Conventional development.

1. Those lots for which individual on-site sewage disposal systems are proposed must include at least thirty thousand (30,000) square feet of contiguous area that is free of any protected area and to which access can be gained without crossing any protected area. All structures, impervious surface and required lawn areas must be contained within this unconstrained

(free of protected area) area. The sewage system for the lot must be completely contained within the thirty thousand (30,000) square foot area.

2. Those lots which will be connected to a community sewer must include at least ten thousand (10,000) square feet of contiguous area that is free of any protected area and to which access can be gained without crossing any protected area. All structures, impervious surface and required lawn areas must be contained within this unconstrained (free of protected area) area.

B. Cluster development.

1. For development utilizing the small tract, cluster residential development option (Article XII), no development may occur within protected areas. Where individual building lots are proposed, no portion of such lots may be within any protected area.

2. For development utilizing the large tract, cluster residential development option (Article XII), disturbance to scenic lands shall be minimized to preserve the open, rural character of the Township and to maintain the quality of the existing scenic landscape. As a result, the following standards shall apply:

   a. Moderate slopes. No more than eighty percent (80%) disturbance shall be permitted to the total combined areas of moderate slopes.

   b. Steep slopes. No more than thirty-five percent (35%) disturbance shall be permitted to the total combined areas of steep slopes.

   c. Woodlands. No more than sixty percent (60%) disturbance shall be permitted to the total combined areas of woodland areas or specimen trees, The Board of Supervisors may require additional landscaping or other site improvements to mitigate any negative effects, as determined by the Board of Supervisors, to the appearance of the site and near and distant viewsheds. Proposed mitigation measures may include earthform, plant materials or other elements and shall be prepared by a landscape architect registered by the Commonwealth of Pennsylvania.

   d. Wetlands. No residential dwelling shall be located within one hundred (100) feet of any wetland margin. This requirement shall not supersede permits or requirements of the Department of Environmental Protection or the United States Army Corps of Engineers.

   e. Floodplains. Any disturbance within a designated floodplain area shall be in accordance with the regulations in Chapter 83: Floodplain Management. Utilities and roadways within floodplains shall be constructed in such a way to provide maximum protection to the public.

   f. The requirements of this subsection shall supersede the requirements of §155-1403 through 1407.

SECTION 155-1409. GROSS DENSITY

A. Purpose. The purpose of this Section is to protect natural and environmental resources through the calculation of the appropriate density for development within the Township.

B. General Standards. On any tract that contains any protected area as outlined in Article XIV, the following steps must be followed to determine the maximum allowable number of lots for any subdivision, maximum number of residential units for any residential development not involving subdivision, or maximum floor area for any nonresidential development:

1. Determination of developable area, protected area, and base site area. Per §115-29 of Chapter 115, plans submitted for subdivision or land development on a tract containing any protected areas must:

   a. Clearly identify all existing and proposed road rights-of-way and utility rights-of-way and indicate the total area of these rights-of-way.

   b. Subtract this total right-of-way area from the total site area to determine base site area.

   c. Clearly identify and delineate all protected areas by type and indicate the area of each protected area and of the total protected area for the site.

   d. Calculate the percentage of the base site area represented by the total protected area.

2. Determination of development factor. The development factor, consisting of a percent credit, to be used in computing the number of lots or dwelling units or the maximum allowable nonresidential floor area for a protected area is derived from the following table:

TOTAL PROTECTED LAND

Step 1	Enter **Base Site Area** (as described above)			_____ ac.
Step 2	Measure the acreage of all natural resources in the base site area and enter in the Acres Measured Column 2. For overlapping resources, measure the resource with the highest resource protection ratio. Multiply by Resource Protection Percentage for Column 3 and insert result in column 4.			
	Natural Resource	**Acres Measured Column 2**	**Resource Protection Percentage Column 3**	**Protected Land Column 4**
	Floodplain		1	
	Riparian buffer		1	
	Moderate slopes (15-25%)		0.4	
	Steep slopes (< 25%)		0.9	
	Wetland		1	
	Woodland		0.6	
	Historic	See Article XIII		
Step 3	Sum of Step 2 column equals **Protected Area**			
Step 4	**Development Factor** equals sum of Protected Land column.			

3. Calculation of allowed density/intensity.

   a. Subdivision of land.

      1. Allowed density per acre is determined by dividing 43,560 (square feet per acre) by the minimum required lot size in the following formula:

         43,560 ÷ (minimum lot size) = Allowed density per acre

      2. Maximum allowed number of developable lots is determined by using the following formula:

         Developable Area (acres) x Allowed Density = "A"
         Protected Area (acres) x Allowed Density x Development Factor = "B"
         Maximum Allowed Number of Developable Lots (round down) = "A + B"

   b. Residential and commercial development (no subdivision).

      1. Maximum allowable square footage is determined by using the following formula:

         Developable Area (sq. ft.) x Allowed Floor Area Ratio (FAR) = "A"
         Protected Area (sq. ft.) x Allowed FAR x Development Factor = "B"
         Maximum Allowed Floor Area = "A + B"

      2. In using the above formula, the allowed floor area ratio (FAR) for apartments shall be 0.214. In using the above formula, the allowed floor area ratio (FAR) for commercial uses in the B Business District shall be 0.45, as indicated in §155-805.A.

   c. Residential development (no subdivision).

      1. Maximum allowed number of units is determined by using the following formula:

         Developable Area (acres) x Allowed Density (units/acre) = "A"
         Protected Area (acres) x Allowed Density (units/acre) x Development Factor = "B"
         Maximum Allowed Number of Units (round down) = "A + B"

      2. The allowed density to which the above formula refers is set forth in §155-706.A and B.

Page intentionally left blank.

Article XV: General Standards

SECTION 155-1500. ACCESSORY STRUCTURES

A. Placement of accessory buildings and structures. Except for those described in §§155-1500.B, C, D, and E, all accessory buildings and structures shall be subject to the following minimum setbacks from the lot lines:

1. All accessory buildings and structures shall be located behind the front building line of the principal structure, and in no event closer than the front yard setback line.

2. All accessory buildings and structures shall be a minimum of twenty (20) feet from the side and rear lot lines.

3. Except as otherwise permitted, the height of a residential accessory structure shall not exceed twenty (20) feet in height.

B. Storage sheds and outdoor trash facilities

1. In addition to the standards defined under §155-1500.A, commercial outdoor trash facilities and/or dumpster enclosures shall meet the standards set forth under §155-1501.E.

2. Residential uses

a. Storage sheds and outdoor trash facilities shall be located behind the rear building line of the principal structure, and a minimum of twenty (20) feet from the side and rear lot lines.

b. Storage sheds and outdoor trash facilities shall not exceed a total height of twelve and one half (12 ½) feet.

c. Outdoor trash facilities shall be screened from view from the street line.

C. Barns, stables, and detached garages

1. Residential uses

a. Detached garages shall be located within the building envelope as defined for principal structures within the base zoning district.

2. Agricultural uses

a. Barns, stables, detached garages, and any other farm building (other than a dwelling) shall be situated a minimum of two hundred (200) feet from any public road and thirty (30) feet from any side or rear lot line.

D. Outdoor kitchens

1. Outdoor kitchens shall be located within the building envelope as defined for principal structures within the base zoning district where proposed.

2. Additional separation for an outdoor kitchen from on-site structures may be required upon review by the Township code enforcement officer.

3. Any use of an outdoor kitchen shall not violate applicable sections of Chapter 68 for outdoor burning.

E. Swimming pools and tennis courts

1. Tennis courts shall be located behind the rear building line of the principal structure, and a minimum of twenty (20) feet from the side and rear lot lines.

2. Swimming pools shall be located behind the rear building line of the principal structure, and a minimum of twenty (20) feet from the side and rear lot lines as measured from the pool coping. Pool houses shall be subject to the standards set forth §155-1500.A.

SECTION 155-1501. COMMERCIAL STORAGE

When required by this Chapter, commercial storage shall meet the following criteria:

A. All storage, including but not limited to storage of refuse, trash, garbage, recycling, equipment, mechanical equipment and/or generators, shall be completely screened from view from any public right-of-way and any adjacent property.

B. No permanent storage of merchandise, articles or equipment shall be permitted outside a building and no goods, articles, or equipment shall be stored, displayed or offered for sale beyond the front lines of a building.

C. Screening shall consist of evergreen plantings and/or an architectural screen.

D. No storage area shall be located within the front yard of any lot.

E. In addition to the standards listed above, all dumpsters and/or outdoor storage of refuse bins shall meet the following criteria:

   1. All organic rubbish or garbage shall be contained in tight, vermin-proof containers.

   2. Any area for the storage and collection of refuse, trash, or garbage shall be screened from direct view by fencing or masonry walls, which shall be a minimum of six (6) feet high and at least one (1) foot higher than the trash receptacles contained therein.

   3. All screening, inclusive of any enclosure gate(s), shall be visually opaque.

   4. Fencing, screening, and any enclosure gate(s) shall at all times be maintained in good repair.

   5. Chain link fencing and/or gates shall not be permitted for the screening of dumpsters and/or outdoor storage of refuse bins.

SECTION 155-1502. CORNER LOTS

A. On a corner lot any yard not considered a front yard shall be regulated as a side yard.

B. On any corner lot, no wall, fence, or other structure shall be erected or altered and no hedge, tree, shrub or other growth shall be maintained which may cause danger to traffic on a street or road by obscuring the view, and shall further be in compliance with the standards set forth under §76-4 for fences, walls and screens at corner lots.

C. If a corner lot is occupied by a single-family detached dwelling, and the applicant proves to the Zoning Officer that there is no suitable permitted location for customary accessory uses/structures (such as a shed or pool), then the Zoning Officer may permit such accessory use/structure in one of the two front yards, provided it is located and landscaped so as to minimize the impacts upon the neighborhood.

SECTION 155-1503. FLAG LOTS

A. No subdivision which would result in more than one flag lot to the rear of the same front lot shall be permitted except by special exception as granted by the Zoning Hearing Board and under such appropriate limitations and restrictions as may be deemed necessary or desirable under the provisions of §155-2005 hereof. In no event shall the accessway for the driveway area be included in the area required for minimum lot size. In no event shall more than two flag lots be permitted to the rear of a front lot.

B. Where a subdivision plan of development will result in one or more flag lots, the front lot shall have, within its perimeter and title, the road frontage required by §155-405 or §155-505. Each lot shall have its front and side yard denoted on the subdivision plan.

C. If only one flag lot will result, such lot will, within its perimeter and title thereof, have an accessway to accommodate a driveway at least fifty (50) feet wide extending from such lot to a public road or to a private road open to public use.

D. If two (2) flag lots to the rear of the same front lot will result, each shall have included, within the perimeter and title thereof, a separate accessway to accommodate each driveway at least twenty-five (25) feet wide extending from each of the respective lots to a public road or to a private road open to public use. The two (2) driveways may have a single pavement, but each flag lot shall have a right to its own paved driveway.

E. Where front lots adjoin and they are to have accessways and/or driveways leading to flag lots to the rear, each front lot shall have only a single flag lot to the rear. Each rear lot shall have within its perimeter and title an accessway at least fifty (50) feet wide, for its sole use, extending from the flag lot to a public road or a private road open to public use.

F. The flag lot accessway required by this section shall be restricted by deed, insofar as the right of passage is concerned.

G. The "flag" section of the lot shall meet all the minimum applicable zoning requirements.

SECTION 155-1504. LANDSCAPING

A. Purpose. The purpose of this Section is to provide for minimum landscaping standards to provide an effective screen and mitigate visual impacts of non-residential uses and parking areas adjacent to residential properties and public rights-of-way.

B. General standards.

1. Any part or portion of a commercial site which is not used for buildings, other structures, loading and parking spaces and aisles, sidewalks, and designated storage areas shall be planted with an all-season ground cover and shall be landscaped according to an overall plan.

2. All mechanical equipment not enclosed in a structure shall be fully and completely screened from view from any point in a manner compatible with the architectural and landscaping style of the remainder of the lot. Such screening shall be subject to site plan and architectural review by the Township.

3. A completely planted visual barrier or landscape screen of sufficient density not to be seen through and of sufficient height to constitute an effective screen and give maximum protection and immediate visual screening shall be provided and continually maintained between any commercial uses and contiguous residentially zoned districts.

4. All uses identified under §155-903 shall be buffered from all contiguous properties by a completely planted visual landscape screen consisting of coniferous trees planted not less than six (6) feet on center, having a planted height of not less than eight (8) feet, which buffer area may be located with the required yard areas.

C. Buffer planting strips

1. When required by this Chapter, buffer planting strips shall meet the following criteria:

   a. Along each side or rear property line of a non-residential use which directly abuts a residential district in the Township or a similar district in an adjoining municipality, there shall be a buffer planting strip not less than fifty (50) feet in width.

   b. The buffer planting strip shall be measured from the district boundary line or from the near street line where a street serves as the district boundary line. The buffer planting strip shall not be part of a street right-of-way, but shall be in addition thereto.

   c. The buffer planting strip may be included with the required side or rear yard, and, in case of conflict, the larger yard requirement shall apply.

   d. Within the buffer planting strip, the exterior width beyond the planting screen shall be planted with grass seed, sod, or ground cover and shall be maintained and kept clean of all debris, rubbish, weeds and tall grass (in excess of twelve (12) inches).

   e. The buffer planting strip shall be a landscaped area free of structures, materials, and vehicular parking. No driveways or streets shall be permitted in the buffer planting strip except at points of ingress and egress.

   f. The buffer planting strip shall be permanently maintained and shall constitute a planting of dense evergreens, compact evergreen hedges, or where otherwise specifically designated in this Chapter, an appropriate wall, fence, suitable planting, or combination thereof.

g. All planting shall comply with the provisions of Chapter 115, Subdivision and Land Development.

h. The Board of Supervisors may, in its sole discretion, permit all or a portion of the buffer planting strip to be located within the abutting residential district where the abutting residential property is owned or controlled by the owner of the property within the zoning district, where such abutting residential property forms part of the lot being developed for commercial purposes and where it determines that the intent of the buffer planting strip regulations will be met. In the event that the Board of Supervisors permits the buffer planting strip to be so located, it shall require that appropriate perpetual easements and restrictions be placed upon that portion of the abutting residential property being used for the buffer planting strip.

SECTION 155-1505. LIGHTING

A. Purpose. The purpose of this Section is to minimize undesirable off-site effects of lighting while providing for lighting that is sufficient for the safe and pleasurable use of property within the Township.

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

1. The light from any exterior light fixture shall be effectively shielded and shall be arranged so as to protect adjacent streets and neighboring properties from direct glare or light radiation, which may cause a safety problem or nuisance.

2. No lighting fixture shall have any blinking, flashing, moving, or fluttering lights or other illuminating device which has a changing light intensity, brightness, or color, nor will any beacon lights be permitted, except for temporary seasonal decorative lighting.

3. Neither the direct nor reflected light from any lighting fixture shall create a disabling glare that would be a potential traffic hazard for motor vehicle operators on public roads.

4. Except for lighting within business parking lots as defined under Article XVIII, illumination at any point on the perimeter of the lot shall not exceed 0.5 footcandle when measured with a calibrated, stable reading photometer, regardless of the attitude or angle of the meter to the light source.

5. Lighting within business parking lots shall provide a minimum illumination level within a range of 1.2 to 1.5 footcandles. In no case, however, shall illumination exceed 1.0 footcandle measured at the property line, or 0.6 footcandle measured at the property line adjacent to a residential district.

6. Freestanding light standards shall not exceed fifteen (15) feet in height. All fixtures shall be equipped with a glare-shielding device and, where possible, shall incorporate recessed bulbs and light globes.

C. Control of Glare.

1. Floodlighting and outdoor lighting in all districts, whether or not required by this Ordinance:

a. Shall not be aimed, installed, or directed so as to project into the windows of neighboring residential uses, and shall not be directed skyward or onto a roadway.

b. Shall be diffused, directed, shielded, located, designed, and maintained in such a manner as not to present any hazardous situations for passing vehicular or pedestrian traffic or create a nuisance by objectionable light projected beyond its lot line onto a neighboring use or property.

2. All fixtures shall be equipped with light directing or shielding of a type and design appropriate to the lighting application, for the purpose of redirecting offending light or reducing direct or reflected glare, and no glare shall be discernable beyond its lot line onto adjacent properties.

3. The intensity of illumination projected onto a residential use from another property shall not exceed 0.5 footcandle, measured line-of-sight at the property line.

4. Vegetation screens shall not serve as the primary means for controlling glare. Rather, glare control shall be achieved through the use of full-cutoff fixtures, shields and baffles, and appropriate application of fixture mounting height, wattage, aiming angle and fixture placement.

5. Reduction of night time lighting.

a. All non-essential lighting of businesses and parking lots shall be reduced within one (1) hour after the end of business hours to the minimum level required for security purposes as approved by the Township when the use was permitted, including but not limited to lowering or extinguishing display, aesthetic, parking, and sign lighting.

b. Where all-night safety or security lighting is deemed necessary, the lighting intensity levels shall generally not exceed twenty five (25) percent of the levels permitted by this Section but in no case shall they be less than the minimum levels for safety or security as invoked by the Illuminating Engineering Society of North America.

D. Permanent recreational and sports lighting and nighttime events shall be subject to the standards set forth under §155-1616.

SECTION 155-1506. RESIDENTIAL STORAGE

A. No storage area shall be located within the front yard of any residential lot.

B. Storage for periods in excess of thirty (30) days shall be screened from view from any public right-of-way, contiguous residential use, and/or township/public park.

C. Screening shall consist of continuous evergreen plantings and/or include an architectural screen.

D. Storage of any recreational vehicle(s) shall be done in accordance with §155-1801.E.3, Parking Requirements for Recreational Vehicles.

SECTION 155-1507. ROADWAY ACCESS

A. Where a tract has been or is to be divided into lots, it shall be the duty and responsibility of the owner of the tract to provide roadways to all lots not fronting on existing public highways and such roadways must connect with existing public highways and must conform in width and construction with them and be approved by the Board of Supervisors.

SECTION 155-1508. IRREGULAR-SHAPED LOTS

A. No subdivision shall be permitted that results in the creation of an irregular-shaped lot, except by special exception granted by the Zoning Hearing Board under such appropriate limitations and restrictions as may be deemed necessary or desirable under the provisions of §155-2005.

Page intentionally left blank.

Article XVI: Supplemental Use Standards

SECTION 155-1600. ADULT-ORIENTED ESTABLISHMENTS

A. The following location standards shall be met:

1. Adult-oriented establishments shall be located a minimum of one thousand (1,000) feet from another existing adult commercial use.
2. Adult-oriented establishments shall be located a minimum of five hundred (500) feet from any residential dwelling, religious use, school, day-care facility, or public playground or park.
3. Distance from adult-oriented establishments shall be measured in a straight line from the nearest lot line of the subject property to the nearest point of the boundary line of any property containing a residential dwelling, or on which a religious institution, school, day-care facility, or public playground or park is located.

B. Signs and visible messages based on the allowable sign area within the applicable zoning district shall be permitted as a conditional use, provided:

1. Sign messages shall be limited to written 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.
3. Messages which are visible or intended to be visible from outside the property, such as on or within doors or windows, shall not display materials, items, publications, pictures, films or printed material available on the premises or off-premises.

C. Hours of operation. Adult-oriented establishments shall not operate between the hours of 10:00 p.m. and 8:00 a.m.

D. Adult-oriented establishments shall require application for a conditional use permit from the Board of Supervisors. Application for such a conditional use permit shall consist of:

1. Information as required by §155-2105, Conditional use process.
2. Documentation demonstrating compliance with all applicable state laws including Chapter 55, Title 68 of the Pennsylvania Consolidated Statutes.
3. A description of the premises for which the permit is sought.
4. A statement of the intended use(s).
5. Type, size and location of proposed sign(s).

E. Abandonment. Should any adult-oriented establishments 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-oriented establishment unless said use complies with all the requirements of this section and said use is re-approved by conditional use application.

F. Nothing in this chapter 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.

G. There shall be no alcoholic beverages in association with adult uses without proper Commonwealth licensing and approval from the Pennsylvania Liquor Control Board.

SECTION 155-1601. AGRICULTURE

A. General standards.

1. Unless the underlying property is designated as an Agricultural Security Area, agricultural uses, including tilling of the soil, keeping and selling of livestock and poultry and the products therefor, the planting, growing, storing and selling of plants and crops therefrom, are permitted provided that such uses shall be conducted on a lot not less than five (5) acres in size. A lot that is less than five (5) acres in size may be utilized for the above-mentioned agricultural uses if the subject property is in both in the same ownership as and adjoining to a contiguous property utilized for agricultural purposes.

2. No manure storage shall be established any closer than one hundred (100) feet from any property line, or three hundred (300) feet of the boundary of any property used and/or zoned for residential purposes.

3. Any farm building (other than a pigsty) shall be situated not less than two hundred (200) feet from any public road nor less than thirty (30) feet from any side or rear boundary line of the farm or lot. No pigsty shall be located within three hundred (300) feet of any property line.

B. Secondary farm business. The sale and display of agricultural products shall comply with the following standards:

1. The sale of agricultural products shall only be permitted as an accessory use incidental to the principal agricultural use. A minimum of 50 percent (50%) of all agricultural products for sale shall be grown and produced on land owned or leased by the owner of the property on which they are being offered for sale.

2. Parking regulations, as established in Article XVIII. Parking spaces shall be located outside the road right-of-way.

3. Sign regulations, as established in Article XVII.

4. When the sale of agricultural products is conducted from a portable stand, the following conditions shall apply:
   a. The portable stand shall be located a minimum of twenty-five (25) feet from the edge of the cartway or outside of the right-of-way, whichever is greatest, and a minimum of twenty-five (25) feet from adjacent property line.
   b. The portable stand shall be removed at the end of the growing season.
5. Permanent buildings may be used for the sale of agricultural products if they comply with all applicable setback requirements of the district in which they are located and the applicable requirements of this section.

SECTION 155-1602. AGRITOURISM AND AGRITAINMENT

A. Agritourism and agritainment activities shall be incidental to agriculture uses and shall not become the primary use of the parcel. Activities conducted on an agricultural operation that are offered to the public or invited groups for the purpose of providing direct sales, educational, entertainment and/or recreation experiences shall be considered as agritourism.

B. At least two (2) weeks prior to their occurring, all agritourism and agritainment activities shall require submission of a permit application. A separate permit is required for each occurrence of agritourism and/or agritainment and the application shall address to the satisfaction of the zoning officer compliance with §155-1602.C through N.

C. A site plan identifying the location of the agritourism or agritainment enterprise, all farm buildings, dwellings, existing and proposed driveways, access drives, parking areas and vehicle turn around areas, shall be provided.

D. Setbacks

1. Agritourism activities that involve patrons harvesting fruits, vegetables, Christmas trees, or other crops in their natural state are not required to be set back from property lines.

2. Agritourism and/or agritainment activities that occur in buildings shall be set back in accordance with applicable setbacks for accessory use buildings in the district.

E. The agritourism or agritainment use(s) shall be operated by the owner of the property or a member of their immediate family (spouse, sibling, child, grandchild, parent, grandparent), or by an operator of the agricultural use, or by an occupant of the agriculture use upon which it is located.

F. No areas of prime agricultural soil shall be occupied by an activity in a way that renders the land incapable of being converted to agricultural use.

G. With the exception of agricultural commodities as defined in the Right to Farm Act, agritourism and agritainment activities occur between the hours of 8:00 a.m. and 10:00 p.m.

H. Minimum parcel size. Agritourism and agritainment are only permitted on agricultural lands with a minimum lot size of ten (10) acres.

I. Lighting. Any proposed lighting for agritourism and agritainment activities shall be in conformance with §155-1505.

J. Outdoor storage. All exterior storage of items related to the agritourism use that are located within 100 feet of the lot line of a residential use shall be screened.

K. Traffic. The Township may require the applicant to prepare a plan for controlling traffic and circulation. The Township may also require that the applicant provide qualified traffic-control personnel.

L. Parking. In addition to all off-street parking spaces required in connection with the primary agriculture use, the property shall provide at least one off-street parking space for every two (2) persons anticipated to be present in connection with agritourism or agritainment uses at that time in a calendar year when the number of such persons is greatest.

M. Entrance paving. The Township may require a paved apron or a gravel scraping area at any or all entrances/exits to prevent tracking of mud or debris onto any public roadway.

N. Temporary structures. Any structures that are temporary in nature and are used in conjunction with the agritourism activities shall be removed not later than fifteen (15) days after the last scheduled date of the activity or event. In the alternative of removing said structures, said structures may be relocated to a designated and screened storage area on another portion of the parcel. This provision shall not apply to utilities and fences.

O. Proof of insurance. The applicant shall provide a copy of requisite liability insurance for the agritourism and/or agritainment activity proposed as part of the submitted application.

SECTION 155-1603. BED-AND-BREAKFAST

A. Any historic residence, structure or resource, as shown on the Historic Resources Map, may incorporate a bed-and-breakfast, which shall be permitted as a conditional use when authorized by the Board of Supervisors in accordance with the standards and procedures set forth in §155-2105, subject to the following:

1. No bed-and-breakfast shall be structurally altered, except as permitted by the conditional use approval.

2. A bed-and-breakfast shall be operated by the occupant/owner of the historic resource.

3. The number of guest rooms for transient accommodation shall not exceed three (3) in any building having a habitable floor area of 3,000 square feet or less. One (1) additional guest room may be made available for each 600 square feet of habitable floor area beyond the initial 3,000 square feet, up to a maximum total number of six (6) guest rooms.

4. No guest may be registered for a continuous period in excess of twenty-one (21) consecutive nights. The owner shall maintain a guest register and shall preserve registration records for a minimum of three (3) years. The register and all records shall be made available for inspection by the Township Zoning Officer or Code Enforcement Officer at any time.

5. There shall be no separate kitchen or cooking facilities in any guest room.

6. One (1) off-street parking space per bedroom and adequate off-street parking space for each nonresident employee shall be provided on the premises. Adequate screening of parking facilities shall be provided without destruction of the historic setting, historic outbuildings or significant trees.

7. A bed-and-breakfast shall be limited to one (1) name identification sign, which shall not exceed eight (8) square feet in area. The sign shall be discreet and appropriate to the setting, with low-level illumination (if any is proposed), the design of which shall be submitted with the application for approval. Temporary signs are prohibited, except for short-term duration based on extenuating circumstances, as determined by the Township Zoning Officer.

8. In addition to the criteria set forth under §155-2105, the applicant for conditional use shall also submit the following information with the application:

   a. Description of the plan of use, including extent of the building used for the bed-and-breakfast and demonstration that the use will not negatively impact on the integrity of the historic building.

b. Description of any changes to the historic building exterior and interior, described accurately enough to allow the Historic Preservation Commission to evaluate the proposal.

c. Description of any changes resulting from building code requirements.

d. A site plan drawing showing the provision of parking and screening.

e. A description and/or plan for the provision of lighting for the use and demonstration that glare will be minimized.

f. A drawing of any proposed sign.

g. A valid Chester County Health Department or Pennsylvania Department of Environmental Protection permit(s) indicating that the existing sewage system can accommodate maximum usage proposed by the bed-and-breakfast. If the proposed use is to be served by a public sewage system, the applicant shall submit documentation from the servicing authority that the proposed use will be adequately served.

h. A certification of on-site water potability from or acceptable to the Chester County Health Department, or of supply from an appropriate water company.

9. The Historic Preservation Commission shall review the conditional use application prior to the hearing on the application by the Zoning Hearing Board and shall forward its recommendation to the Zoning Hearing Board.

SECTION 155-1604. CEMETERY

A. The minimum lot size for a cemetery shall be as specified in the applicable district.

B. Individual plots shall be set back a minimum of fifty (50) feet from all tract boundaries, public rights-of-way, and areas subject to Chapter 83 for Floodplain Management.

C. No vault shall be located where, at its greatest depth below the ground surface, it may intrude upon the permanent or seasonal high-water table.

D. Burial vaults shall be placed such that the minimum horizontal separation between vaults is no less than two (2) feet in order to allow for infiltration of groundwater. This provision shall not apply to vaults within a mausoleum.

E. Individual headstones greater than five (5) feet in height and other aboveground permanent structures such as mausoleums shall require building permits prior to installation.

F. Any cemetery proposed adjacent to a residential property, additional screening may be required as deemed appropriate by the Board of Supervisors.

G. An application for a cemetery use shall include the following:

1. A master plan identifying the overall layout of plots, internal road network, buildings, stormwater management facilities, and other improvements.

2. A valid permit issued from the Pennsylvania Department of Health, when applicable.

3. A narrative of how the cemetery will be developed and maintained.

4. The applicant shall demonstrate that recharge of groundwater is not adversely impacted by the cemetery design.

5. The applicant shall provide sufficient hydrologic and other information to satisfy the Township that the potential for groundwater contamination from the burial grounds shall not be hazardous to neighboring water supply wells.

H. Abandonment. In the event a cemetery is deemed by the Township to be abandoned or neglected, the procedures as set forth under §1536 of The Second Class Township Code shall be applied to bring the cemetery back into a state of appropriate repair.

SECTION 155-1605. CLUBS

A. Area and bulk standards. The area and bulk standards for the underlying zoning district shall apply for any club.

B. Any proposed club shall only be governed as a nonprofit organization. The applicant shall provide the Township documentation of their 501(c) certification to confirm the club operator is a licensed nonprofit organization.

C. The use of the club facility shall be for authorized members and guests only.

D. Club uses shall not include lodging of overnight guests.

E. Outdoor activity shall be setback a minimum of one-hundred (100) feet from any residential use, district, or lot.

F. Outdoor lighting shall comply with the provisions of §155-1505.

G. Signage shall comply with the provisions of Article XVII.

H. There shall be no noise, as measured at the property line exceeding fifty decibels (50 dB).

I. When abutting a residential use or a property zoned for residential use, a buffer planting strip(s) shall be provided in accordance with §155-1504.C of this chapter. All buildings, parking and facilities for outdoor activities shall be so screened.

J. When located within or adjoining a residential use or a property zoned for residential use, the hours of operation shall be established by the Board of Supervisors in conjunction with the conditional use approval.

SECTION 155-1606. COMMUNICATION TOWERS

A. Except for non-tower-based wireless communication facilities as regulated under §155-1615, communication towers shall be constructed in compliance with the following specifications:

1. Standard of care. Any communication tower shall be designed, constructed, operated, maintained, repaired, modified and removed in strict compliance with all current applicable technical, safety and safety-related codes, including but not limited to, the most recent editions of the American National Standards Institute (ANSI) Code, National Electrical Safety Code, National Electrical Code, as well as the accepted and responsible workmanlike industry practices of the National Association of Tower Erectors. Communication towers shall at all times be kept and maintained in good condition, order and repair by licensed and qualified personnel, so that the same shall not endanger the life of any person or any property in the Township.

2. Engineer inspection. Prior to the Township's issuance of a permit authorizing construction and erection of communications tower, a structural engineer registered in Pennsylvania shall issue to the Township a written certification of the proposed tower's ability to meet the structural standards offered by either the Electronic Industries Association or the Telecommunication Industry Association and certify the proper construction of the foundation and the erection of the structure.

3. Permit required for modifications. To the extent protected by or permissible under applicable state and federal law, any communication tower applicant proposing the modification of an existing tower, which increases the overall height of such tower, shall first obtain a building permit from the Township.

4. Wind. All communication tower structures shall be designed to withstand the effects of wind according to the standard designed by the American National Standards Institute as prepared by the engineering departments of the Electronics Industry Association, and Telecommunications Industry Association (ANSI/EIA/TIA-222, as amended).

5. Height. The maximum total height of a communication tower shall not exceed one-hundred-fifty (150) feet, as measured vertically from the ground level to the highest point on the structure, including antennas and subsequent alterations.

6. Related equipment. Either one (1) single-story wireless communications equipment building not exceeding five hundred (500) square feet in area or up to five (5) metal boxes placed on a concrete pad not exceeding ten (10) feet by twenty (20) feet in area housing the receiving and transmitting equipment may be located on the site for each unrelated company sharing commercial communications antenna(s) space on the communication tower. Any such buildings or equipment shall comply with applicable area and bulk requirements in the zoning district where located.

7. Public safety communications. No communication tower shall interfere with public safety communications or the reception of broadband, television, radio or other communication services enjoyed by occupants of nearby properties.

8. Maintenance. The following maintenance requirements shall apply:

a. Communication tower shall be fully automated and unattended on a daily basis and shall be visited only for maintenance or emergency repair.

b. Such maintenance shall be performed to ensure the upkeep of the communication tower in order to promote the safety and security of the Township's residents, and utilize the best available technology for preventing failures and accidents.

c. Maintenance activities shall not take place without the issuance of required permits by the Zoning Officer.

9. Radio frequency emissions. A communication tower shall not, by itself or in conjunction with other towers, generate radio frequency emissions in excess of the standards and regulations of the FCC, including but not limited to, the FCC Office of Engineering Technology Bulletin 65 entitled "Evaluating Compliance with FCC Guidelines for Human Exposure to Radio Frequency Electromagnetic Fields," as amended.

10. Historic buildings or districts. A communication tower shall not be located upon a property, and/or on a building or structure that is listed on either the National or Pennsylvania Registers of Historic Places, or eligible to be so listed, or is included in the Historic Resources Map maintained by the Township.

11. Signs. All communication towers shall post a sign in a readily visible location identifying the name and phone number of a party to contact in the event of an emergency at any time during a twenty-four (24) hour period. The only other signage permitted on the communication tower shall be those required by the FCC, or any other federal or state agency.

12. Lighting. No communication tower shall be artificially lighted, except as required by law. If lighting is required, the tower applicant shall provide a detailed plan for sufficient lighting, demonstrating as unobtrusive and inoffensive an effect upon Township residents as is permissible under state and federal regulations.

13. Noise. Communication towers shall be operated and maintained so as not to produce noise in excess of applicable noise standards under state law and the Township Code, except in emergency situations requiring the use of a backup generator, where such noise standards may be exceeded on a temporary basis only.

14. Aviation safety. Communication towers shall comply with all federal and state laws and regulations concerning aviation safety.

15. Sole use on a lot. A communication tower may be permitted as a sole use on a lot. The minimum distance between the base of a communication tower and any adjoining property line or street right-of-way line shall equal one hundred and ten percent (110%) of the proposed height of the communication tower. At the Board's sole discretion, the Board may allow a reduced setback if it is demonstrated to the reasonable satisfaction of the Board that in the event of failure the tower is designed to collapse upon itself within a setback area less than the required minimum setback without endangering such adjoining uses and their occupants.

16. Combined with another use. A communication tower may be permitted on a property with an existing use, or on a vacant parcel in combination with another use, subject to the following conditions:

    a. The existing use on the property shall be any permitted use in the applicable district, and need not be affiliated with the tower.

    b. Minimum setbacks. The minimum distance between the base of a communication tower and any adjoining property line or street right-of-way line shall equal one hundred and ten percent (110%) of the proposed height of the communication tower. At the Board's sole discretion, the Board may allow a reduced setback if it is demonstrated to the reasonable satisfaction of the Board that in the event of failure the tower is designed to collapse upon itself within a setback area less than the required minimum setback without endangering such adjoining uses and their occupants.

17. Design regulations.

    a. The tower shall employ the most current stealth technology available in an effort to appropriately blend into the surrounding environment and minimize aesthetic impact and shall be subject to the approval of the Township.

    b. Communication towers shall be greater than thirty-five (35) feet in height in order to increase coverage, provide for increased co-location capabilities and result in less need for additional towers of such height in the Township.

    c. Any proposed communication tower shall be designed structurally, electrically, and in all respects to accommodate both the tower applicant’s antennas and comparable antennas for future users.

    d. Any communication tower over thirty-five (35) feet in height shall be equipped with an anti-climbing device, as approved by the manufacturer.

    e. The tower applicant shall ensure that the existing vegetation, trees and shrubs located within proximity to the tower structure shall be preserved to the maximum extent possible.

    f. The tower applicant shall submit a soil report to the Township complying with the standards of Appendix I: Geotechnical Investigations, ANSI/EIA-222, as amended, to document and verify the design specifications of the foundation of the communication tower, and anchors for guy wires, if used.

    g. A security fence having a minimum height of ten (10) feet shall completely surround any communication tower greater than thirty-five (35) feet in height, as well as any building housing tower equipment.

    h. Landscaping shall be required to screen as much of a newly constructed communication tower as possible. The Board may permit any combination of existing vegetation, topography, walls, decorative fences or other features instead of landscaping, if, in the discretion of the Board, they achieve the same degree of screening.

i. Ground-mounted related equipment associated with, or connected to, a communication tower shall be placed underground or screened from public view using stealth technologies, as described above.

j. All related equipment, utility buildings and accessory structures shall be architecturally designed to blend into the environment in which they are situated and shall meet the minimum setback requirements of the underlying zoning district.

k. An appropriate access, turnaround space and at least one (1) off-street parking space shall be provided to ensure adequate emergency and service access to the communication tower.

l. The Township reserves the right to inspect any communication tower to ensure compliance with this Chapter and any other provisions found within the Township Code or state or federal law. The Township and/or its agents shall have the authority to enter the property upon which a tower is located at any time, upon reasonable notice to the operator, to ensure such compliance.

18. Nonconforming uses. Nonconforming communication towers which are hereafter damaged or destroyed due to any reason or cause may be repaired and restored at their former location, but must comply with the terms and conditions of this section applicable to the new improvements.

19. Removal. In the event that use of a communication tower is planned to be discontinued, the owner shall provide written notice to the Township of its intent to discontinue use and the date when the use shall be discontinued. Unused or abandoned communication towers or portions of these towers shall be removed as follows:

    a. All unused or abandoned communication towers and accessory facilities shall be removed within ninety (90) days of the cessation of operations at the site and the subject property restored to its original natural condition unless a time extension is approved by the Township.

    b. If the communication tower and/or accessory facility is not removed within ninety (90) days of the cessation of operations at a site, or within any longer period approved by the Township, the tower and accessory facilities and equipment may be removed by the Township and the cost of removal assessed against the owner of the communication tower or the property owner upon which the tower is located.

    c. Any unused portions of communication towers, including antennas, shall be removed within ninety (90) days of the time of cessation of operations. The Township must approve all replacements of portions of a communication tower previously removed.

20. Permit fees. The Township may assess appropriate and reasonable permit fees directly related to the Township's actual costs in reviewing and processing the application for approval of a communication tower, as well as related inspection, monitoring, and related costs.

21. FCC license. Each person that owns or operates a communication tower shall submit a copy of its current FCC license, including the name, address, and emergency telephone number for the operator of the facility.

22. Insurance. Each person that owns or operates a communication tower greater than thirty-five (35) feet in height shall provide the Township with a certificate of insurance evidencing general liability coverage in the minimum amount of $5,000,000 per occurrence and property damage coverage in the minimum amount of $5,000,000 per occurrence covering the communication tower. Each person that owns or operates a communication tower thirty-five (35) feet or less in height shall provide the Township with a certificate of insurance evidencing general liability coverage in the minimum amount of $1,000,000 per occurrence and property damage coverage in the minimum amount of $1,000,000 per occurrence covering each communication tower.

23. Indemnification. Each person that owns or operates a communication tower shall, at its sole cost and expense, indemnify, defend and hold harmless the Township, its elected and appointed officials, employees and agents, at all times against any and all claims for personal injury, including death, and property damage arising in whole or in part from, caused by or connected with any act or omission of the person, its officers, agents, employees or contractors arising out of, but not limited to, the construction, installation, operation, maintenance or removal of the communication tower. Each person that owns or operates a communication tower shall defend any actions or proceedings against the Township in which it is claimed that personal injury, including death, or property damage was caused by the construction, installation, operation, maintenance or removal of communication towers. The obligation to indemnify, hold harmless and defend shall include, but not be limited to, the obligation to pay judgments, injuries, liabilities, damages, reasonable attorneys' fees, reasonable expert fees, court costs and all other costs of indemnification.

24. Financial security. Prior to receipt of a zoning permit for the construction or placement of a communication tower, the tower applicant shall provide to the Township financial security sufficient to guarantee the removal of the communication tower. The amount of financial security shall be mutually agreed upon by the tower applicant's engineer and the Township Engineer or consultants, and shall remain in place until the communication tower is removed.

B. Conditional use review process and additional regulations.

1. Communication towers are permitted in specific zoning districts by conditional use only as outlined in §155-2105 and at the minimum height necessary to satisfy their function in the tower applicant's wireless communications system. No communication tower applicant shall have the right under these regulations to erect a tower to the maximum height specified in this section unless it proves the necessity for such height.

2. Notice. Upon submission of an application for a communication tower and the scheduling of the public hearing upon the application, the tower applicant shall mail notice to all owners of every property within one thousand (1,000) feet of the property upon which the proposed facility is located as measured from the perimeter of the property. The tower applicant shall provide proof of the notification to the Township.

3. The tower applicant for such conditional use approval shall prove to the reasonable satisfaction of the Board that the tower applicant cannot adequately extend or infill its communications system by the use of equipment such as redoes, repeaters, antenna(s) and other similar equipment installed on existing structures, such as utility poles or their appurtenances and other available tall structures. The tower applicant shall further demonstrate that the proposed communication tower must be located where it is proposed in order to serve the tower applicant's service area and that no other viable alternative location exists.

4. The conditional use application shall be accompanied by a propagation study evidencing the need for the proposed tower or other communication facilities and equipment, a description of the type and manufacturer of the proposed transmission/radio equipment, the frequency range (megahertz band) assigned to the tower applicant, the power in watts at which the tower applicant transmits, and any relevant related tests conducted by the tower applicant in determining the need for the proposed site and installation.

5. The conditional use application shall be accompanied by documentation demonstrating that the proposed communication tower complies with all state and federal laws and regulations concerning aviation safety.

6. Where the communication tower is located on a property with another principal use, the tower applicant shall present documentation to the Board that the owner of the property has granted an easement for the proposed tower and that vehicular access will be provided to the facility.

7. The conditional use application shall be accompanied by documentation demonstrating that the proposed communication tower complies with all applicable provisions in this section.

8. Visual appearance and land use compatibility. Communication towers shall employ stealth technology approved by the Board in context with its surroundings, or shall have a galvanized finish. All communication towers and related equipment shall be aesthetically and architecturally compatible with the surrounding environment and shall maximize the use of a like facade to blend with the existing surroundings and neighboring buildings to the greatest extent possible.

   The Board of Supervisors shall consider whether its decision upon the subject application will promote the harmonious and orderly development of the zoning district involved; encourage compatibility with the character and type of development existing in the area; benefit neighboring properties by preventing a negative impact on the aesthetic character of the community; preserve woodlands and trees existing at the site to the greatest possible extent; and encourage sound engineering and land development design and construction principles, practices and techniques.

9. Co-location and siting. An application for a new communication tower shall not be approved unless the Board of Supervisors finds that the wireless communications equipment planned for the proposed communication tower cannot be accommodated on an existing or approved structure or building. The Board may deny an application to construct a new communication tower if the tower applicant has not made a good-faith effort to mount the antenna(s) on an existing structure. The tower applicant shall demonstrate that it contacted the owners of tall structures, buildings, and towers within a one-quarter (1/4) mile radius of the site proposed,

sought permission to install an antenna on those structures, buildings, and towers and was denied for one of the following reasons:

a. The proposed antenna and related equipment would exceed the structural capacity of the existing building, structure or tower, and its reinforcement cannot be accomplished at a reasonable cost.

b. The proposed antenna and related equipment would cause radio frequency interference with other existing equipment for that existing building, structure, or tower and the interference cannot be prevented at a reasonable cost.

c. Such existing buildings, structures, or towers do not have adequate location, space, access, or height to accommodate the proposed equipment or to allow it to perform its intended function.

d. A commercially reasonable agreement could not be reached with the owner of such building, structure, or tower.

10. Additional antennas. As a condition of approval for all communication towers, the tower applicant shall provide the Township with a written commitment that it will allow other service providers to co-locate antennas on communication towers where technically and economically feasible. The owner of a communication tower shall not install any additional antennas without obtaining a building permit if required by the Township.

11. Retention of experts. The Township may hire any consultant and/or expert necessary to assist the Township in reviewing and evaluating the application for approval of the communication tower and, once approved, in reviewing and evaluating any potential violations of the terms and conditions of these provisions. The tower applicant and/or owner of the tower shall reimburse the Township for all costs of the Township's consultant(s) in providing expert evaluation and consultation in connection with these activities.

12. Timing of approval. Within thirty (30) calendar days of the date that an application for a communication tower is filed with the Township, the Township shall notify the tower applicant in writing of any information that may be required to complete such application. All applications for communication towers shall be acted upon within one-hundred-fifty (150) days of the receipt of a fully completed application for the approval of such communication tower and the Township shall advise the tower applicant in writing of its decision. If additional information was requested by the Township to complete an application, the time required by the tower applicant to provide the information shall not be counted toward the one-hundred-fifty (150) day review period. Time extensions may be granted if agreed upon by all parties.

13. Engineer signature. All plans and drawings for the conditional use approval shall contain a seal and signature of a professional structural engineer, licensed in the Commonwealth of Pennsylvania.

SECTION 155-1607. CONSUMER FIREWORKS

A. Purpose. The purpose of this section is to allow for the sale of consumer fireworks, subject to the regulations in this Section.

B. Standards for the sale of consumer fireworks. Sales of consumer fireworks from a permanent facility is subject to compliance with standards set forth for a conditional use as outlined in §155-2105 as well as all the following specific regulations with respect to such use:

1. The facility from which the fireworks are sold shall comply with the underlying district dimensional, area, and parking regulations, including, but not limited to, setbacks and buffers.

2. Such use shall not be located within two hundred and fifty (250) feet of any:

   a. Premises selling alcoholic liquors, alcohol, malt or brewed beverages for consumption on or off premises; or

   b. Local or state park, school or child day-care facility, recreational establishment, house of worship, dwelling, hospital, group home or nursing home; or

   c. Premises selling firearms.

3. Any structure containing quantities of consumer fireworks, as defined herein, exceeding fifty (50) pounds shall be no closer than one hundred and fifty (150) feet to any other building, state highway, railway, local street or alley, waterway, or utility right-of-way, including, but not limited to, a natural gas line.

4. All land development plans for construction, use or renovation of an existing building for the purposes of selling fireworks shall be reviewed by the Code Enforcement Officer for compliance with all required fire safety codes, including, but not limited to, the International Fire Code, and his/her comments and/or report shall be copied to the municipality designated fire company.

5. Sale of fireworks shall be subject to compliance with all of the provisions of Pennsylvania Act 43 of 2017 pertaining to the sale thereof. Hours of operation shall be confined to 9:00 a.m. to 7:00 p.m. Security and site management shall be provided 24 hours per day.

6. All sales of consumer fireworks shall be conducted only within a facility approved by the Pennsylvania Department of Agriculture pursuant to the Pennsylvania Fireworks Law, 72 P.S. §9407, as amended.

7. All sales of consumer fireworks, as defined herein, shall be conducted only from a facility exclusively dedicated to the storage and sale of fireworks.

SECTION 155-1608. DAY CARE

A. Child day care centers.

1. Area and bulk regulations of the underlying district shall apply except that when located adjacent to a residential use, lot, or district, minimum yards shall be fifty (50) feet.

2. This use shall meet the provisions of 55 PA Code §3270 et seq. and any other applicable State and County requirements. Where this Ordinance conflicts with State and County requirements, the more restrictive shall apply.

3. Prior to the issuing of a permit by the Township for this use, the applicant must receive and hold all pertinent approvals and/or licenses from the PA Department of Human Services, Chester County Health Department, and any other applicable State or County agencies as a condition of Township permit approval and continuation.

4. An outdoor play area(s) shall be provided consistent with PA Department of Human Services standards and shall be provided surrounded by safety fencing and adequately screened so as to protect adjacent residential areas from incongruous noise and disturbance. Screening and buffering shall meet Article XXX. Outside play shall be limited to hours between eight (8) a.m. and sunset.

5. When this use is proposed in conjunction with another use, a permit is required for each use.

6. Safe off-street unloading passenger space and adequate stacking capacity shall be provided to prevent interference with traffic flow on any adjacent street. All off-street parking and loading standards shall comply with Article XVIII. Parking shall be adequately screened when situated within fifty (50) feet of residential uses, lots, or districts. There must be safe sight distances and internal circulation patterns for drop-off and pick-up areas.

B. Adult day care centers.

1. This use shall be licensed by the PA Department of Aging and meet the provisions of 6 PA. Code §11 et seq. for (Older) Adult Living Centers and applicable requirements of all other State and County agencies. Where this Ordinance conflicts with State and County requirements, the more restrictive requirement shall apply.

2. There shall be outdoor open and safe areas that shall be a minimum of ten percent (10%) of the lot size and contain amenities such as benches, gazebos, and/or walking paths.

7. Safe off-street unloading passenger space and adequate stacking capacity shall be provided to prevent interference with traffic flow on any adjacent street. All off-street parking and loading standards shall comply with Article XVIII. Parking shall be adequately screened when situated within fifty (50) feet of residential uses, lots, or districts. There must be safe sight distances and internal circulation patterns for drop-off and pick-up areas.

C. Child day care home accessory uses.

1. This is an accessory use in which care is provided for four (4) to six (6) children (Family child day care home) or seven (7) to twelve (12) children (Group child day care home) at any one time, who are unrelated to the caregiver, in a dwelling that is the primary use.

2. Family child day care homes shall meet of 55 Pa. Code §3290 et seq. and group child day care homes shall meet of 55 Pa. Code §3280 et seq. Both uses shall meet any other applicable State and County requirements. Where this Ordinance conflicts with State and County requirements, the more restrictive shall apply.

3. Prior to the issuing of a permit by the Township for the use, the applicant must receive and hold all pertinent approvals and/or licenses from the PA Department of Human Services, Chester County Health Department, and any other applicable State or County agencies as a condition of Township permit approval and/or continuation.

4. Minimum lot size shall be that required for the underlying district unless however such a lot size is insufficient to meet State and County licensing and/or approval standards in which case the minimum lot size shall be that needed to meet State and County licensing and/or approval requirements.

5. Outdoor play areas shall meet PA Department of Human Services standards and minimum yard standards for the principal use in the underlying district. Such area shall be surrounded by safety fencing and adequately screened so as to protect the children and adjacent residential areas from incongruous noise and disturbance. Outside play shall be limited to hours between eight (8) a.m. and sunset.

6. Any applicable requirements for home based businesses from §155-1612 shall apply.

7. There shall be safe on-street or off-street passenger loading space to prevent interference with traffic flow on any adjacent street. There must be safe sight distances for drop-off and pick-up areas.

8. There shall be a minimum of one (1) off-street parking space for each employee, plus one (1) visitor space. Parking shall be adequately screened when situated within twenty (20) feet of other residential uses or lots.

SECTION 155-1609. DRIVE-THROUGH SERVICES

A. Unless otherwise noted in this Ordinance, area and bulk requirements for drive-through services shall be as specified for the use with which it is associated, including a restaurant, bank, or retail use as denoted in the underlying district.

B. A drive-through service area shall not be adjacent to or facing a residential use, lot, or district.

C. A drive-through service shall have a cartway with a dedicated area for conducting business, a vehicle stacking lane, and an area for departing vehicles. The stacking lane shall be clearly marked and shall not be shared with parking circulation aisles or traffic flow. As part of the conditional use process, the Township Engineer shall determine minimum stacking needed for the proposed use.

D. When a drive-through service is adjacent to or on the same lot as other commercial uses, it shall share a common accessway with the other uses and shall not have a separate entrance to the street.

E. A pedestrian pathway shall be provided connecting any existing pedestrian access and the use for which the drive-through service is intended.

F. If the drive-through service is for a restaurant, trash receptacles shall be provided outside for patron use with some located in a manner that drive-through service customers have access to the receptacles from a vehicle, however trash receptacles shall not be located within forty (40)

feet of a residential use, lot, or district. A trash storage area shall be provided that is screened from the street and adjacent properties to create a visual barrier from the street and adjacent properties and to prevent trash from scattering or blowing away. All trash areas shall be located to permit safe and accessible trash removal.

SECTION 155-1610. FUNERAL HOMES

A. The minimum lot area shall be five (5) acres.

B. The site shall have frontage on and direct vehicular access to an arterial or collector street.

C. All off-street parking areas which adjoin residential zoning classification shall be screened by a buffer planting strip as defined under §155-1504.C.

D. Traffic circulation on the lot shall be designed to minimize congestion and provide for the lining up of vehicles on the property without obstructing the free flow of traffic on adjoining streets or alleys.

E. Applicable State and other laws and requirements shall be met be this use, and any approvals and/or licenses should be secured by the operator or applicant prior to the Township approving permits for this use.

F. Certification from the Chester County Health Department regarding the adequate provision of sewage disposal shall be required.

SECTION 155-1611. GASOLINE SERVICE STATIONS

A. Outdoor storage of materials and supplies shall comply with §155-1501. In addition, the following storage standards shall apply:

1. Automotive parts, refuse, and similar articles shall be stored within a building or enclosed area.

2. Vehicles or other machinery waiting for repairs shall not be stored outdoors for more than ten (10) days. Scrap or parts vehicles shall be stored indoors or directly behind the repair building or in an enclosed area where they are out of public view and limited to no more than three (3) vehicles.

B. A minimum lot width of one-hundred (100) feet shall be provided along each street frontage in 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.

C. Adjoining lots shall be connected to one another via vehicular and pedestrian linkages for improved connection, use, and circulation purposes.

D. Fuel pumps, underground holding tanks, and service islands shall be set back a distance that meets PennDOT standards from any street right-of-way, and a minimum of fifty (50) feet from any residential lot or district, one-hundred (100) feet from any underground oil, natural gas, or like energy transmission pipeline, and five-hundred (500) feet from any water supply.

E. Access shall be set back at least forty (40) feet from the intersection of any street. Primary access shall be from an arterial or major collector road. When the use abuts other non-residential uses or lots, access shall be via a shared common accessway with those adjoining uses and lots so as to limit the number of street access points and potential vehicle and pedestrian movement conflicts. Adjoining uses and lots shall be connected to one another via vehicular and pedestrian linkages for improved connection, use, and circulation purposes.

F. Repair or service operations shall take place within an enclosed building except for minor service activities performed at the fuel pump.

G. There shall be barrier protection for fuel pumps and fuel tanks shall be placed underground and shall use materials and be designed in accordance with state and federal regulations.

H. Car washes shall use public water supply and shall recycle water. Car washes shall have vehicle stacking lanes in conformance with Article XVIII.

I. Automotive service stations and car washes shall adhere to all applicable PA Department of Environmental Protection standards.

SECTION 155-1612. HOME BASED BUSINESS

A. General standards. A home based business is a professional office, business, or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and which involves no customer, client or patient traffic, whether vehicular or pedestrian, pickup, delivery or removal functions to or from the premises, in excess of those normally associated with residential use. A home based business must satisfy the following requirements:

1. Operation. A home based business shall be conducted within a residential dwelling which is the residence of the principal practitioner. The business activity shall be compatible with the residential use of the property and other surrounding residential uses. The business activity may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.

2. Employees. There shall be not more than one (1) employee who is not a member of the household.

3. Size limitations. A home based business may not occupy more than fifty (50) percent of the net floor area of the basement or first floor of the dwelling with no such use permitted above the first floor.

4. Structural appearance. The appearance of the residential dwelling shall not be altered or the occupation be conducted in such a manner which would cause the premises to differ from its residential character by the use of materials, parking, construction, lighting, show windows, signs, or advertising visible outside the premises to attract customers or clients, other than those signs permitted by this Chapter. There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.

5. Signage. One (1) sign is permitted for a home based business subject to the following:

a. Such a sign shall not exceed two (2) square feet in area and ten (10) feet in height.

b. A wall sign shall not project more than three (3) inches from the building wall to which it is attached.

c. These signs shall be non-illuminated.

6. Parking. No on-street parking shall be utilized in association with a home based business. Any additional parking shall not be located within any required yard area and shall be paved or constructed of a surface approved by the Township Engineer.

7. Storage. There shall be no exterior storage of materials or refuse resulting from the operation of the home based business.

8. Nuisance. 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. Further, the business may not involve any illegal activity.

9. Burden of proof. The burden of proof shall be upon the applicant to prove that the standards of this section will be met. Based upon the potential nuisances of a proposed home based business, the Zoning Officer may determine that a particular type or intensity of use is unsuitable to be a home based business or that the proposed lot area or setbacks are not sufficient to contain such nuisances.

SECTION 155-1613. INDOOR RECREATION AND ENTERTAINMENT

A. Buildings, structures, equipment, parking, storage, loading, accessways, or paved areas, excluding bicycle or foot pathways shall not be located closer than fifty (50) feet to any residential lot line.

B. Auxiliary uses, such as a restaurant or snack bar shall be restricted in their use to employees, patrons, members, and guests of the principal use. Such establishments shall present no visible evidence from any public street of their commercial character which would attract persons other than employees, patrons, members, and guests.

C. Where access can be provided from more than one (1) street, vehicular access shall not be provided from a local street in a residential district or residential development, if possible.

D. Automatic amusement games associated with these uses shall include coin-operated machines, mechanical machines, or electronic machines, which operate as a game of skill or amusement. Such games shall be operated by this use in any location where three (3) or more such games are located, excluding video games designed for private individuals for residential use and used only by the family occupying the residence and its guests.

E. No audio speakers or equipment shall be installed inside or outside the location of such use that would cause sounds to emanate to the exterior of the premises.

F. All recreational uses shall have at least one (1) attendant on duty during operating hours.

SECTION 155-1614. MICROWAVE ANTENNAS

A. Permit. Before erection of any microwave antenna, a permit application shall be made to the Township, a permit issued and a fee paid.

B. Limitation in number. Only one (1) microwave antenna shall be permitted per lot, when permitted in an underlying district. The microwave antenna shall be considered as a permissible accessory use, subject to the rules and regulations of this section.

C. Size permitted. The maximum diameter of a microwave antenna shall be thirty (30) inches if roof-mounted and forty-eight (48) inches if ground-mounted; the total height of the supported antenna shall not exceed six (6) feet. Larger sizes may be permitted if approved as a special exception by the Zoning Hearing Board.

D. Location and mountings.

1. Roof microwave antennas shall be mounted below the roofline on the rear part of a building. Where the roofline is insufficient to obscure the microwave antenna from a frontal view, a four-sided screen shall be constructed around the dish to obscure its image. The screen shall be of such construction to architecturally blend into the roofline and roof color.

2. Ground microwave antennas shall be located in the rear yard and within the sight lines of a residential dwelling or commercial building when viewed by standing in front of the building. The microwave antenna shall be within twenty (20) feet of the residential dwelling's or commercial building's most rear foundation and shall be at least twenty-five (25) feet from the rear lot line. The ground-mounted microwave antenna shall be secured by a foundation approved by the Township Engineer and shall be screened on four (4) sides by shrubbery at least as high as the microwave antennas. The planted visual barrier shall be installed at the time of the installation of the microwave antenna.

E. General regulations.

1. A permit application shall be accompanied with the following drawings:

a. For roof-mounted microwave antennas, drawings of the internal roof structure which will provide support, the mounting fastening technique to be used and its size.

b. For ground-mounted microwave antennas, drawings with dimensions showing the location within a lot, the screen type, the support foundation and its size.

2. In granting a special exception, the Zoning Hearing Board:

a. May permit a microwave antenna of a size larger than that permitted as a matter of right, provided that the applicant proves that the permitted size would not suffice for reception acceptable for normal household viewing;

b. Shall not permit the erection of any microwave antenna exceeding six (6) feet in diameter nor nine (9) feet in height;

c. May require additional or other screening than that otherwise required by these regulations;

d. May require additional setback from the property line to that imposed by these regulations; and

e. Shall attach such additional reasonable conditions as it shall require, consistent with the intent of these regulations that the essential character of the neighborhood shall not be disturbed by the installation of any such microwave antenna.

3. No microwave antenna may be erected in any district or any location within a district which is prohibited by regulation of the Federal Communications Commission or other regulatory agency having jurisdiction.

4. Microwave antennas shall be properly anchored and installed to resist a minimum wind load of thirty (30) pounds per square foot of projected horizontal area. Supports, anchors and foundations shall take into account overturning movements and forces created by wind loading. The safety factor against overturning or sliding for wind forces on microwave antennas shall be 2.0.

SECTION 155-1615. NON-TOWER-BASED WIRELESS COMMUNICATIONS FACILITIES

A. Short title. The title of this Section shall be "non-tower-based wireless communications facilities."

B. Purposes and findings of fact.

1. The purpose of this Section is to regulate the placement, construction, modification, and removal of non-tower-based wireless communication facilities and systems, and to establish uniform standards for the siting, design, permitting, maintenance, and use of such facilities in Thornbury Township in order to protect the health, safety and property of Township residents. While the Township recognizes the importance of wireless communications facilities in providing high-quality communications service to its residents and businesses, the Township also recognizes that it has an obligation to protect public safety and to minimize the adverse effects of such facilities through the standards set forth in the following provisions.

2. By enacting this Section, the Township intends to:

a. Promote the health, safety, and welfare of Township residents and businesses with respect to wireless communications facilities; provide for the managed development of non-tower-based wireless communications facilities in a manner that enhances the benefits of such facilities in accordance with federal and state laws and regulations while preserving the beauty of Thornbury Township;

b. Establish procedures for the design, siting, construction, installation, inspection, maintenance and removal of non-tower-based wireless communications facilities in the Township, including facilities both inside and outside the public rights-of-way;

c. Address new wireless technologies, including, but not limited to, distributed antenna systems ("DAS"), data collection units ("DCU"), cable wi-fi and other wireless communications facilities;

d. Encourage the location of non-tower-based wireless communications facilities on existing structures;

e. Protect Township residents from potential adverse visual, esthetic, economic and physical impacts of wireless communications facilities and preserve, to the greatest extent permitted under law, the visual character of established communities, including those that have invested in underground utilities, and preservation of natural viewsheds, and historically significant buildings and landscapes; and

f. Update the Township's wireless facilities regulations to incorporate recent changes in federal and state laws and regulations.

C. As used in this Section, the following terms shall have the meanings indicated:

ANTENNA
Any system of wires, rods, discs, panels, flat panels, dishes, whips, or other similar devices used for the transmission or reception of wireless signals. An "antenna" may include an omnidirectional antenna (rod), directional antenna (panel), parabolic antenna (disc) or any other wireless antenna. An antenna shall not include "tower-based wireless communications facilities" defined below.

CO-LOCATION
The mounting of one or more WCFs, including antennae, on an existing tower-based WCF, or on any structure that already supports at least one non-tower WCF.

DISTRIBUTED ANTENNA SYSTEMS (DAS)
Network of spatially separated antenna sites connected to a common source that provides wireless service within a geographic area or structure.

EMERGENCY
A condition that:

A. Constitutes a clear and immediate danger to the health, welfare, or safety of the public; or

B. Has caused or is likely to cause facilities in the rights-of-way to be unusable and result in loss of the services provided.

FCC
Federal Communications Commission.

NON-TOWER WIRELESS COMMUNICATIONS FACILITY (NON-TOWER WCF)
All non-tower wireless communications facilities, including, but not limited to, antennae and related equipment. Non-tower WCF shall not include support structures for antennae or any related equipment that is mounted to the ground or at ground-level.

PERSONS

Individuals, corporations, companies, associations, joint stock companies, firms, partnerships, limited liability companies, corporations and other entities established pursuant to statutes of the Commonwealth of Pennsylvania; provided that "person" does not include, or apply to, the Township or to any department or agency of the Township.

RELATED EQUIPMENT
Any piece of equipment related to, incident to, or necessary for, the operation of a tower-based WCF or non-tower WCF. By way of illustration, not limitation, "related equipment" includes generators and base stations.

RIGHT-OF-WAY or ROW
The surface of and space above and below any real property in the Township in which the Township has a regulatory interest, or interest as a trustee for the public, as such interests now or hereafter exist, including, but not limited to, all streets, highways, avenues, roads, alleys, sidewalks, tunnels, viaducts, bridges, skyways, or any other public place, area or property under the control of the Township, and any unrestricted public or utility easements established, dedicated, platted, improved or devoted for utility purposes, but excluding lands other than streets that are owned by the Township. The phrase "in the right(s)-of-way" and means in, on, over, along, above and/or under the right(s)-of-way. For the purpose of this article, ROW shall include streets and roads owned by Chester County, the Commonwealth of Pennsylvania, and any other Pennsylvania state agencies.

STEALTH TECHNOLOGY
Camouflaging methods applied to wireless communications towers, antennae and other facilities which render them more visually appealing or blend the proposed facility into the existing structure or visual backdrop in such a manner as to render it minimally visible to the casual observer. Such methods include, but are not limited to, architecturally screened roof-mounted antennae, building-mounted antennae painted to match the existing structure and facilities constructed to resemble trees, shrubs, and light poles.

SUBSTANTIALLY CHANGE

A. Any increase in the height of a wireless support structure by more than 10%, or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty (20) feet, whichever is greater, except that the mounting of the proposed wireless communications facility may exceed the size limits set forth herein if necessary to avoid interference with existing antennae; or

B. Any further increase in the height of a wireless support structure which has already been extended by more than 10% of its originally approved height or by the height of one additional antenna array.

WBCA
Pennsylvania Wireless Broadband Collocation Act (53 P.S. § 11702.1 et seq.)

WIRELESS
Transmissions through the airwaves including, but not limited to, infrared line of sight, cellular, PCS, microwave, satellite, or radio signals.

WIRELESS COMMUNICATIONS FACILITY (WCF)
The antennae, nodes, control boxes, towers, poles, conduits, ducts, pedestals, electronics and other equipment used for the purpose of transmitting, receiving, distributing, providing, or accommodating wireless communications services.

WIRELESS COMMUNICATIONS FACILITY APPLICANT (WCF APPLICANT)
Any person that applies for a wireless communication facility building permit, zoning approval and/or permission to use the public right-of-way (ROW) or other Township-owned land or property.

D. General requirements

1. The following regulations shall apply to all non-tower wireless communications facilities that do not substantially change the physical dimensions of the wireless support structure to which they are attached:

   a. Permitted in all zones subject to regulations. Non-tower WCFs are permitted in all zoning districts subject to the restrictions and conditions prescribed below and subject to the prior written approval of the Township.

   b. Prohibited on certain structures. Non-tower WCFs shall not be located on single-family detached residences, multifamily dwellings, single-family attached residences, or any accessory residential structures.

   c. Standard of care. Any non-tower WCF shall be designed, constructed, operated, maintained, inspected, repaired, modified and removed in strict compliance with all current applicable technical, safety and safety-related codes, including but not limited to the most recent editions of the American National Standards Institute (ANSI) Code, National Electrical Safety Code, and National Electrical Code. Any WCF shall at all times be kept and maintained in good condition, order and repair by qualified maintenance and construction personnel, so that the same shall not endanger the safety of any person or any property in the Township.

   d. Related equipment. Ground-mounted related equipment greater than three cubic feet shall not be located within fifty (50) feet of a lot which is in residential use or is zoned residential.

   e. Wind. Any non-tower WCF structures shall be designed to withstand the effects of wind according to the standard designed by the American National Standards Institute as prepared by the engineering departments of the Electronics Industry Association, and Telecommunications Industry Association (ANSI/EIA-222-E Code, as amended).

   f. Public safety communications. No non-tower WCF shall interfere in any way with public safety communications or the reception of broadband, television, radio or other communication services enjoyed by occupants of nearby properties.

   g. Aviation safety. Non-tower WCFs shall comply with all federal and state laws and regulations concerning aviation safety.

h. Radio frequency emissions. No non-tower WCF may, by itself or in conjunction with other WCFs, generate radio frequency emissions in excess of the standards and regulations of the FCC, including, but not limited to, the FCC Office of Engineering Technology Bulletin 65 entitled "Evaluating Compliance with FCC Guidelines for Human Exposure to Radio Frequency Electromagnetic Fields," as amended.

i. Removal. In the event that use of a non-tower WCF is discontinued, the owner shall provide written notice to the Township of its intent to discontinue use and the date when the use is intended to be discontinued. Unused or abandoned WCFs or portions of WCFs shall be removed as follows:

1. All abandoned or unused WCFs and accessory facilities shall be removed within two months of the cessation of operations at the site unless a time extension is approved in writing by the Township.

2. If the WCF or accessory facility is not removed within two months of the cessation of operations at a site, or within any longer period approved in writing by the Township, the WCF and/or associated facilities and equipment may be removed by the Township and the cost of removal assessed against the owner of the WCF.

j. Timing of approval. Within thirty (30) calendar days of the date that an application for a non-tower WCF is filed with the Township, the Township shall notify the applicant in writing of any information that may be required to complete such application. Within ninety (90) calendar days of receipt of a complete application, the Township shall make its final decision on whether to approve the application and shall advise the applicant in writing of such decision. If additional information is requested by the Township to complete an application, the time between the request and the date the material is produced shall be excluded in calculating the Township's ninety (90) day review period.

k. Permit fees. The Township may assess appropriate and reasonable permit fees directly related to the Township's actual costs in reviewing and processing the application for approval of a non-tower WCF.

l. Insurance. Each person that owns or operates a non-tower WCF shall provide the Township with a certificate of insurance evidencing general liability coverage in the minimum amount of $1,000,000 per occurrence and property damage coverage in the minimum amount of $1,000,000 per occurrence covering the non-tower WCF. The Township shall be named as an additional insured on the certificate of insurance.

m. Indemnification. Each person that owns or operates a non-tower WCF shall, at its sole cost and expense, indemnify, defend and hold harmless the Township, its elected and appointed officials, employees and agents, at all times against any and all claims for personal injury, including death, and property damage arising in whole or in part from, caused by or connected with any act or omission of the person, its officers, agents, employees or contractors arising out of but not limited to, the construction, installation, operation, maintenance or removal of the non-tower WCF. Each person that owns or operates a non-tower WCF shall defend, at his, her, its own expense, any actions or proceedings against the Township in which it is claimed that personal injury, including death, or property damage was caused by the construction, installation, operation, maintenance or removal of a non-tower WCF. The obligation to indemnify, hold

harmless and defend shall include, but not be limited to, the obligation to pay judgments, injuries, liabilities, damages, reasonable attorneys' fees, reasonable expert fees, court costs and all other costs of indemnification.

2. The following regulations shall apply to all non-tower wireless communications facilities that substantially change the wireless support structure to which they are attached:

   a. Permitted in all zones subject to regulations. Non-tower WCFs are permitted in all zones subject to the restrictions and conditions prescribed below and subject to the prior written approval of the Township.
   b. Prohibited on certain structures. Non-tower WCFs shall not be located on single-family detached residences, multifamily dwellings, single-family attached residences, or any residential accessory structures.

   c. Permit required. Any applicant proposing the construction of a new non-tower WCF, or the modification of an existing non-tower WCF, shall first obtain a commercial building permit from the Township office. New construction and modifications shall be prohibited without a permit. After receipt of the commercial building application, the Township Zoning Officer shall determine whether zoning relief under Article XX or if a conditional use is necessary under §155-2105.

   d. Standard of care. Any non-tower WCF shall be designed, constructed, operated, maintained, repaired, modified and removed in strict compliance with all current applicable technical, safety and safety-related codes, including but not limited to the most recent editions of the American National Standards Institute (ANSI) Code, National Electrical Safety Code, and National Electrical Code. Any WCF shall at all times be kept and maintained in good condition, order and repair by qualified maintenance and construction personnel, so that the same shall not endanger the life of any person or any property in the Township.

   e. Wind. Any non-tower WCF structures shall be designed to withstand the effects of wind according to the standard designed by the American National Standards Institute as prepared by the engineering departments of the Electronics Industry Association, and Telecommunications Industry Association (ANSI/EIA-222-E Code, as amended).

   f. Public safety communications. No non-tower WCF shall interfere in any way with public safety communications or the reception of broadband, television, radio or other communication services enjoyed by occupants of nearby properties.

   g. Historic buildings. No non-tower WCF may be located on or near a building or structure that is listed on either the National or Pennsylvania Registers of Historic Places, or is eligible to be so listed, or is listed on the official historic structures list maintained by the Township.

   h. Aviation safety. Non-tower WCFs shall comply with all federal and state laws and regulations concerning aviation safety.

   i. Maintenance. The following maintenance requirements shall apply:

1. The non-tower WCF shall be fully automated and unattended on a daily basis and shall be visited only for maintenance or emergency repair.

2. Such maintenance shall be performed to ensure the upkeep of the facility in order to promote the safety and security of the Township's residents.

3. All maintenance activities shall utilize nothing less than the best available technology for preventing failures and accidents.

j. Radio frequency emissions. No non-tower WCF may, by itself or in conjunction with other WCFs, generate radio frequency emissions in excess of the standards and regulations of the FCC, including, but not limited to, the FCC Office of Engineering Technology Bulletin 65 entitled "Evaluating Compliance with FCC Guidelines for Human Exposure to Radio Frequency Electromagnetic Fields," as amended.

k. Removal. In the event that use of a non-tower WCF is discontinued, the owner shall provide written notice to the Township of its intent to discontinue use and the date when the use is intended to be discontinued. Unused or abandoned WCFs or portions of WCFs shall be removed as follows:

1. All abandoned or unused WCFs and accessory facilities shall be removed within one month of the cessation of operations at the site unless a time extension is approved by the Township in writing.

2. If the WCF or accessory facility is not removed within one month of the cessation of operations at a site, or within any longer period approved by the Township in writing, the WCF and/or associated facilities and equipment may be removed by the Township and the Township's cost plus 15% overhead, of removal assessed against the owner of the WCF.

l. Timing of approval. Within thirty (30) calendar days of the date that an application for a non-tower WCF is filed with the Township, the Township shall notify the applicant in writing of any information that may be required to complete such application. Within 90 calendar days of receipt of a complete application, the Township shall make its final decision on whether to approve the application and shall advise the applicant in writing of such decision. If additional information is requested by the Township to complete an application, the time between the request and the date the material is produced shall be excluded in calculating the ninety-day review period.

m. Retention of experts. The Township may hire any consultant(s) and/or expert(s) necessary to assist the Township in reviewing and evaluating the application for approval of the WCF and, once approved, in reviewing and evaluating any potential violations of the terms and conditions of this article. The applicant and/or owner of the WCF shall reimburse the Township for all costs of the Township's consultant(s) in providing expert evaluation and consultation in connection with these activities.

n. Bond. Prior to the issuance of a permit, the owner of a non-tower WCF shall, at its own cost and expense, obtain from a surety licensed to do business in Pennsylvania and maintain a bond, or other form of security acceptable to the Township Solicitor, in the amount of $35,000 to assure the faithful performance of the terms and conditions of this

article. The bond shall provide that the Township may recover from the principal and surety any and all compensatory damages as well as expert fees, counsel fees and costs, incurred by the Township for violations of this article, after reasonable notice and opportunity to cure. The owner shall file a copy of the bond with the Township.

o. Permit fees. The Township may assess appropriate and reasonable permit fees directly related to the Township's actual costs in reviewing and processing the application for approval of a non-tower WCF, as well as related inspection, monitoring and related costs.

E. Non-tower wireless facilities outside rights-of-way

1. The following additional regulations shall apply to non-tower wireless communications facilities located outside the rights-of-way that substantially change the wireless support structure to which they are attached:

a. Development regulations. Non-tower WCFs may be co-located on existing structures, such as existing buildings or tower-based WCFs subject to the following conditions:

1. Such WCF may not exceed the lesser of a total maximum height of fifty (50) feet or the maximum height permitted in the underlying zoning district.

2. If the WCF applicant proposes to locate the related equipment in a separate building, the building shall comply with the accessory building and structure requirements of the applicable zoning district.

3. An eight (8) foot high security fence shall surround any separate communications equipment building. Vehicular access to the communications equipment building shall not interfere with the parking or vehicular circulations on the site for any existing principal use.

b. Design regulations.

1. Non-tower WCFs shall employ stealth technology and be treated to match the supporting structure in order to minimize aesthetic impact. The application of the stealth technology chosen by the WCF applicant shall be subject to the approval of the Township.

2. Non-tower WCFs which are mounted to a building or similar structure may not exceed a height of ten (10) feet above the roof or parapet, whichever is higher, unless the WCF applicant is granted conditional use approval after a hearing.

3. The total height of any support structure and mounted WCF shall not, under any circumstance, exceed the maximum height permitted in the underlying zoning district.

4. All non-tower WCF applicants must submit documentation to the Township justifying the total height of the non-tower structure. Such documentation shall be analyzed in the context of such justification on an individual basis.

5. Antennae, and their respective accompanying support structures, shall be no greater in diameter than is reasonably necessary for their proper functioning.

6. Non-commercial usage exemption. Township citizens utilizing satellite dishes and antennae for the purpose of maintaining television, phone, and/or internet connections at their respective residences shall be exempt from the design regulations enumerated in §155-1615.E.1.b of this Section.

c. Removal, replacement, modification.

1. The removal and replacement of non-tower WCFs and/or accessory equipment for the purpose of upgrading or repairing the WCF is permitted, so long as such repair or upgrade does not increase the overall size of the WCF or the numbers of antennae.

2. Any material modification to a wireless telecommunication facility shall require a new permit application and approval.

d. Visual or land use impact. The Township reserves the right to deny an application for the construction or placement of any non-tower WCF based upon any adverse visual and/or land use impact.

e. Inspection. The Township reserves the right to inspect any WCF to ensure compliance with the provisions of this article and any other provisions found within the Township Code or state or federal law. The Township and/or its agents shall have the authority to enter the property upon which a WCF is located at any time, upon reasonable notice to the operator, to ensure such compliance.

F. Non-tower wireless facilities in rights-of-way

1. The following additional regulations shall apply to all non-tower wireless communications facilities located in the rights-of-way:

a. Co-location. Non-tower-based WCFs in the ROW shall be co-located on existing structures, such as existing utility poles or light poles.

b. Design requirements:

1. WCF installations located above the surface grade in the public ROW including, but not limited to, those on streetlights and joint utility poles, shall consist of equipment components that are no more than six feet in height and that are compatible in scale and proportion to the structures upon which they are mounted. All equipment shall be the smallest and least visibly intrusive equipment feasible. Applicant shall demonstrate to the satisfaction of the Township that components are the smallest, least obtrusive with parts consistent with best engineering practices.

2. Antennae and all supporting equipment shall be treated to match the supporting structure. WCFs and accompanying equipment shall be painted, or otherwise coated, to be visually compatible with the support structure upon which they are mounted.

c. Reimbursement for ROW use. In addition to permit fees as described above, every non-tower WCF in the ROW is subject to the Township's right to fix annually a fair and reasonable compensation to be paid for use and occupancy of the ROW. Such compensation for ROW use shall be directly related to the Township's actual ROW management costs including, but not limited to, the costs of the administration and performance of all reviews, inspections, permitting, supervision and other ROW management activities by the Township. The owner of each non-tower WCF shall pay an annual fee to the Township to compensate the Township for its costs incurred in connection with the activities described above. The annual ROW management fee for non-tower WCFs shall be determined by the Township at its first public meeting each January and authorized by resolution of Township Board and shall be based on the Township's actual ROW management costs as applied to such non-tower WCF.

d. Time, place and manner. The Township shall determine the time, place and manner of construction, maintenance, repair and/or removal of all non-tower WCFs in the ROW based on public safety, traffic management, physical burden on the ROW, and related considerations. For public utilities, the time, place and manner requirements shall be consistent with the police powers of the Township and the requirements of the Public Utility Code.

e. Equipment location. Non-tower-based WCFs and accessory equipment shall be located so as not to cause any physical or visual obstruction to pedestrian or vehicular traffic, adversely affect the visual aesthetics of the surrounding community or to otherwise create safety hazards to pedestrians and/or motorists or to otherwise inconvenience public use of the ROW as determined by the Township. In addition:

1. In no case shall ground-mounted equipment, walls, or landscaping be located within eighteen (18) inches of the face of the curb, edge of pavement or outside edge of sidewalk or within an easement extending onto a privately-owned lot;

2. Ground-mounted equipment that cannot be located underground shall be screened, to the fullest extent possible, through the use of landscaping or other decorative features to the satisfaction of the Township.

3. Required electrical meter cabinets shall be screened to blend in with the surrounding area to the satisfaction of the Township.

4. Any graffiti on any equipment or accessory equipment shall be removed at the sole expense of the owner within ten (10) business days of notice of the existence of the graffiti. If the owner does not remove the graffiti after ten (10) days, the Township may do so and recover its expenses, plus 15% overhead, from the owner.

5. Any underground vaults related to non-tower WCFs shall be reviewed and approved by the Township.

f. Relocation or removal of facilities. Within sixty (60) days following written notice from the Township, or such longer period as the Township determines is reasonably necessary or such shorter period in the case of an emergency, an owner of a WCF in the ROW shall, at its own expense, temporarily or permanently remove, relocate, change or alter the position of any WCF when the Township, consistent with its police powers and

applicable Public Utility Commission regulations, shall have determined that such removal, relocation, change or alteration is reasonably necessary under the following circumstances:

1. The construction, repair, maintenance or installation of any Township or other public improvement in the right-of-way;

2. The operations of the Township or other governmental entity in the right-of-way;

3. Vacation of a street or road or the release of a utility easement; or

4. An emergency as determined by the Township.

5. Visual or land use impact. The Township retains the right to deny an application for the construction or placement of a non-tower WCF based upon any adverse visual and/or land use impact.

G. Violations and penalties

1. Penalties. Any person violating any provision of this article shall be subject, upon a finding by a magisterial district judge, to a penalty not exceeding $500, for each and every offense, together with attorneys' fees and costs. A separate and distinct violation shall be deemed to be committed each day on which a violation occurs or continues to occur after notice. In addition to an action to enforce any penalty imposed by this article and any other remedy at law or in equity available to the Township, the Township may apply to a Federal District Court for an injunction or other appropriate relief at law or in equity to enforce compliance with or restrain violation of any provision of this article.

2. Determination of violation. In the event a determination is made that a person has violated any provision of this article, such person shall be provided written notice of the determination of violation and the reasons therefor. Except in the case of an emergency, the person shall have 30 days to cure the violation. If the nature of the violation is such that it cannot be fully cured within such time period, the Township may, in its reasonable judgment, extend the time period to cure, provided the person has commenced to cure and is diligently pursuing its efforts to cure. If the violation has not been cured within the time allowed, the Township may take any and all actions authorized by this article and/or federal and/or Pennsylvania law and regulations.

H. Police powers. The Township, by granting any permit or taking any other action pursuant to this chapter, does not waive, reduce, lessen or impair the lawful police powers vested in the Township under applicable federal, state and local laws and regulations.

SECTION 155-1615. OUTDOOR RECREATION

A. The minimum lot size for a private outdoor recreation area or facility shall be one (1) acre.

B. Impervious coverage for the proposed use, including paved recreational courts and swimming pools, shall not exceed the maximum lot coverage standard of the applicable zoning district.

C. Active outdoor recreational areas, including fields, courts, swimming pools, and playgrounds, shall be set back a minimum of one hundred (100) feet from the lot line of any residential district or use and shall be screened in accordance with §155-1504.C. A minimum setback of fifty (50) feet shall apply to such areas that are adjacent to nonresidential districts or uses.

D. Any structure, building, parking, storage, loading or paved areas, excluding foot and bicycle paths and necessary accessways to a public street, shall not be located closer than fifty (50) feet to the lot line of any residential district or use. Otherwise, the setback requirements of the underlying district shall apply.

E. Where access can be provided from more than one (1) street, vehicular access shall not be provided from a local street in a residential district or residential development, if possible.

F. Outdoor lighting for recreational uses shall be in compliance with the requirements of §155-1505. Outdoor stadium lighting shall only be permitted subject to the standards set forth under §155-1617.

G. No audio speakers or equipment shall be installed inside or outside the location of such use that would cause sounds to be in violation of Chapter 89 of the Township Code.

H. Seasonal or permanent rest rooms shall be provided for outdoor recreational areas.

I. All recreational uses shall have at least one (1) attendant on duty during operating hours.

J. 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 will pose on the Township and surrounding uses when it is complete and shall include the information required by §155-2105, conditional use process.

K. Outdoor recreational uses shall not include:

1. Any activities in which the principal activity is carried on in a motorized vehicle, such as an automobile, motorcycle, minibike, snowmobile (golf carts are permissible as part of a golf course use);

2. Any activities involving the discharge of firearms; and

3. Any activities customarily carried on in the form of commercial spectator sports.

L. Outdoor private recreation accessory to a residential use.

1. All swimming pools and tennis courts accessory to a residential use shall be subject to the required accessory structure setbacks as outlined under §155-1500.E.

2. All swimming pools accessory to a residential use shall be enclosed and secured per §76-8.E.

3. All mechanical equipment associated with a swimming pool shall be located no closer than twenty (20) feet from any property line and shall be full screened from view of neighboring properties.

4. Dechlorinated swimming pool discharges into a storm sewer or to the Waters of the Commonwealth may be permitted subject to approval from the Township Engineer. This shall not apply to discharges of less than five percent (5%) of the total pool volume as part of its regular maintenance.

SECTION 155-1617. OUTDOOR STADIUM LIGHTING

A. Outdoor stadium lighting. Subject to the conditions listed herein, permanent outdoor illumination for active recreational and sports facilities accessory to public, private, and parochial schools, universities and colleges and for passive non-recreational nighttime events shall be permitted when approved as a conditional use by the Thornbury Township Board of Supervisors.

1. Permanent recreational and sports lighting shall be defined as recreational and sports lighting that is permanently installed in a fixed location and not portable and associated with nighttime events.
2. Before a conditional use is granted for recreational and sports lighting and nighttime events, the applicant will conduct traffic and parking studies and report the results to the Township to determine if parking, vehicle access and egress, pedestrian walkways, and site lighting are adequate for handling the most heavily-attended anticipated events. The studies shall be prepared by a qualified traffic consultant and shall enable the Township to identify potential traffic and/or parking problems associated with such events. The studies shall identify solutions and recommend improvements to mitigate adverse impacts of the lighted events, if any are found to exist.
3. An annual permit application shall be required to be submitted to the Township forty-five (45) days before the start of each sports and recreation year that a permanent recreational and sports lighting installation is proposed to be utilized. A permit fee schedule shall be established by resolution of the Board of Supervisors each year to cover all costs to the Township.
4. All outdoor illumination as described in this subsection shall comply with the following standards and conditions:
    a. The maximum mounting height as measured from the finished grade of the playing field to the top of the highest fixture of recreational and sports lighting fixtures permitted by this subsection shall be seventy (70) feet.
    b. The lighting shall be accomplished only through the use of full cutoff or fully shielded fixtures that employ suitable shielding. Such lighting shall be designed, installed, aimed, and maintained so that neither lamps (bulbs) nor primary reflecting surfaces shall be visible from any window of residential properties within a radius of 1,800 feet of the boundary of lighted field. The fixtures shall not present a hazard to drivers or pedestrians by projecting glare that impairs their ability to safely traverse streets, driveways, sidewalks, pathways and trails. The fixtures shall be mounted at an appropriate height, angle, and location to comply with the above conditions and to minimize light pollution.
    c. For a recreational or athletic sporting event, the sports lighting system may only be energized in conjunction with any of the following events, and no others:
        1. An event involving the participation, and under the control of, the educational or sports program of the school, university or college where the lights are located. No private organizations may use the school, university or college facility for lighted

events. The number of outdoor events is limited to that set by the Board of Supervisors during the conditional use hearing.

2. A field practice for such event.

3. A playoff or championship game.

d. For a recreational or athletic sporting event, such as football, soccer, field hockey, lacrosse or marching band cavalcade, utilization of the sports lighting system is subject to the following restrictions:

1. A maximum of twenty (20) lighted events per calendar year will be permitted on any one (1) campus where permanent lighting is provided. Up to three (3) additional lighted events shall be permitted each year for playoffs or championship games not part of a regular schedule of events. This limitation shall not apply to regularly scheduled, playoff, and/or championship events of the institution where the lighting system is installed.

2. The lights must be extinguished no later than 10:00 p.m.

3. A school, university or college that has been granted permission to illuminate a recreational facility may make formal application to the Board of Supervisors to extend the curfew hour past 10:00 p.m., not to exceed four (4) evenings annually. The Board's decision to allow or not allow an extension of operating hours of the sports lighting shall be based in part on consideration of potential adverse consequences to adjacent residential properties.

4. All light posts shall be set back at least fifty (50) feet from the property boundary.

5. As a part of the process of seeking approval, the school, university or college proposing to use outdoor lighting as permitted herein shall submit a lighting plan and associated information to the Township. In addition, the applicant shall submit a visual impact plan that demonstrates to the satisfaction of the Township that ordinance light trespass and direct glare requirements have been met.

e. Illuminances for recreational and sports lighting shall be in accordance with and shall not exceed the values contained in the latest edition of the Illuminating Engineering Society Lighting Handbook, Recommended Practice for Sports and Recreational Area Lighting.

f. The maximum luminance from any light source, including scoreboards, shall not exceed two thousand (2,000) cd/m2 as viewed from any location off site.

g. Modifications to installed lighting systems in conformance with the provisions of this article that would result in higher aiming angles, greater direct glare and/or greater off-site light trespass shall require a permit.

h. The amount of spill light from a sports/recreation facility as measured on adjacent properties or properties separated from the property of the school with the lighted field only by a public road, utility property or easement, shall not exceed two-tenths (0.2) footcandle, horizontal or vertical, at any height or location on that property. Efforts to limit light pollution shall include measures such as altered lighting placement or additional site buffering.

i. The entity on whose premises the sports/recreation facility is situated shall be responsible for monitoring and reporting. Records of usage of lighting systems shall be maintained for Township inspection and shall be submitted as part of the annual permitting application.

j. As a condition for installing permanent outdoor illumination for active recreational and sports facilities accessory to public, private, and parochial schools, universities and colleges, the Board of Supervisors shall require the applying institution to take all reasonable steps, as recommended by a sound engineer hired by the Township, to mitigate noise resulting from nighttime events and its impact on the neighborhoods nearby the lighted facility.

k. If a sound amplification system will be used in conjunction with nighttime events permitted by this Subsection, the institution shall provide a fully distributed sound system consisting of highly directional speakers in close proximity to and aimed into the seating area providing uniform coverage throughout the seating. Speakers must be selected to minimize amplification outside of the seating areas. Coverage across the playing field, if necessary, can be provided using a similar distributed system approach. The system design and performance will be subject to review and approval by the Township's engineers/consultants before permanent operation is authorized.

SECTION 155-1618. RELIGIOUS FACILITY

A. Area and bulk standards.

1. Minimum lot area – Ten (10) acres.

2. Minimum lot width – Five-hundred (500) feet.

3. Minimum side yard and rear yard setbacks – One hundred-Fifty (150) feet.

4. Maximum lot coverage – Maximum lot coverage shall comply with the standards set for the underlying zoning district.

5. Subject to the review and approval by the Board of Supervisors, the height limitations of this Chapter shall not apply to church spires, steeples, or belfries.

B. Permitted use shall include:

1. Church, synagogue, mosque, or other place of worship

2. Accessory uses with a minimum lot area of fifteen (15) acres:

a. Classrooms or school in accordance with §155-1621.

b. Gymnasium/recreational facility.

c. Day care center in accordance with §155-1608.

C. Off-street parking facilities shall be a minimum of twenty-five (25) feet from the street right-of-way line and from side and rear property lines. Parking facilities shall be screened per §155-1504.C, and additional screening may be required, if determined necessary by the Township. Minimum off-street parking shall be required in accordance with Article XVIII.

D. The applicant shall provide a traffic impact study that shall analyze traffic generation from the proposed use and all accessory uses and their impact on the surrounding street system, and shall include an assessment and plan for the circulation of pedestrians and users within and about the tract.

E. Buffer planting strips as outlined in §155-1504.C shall be required.

F. All exterior lighting shall be designed in accordance with §155-1505.

G. Signage shall comply with the provisions of Article XVII.

H. The applicant shall provide certification from the Chester County Health Department regarding the adequate provision of sewage disposal.

SECTION 155-1619. RENEWABLE ENERGY SYSTEMS

A. It is the purpose of these regulations to promote the safe, effective and efficient use of accessory renewable energy systems to reduce the consumption of utility-supplied energy, heat, hot water, or any combination of the above, while protecting the health, safety and welfare of the residents of the Township, through appropriate zoning and land-use controls. Where, in the course of reviewing a permit application for any renewable energy system, it is deemed advisable for the Township to retain the services of the Township engineer or any other consultant, all reasonable costs therefore shall be borne by the applicant.

B. Definitions. As used in this section, the following terms shall have the meanings indicated:

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

MICRO-TURBINE PANELS
Panels with rotors with diameter one (1) foot or less, meant for areas with low-to moderate wind speeds.

OUTDOOR WOOD-FIRED BOILER
Also known as OWBs, outdoor wood-fired furnaces, outdoor wood-burning appliances, outdoor hydronic heaters, water stoves, or other such similar devices. A fuel burning device:

A. Designed to burn clean wood or other approved solid fuels.

B. Has a rated thermal output of less than 350,000 Btu per hour.

C. The manufacturer designs or specifies the device for outdoor installation or installation in structures not normally intended for habitation by humans or domestic animals, including structures like garages and sheds.

D. Heats building space or a fluid, or both, through the distribution, typically through pipes, of a fluid heated in the device, typically water or a mixture of water and approved, nontoxic antifreeze.

RENEWABLE ENERGY SYSTEM
An energy system which makes use of recurring natural resources or byproducts to produce energy without consuming non-renewable resources nor causing significant disturbance to natural systems. Renewable energy systems include, but are not limited to: geothermal, solar, and wind energy systems.

SOLAR ENERGY SYSTEM
An energy conversion system, including mechanical equipment, which converts solar energy to a usable form of energy to meet all or part of the energy or heating requirements of the on-site user.

WIND ENERGY SYSTEM
An energy conversion system, typically consisting of a wind turbine, a tower, blades and associated controls and mechanical equipment, that converts wind energy to a usable form of energy to meet all or part of the energy requirements of the on-site user, and/or which is to be sold to a utility company to be used by others, and/or sold directly to other users. Wind energy systems include windmills where the energy is used directly and not converted into electricity.

C. General requirements for all accessory renewable energy systems.

1. Permitting. A zoning permit and all other applicable permits shall be required prior to installation of any renewable energy system. Applicable manufacturer specifications shall be submitted as part of the application for any permit. In addition to documentation of compliance will all applicable portions of this Section, all permit applications for renewable energy systems shall include:

   a. Grid interconnection. Any renewable energy system connected to the utility grid shall provide written authorization from the local utility company acknowledging and approving such connection.

   b. Net metering. When a property upon which a renewable energy system is installed also receives electrical power supplied by a utility company, excess electrical power generated and not presently needed for on-site use may be used by the utility company, as long as the electrical power generated is used primarily for on-site use. The owner of the renewable energy system shall provide written confirmation that the public utility company has been informed of the customer's intent to install an interconnected customer-owned generator and also approves of such connection. Systems not connected to the public utility grid shall be exempt from this requirement.

2. Mechanical equipment. All or any mechanical equipment associated with and necessary for the operation of a renewable energy system shall comply with all accessory setbacks for the zoning district in which the system is installed.

3. Transmission lines. All power transmission lines from any renewable energy system to any building or other structure shall be located underground, unless it can be demonstrated, to

the satisfaction of the Zoning Officer, in consultation with the Township Engineer, that this is infeasible.

4. No advertising. Any renewable energy system, and any associated mechanical equipment and/or accessory structures shall not display any advertising, with the exception of any manufacturer's labels, warning placards, and the facility owner.

D. Solar energy systems. Solar energy systems shall be permitted as an accessory use, subject to the provisions set forth herein. A system is considered an accessory solar energy system only if it supplies electrical power primarily for on-site use of principal or accessory uses permitted on the subject property and subject to the following:

1. Design. The design and installation of the solar energy system shall conform to applicable industry standards, such as those of the American National Standards Institute (ANSI), Underwriters Laboratories, the American Society for Testing and Materials (ASTM), or other similar certifying organizations, and shall comply with the Township Building Code and with all other applicable fire and life safety requirements.

2. Hazardous materials. No solar energy system shall contain hazardous substances as defined in the Pennsylvania Hazardous Sites Cleanup Act, 35 P.S. § 6020.101 et seq.

3. Lighting. Solar energy systems shall not be artificially lighted except to the extent required for safety or by any applicable federal, state or local authority.

4. Vehicular access. All solar energy systems shall be located where there is a means of vehicular access from a public or private street.

5. Glare.

   a. Solar collectors shall be installed so as to prevent glare or concentrated solar radiation as may otherwise be directed onto other properties or onto roadways such that a nuisance situation is created. Antireflective surface materials or coatings shall be used to preclude glare to the extent feasible.

   b. The applicant of the solar energy system shall submit with the application for permit a signed statement including the following:

      1. Certification that the proposed system shall not produce glare or reflect concentrated solar radiation visible beyond the property lines of the property upon which the solar energy system is located such that a nuisance situation is created;

      2. Acknowledgement that, should any glare or concentrated solar radiation produced prove to be visible beyond the property lines of the property upon which the solar energy system is located, at any time subsequent to the installation of the system, such that, in the opinion of the Zoning Officer, a nuisance situation or safety hazard arises for another property owner or the travelling public, the Township may at its discretion require mitigative action or may require the removal of the system or portion thereof generating the glare or reflected solar radiation;

3. Acknowledgement that, should any mitigation or system removal deemed necessary by the Township fail to be dealt with in accordance with the Township's determination within six (6) months of notification of the landowner and/or system owner, or immediately in any case determined to be a safety hazard, the Township may implement such mitigation or remove such systems as it deems necessary, costs therefor to be reimbursed within ninety (90) days, and, if not, a commensurate lien shall be placed upon the property; and

4. Acknowledgement that the obligations set forth herein shall continue so long as the subject solar energy system remains in operation and that any subsequent property owner shall be so notified.

6. Historic structures. If a solar energy system is proposed to be mounted on or located within 100 feet of any historic structure as may be designated by the Township or determined to be eligible for listing or listed on the National Register of Historic Places by the Pennsylvania Historical and Museum Commission or the National Park Service, such system shall be subject to approval by the Board of Supervisors following recommendation from the Historic Preservation Commission, upon a finding the proposed system will not adversely impact the historical significance or landscape context of the subject historic structure.

7. Solar access easements. A solar energy system shall be located to ensure solar access without reliance on adjacent properties. Where any applicant desires to ensure that solar access to a solar energy system shall not be obstructed over time by permissible uses or activities on any adjacent property (i.e., by planting or growth of vegetation, new construction, etc.), it shall be the responsibility of the owner of the solar energy system to obtain appropriate solar access easement(s) from neighboring property owner(s) and to notify the Township upon the recording of any such easement(s). All solar access easements shall be recorded in the office of the Chester County Recorder of Deeds.

8. Roof-mounted systems.

   a. Under no circumstance shall the solar energy system extend beyond the edge of the roof.

   b. Notwithstanding otherwise applicable height limitations, a roof-mounted solar energy system may exceed the height of the ridgeline of any sloping roof upon which it is mounted by no more than one (1) foot, where the pitch of the roof exceeds a ratio of 1/3.

   c. Notwithstanding otherwise applicable height limitations, a roof-mounted solar energy system on a flat roof, or where the pitch of the roof is less than a ratio of 1/3, may exceed the height of the roof at its highest point by no more than four (4) feet.

   d. Roof-mounted solar energy systems shall not be counted as adding to any impervious coverage calculation.

   e. All roof-mounted systems must have/accommodate safe access for fire service and maintenance, as deemed appropriate by the Building Code Officer and/or Fire Marshal.

   f. Structural integrity. For any roof-mounted solar energy system, the applicant must demonstrate to the satisfaction of the Building Code Officer, by credible evidence that

the structural integrity of the structure is such that it can adequately support the roof-mounted system being considered.

9. Ground-mounted (freestanding) systems
   a. Ground-mounted solar energy systems shall only be permitted behind the principle structure and a minimum of twenty (20) feet from any rear and side property lines, and shall be subject to the maximum impervious coverage limitations of the underlying zoning district.

   b. Ground-mounted solar energy systems shall not be installed within the required front yard setback, shall not be located in the area between the front yard setback and the principal structure on the lot, nor shall be located along any street frontage.

   c. Impervious coverage. For the purposes of this section, all "at grade" or "above grade" features and facilities relating to ground-mounted solar energy systems, including mechanical equipment, shall be considered impervious surface. The extent of impervious coverage of sloping panels shall be measured as equal to their horizontal footprint.

   d. Ground -mounted solar energy systems shall not exceed twelve and one half (12.5) feet in height.

   e. Proper aisleways between panel cluster sections of at least eight (8) feet in width, shall be provided for safe access to clusters. DC/AC inverters shall be installed at each cluster, in addition to an automatic disconnect device.

   f. Appropriate safety/warning signage concerning voltage shall be placed at ground mounted electrical devices, equipment, and structures. All electrical control devices associated with the installation shall be locked to prevent unauthorized access or entry.

   g. Ground-mounted solar energy systems shall not be placed within any legal easement or right-of-way location, or be placed within any storm water conveyance system or in any other manner that would alter or impede storm water runoff from collecting in a constructed storm water conveyance system.

   h. If a ground-mounted solar energy system is ever removed, any earth disturbance as a result of the removal of the ground-mounted solar energy system shall be graded and reseeded to the satisfaction of the Township.

10. Abandonment or disrepair. If the solar energy system is ever abandoned or enters into a state of disrepair, it shall be the responsibility of the property owner to remove or properly maintain the solar energy system within six (6) months from the date the system enters such a state or immediately in any case determined to be a safety hazard.

E. Wind energy systems. Wind energy systems shall be permitted as an accessory use, subject to the provisions set forth herein. A system is considered an accessory wind energy system only if it supplies electrical power primarily for on-site use of principal or accessory uses permitted on the subject property and subject to the following:

   1. Design. No more than one (1) turbine shall be permitted per principal structure. A wind energy system made up of a number of adjacent micro-turbine panels is considered one (1)

system for the purposes of this subsection. The design and installation of the wind energy system shall conform to applicable industry standards, such as those of the American National Standards Institute (ANSI), Underwriters Laboratories, Det Norske Veritas, Germanischer Lloyd Wind Energies, the American Society for Testing and Materials (ASTM), or other similar certifying organizations, and shall comply with the Township Building Code and with all other applicable fire and life safety requirements. DC/AC inverters shall be installed at the base of each wind energy system, in addition to an automatic disconnect device.

2. Height limitations.

   a. For the purposes of measuring height of a wind energy system, it shall be the distance measured from the ground surface of the system tower base to the highest point of the wind energy blade tip when extended upwards at ninety (90) degrees from the surface of the ground or any other higher point of the system.

   b. The maximum height for a wind energy system shall not exceed fifty (50) feet.

   c. The minimum height of the lowest position of any wind turbine blade of a wind energy system shall be fifteen (15) feet above the ground. If the wind turbine proposed is a vertical-axis wind turbine (also referred to as a "helix-type" turbine), the height between the lowest point of the turbine and the ground may be reduced to ten (10) feet.

   d. The maximum height for any roof-mounted wind energy system shall not exceed ten (10) feet above the peak of the highest roofline.

3. Setbacks.

   a. All wind energy systems shall be set back a distance at least equal to one hundred ten (110) percent of the height of the wind energy system from all property lines, roadways, and any neighboring residential dwellings.

   b. Wind energy systems shall not be installed within the required front yard setback and shall not be located along any street frontage.

   c. All wind energy systems must be set back sufficiently from any aboveground utility lines, radio, television, or telecommunication towers so as to present no danger to those lines or structures, as certified by the applicant's engineer.

   d. No portion of any wind energy system shall extend over parking areas, access drives, driveways or sidewalks.

4. Noise limitations. Wind energy systems shall not generate noise which exceeds fifty-five decibels (55 dB), or ten decibels (10 dB) above ambient noise, in any hour, whichever is higher. Noise is measured from the property line of the closest neighboring inhabited or occupied structure or nearest habitable or occupied structure setback line on any abutting property. The ambient sound measurement, known as "A-weighted sound level," is taken where the noise from the wind turbine cannot be heard, or with the wind turbine shut down. The ambient sound level shall be considered the level that is exceeded ninety (90) percent of the time when the noise measurements are taken. Notwithstanding the above, the fifty-five

decibels (55 dB), or ten decibels (10 dB) over ambient level may be exceeded during short-term events such as utility outages and/or severe wind storms.

5. Vibration. A wind turbine shall not cause vibrations through the ground which are perceptible beyond the property line of the parcel on which it is located.

6. Braking. All wind energy systems shall be equipped with an adequate and redundant braking system to prevent excessive speed. Such system shall include aerodynamic overspeed controls (including variable pitch, tip, and other similar systems) and mechanical brakes. Mechanical brakes shall be operated in a fail-safe mode.

7. Lighting. Wind energy systems shall not be artificially lighted, except to the extent required by the Federal Aviation Administration (FAA).

8. Colors. Wind energy systems shall be a nonobtrusive color acceptable to the Township, such as white, off-white or gray.

9. Shadow flicker. All wind energy systems shall, to the extent feasible, be sited to prevent shadow flicker on any occupied structure on adjacent properties.

10. Climbing. Wind energy systems shall be equipped with an appropriate anti-climbing device, or otherwise made unclimbable, to prevent unauthorized access to the system.

11. Structural integrity. For any roof-mounted wind energy systems, such as micro-turbine systems, horizontal-axis turbines, or vertical-axis turbines, the applicant must demonstrate to the satisfaction of the Building Code Officer, by credible evidence that the structural integrity of the structure is such that it can adequately support the roof-mounted system being considered.

12. Historic structures. If a wind energy system is proposed to be mounted on or located within 100 feet of any historic structure as may be designated by the Township or determined to be eligible for listing or listed on the National Register of Historic Places by the Pennsylvania Historical and Museum Commission or the National Park Service, such system shall be subject to approval by the Board of Supervisors following recommendation from the Historic Preservation Commission, upon a finding the proposed system will not adversely impact the historical significance or landscape context of the subject historic structure.

13. Decommissioning. If a wind energy system is ever removed, any earth disturbance as a result of the removal of the system shall be graded and reseeded to the satisfaction of the Township.

14. Abandonment. If the wind energy system is ever abandoned or enters into a state of disrepair, it shall be the responsibility of the property owner to remove or properly maintain the wind energy system within six (6) months from the date the system enters such a state or immediately in any case determined to be a safety hazard.

F. Geothermal energy systems. Geothermal energy systems shall be permitted as an accessory use, subject to the provisions set forth herein. A system is considered an accessory geothermal energy system only if it supplies electrical power primarily for on-site use of principal or accessory uses permitted on the subject property and subject to the following:

1. County approvals. An approved Chester County Health Department permit shall be submitted as part of the permit application. Based on its proposed overall land disturbance, an approved Chester County Conservation District permit may also be required as part of the permit application.

2. Design. The design, installation and operation of geothermal energy systems shall be permitted in conformance with all applicable regulations under Section 501 of the Chester County Health Department Rules and Regulations and shall conform to applicable industry standards, including those of the American National Standards Institute (ANSI), the International Ground Source Heat Pump Association (IGSHPA), the American Society for Testing and Materials (ASTM), the Air Conditioning and Refrigeration Institute (ARI), or other similar certifying organizations, and shall comply with the Township Building Code and with all other applicable Township requirements.

3. Stormwater management. Any application for a geothermal energy system shall include a stormwater management plan as required under Chapter 116.

4. Heat-transfer fluids. Closed-loop geothermal systems shall utilize heat-transfer fluids conforming to all standards set by the PADEP. A permanent sign must be attached to the heat pump specifying that only approved heat-transfer fluids must be used.

5. Disrepair. If the geothermal energy system enters into a state of disrepair, it shall be the responsibility of the property owner to properly maintain the geothermal energy system or to decommission the system within six (6) months from the date the system enters such a state or immediately in any case determined to be a safety hazard.

6. Abandonment and decommissioning.

    a. Where the use of any geothermal energy system is abandoned, it shall be the responsibility of the property owner to cap and seal the in-ground portion(s) of the system. The property owner may further be required to evacuate (pump out) the fluid(s) in the system and to fill the borehole(s) with bentonite or an acceptable alternative.

    b. If a geothermal energy system is ever removed, any earth disturbance as a result of its removal shall be in accordance with an approved erosion and sediment control plan and fully graded and reseeded to the satisfaction of the Township.

G. Outdoor wood-fired boilers. Outdoor wood-fired boilers. Outdoor wood-fired boilers or outdoor hydronic heaters, known generally as "OWBs," shall be permitted as an accessory use, subject to §155-1618.C and the provisions set forth herein. A system is considered an accessory OWB only if it supplies electrical power primarily for on-site use of principal or accessory uses permitted on the subject property and subject to the following:

1. Minimum acreage. A minimum of five (5) acres are required for placement of an OWB.

2. Design. The design and installation of OWBs shall conform to applicable industry standards, including those of the United States Environmental Protection Agency (EPA), American National Standards Institute (ANSI), Underwriters Laboratories (UL), the American Society for Testing and Materials (ASTM), or other similar certifying organizations, and shall

comply with the Township Building Code and with all other applicable fire and life safety requirements.

3. Compliance with other regulations. At the time of permit application, the owner of the OWB shall provide evidence indicating that the maintenance and operation of the OWB will be in compliance with applicable operations and performance standards set forth by the PA DEP as well as in compliance with all air emissions quality standards promulgated by the EPA, PA DEP, or other relevant state or federal agency including emissions of dust and particulates.

4. Setback requirements. All OWBs shall be located a minimum distance of two hundred (200) feet from any property line or street right-of-way.

5. Historic structures. If an OWB is proposed to be located within one hundred (100) feet of any historic structure as may be designated by the Township or determined to be eligible for listing on the National Register of Historic Places by the Pennsylvania Historical and Museum Commission or the National Park Service, such OWB system shall be subject to approval by the Board of Supervisors following recommendation from the Historic Preservation Commission, upon a finding the proposed OWB will not adversely impact the historical significance or landscape context of the subject historic structure.

6. Stack. All OWBs shall have a permanent attached stack. The minimum height of all stacks shall be twenty (20) feet above the ground, and stacks shall otherwise installed according to the manufacturer's specifications.

7. Fuel requirements. No person that operates an OWB shall use a fuel other than the following:

    a. Clean wood;

    b. Wood pellets made from clean wood;

    c. Home heating oil, natural gas or propane that:

        1. Complies with all applicable sulfur limits, and;

        2. Is used as a starter or supplemental fuel for dual-fired outdoor wood-fired boilers.

    d. Other fuel approved, in writing, by the PA DEP.

8. Abandonment or disrepair. If the OWB is ever abandoned or enters into a state of disrepair, it shall be the responsibility of the property owner to remove or properly maintain the OWB within six (6) months from the date the system enters such a state or immediately in any case determined to be a safety hazard.

9. Decommissioning. Any earth disturbance as a result of the removal of the OWB shall be graded and reseeded.

SECTION 155-1620. RESTAURANT

A. All restaurants shall provide documentation to the Township that verify all applicable Chester County Health Department requirements have been met.

B. All restaurants shall install or cause to be installed a grease interceptor or grease trap.

C. All restaurants shall contain a hood fire-suppression system in accordance with the requirements of the International Fire Code.

D. Trash receptacles shall be provided outside for patron use, however shall not be located within forty (40) feet of a residential use, lot, or district. A trash storage area shall be provided that is screened from the street and adjacent properties to create a visual barrier from the street and adjacent properties. All trash areas shall be located to permit safe and accessible trash removal.

E. Restaurant drive-thru service may be permitted by conditional use subject to the standards of §155-1609.

F. Outdoor dining may be permitted as an accessory use to a restaurant in the B or MP Zoning Districts subject to the following criteria:

1. An area not to exceed 1,500 square feet that is on outdoor sidewalk, patio or deck areas, and which directly abuts the restaurant building may be used for the purpose of furnishing food and beverages to the patrons of the restaurant.

2. Outdoor dining areas must meet the setbacks for the zoning district where the restaurant is located and must be separated from all parking areas, streets or driveways by a barrier which is at least four (4) feet in height and no higher than six (6) feet in height. The barrier must prevent patrons of the restaurant from exiting directly onto the parking area, street or driveway adjacent to the outdoor dining area and instead must require the patrons of the restaurant to exit the outdoor dining area in a safe manner, either onto a sidewalk or through another means of ingress and egress which is approved by the Township Engineer. The barrier may be a fence, wall, or another suitable barrier approved by the Township Engineer which will prevent a hazardous condition and protect the health and safety of outdoor diners from vehicular traffic on adjacent parking areas, streets or driveways.

3. Prior to serving food or beverages outdoors, the restaurant must obtain all necessary permits from all governmental and municipal agencies having jurisdiction, including but not limited to the Chester County Health Department and Pennsylvania Liquor Control Board.

4. The area used for outdoor dining shall only be used for dining and may not be used for outdoor entertainment or amplified sound

5. All food or beverages served in the outdoor dining area shall be served in nondisposable containers.

SECTION 155-1621. SCHOOL

A. The minimum lot size for a school shall be ten (10) acres.

B. All other applicable area and bulk regulations of the underlying district shall apply except that when located adjacent to a residential use, lot, or district, minimum yards shall be one hundred (100) feet.

C. Outdoor recreation areas shall not be located within the front yard and must be setback a minimum of twenty-five (25) feet from all lot lines. Off-street parking areas shall not be utilized as recreation areas, and shall be sufficiently screened to minimize disturbance of residential areas.

D. Except where separated by a minimum of three hundred (300) feet, outdoor recreation areas shall be screened from the view of adjacent agricultural or residential uses, lots, or districts by means of a buffer planting strip as outlined under §155-1504.C.

E. Primary access shall be from an arterial or major collector road. When the use abuts other uses or lots, access shall be via a shared common accessway with those adjoining uses and lots so as to limit the number of street access point and potential vehicle and pedestrian movement conflicts.

F. All off-street parking facilities shall be in conformance with Article XVIII and setback a minimum of twenty-five (25) feet and screened from adjacent lots per §155-1504.C.

G. The use shall have a cartway for dedicated vehicle movement and automobile and school bus stacking lanes for student drop-of/pick-up that is sufficient for the type of educational use being developed. Interior circulation planning shall take into account the unique situation of an educational setting including pedestrian, bicycle, and vehicle movements and automobile and school bus drop-off/pick up, waiting, and stacking areas. Stacking lanes and waiting areas shall be clearly marked and shall not be shared with parking circulation aisles or traffic flow or pedestrian circulation areas.

H. For any proposed educational use with an enrollment of fifty (50) or more students, the applicant shall provide a traffic impact study. The traffic impact study shall analyze the traffic generation from the proposed use/development and its potential impact on the surrounding road system. An assessment and plan for the circulation of pedestrians and users within and near the proposed use and lot shall be included. Enrollment, for the purposes of this Section, shall be defined as the largest number of students on the site at any one time during a seven (7) day time period.

I. The applicant shall demonstrate that all necessary approvals and permits from State and local agencies have been obtained.

J. These standards shall not apply to university facilities, which are subject to §155-1622 or homeschooling in accordance with Pennsylvania Department of Education standards.

SECTION 155-1622. UNIVERSITY

A. Purpose and intent.

1. It is the intention of this Section to regulate university uses and accessory uses thereto within the R-1 Residential/Agriculture District.

2. The Township recognizes that university use, of necessity, is an intensive land use having special needs associated with it, such as, but not necessarily limited to, athletic facilities, student housing, student and faculty parking, event parking, adequate existing and proposed streets, intersections and driveways to accommodate vehicular traffic, pedestrian access, and the integration and compatibility of such uses with contiguous and nearby established uses.

3. It is the intent of the Township to establish land use regulations that foster university uses, while at the same time protecting existing land uses, especially residential uses, and making adequate provision for the protection and enhancement of the public health, safety and general welfare of all of the Township's residents.

B. Use regulations.

1. Where university uses are permitted, a building may be erected, altered or used and a lot may be used for any of the following purposes by-right, subject to the area and bulk regulations, design standards and other regulations of this Section.

    a. Educational facilities, including classrooms, laboratories required as a part of the curriculum, school libraries and/or administrative offices.

    b. Student union, including food service, bookstore, health and counseling, and other student services.

    c. Auditorium.

    d. Residence halls and dormitories.

    e. Student recreation center.

    f. Athletic fields.

    g. Athletic/field house.

    h. Stadium.

    i. Gymnasium and indoor arenas.

    j. Parking lot.

2. Where university uses are permitted, a building may be erected, altered or used and a lot may be used for any of the following purposes conditional use, subject to the area and bulk regulations, design standards and other regulations of this Section.

    a. Outdoor stadium lighting under §155-1617.

    b. Any use not specifically listed under §155-1622.B.1 that the Zoning Officer determines to be consistent with that of a university use.

C. Existing facilities. In those zoning districts where university uses are permitted, all existing buildings, structures, facilities, and/or accessory buildings, structures and facilities of an

established educational use, lawfully existing on the effective date of this ordinance, are herewith recognized and protected as existing permitted uses to the extent provided by law.

D. Area and bulk regulations. The following area and bulk regulations shall apply to all university uses.

1. Minimum lot size: ten (10) gross acres.

2. Lot coverage: forty percent (40%) maximum.

3. Green area: sixty percent (60%) minimum.

4. Building setback line: one hundred (100) feet minimum.

5. Yards, side and rear: Sixty (60) feet minimum, except when contiguous to a neighboring residential use, which shall be one hundred (100) feet minimum, with the twenty (20) contiguous feet nearest the lot line planted and permanently maintained as a buffer area.

6. Building height: The maximum height of buildings or other structures erected, enlarged, or used shall be thirty-five (35) feet. Additional height may be considered by the Board Supervisors upon the applicant demonstrating to the satisfaction of the Supervisors the additional height is necessary for the project to be viable as part of the conditional use application.

7. Contiguously owned properties. For all structures and/or facilities proposed for parcels contiguous to the existing campus area, the minimum building setback standards may be modified by the Board of Supervisors. Contiguous parcels located in Thornbury Township, Delaware County may also be utilized for this purpose and all properties shall be under common ownership.

E. New and expanded facilities. In those zoning districts where university uses are permitted, any newly proposed building, structure, facility, and/or accessory building, and any significant additions or expansions to an existing building, for a university use shall be subject to a conditional use.

F. The following design standards shall apply, unless other applicable regulations of the zoning district in which the property is located are more stringent, then the more stringent and/or additional regulation(s) specified herein shall apply and shall be considered mandatory.

1. When a university use is proposed for development opposite, adjacent to, or within one hundred (100) feet of existing residential dwellings, the following special regulations shall apply unless otherwise approved by the Board during the conditional use process.

a. Screening. The following regulations shall apply.

1. A buffer planting strip shall be installed in accordance with §155-1504.C.

2. Trees shall have a minimum planted height of eight (8) feet at the time of planting. The Board may grant a conditional use to approve an alternate landscape plan not meeting these requirements if it determines that such completely planted visual

barrier is unnecessary to protect adjacent property owners and that the proposed landscape plan creates an adequate landscape enhancement of the project.

2. Parking lots/spaces. The requirements of Article XVIII shall apply in addition to the following regulations:

   a. No parking lot or parking spaces shall be permitted within a front yard or side yard along an existing street opposite existing residential dwellings unless separated by the landscape buffer required by §155-1622.F.1.

   b. When one or more buildings, structures, or facilities are proposed to be constructed, all parking lots and parking spaces shall be located principally behind or within a triangle or quadrangle formed by the buildings, unless otherwise approved by the Board as a conditional use.

   c. The adequacy and safety of vehicular and pedestrian access to parking lots and parking spaces from existing contiguous or adjacent public streets, and the capacity of the existing street system to accommodate the proposed conditional use shall be demonstrated by the applicant's submission of a traffic study with the conditional use application.

3. Loading. The requirements of Article XVIII shall apply in addition to the following regulations:

   a. No loading space, area, or activity shall be permitted within a front or side yard along an existing street opposite existing residential dwellings; provided, one (1) student loading space/area contiguous to a dormitory, such space being located as approved by the Board, shall be provided for each one hundred (100) students residing therein, which shall be devoted to loading/unloading of personal effects of students.

   b. Loading space or loading areas shall be located principally behind or within a triangle or quadrangle formed by the rear of such buildings within an area separately and permanently marked and devoted to such purpose only.

4. Landscaping. The applicant shall submit a proposed landscaping plan with the conditional use application. The requirements of §155-1504 and §115-61 shall apply, unless otherwise approved by the Board in the conditional use process.

5. Storage. The requirements of §155-1501 shall apply in addition to the following regulations:

   a. No storage shall be located in either a front or side yard;

   b. Storage proposed to be located in a rear yard shall be buffered by a planted landscape screen as required by §155-1622.F.1; and

   c. Trash and recycling dumpsters and/or containers shall be enclosed in a masonry or wooden-fenced accessory structure (no roof shall be required) located to the rear of buildings or facilities, and shall not be visible from the street.

6. Lighting. The requirements of §155-1505 shall apply in addition to the following regulations.

    a. Outdoor stadium lighting. The requirements of §155-1617 shall apply for any proposed outdoor stadium lighting.

7. Required inspections. All university uses may be subject to an annual inspection conducted by the Township Fire Marshal and the Township Building Inspector to insure compliance with these regulations.

G. Traffic study submission requirement. The applicant shall submit with the conditional use application a traffic study prepared by a Pennsylvania registered professional engineer having a specialty in traffic engineering and design. This study shall include:

    1. The transportation study area and the transportation systems to be studied. Existing transportation conditions for roadway links and intersections serving the university must be described and the existing level of use analyzed. Potential transportation impacts of future parking development must be assessed for a three (3) year projection which is based on enrollment and census data. Recommendations for potential system or service improvements to accommodate the projected transportation impacts of university development shall be included. The study shall identify specific improvements designed to reduce or avoid impacts created by campus development on existing and future residential neighborhoods.

    2. Internal circulation and facilities. The study shall describe existing and proposed internal roads for vehicular traffic; existing and proposed connections to the public street network; plans for street openings and closings, and possible impacts on the adjoining transportation system and adjoining zoning districts; existing and proposed facilities and accommodations for public transportation, pedestrian circulation, bicycle paths and other transportation methods.

    3. All proposed improvements shall be presented with a commitment schedule based on projected enrollment.

    4. In addition to such other reasonable conditions as the Board determines necessary for the protection of the public health, safety and general welfare of the community and the enforcement of the intent and purposes of this Section, the Board shall have the additional specific power and authority to impose as a condition of any approval the implementation by the applicant of a plan for the handling of vehicular and pedestrian traffic deemed adequate by the Board that will most efficiently and effectively relieve traffic impacts on existing streets and intersections impacted by the proposed use and funnel traffic generated by the proposed use to those streets, intersections and other traffic arteries that will lessen such public impacts.

SECTION 155-1623. VETERINARY CLINIC AND DOG DAY CARE

A. All veterinary clinics and/or dog daycare facilities shall be in accordance with the following:

1. The operator shall ensure sanitary conditions are in conformance with appropriate health authorities and shall be maintained at all times.

2. Exercise areas are permitted on the side or rear yard, shall be within a secure enclosure, and shall be completely screened from adjacent roads and residentially zoned properties. Exercise areas shall be setback at least fifty (50) feet from all lot lines, seventy-five (75) feet from residentially zoned properties, one hundred twenty-five (125) feet from wells, springs, sinkholes, ponds or streams, and shall not be within any swale or drainageway.

3. The sale of related products shall remain accessory and shall occupy no more than twenty-five percent (25%) of the floor area of the principal building.

4. Any animal outdoors must be accompanied by either its owner or an employee of the facility and must be leashed or contained in a secure enclosure.

5. Except for as needed bathroom walks, all animals are to be confined to a sound proof and odor proof building that is completely closed and climate controlled between the hours of 10 P.M. and 7 A.M.

B. In addition to Section 155-1623.A, a veterinary clinic shall:

a. Provide proof of all requisite permits, licenses, and certification to perform medical procedures and for the care and keeping of animals

b. Freestanding veterinary clinics without outdoor facilities may be permitted as a conditional use in residential properties along Route 202 or Route 926.

C. A dog day care shall not be permitted in any residential district.

Page intentionally left blank.

Article XVII: Signs

SECTION 155-1700. APPLICABILITY

Any sign erected, altered, or maintained after the effective date of this Ordinance shall conform to the following regulations.

SECTION 155-1701. PURPOSE AND INTENT

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

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

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

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

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

E. To ensure that billboard advertising is reasonably permitted in Thornbury Township and located safely and appropriately where it can be viewed by the traveling public with the least distraction and degradation in driving safety, and to provide billboard advertising in a manner demonstrated to be compatible with the historic, natural, and rural character of Thornbury Township in terms of size, location, visual prominence from areas other than the adjacent highway, and materials and finishes used in construction.

SECTION 155-1702. DEFINITIONS

A. Words and terms used in this Article shall have the meanings defined below, subject to the word usage standards set forth under §155-200. As used in this chapter, "sign" shall mean any permanent or temporary structure or part of a structure, or any device attached, represented, projected or applied by paint or otherwise, or any structure or other surface used to communicate information, a message or advertisement, or to attract the attention of the public to a subject or location. The term "sign" shall include, but not be limited to flat or curved surfaces, all support and/or assembly apparatus, flags, banners, streamers, pennants, insignias and medals with or without words or pictures.

B. Sign types and definitions. The following words, terms, and phrases, when used in this Article, shall have the meanings ascribed to them in this Article, except where the context clearly indicates a different meaning:

ABANDONED SIGN
Any sign which was erected for an occupant or business unrelated to the present occupant or business, any sign which relates to an obviously outdated event or purpose.

AWNING
A cloth, plastic, or other nonstructural covering that projects from a wall for the purpose of shielding a doorway or window. An awning may be attached in a permanent position or raised or retracted to a position against the building when not in use.

AWNING SIGN
Any sign painted on, or applied to, an awning.

BANNER
A type of temporary sign, not including flags, made of flexible material and attached to a structure, building, pole, rope, wire, or framing anchored on two (2) or more edges or sides.

BILLBOARD
An outdoor sign which directs attention to a business, commodity, service, entertainment, cause, or event conducted, sold, or offered at a location other than the premises on which the sign is located.

BUILDING FRONTAGE
The maximum linear width of a building measured in a single straight line parallel, or essentially parallel, with the abutting public street or parking lot.

CHANGEABLE COPY SIGN
A sign or portion thereof on which the copy or symbols change either automatically through electrical or electronic means, or manually through placement of letters or symbols on a panel mounted in or on a track system. The two types of changeable-copy signs are manual changeable copy signs and electronic changeable copy signs, which include: message center signs, digital displays, and Tri-Vision Boards.

CLEARANCE
The distance from grade at the sign location to the bottom edge of a sign. This term may also refer to a horizontal distance between two objects.

DIGITAL DISPLAY
The portion of a sign face made up of internally illuminated components capable of changing the message periodically. Digital displays may include but are not limited to LCD, LED, or plasma displays.

FLAG
Any sign or image printed or painted on cloth, plastic, canvas, or other like material attached to a pole or staff and anchored along only one edge or supported or anchored at only two (2) corners.

FLASHING, ANIMATED, OR MOVING SIGN
An illuminated sign where such illumination is not constant in intensity at all times when in use, including, but not limited to, motion, rotating, flashing, oscillating, twinkling, shuttering, changes in light, color, direction, or animation, or other similar action. This includes interactive signs that react to the behavior of passersby.

FREESTANDING SIGN
A sign supported by structures, supports, or pylons that are placed on, or anchored in, the ground and that is independent and detached from any building or other structure. The following are subtypes of freestanding signs:

GROUND SIGN
Any sign erected directly upon the ground surface or erected upon an independent structure (legs, base or pole) so that such structure is the main support of the sign or, any sign which is not supported by any part of a building.

POLE SIGN
A freestanding sign that is permanently supported in a fixed location by a structure of one or more poles, posts, uprights, or braces from the ground and not supported by a building or a base structure.

ILLUMINATED SIGN
A sign with characters, letters, figures, designs, or outlines, which are illuminated externally by direct or indirect electric lighting or internally by lighting contained within the sign.

INCIDENTAL SIGN
An informational sign indicating general site information, instructions, directives, restrictions, hours of operation, accepted forms of payment, civic affiliations, and other information secondary to the use on-site and not itself advertising the use.

INFLATABLE SIGN
A sign that is an air-inflated object, which may be of various shapes, made of flexible fabric, resting on the ground or structure, and equipped with a portable blower motor that provides a flow of air into the device.

MESSAGE SEQUENCING
The spreading of one message across more than one sign structure.

MULTI-TENANT SIGN
A sign located on lot on which a shopping center or complex with multiple tenants is located.

MURAL (or MURAL SIGN)
A large picture/image which is painted, constructed, or affixed directly onto a vertical building wall, which may or may not contain text, logos, and/or symbols.

NONCONFORMING SIGN
A sign that was legally erected and maintained at the effective date of this Ordinance, or amendment thereto, that does not currently comply with the sign regulations for the district in which it is located.

PENNANT
A triangular or other shaped piece of fabric or other material, commonly attached in strings or strands, or supported on small poles intended to flap in the wind and that may or may not include graphics or alpha-numeric characters.

PERMANENT SIGN
A sign attached, affixed or painted to a building, window, or structure, or to the ground in a manner that enables the sign to resist environmental loads, such as wind, and that precludes ready removal or movement of the sign and whose intended use appears to be indefinite.

PORTABLE SIGN
A type of temporary sign, with or without display or legend, which is not permanently embedded in the ground or attached to a building, and is designed to be transportable or moved whether affixed on a movable stand, mounted on wheels or movable vehicles, or made easily movable in some other manner.

PRIVATE DRIVE SIGN
A sign for a street or drive which is not publicly owned and maintained and used only for access by the occupants of the property and their guests.

PROJECTING SIGN
A building-mounted, double-sided sign with the two faces generally perpendicular to the building wall, not to include signs located on a canopy, awning, or marquee. (Also known as ***BLADE SIGN***)

PUBLIC SIGN
A sign erected or required by government agencies or utilities, including for street construction, utility work, warning, or safety.

ROOF SIGN
A building-mounted sign erected upon, against, or over the roof of a building.

SECURITY SIGN
A sign located on a premises on which no trespassing, hunting, and/or soliciting are permitted. (Also known as ***WARNING SIGN***)

SHIELDED
The description of a luminaire from which no direct glare is visible at normal viewing angles, by virtue of its being properly aimed, oriented, and located and properly fitted with such devices as shields, barn doors, baffles, louvers, skirts, or visors.

SIGN AREA
The total dimensions of a sign surface used to display information, messages, advertising, logos, or symbols.

SIGN FACE
A single side of a sign that may or may not include graphics and/or alpha-numeric characters. Such may be larger, the same, or smaller than sign area.

SIGN HEIGHT
The distance measured from grade to the highest point of the sign structure.

SIGN SUPPORTING STRUCTURE
Poles, posts, walls, frames, brackets, or other supports holding a sign in place.

SNIPE or BANDIT SIGN
A sign tacked, nailed, posted, pasted, glued, or otherwise attached to trees, poles, stakes, fences, benches, street signs, streetlights, or other objects, or that has been placed on any public property, in the public right-of-way, or on any private property without the permission of the property owner.

STREET POLE BANNER
A banner suspended above a public street or right-of-way, sidewalk and/or parking area and attached to a single street pole.

TEMPORARY SIGN
A non-permanent sign located on private property that can be displayed for no more than thirty (30) consecutive days at one time.

WALL SIGN
A building-mounted sign which is attached to, displayed on, or painted on an exterior wall or other vertical building surface in a manner parallel with the wall surface. A sign installed on a false or mansard roof is also considered a wall sign. (Also known as: ***FASCIA SIGN***, ***PARALLEL WALL SIGN, or BAND SIGN***)

WINDOW SIGN
Any sign that is applied, painted, or affixed to a window, or that is placed inside a window (within three (3) feet of the glass) facing the outside of the building, and which is easily seen from the outside.

SECTION 155-1703. PROHIBITED SIGNS

The following signs are unlawful and shall be prohibited in Thornbury Township:

A. Abandoned signs.

B. Signs erected without the permission of the property owner, with the exception of those authorized or required by local, state, or federal government.

C. Snipe signs. Signs shall only be attached to utility poles in conformance with applicable state and utility regulations.

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

E. Inflatable devices or balloon signs.

F. Any sign that interferes with, imitate, or resemble any public sign, signal, or device and are located 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.

G. Any sign located within a public right-of-way which obscured or interfered with the line of sight at any street intersection or traffic signal, or at any other point of vehicular access to a street.

H. Any sign which hinders rapid ingress or egress from any door, window or fire escape. No sign of any kind shall be attached to a standpipe or fire hydrant that creates confusion or interferes with its use and operation.

I. Signs which emit smoke, visible vapors, particulate matter, sound, odor or contain open flames.

J. Reflective signs or signs containing mirrors, excluding those as approved by the Township or PennDOT for traffic use.

K. Any banner sign or sign of any other type across a public street or on any private property, except as permitted under §155-1704 below.

L. Portable signs.

M. Roof signs.

N. Any off-premises or off-site sign, i.e., a sign unrelated to the property on which it is situated, with the exception of signs permitted in accordance with the terms of §155-1707. This shall include any off-premises real estate sign(s) placed within or adjacent to any public right-of-way.

O. Advertising signs within four-hundred (400) feet of a public recreational area of five (5) acres or more, and other such areas as the Supervisors may designate, that obscure or detract from the view of such area.

P. Any sign having content that is not subject to the protections of the First Amendment to the United States Constitution or Article I, Section 7 of the Pennsylvania Constitution.

SECTION 155-1704. EXEMPT SIGNS

The following signs shall be allowed without a sign permit and shall not be included in the determination of the type, number, or area of permanent signs allowed within a zoning district. All owners of such signs must comply with all other applicable standards of this Article, including the responsibility for maintenance and repair of signs.

A. Official traffic and public and private street signs, directional signs, public signs, and other similar official federal, state, county, or Township signs within the legal right-of-way of a street, when in accordance with the Pennsylvania Department of Transportation specifications under the Pennsylvania Code and/or Thornbury Township Code.

B. Public signs erected or required by government agencies or utilities, including those located in the public right of way, at railroad crossings, on buildings that have rest rooms, telephones, or similar public convenience available.

C. Legal notices, identification information, or wayfinding information provided by governmental or legislative authorities.

D. Flags and insignia of any municipal, state or federal government.

E. Private drive signs – One (1) sign per driveway entrance, not to exceed two (2) square feet in area.

F. Security signs – Not to exceed two (2) square feet in area.

G. Address signs – Signs required by a federal, state, county or municipal regulation or by the United States Post Office to identity a property by number, post box number or name(s) of occupants of the property, not to exceed one (1) square foot area.

H. Permanent architectural features of a building or structure, such as a cornerstone or carving or embossment on a building, provided that the letters are not made of a reflective material.

I. Incidental signs, including one (1) or more signs applied to a windowpane, giving store hours or the name or names of accepted credit or charge cards, when the total area of any such sign or all signs together does not exceed two (2) square feet.

J. Art and murals, provide such signs have no commercial messaging or other advertising.

K. Political campaign signs shall located outside of any public right-of-way.

SECTION 155-1705. GENERAL REGULATIONS

A. Sign Location.

1. No sign shall be placed in such a position as to endanger pedestrians, bicyclists, or traffic on a street by obscuring the view or by interfering with government street signs or signals by virtue of position or color.
2. Except for those classified as exempt under §155-1704, no sign may be located within any public right-of-way and/or occupy a clear sight triangle of seventy-five (75) feet (as measured from the center-line intersections of two streets) shall be provided at all intersections. The minimum clear sight triangle shall be increased to one hundred (100) feet if either street is a collector street and to one-hundred fifty (150) feet if either street is an arterial highway.
3. Signs and their supporting structures shall maintain clearance and noninterference with all surface and underground utility and communications lines or equipment.

B. Sign Materials and Construction.

1. Every sign shall be constructed of durable materials, using non-corrosive fastenings; shall be structurally safe and erected or installed in strict accordance with the Pennsylvania Uniform Construction Code.
2. Every sign shall be maintained in safe condition and good repair at all times, consistent with this Article, so that all sign information is clearly legible.
3. When applicable, signage for motorists installed on private property and/or within private parking lots shall comply with the standards set forth by the latest Manual on Uniform Traffic Control Devices (MUTCD) by the Federal Highway Administration.

C. Sign Area.

1. The area of a sign shall include all lettering, wording, designs and symbols, together with the background, whether open or enclosed, on which they are displayed, including the frame, but not including any supporting framework and bracing. Where a sign consists of individual letters, numbers, characters or symbols attached to a building, the area of a sign shall be considered to include a square or rectangular pattern as drawn at the outer limits of the letters, words or representations.
2. Signs may be double-sided. In computing the area of a double-face sign, only one (1) side shall be considered, provided that the faces are identical. In V-type sign structures, the interior angle of which exceeds forty-five degrees (45°), both sides shall be considered in measuring the sign area.
3. Signs that consist of, or have attached to them, one (1) or more three-dimensional or irregularly-shaped objects, shall have a sign area of the sum of two (2) adjacent vertical sign faces of the smallest cube encompassing the sign or object.
4. The permitted maximum area for all signs is determined by the sign type and the use of the property where the sign is located.

D. Sign Height and Spacing.

1. Sign height shall be measured as the distance from the highest portion of the sign to the mean finished grade of the street closest to the sign. In the case of a sign located greater than one hundred (100) feet from a public street, height shall be measured to the mean grade at

the base of the sign.

2. Clearance for freestanding and projecting signs shall be measured as the smallest vertical distance between finished grade and the lowest point of the sign, including any framework or other structural elements.
3. The permitted maximum height for all signs is determined by the sign type and where the sign is located.
4. The spacing between sign structures shall be measured as a straight-line distance between the closest edges of each sign.

E. Illumination.

1. All sign lighting is subject to the standards set forth under §155-1505.
2. All illuminated signs shall be constructed to the standards of the Underwriter Laboratories and shall meet Township Electrical and Building Codes.
3. Illumination may be direct (giving forth light from the interior of the sign through translucent material) or indirect, provided that the light source is directed upon the sign.
4. The lighting source shall not be directly visible from any street, residence or sidewalk, nor from any other normal vantage point.

F. Sign Construction and Maintenance. Every sign shall be:

1. Erected or installed in strict accordance with the Township Building Code with approval of all applicable building permits.
2. Maintained in a legible, safe condition, and good repair at all times. Specifically, no sign shall be in such a state of disrepair as to have the appearance of neglect or which is rotting, corroding, or falling down or has loose parts separated from original fastenings.

SECTION 155-1706. SIGN TYPE

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

A. Wall Signs.

1. No portion of a wall sign shall be mounted less than ten (10) feet above the finished grade or extend out more than eight (8) inches from the building wall on which it is affixed. If the wall sign projects less than three (3) inches from the building wall on which it is affixed, the ten (10) foot height requirement need not be met.
2. More than one sign shall be permitted per wall, except that the total area of all signs on one wall shall not exceed ten percent (10%) of the façade and shall further comply with the requirements of §155-1706.A.1.
3. The total area of all wall signs shall not exceed an area equal to two (2) square feet for every one (1) linear foot of building wall parallel to and facing, any particular street. The sign area for each street frontage shall be computed separately, and any allowable sign area not used on one frontage may not be used on another street frontage.
4. The maximum height of any such sign shall not exceed fifteen (15) feet, and the maximum area shall not exceed forty-eight (48) square feet.
5. No wall sign shall extend above the top of the wall upon which it is mounted or beyond the edges of the same.

B. Canopy or Awning Signs.

1. Canopy or awning signs must be centered within or over architectural elements such as windows or doors.
2. Signs of the flat-wall type may be erected upon a canopy or awning if the structural strength of such canopy or awning is sufficient to safely carry the additional load, and provided that such signs may not extend beyond the edges of said canopy or awning or extend within otherwise prohibited areas.
3. Sign Placement.
    a. Letters or numerals shall be located only on the front and side vertical faces of the awning or canopy.
    b. Logos or emblems are permitted on the top or angled portion of the awning or canopy up to a maximum of three (3) square feet. No more than one (1) emblem or logo is permitted on any one (1) awning or canopy.
4. Sign Height. The lowest edge of the canopy or awning sign shall be at least eight (8) feet above the finished grade.
5. Awnings and canopies above the ground floor may be fixed, provided they do not project more than four (4) feet from the face of the building.
6. Multi-tenant Buildings. If the awning or canopy sign is mounted on a multi-tenant building, all awning or canopy signs shall be similar in terms of height, projection, and style across all tenants in the building.

C. Projecting Signs.

1. Districts and structures meeting the criteria of the National Register of Historic Places shall be the only locations where projecting signs may be permitted. Design and location of any such sign shall be subject to review by the Zoning Officer.
2. Projecting signs shall be so located upon the buildings that the lower edge is a minimum of ten (10) feet above grade. Projecting signs may project a maximum of four (4) feet from the building wall; provided, however, that no sign shall project to a point nearer than ten (10) feet from the edge of the paved roadway.
3. Sign Height. The lowest edge of a projecting sign shall be at least ten (10) feet above the finished grade and shall not extend above the top of the wall upon which it is mounted.
4. One (1) projecting sign shall be permitted per premises.

D. Window Signs.

1. Incidental window signs shall be excluded from area calculations for window signs.
2. Multiple window signs shall be permitted per building, provided that all window signs at any one time do not exceed twenty-five percent (25%) of the total glass area on the side of the building where they are placed. For grocery stores, food markets, and pharmacies, the total glass area covered by window signs shall not exceed thirty-five percent (35%).
3. Window signs may be internally lit when located on a lot within a commercial zoning district.

E. Freestanding (Ground) Signs.

1. One (1) freestanding sign is permitted per street upon which the use has direct frontage,

provided that a maximum of two (2) such signs shall be permitted as of right on any tract.

2. Freestanding 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.
3. Height: The maximum height of any sign affixed directly to the ground shall be three feet, six inches (3.5 ft). For a pole-type sign, unless otherwise regulated by this article, the maximum height shall be fifteen (15) feet and the minimum distance between the ground surface and the bottom of the sign face shall be four (4) feet.
4. Area: The maximum area shall not exceed forty-eight (48) square feet.
5. Sign Placement.
    a. No ground sign shall project to a point nearer than ten (10) feet from any street right-of-way line or public sidewalk; where compliance with this standard would nonetheless create an obstruction of view, further setback may be required.
    b. No freestanding sign may occupy an area designated for parking, loading, walkways, driveways, fire lane, easement, cartway of the right-of-way or other areas required to remain unobstructed.
    c. Ground signs shall be located no closer to any adjacent public park, church, school or public playground than the minimum setback or separation distance required for any other adjacent structure or building, as regulated by this article.
    d. No business ground sign may be located nearer to a residential lot line than the minimum setback distance required for other business or commercial structures. If located nearer than fifty (50) feet from a residential lot line, such sign shall be positioned or designed so as not to shine or reflect light into adjacent residences.

SECTION 155-1707. BILLBOARDS

A. Definitions. The following terms shall have the following definitions when used in this section:

BILLBOARD STRUCTURE
The framework, supports, display face(s) and electrical components of the billboard.

DIGITAL BILLBOARD
A billboard without moving parts whose content may be changed by electronic process through the use of intermittent light or lights, including, but not limited to, light-emitting diodes (LED), liquid-crystal display (LCD), or plasma-image display.

DISPLAY FACE
The facing of a billboard, including copy, insignia, background, border and trim. The measurement of the display face shall be determined by the smallest rectangle inclusive of all letters and images. Structural supports shall be excluded from calculation of the size of the display face if they are not used to directly express or convey a commercial or noncommercial message.

MONOPOLE SIGN
A billboard sign that is supported by a single pole, column or similar-type vertical structure.

MONUMENT SIGN
A billboard sign that is erected directly upon the ground surface, including the display face and billboard structure.

B. Area, yard and bulk regulations.

1. Lot area and street frontage. Every lot on which a billboard is located shall comply with the provisions of §155-805.
2. Area of billboard. A billboard display face shall be limited to a maximum area of three hundred (300) square feet.
3. Height. A billboard, including the billboard structure, shall be limited to a maximum total height of twenty-four (24) feet. The height of such billboard, including the billboard structure, shall be measured from the average existing grade based on the area found within a fifty (50) foot perimeter of the outer limits of the billboard structure.
4. Setbacks. No billboard shall project to a point nearer than ten (10) feet from any street right-of-way line or public sidewalk; where compliance with this standard would nonetheless create an obstruction of view, further setback may be required.

C. Lot requirements.

1. A billboard shall be located only within five hundred (500) feet of a highway that is at least four (4) lanes wide.
2. A billboard shall be permitted only as a principal use on any lot. Billboards shall be constructed only as a monument sign or as a monopole sign, and shall not be attached to a roof or wall of any structure.
3. No other buildings, structures, or other improvements shall be permitted on the same lot as a billboard.

D. Separation requirements.

1. A billboard shall not be located within two hundred fifty (250) feet of a residential zoning district or an agricultural/residential zoning district.
2. A billboard shall not be located within five hundred (500) feet of any public park, public open space or public playground.
3. Billboards shall be separated from each other by a minimum distance of six hundred (600) feet.
4. A billboard shall not be located within one hundred seventy-five (175) feet of an intersection with a traffic light.

E. Lighting.

1. All billboard lighting, except a digital billboard display face, shall be aimed, located, designed, fitted and maintained so as not to project or reflect light onto a neighboring use or property (light trespass), U.S. Route 202, or a nearby intersecting road. The billboard shall be lit only from dusk to 10:00 p.m. All lighting fixtures shall be equipped with devices which automatically extinguish the lighting at 10:00 p.m. There shall be a maximum luminance of 0.1 footcandle measured at any residential property line.
2. Lighting shall comply with the Illuminating Engineering Society of North America's (IESNA) recommended practices and criteria in the IESNA Lighting Handbook, including but not limited to criteria for full-cutoff fixtures. Fixtures shall be equipped with or be capable of being back-fitted with light-directing devices such as shields, visors or hoods

when necessary to redirect offending light distribution.

3. No billboard shall include any flashing, intermittent, animated, rotating or oscillating lighting.

F. Landscaping.

1. A landscaping plan shall be required for any conditional use application for a billboard. The landscaping plan shall demonstrate that a minimum of seventy-five percent (75%) of the lot is pervious surface and landscaped with vegetation.
2. Billboards shall be screened, at the time of construction of the billboard, from any abutting property used or zoned for residential use. Such screening shall consist of evergreen trees of a least ten (10) feet in height at the time of planting and shall form a continuous visual buffer along or near the property line abutting the residential use or lot.
3. If at the time of planting the evergreens do not provide for adequate screening, a temporary, non-vegetative screen may be required at the discretion and approval of the Township. This screening shall not exceed the height of the existing billboard and shall be removed at the expense of the billboard owner or lessee owner at such time the evergreens provide for adequate screening as determined by the Township.

G. Digital billboards.

Digital billboards shall be permitted in the B Business District. Where such digital billboard is proposed, the following standards and conditions shall apply in addition to the general standards contained within §155-1707:

1. The digital billboard display face shall have a maximum luminance of 5,000 nits, as defined by the most current edition of the IESNA Lighting Handbook, from dawn to dusk and a maximum of 125 nits from dusk to 10:00 p.m.
2. Digital billboard display face illumination of any type shall be prohibited between 10:00 p.m. and dawn so that the entire billboard is completely unlit between the hours of 10:00 p.m. and dawn.
3. The message displayed on the digital billboard display face shall be static and nonanimated and shall remain fixed for a minimum of twenty (20) seconds.
4. When a message is transitioned on the digital billboard display face, it shall be accomplished in one second or less with all illumination changing simultaneously and in unison.
5. The digital billboard shall contain a default design that will freeze the sign in one position if a malfunction occurs or, in the alternative, shut down.
6. The digital billboard shall not display any message that moves, appears to move, scrolls, or changes in intensity during the fixed display period.
7. The digital billboard display face shall not have lighting that would compete with or distract from red and green traffic signal lighting.

H. Maintenance, financial security and permits.

1. All maintenance, cleaning and repair, including repair of torn or worn advertising copy and removal of graffiti shall be performed promptly. In the event the Township notifies the owner or lessee of any damage, vandalism, graffiti or offensive advertising to or on the billboard or the billboard structure, the owner or lessee shall repair or correct the problem within forty-eight (48) hours of such notification. If repairs and corrections are not timely, the Township shall have the right, but not the obligation, to make repairs or corrections and

be reimbursed the costs thereof by the owner or lessee.

2. All billboards shall be properly and adequately secured to prevent unauthorized access.
3. A bond or other security acceptable to the Township, in the form and amount satisfactory to the Township, shall be posted with the Township to ensure that the billboard will be properly removed after the termination of use for a period of one year.
4. Billboards shall require a building permit and related permits and shall be constructed in accordance with the applicable provisions of the Building Code of Thornbury Township.
5. All required landscaping and screening shall be maintained by the billboard owner or the property owner.

I. Special requirements.

1. No billboard shall unreasonably block the view from the roadway of an existing business, logo or sign, or limit or reduce the lighting and ventilation requirements of any Township ordinance or other applicable code.
2. No billboard shall obscure or physically interfere with an official traffic sign, signal or device.
3. No billboard shall obstruct any sight triangle in an unsafe manner as determined by the Township's traffic engineer.

SECTION 155-1708: SIGNS LOCATED IN RESIDENTIAL ZONING DISTRICTS

A. The following signs, not qualified as exempt under §155-1704 and not prohibited under §155-1703, shall be permitted within residential zoning districts of the Township. The requirements of §155-1711 regarding sign permits shall be waived for these signs; compliance with all other provisions of this article shall be required.

1. A temporary sign of a contractor, architect, mechanic, or artisan placed on the property where the contracted work is occurring, shall not exceed four (4) square feet.
2. Temporary real estate sale/sold/rent/development signs placed on the property to be sold, rented, or developed subject to the following:
   a. Real estate signs are limited to one (1) sign per street frontage of the property.
   b. Real estate signs are not to exceed four (4) square feet.
3. Temporary political campaign signs, provided that the signs comply with the following:
   a. Temporary political campaign signs must be placed outside of the right-of-way, and a minimum of five (5) feet from the edge of the pavement of any street in the Township. Such signs may not block vehicle sight lines or present any other traffic safety hazard.
   b. Campaign signs within a public right-of-way are to be removed no later than seven (7) days after the relevant election.
4. Directional signs located within a tract undergoing development, indicating the route to the sales office, model home, construction trailer, etc., subject to the following:.
   a. No more than two (2) direction signs per five hundred (500) feet of road frontage,
   b. Not to exceed ten (10) square feet,
   c. Set back at least twenty-five (25) feet from the nearest road right-of-way,
   d. Not be illuminated, and

e. Removed within five (5) days of the development's completion.

5. Not more than one vehicle displaying a business sign shall be parked in a residential district. All other such vehicles shall be concealed (garaged) from public view, except where the vehicle owner or repairman is currently engaged in authorized repairs or construction at that location.

6. Special event temporary signs, including banners, that identify a grand opening, parade, festival, fund drive, or similar occasion, where such signs are deemed by the Zoning Officer to be of general benefit to the Township or for public convenience, necessity or welfare, subject to the following:

   a. Not to exceed sixteen (16) square feet.

   b. Maximum Height: Ground sign: three and a half (3.5) feet. Wall or window sign: ten (10) feet.

   c. Permitted for a maximum of fourteen (14) days and shall be removed within two (2) days following conclusion of said event.

B. The following signs, not qualified as exempt under §155-1704 and not prohibited under §155-1703, shall be permitted in residential zoning districts, provided that they conform with all other provisions of this article, including the requirements for a permit as specified in §155-1711:

1. Professional, accessory use, home occupation, or name sign, indicating the name, profession or activity of the occupant of a dwelling, subject to the following:

   a. A maximum of one (1) sign is permitted per dwelling or use.

   b. Shall not exceed two (2) square feet in area.

   c. A wall sign shall not project more than three (3) inches from the building wall to which it is attached.

2. Identification signs identifying schools, churches, hospitals, or similar institutions and clubs, lodges, farms, estates, residential developments, or similar uses.

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

   b. The maximum dimensions for such a sign shall be as follows:

      1. Area

         a. Ground sign: Twelve (12) square feet.

         b. Projecting or wall sign: Ten (10) square feet.

      2. Height:

         a. Ground sign: Three and one-half (3.5) feet.

         b. Wall sign: Twelve (12) feet.

3. Temporary signs, located on tracts approved for or undergoing development, which announce the future uses, names and/or occupants of such tracts. Such signs shall be limited to one per tract and shall comply with the dimensional standards for business signs, as stipulated in §155-1709.

SECTION 155-1709: SIGNS LOCATED IN COMMERCIAL DISTRICTS

The following sings shall be permitted in the Business District and/or Multipurpose District:

A. Any sign permitted under the terms of §155-1708.

B. The total area of all wall, awning/canopy, freestanding, and projecting signs on lots with non-residential uses shall not exceed an area equal to two (2) square feet for every one (1) linear foot of building wall parallel to, and facing, any particular street. The sign area for each street frontage shall be computed separately, and any allowable sign area not used on one frontage may not be used on another street frontage.

C. The maximum height of any such sign shall not exceed fifteen (15) feet, and the maximum area shall not exceed forty-eight (48) square feet.

D. For an individual, freestanding principal use of a commercial or industrial nature, there shall be not more than one sign (regardless of construction type) for each public street on which the property fronts, exclusive of window signs.

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

E. Wall signs on lots with commercial and industrial uses shall be permitted subject to the following regulations.

1. Number: Each individual use shall be permitted one (1) wall sign, except a multi-tenant building, which shall be limited to one wall sign. Wall signs in a planned commercial or office center shall be uniform and coordinated in style, materials and colors.
2. Area: The total area for all wall signs are subject to the regulations in §155-1706.A.3.
3. Height: Signs shall have a maximum height equal to the eave line of the structure where it is placed.

F. Awning or canopy signs on lots with commercial and industrial uses shall be permitted subject to the following regulations.

1. Number: One (1) under-canopy sign per each tenant/business entity within the shopping center complex, perpendicular to the front facade of the store.
2. Area: Under-canopy signs shall not exceed eight (8) square feet per side.
3. Height: Signs shall have a maximum height equal to the eave line of the structure where it is placed.

G. Directory signs. Where permitted, directory signs may be erected identifying two or more persons, agencies or establishments and erected primarily as a service to motoring or pedestrian traffic.

1. Such signs shall be ground signs only and shall be limited in number as prescribed in §155-1706.E.
2. Such signs may list only a name, address, logo, and primary product or service of each firm or business and may contain a graphic directory or map to assist in locating destinations.
3. The respective permitted areas of information on multiple directory signs shall be limited to no more than three (3) square feet per establishment listed and no more than ten (10) square feet per graphic directory, provided that the total sign area does not exceed twenty-five (25) square feet.
4. The maximum height of a directory sign shall be fifteen (15) feet.

5. Such signs shall be located a minimum of fifteen (15) feet from the street line and a minimum of twenty (20) feet from the nearest street access driveway and shall be situated for maximum visibility from the vehicular accessway

H. Signs erected in conjunction with shopping center development shall be permitted subject to the following regulations.

1. Ground signs.

a. Information contained on the ground sign shall be limited to advertisement of establishments on the premises and the name of the shopping center and/or the management/leasing company in charge of operation of the shopping center.

b. Number: One (1) ground sign identifying the shopping center shall be permitted at each vehicular entrance from a public street, not to exceed two (2) such signs.

c. Area: Shall not exceed one hundred and eighty (180) square feet per side.

d. Height: Shall have a maximum height equal to fifteen (15) feet in height.

2. Freestanding business signs.

a. Number: One (1) freestanding sign shall be permitted per each business contained within its own freestanding building within the shopping center complex, not attached to any other building.

b. Area: Shall not exceed twenty five (25) square feet per side.

1. Ground signs for gasoline service stations may be built to the dimensions allowable for a directory sign, as prescribed by §155-1709.G.

c. Height: Maximum height equal to fifteen (15) feet in height.

I. Signs erected in conjunction with planned commercial or office centers containing multiple or multi-tenant buildings shall be permitted subject to the following regulations.

1. Number: One (1) ground shall be permitted for identification purposes at or near the entrance of each separate building. Such signs shall be permitted in addition to directory signs authorized by §155-1709.G.

2. Area: Sign shall not exceed fifteen (15) square feet.

3. Height: Maximum height equal to five (5) feet in height.

J. Projecting signs on lots with commercial and industrial uses shall be permitted subject to the regulations in §155-1706.C.

K. Window signs on lots with commercial and industrial uses shall be permitted subject to the regulations in §155-1706.D.

SECTION 155-1710. REMOVAL OF UNSAFE, UNLAWFUL, OR ABANDONED SIGNS

A. Unsafe or Unlawful Signs.

1. Whenever a sign becomes structurally unsafe and/or poses a potential threat to the safety of a building or premises or endangers the public safety and such condition becomes known to the Zoning Officer, he/she shall give written notice to the owner of the premises on which the sign is located that such sign must be made safe or removed within five (5) days, unless the Zoning Officer shall deem appropriate a more extended period for compliance.

2. Where, in the opinion of the Zoning Officer upon careful inspection by he/she and the Township building official, any sign as described above constitutes an imminent hazard to

public safety necessitating immediate action, he/she shall be empowered to take those measures he/she deems appropriate to secure, stabilize or remove such sign without the written notice to the owner of the premises otherwise required by that section. In such cases, a lien shall be placed against the property on which such sign was situated in the amount of the costs incurred by the Township to secure, stabilize, or remove the sign.

3. Failure of the Zoning Officer to remove, or require the removal of any unsafe sign as described in this section shall create no liability upon, nor any cause of action against, the Township, the Zoning Officer or any other Township official or employee for damage or injury that may occur as a result of such sign.

B. Abandoned Signs.

1. It shall be the responsibility of the owner of any property upon which an abandoned sign is located to remove such sign within thirty (30) days of the sign becoming abandoned as defined in this section. Removal of an abandoned sign shall include the removal of the entire sign including the sign face, supporting structure, structural trim, and all associated electrical components when applicable.

2. Where the owner of the property on which an abandoned sign is located fails to remove such sign in thirty (30) days Thornbury Township may remove such sign after the Zoning Officer gives written notice to the sign owner. Any expense directly incurred in the removal of such sign shall be charged to the owner of the property. Where the owner fails to pay, Thornbury Township may file a lien upon the property for the purpose of recovering all reasonable costs, including reasonable attorney fees incurred by the Township associated with the removal of the sign.

SECTION 155-1711. PERMITS AND APPLICATIONS

A. It shall be unlawful for any person, firm, or corporation to erect, alter, repair, or relocate any sign within Thornbury Township without first obtaining a sign permit, unless the sign is specifically exempt from the permit requirements as outlined in §155-1704.

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

1. Exact dimensions of the lot, including any right-of-way lines or building upon which the sign is proposed to be erected.

2. Exact size, dimensions and location of the said sign on the lot or building, together with its type, construction, and materials to be used and the manner of installation.

3. Any other lawful information which may be required of the applicant by the Zoning Officer.

C. No permit for an off-site sign shall be issued until the property owner's consent and signature have been filed.

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

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

F. Thornbury Township shall have fifteen (15) business days from the receipt of a complete

application to review the application.

G. After installation, the Zoning Officer shall inspect the sign to ensure that the installation has conformed to the regulations set forth in this Article. All signs shall henceforth be subject to annual inspection.

SECTION 155-1712. NONCONFORMING SIGNS.

A. Signs legally in existence at the time of the adoption of this Ordinance, which do not conform to the requirements of this Ordinance, shall be considered nonconforming signs.

B. Nonconforming signs should comply with all provisions of §155-1905.

SECTION 155-1713. SUBSTITUTION CLAUSE

Notwithstanding any provision of this Article to the contrary, to the extent that this Article allows a sign containing commercial copy, it shall allow a non-commercial sign to the same extent. The non-commercial message may occupy the entire sign area or any portion thereof, and may substitute for or be combined with the commercial message. The sign message may be changed from commercial to non-commercial, or from one noncommercial message to another, as frequently as desired by the sign's owner, provided that the sign is not prohibited and the sign continues to comply with all requirements of this Article.

SECTION 155-1714. VIOLATIONS

The placement of a sign that requires a sign permit without a sign permit shall be unlawful. Violations of this Ordinance shall be treated as prescribed within §155-2107.

Article XVIII: Off-street Parking & Loading

SECTION 155-1800. PURPOSE & APPLICABILITY

A. Purpose.

1. Establish regulations for the layout, location, and amount of off-street parking for land uses within the Township.

2. Provide adequate parking and loading facilities for all permitted structures and uses.

3. Reduce traffic congestion and promote the allocation of parking and loading spaces to increase public safety and convenience.

B. Applicability.

1. Off-street parking and loading facilities shall be provided whenever:

   a. A new building is constructed or new use established.

   b. An existing use is changed to a use requiring different parking or loading facilities than the prior use.

   c. An existing building or use is altered or enlarged so as to change the amount of parking and loading spaces required.

2. Buildings and uses in existence on the date of adoption of this Ordinance shall not be subject to the provisions of this Article, except as provided in §155-1800.B.1, above.

3. Location of Required Parking Spaces.

   a. Required off-street parking spaces shall be located on the same lot as the principal use, unless otherwise provided by this Article.

   b. Off-street parking spaces shall be located outside of the public right-of-way.

4. Use of Parking Facilities. Parking facilities shall not be used for any purpose that interferes with the availability for the parking need it is required to serve, unless otherwise provided in this Article.

5. Off-street parking and loading facilities existing at the effective date of this Ordinance shall not subsequently be reduced below the requirements of this Article.

6. All parking and loading facilities required by this Article shall be constructed and subsequently maintained in an attractive, safe, and functional manner for as long as the building or use which they are designed to serve remains in existence.

SECTION 155-1801. GENERAL STANDARDS

A. General Standards.

1. Off-street parking spaces, with proper and safe access from a street or aisle, shall be provided on each lot to serve the respective uses adequately.

2. Buildings, vehicular circulation, and open space shall be arranged so that pedestrians moving between buildings and parking areas are not unnecessarily exposed to vehicular traffic.

3. The proposal of any off-street parking in conjunction with a subdivision or land development shall be in accordance with this Chapter as well as with Chapter 115: Subdivision and Land Development.

4. A change in any off-street parking strictly based on a change of use shall be in accordance with this Chapter.

5. Any proposed lighting shall be in accordance with §155-1505.

6. Any proposed driveway shall be in accordance with Chapter 108, Article I for Private Driveways.

B. Location.

1. All parking spaces must be provided on the lot for which they are intended unless satisfactory evidence is presented to the Zoning Officer that an agreement exists which provides for sufficient permanent off-street parking spaces on another lot.

    a. The owners of two (2) or more nonresidential establishments proposing to share parking spaces shall submit a sketched drawing with their application for a zoning permit, or a site plan with a preliminary or final plan application in the case of a subdivision or land development, showing the location of the proposed common off-street parking area, along with a signed agreement stating agreement of joint use (such as hours of operation) and maintenance responsibilities.

    b. Some portion of a common off-street parking area shall lie within two hundred (200) feet of an entrance, regularly used by patrons, into the buildings served thereby.

2. In no case shall any portion of a public or private street be utilized in complying with the parking requirements of this section.

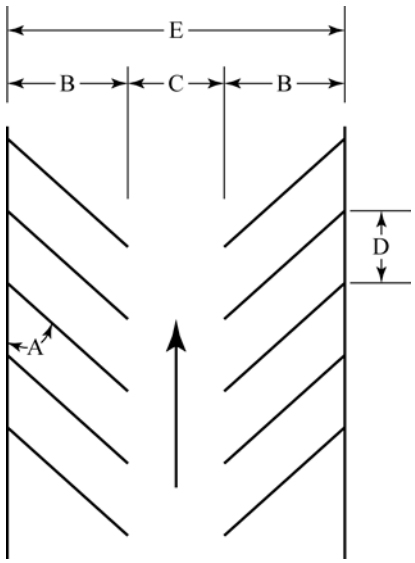
3. Parking spaces shall be setback a minimum of twenty (20) feet from any street right-of-way line.

4. Each parking lot shall have not more than two (2) accessways to any one (1) public street or highway for each five hundred (500) feet of frontage.

5. Where practicable, access to parking areas shall be provided by a common service driveway or minor street in order to avoid direct access on a major street or highway.

C. Size

Parking Space Requirements



A. Angle	Stall B. Length	C. Aisle	Stall D. Width	Total E. Width
90°	20 ft.	25 ft.	9.5 ft.	65 ft.
60°	21 ft.	18 ft.	9 ft.	60 ft.
45°	20 ft.	15 ft.	9 ft.	55 ft.
30°	17 ft.	12 ft.	9 ft.	46 ft.
Note: Parallel parking spaces shall be at least twenty-four (24) feet in length and eight (8) feet in width.				

D. Design

1. Parking facilities shall be designed with careful regard to orderly arrangement, topography, landscaping, and ease of access, and shall be developed as an integral part of an overall site design.

2. Parking lots for over twenty (20) vehicles shall be so divided by permanent raised curbing that access lanes are clearly defined and that moving traffic will be confined to designated access lanes.

3. All parking spaces shall be marked by durable painted lines at least four (4) inches wide and extending the length of the space or by curbs or other means to indicate individual spaces. Signs or markers located on the surface within a parking lot shall be used as necessary to ensure efficient and safe traffic operation of a lot.

4. Parking spaces shall have an approved all-weather surface and shall have a safe and convenient access in all seasons. Parking areas shall be maintained in a clean and orderly condition. Parking areas shall have a minimum slope of one (1) percent to provide for drainage and a maximum of slope of five (5) percent for safety, user convenience, and stormwater runoff. Parking areas shall be provided with adequate stormwater drainage facilities to prevent damage or inconvenience to abutting property and/or public streets and alleys.

5. Handicapped parking shall be identified with a clearly visible marking displaying the international symbol of access and be in accordance with the provisions of the Americans with Disabilities Act (ADA) of 1990, as amended, and applicable Pennsylvania regulations.

6. Parking lot landscaping.

    a. In any case in which screening of a parking lot is required, such screening shall include appropriate planting, such as compact evergreen hedges or a masonry wall or ornamental structure not more than four (4) feet in height. Any such wall or similar structure shall enclose the parking lot and shall be in harmony with the general architectural design of the principal building or buildings.

    b. All parking lots with ten (10) or more stalls shall be landscaped as follows:

        1. No less than ten percent (10%) of a proposed parking lot must be landscaped and continually maintained.

        2. One (1) tree shall be provided for every ten (10) parking stalls.

        3. No more than twenty (20) parking spaces shall be permitted in a contiguous row without an intervening landscaped planter island.

        4. The ends of all parking rows shall be separated from drive aisles by planter islands.

        5. Parking lots shall be divided by planting strips into smaller parking areas of no more than one hundred (100) stalls.

        6. Planter islands shall be a minimum of nine (9) feet by eighteen (18) feet in area. Each planter island shall contain one (1) shade tree, shrubs plus low-growing shrubs and/or ground cover to cover the entire area.

        7. All parking lot planting strips shall be a minimum of ten (10) feet wide, exclusive of required walkways. Planting strips shall contain plantings of shade trees at intervals of thirty (30) feet or less, plus shrubs and/or ground cover to cover the entire area.

        8. All parking lot planting strips and planter islands shall be underlain with soil, graded for proper drainage, and protected by curbing, wheel stops, or bollards.

        9. The placement of light standards shall be coordinated with the landscape plan to avoid a conflict with the effectiveness of the light fixtures.

7. Electric vehicle charging stations.

    a. Electric vehicle charging stations may utilize existing, on-site parking spaces only after the applicant demonstrates to the satisfaction of the Zoning Officer their designation will not result in the use failing to have the required number of parking spaces for the use as required under §155-1801.E.1.

    b. These vehicle charging stations shall not impact any required accessible spaces.

c. Permitting and approval from the Township Code Enforcement Officer is required for the electrical connection.

E. Parking Requirements.

1. Except for parking requirements for single-family detached dwellings defined under §155-1801.E.2, parking calculations utilized for all other uses shall be either from the most recent edition of the Institute of Transportation Engineers (ITE) Trip Generation Manual or another standard deemed appropriate by the Township Engineer. Full documentation of these calculations shall be provided to the Township for review by the Township Engineer. Where a structure or use includes more than one type of use, the number of spaces required shall be the sum of the requirements for each separate use. If a range of parking spaces is identified, the Township Engineer shall make the determination for the required number of spaces.

2. Residential - single-family detached and two-family dwellings.

a. For every single-family detached or two-family dwelling in a residentially zoned district hereafter erected there shall be provided at least one (1) parking area situated completely off the right-of-way of the street or road upon which said premises abuts. The parking area shall be at least four hundred (400) square feet in area and have an outlet to a street or road abutting the property.

b. Residential garages shall not be counted as off-street parking spaces.

c. Parking spaces shall have an approved all-weather surface and shall have safe and convenient access in all seasons.

3. Recreational vehicles - conditions for parking and storing. A recreational vehicle may be parked or stored within the Township only by the owner or lessee thereof on real property owned or leased by him/her on which he/she resides and subject to the following conditions:

a. The recreational vehicle shall be owned or leased only for the personal use of the person parking or storing the same.

b. At no time shall such parked or stored recreational vehicle be occupied or used for living or housekeeping purposes for a longer period than five (5) days in any one (1) month.

c. A recreational vehicle shall be stored on an approved all-weather surface, and shall not be located within any front yard when stored on a residential property.

d. Notwithstanding the provisions of Subsection b, a recreational vehicle may be parked anywhere on the premises for loading or unloading purposes.

SECTION 155-1802. INTERIOR CIRCULATION.

A. Unless otherwise specified, the following regulations shall apply to all uses except single-family and two-family dwellings.

1. Access Aisles and Drives.

a. Interior drives shall be designed to prevent blockage of vehicles entering or leaving the site. Drives may be one-way or two-way. Areas designed for loading and unloading, refuse collection, fuel delivery, and other service vehicles shall be arranged as to prevent blocking or interfering with accessways or the use of automobile parking facilities or pedestrian ways, and shall have adequate turnaround surface so egress to the street is in a forward direction.

b. Accessways, parking areas, and loading areas shall have clearly defined parking bays and traffic circulation lanes, designated by markings, curbs, barriers and/or landscaped islands, so that operators of vehicles intending to patronize such parking areas shall not impede traffic as a result of any confusion as to location of entrances and exits and manner of reaching them.

c. All interior drives and accessways shall have an approved all-weather surface, and shall be graded, properly drained, and maintained in good condition. Interior drives shall have a maximum grade of ten percent (10%).

d. Minimum width of interior circulation lane cartway within parking areas shall be in accordance with §155-1801.C.

e. Minimum entrance and exit drive widths shall be in accordance with §108-1.B and §115-47.D.

2. Shared Access. Common or shared access driveways to parking and loading areas are permitted and encouraged. Landowners proposing such an arrangement shall submit a site plan and a proposed access easement indicating the extent and location of joint use; the area subject to the access easement shall be delineated on the site plan. Terms of the access easement also shall include the extent of common ownership and the method of assessing repair and maintenance costs. Common or shared access driveways to parking and loading areas are encouraged, provided landowners shall submit a site plan and recorded agreement indicating the extent of joint use and maintenance responsibility.

3. Fire Lane Easements.

a. Every use, building, or structure located on a lot shall be designed to provide safe and convenient access for emergency service vehicles. Fire lane easements may be required by the Board of Supervisors to assure access. When required, fire lane easements shall extend from a public road and have a minimum right-of-way width of twenty-five (25) feet; the Board may require a right-of-way width of fifty (50) feet where future public dedication of the easement area is seen as a possibility. The area within the easement shall be graded, maintained obstruction-free, and have sufficient stability for use by emergency vehicles. The design of such fire lane easements shall be approved by the Board of Supervisors upon the recommendation of the local fire company.

b. Dead-end fire lane easements shall not exceed four hundred (400) feet in length and shall be terminated with an unobstructed vehicular turnaround or cul-de-sac with a minimum surface radius of thirty-five (35) feet.

c. Fire lane easements which curve, turn, or change directions shall have a minimum centerline tangent length of fifty (50) feet between curves.

d. The location of fire lane easements shall conform to plans for the extension of streets, sanitary sewers, water mains, storm sewers and other drainage facilities and public utilities as contained in this and other ordinances of the Township and shall provide adequate access to buildings by emergency responders.

4. Pedestrian Circulation. The following standards shall apply to all uses, as applicable:

a. Pedestrian facilities such as sidewalks, trails, pathways or others shall be maintained or installed as necessary and desirable to achieve the following:

1. Logically continue, link or expand existing pedestrian facilities on, across, and abutting the site.

2. Provide pedestrian access to existing and planned public transportation pick up points, public parks, community facilities and commercial areas.

3. Where a walkway abuts the width of parking spaces and the vehicle may overhang the walkway, such walkway shall be a minimum of six (6) feet wide. Alternatively, wheelstops shall be installed to prevent excessive vehicle overhang. Any walkway shall provide convenient and logical connections between the entrances of a principal building and its required parking spaces, preferably in conjunction with landscaped planting islands.

b. Maximum separation of pedestrian and vehicular routes shall be encouraged for safety and well-being of pedestrians. Separation can be in the form of any one or combination of the following: horizontal distance; vertical distance (level changes, such as overpass, underpasses and embankments); and street trees, landscaping, sidewalks and other barriers, such as bollards and fences.

SECTION 155-1803. LOADING AND UNLOADING.

A. The intent of these provisions is to provide adequate loading areas for permitted structures and uses and reduce traffic congestion. Off-street loading for uses, buildings, or structures that require the distribution or receipt of materials or goods by trucks or similar vehicles shall provide a sufficient number of off-street loading and unloading spaces for the intended use as follows.

B. Applicability. Off-street loading areas shall be provided whenever:

1. A new structure is constructed or new use established in an existing structure.

2. The use of an existing structure is changed to a use requiring more loading.

3. An existing structure or use is altered or enlarged so as to increase the amount of loading spaces required.

C. Required Spaces. The following off-street loading and unloading requirements shall apply to all uses and structures in the Township:

1. Every retail store, hospital, warehouse or wholesale use, industry or manufacturing use shall have at least one (1) off-street loading space of suitable size. Where there is an aggregate gross floor area of 20,000 square feet or more for such use, one (1) additional off-street loading space shall be provided for each additional 20,000 square feet of gross floor area or part thereof.

2. Every community center or auditorium, funeral home, office, restaurant or institutional use shall have at least one (1) off-street loading space. Where there is an aggregate gross floor area of 30,000 square feet or more for such use, one (1) additional off-street loading space shall be provided for each additional 30,000 square feet of gross floor area of part thereof.

3. Where a structure or use includes more than one type of use, the number of spaces required shall be the sum of the requirements for each separate use.

4. Where a use is not specifically listed in Subsection C(1) or C(2) above, the requirements for the most similar use shall apply as determined by the Township Engineer.

5. The number of berths may be less than that specified herein if evidence is submitted firmly documenting that the special nature of the proposed use requires less loading and unloading spaces than required by this Section.

D. Layout.

1. Location.

   a. All loading berths shall be located on the same lot as the use served, and no portion of the vehicle shall project into any traffic lane; parking space; driveway sidewalk; or within the front, side or rear yard setbacks. Loading and unloading operations, including arrival and departure, shall not interfere with traffic and pedestrian circulation on public streets or within required off-street parking areas.

   b. Loading and unloading areas shall not be located between the building setback line and the street line.

   c. All off-street loading berths shall be provided with safe and convenient access to a street or alley or from an aisle or drive connecting with a street or alley. The ingress and egress of loading operations shall not require backing into a street or lot.

   d. Loading areas specifically for private automobiles for the picking up product(s) ordered on-line may utilize existing, on-site parking spaces only after the applicant demonstrates to the satisfaction of the Zoning Officer their designation will not result in the use failing to have the required number of parking spaces for the use as required under §155-1801.E.1. These loading areas shall be located in close proximity to the adjacent building, and shall not impact any required accessible spaces.

2. Size.

   a. For structures and uses that are served by trucks, tractor trailers, or larger vehicles, the minimum size for each loading space shall be twelve (12) feet in width and fifty (50) feet in length, exclusive of aisle and maneuvering space, with a minimum vertical clearance of sixteen (16) feet.

b. For structures and uses that are served by smaller vehicles such as vans and in which no deliveries will be made by large trucks or tractor trailers, the minimum size for each berth shall be ten (10) feet in width and twenty (20) feet in length, with a minimum vertical clearance of fourteen (14) feet.

c. Loading areas specifically for private automobiles for the picking up product(s) ordered on-line shall conform to the appropriate dimensions for parking spaces as defined under §155-1801.C.

3. Access.

a. All required off-street loading spaces shall be designed with appropriate means of vehicular access to an interior accessway in a manner which will least interfere with traffic movements and shall be subject to Township approval. Areas provided for loading and unloading and for servicing of establishments by garbage collections, fuels, and other service vehicles shall be arranged that they may function without blocking or interfering with the use of the accessways, automobile parking areas, or pedestrian access.

4. Surfacing and Maintenance.

a. All loading areas shall have a dust-free surface over the entire area used by delivery vehicles for parking and maneuvering as approved by the Township Engineer.

b. All off-street loading spaces shall be constructed and maintained for as long as the structure or use for which they are designed to serve remains in existence.

5. Screening. All loading areas which abut a residential use or a public right-of-way shall incorporate buffer planting strips in accordance with §155-1504.C. This section shall not apply to loading areas specifically for private automobiles that are picking up product(s) ordered on-line.

6. Use. Loading and unloading activities shall be prohibited between the hours of 11:00 p.m. and 6:00 a.m.

7. Common Loading and Unloading Facilities. Required off-street loading spaces may be provided cooperatively for two (2) or more uses provided the following conditions are met:

a. The uses being served are in the same structure.

b. Loading and unloading will be conducted in an existing structure or between existing structures adjacent to one another.

c. Lighting standards for off-street loading areas shall be in accordance with the provisions of §155-1505.

Page intentionally left blank.

Article XIX: Nonconformance Standards

SECTION 155-1900. APPLICABILITY

This Article shall apply to existing uses, structures, buildings, lots, and signs that do not conform to the provisions of this Chapter, but that were in lawful existence either as conforming or nonconforming prior to the effective date of this Chapter. Such shall be known and regarded hereon as 'nonconforming'.

SECTION 155-1901. INTENT

A. The zoning districts established by this Chapter are designed to guide future use of land in Thornbury Township by encouraging the development of desirable residential and commercial areas, with appropriate groupings of compatible and related uses.

B. To achieve that end, the following regulations shall apply to existing uses, buildings, structures, lots and signs which do not conform to the provisions of this Chapter or to the provisions of any subsequent amendment hereto. It is the policy of Thornbury Township to seek the elimination of such nonconformities to the maximum extent practical while avoiding undue burdens on property owners and assuring equitable treatment. Nonconforming uses and structures, however, generally will be permitted to remain. The purpose of regulating them is to restrict further investment in uses or structures which are inappropriate to their location.

C. To avoid undue hardship, nothing in this Chapter shall be deemed to require a change in plans, construction or intended use of any building on which actual construction was lawfully begun prior to the effective date, or amendment, of this Chapter, and on which actual building construction has been diligently carried on.

SECTION 155-1902. CONTINUATION

Any lawful building or other structure, use of a building, structure, lot, or sign legally existing at the time of adoption of this Chapter, or authorized by permit issued prior thereto, may be continued in the form evident at the effective date of this Chapter and any subsequent amendment(s).

SECTION 155-1903. NONCONFORMING USES, BUILDINGS, AND STRUCTURES

A. Expansion of a nonconforming use. Any lawful nonconforming use of buildings, structures, or a portion thereof may be expanded throughout the building or structure if no structural alterations are made therein. A proposed expansion may include structural alterations only when authorized as a special exception by the Zoning Hearing Board, subject to the following:

1. Such expansion shall conform to the area and bulk requirements and design standards of this Chapter within the district in which it is located.

2. The expansion of a nonconforming use shall be limited to the lot that was in existence on the effective date of this Chapter. Lots shall not be merged to allow for the expansion of a nonconforming use.

3. The volume, area, or extent of the nonconforming use devoted to such expansion shall not be increased by more than twenty-five percent (25%) of the volume, area, or extent so used

on a lot or within a building or structure on the date that it became nonconforming. Such increase shall only be permitted to occur one (1) time over the existence of the nonconforming use.

4. A nonconforming use shall not be expanded to displace conforming uses.

5. The applicant shall have the burden of proof that the application falls within the provisions of this article and that the granting of the application will not be contrary to the public interest. It shall also be the applicant's burden to produce evidence in support of the application which will assist the Zoning Hearing Board in applying the criteria set forth in §155-2005.A.

B. Alteration of a nonconforming structure. Any lawful nonconforming building or structure may be altered or expanded, provided such alteration or expansion does not increase the nonconformity of the building or structure with respect to the setback, land coverage, density, or other applicable requirements of the district where it is located, provided that:

1. A nonconforming building or structure shall not be expanded to displace a conforming building or structure.

2. No expansion of a nonconforming building or structure shall be permitted that would result in additional disturbance to a protected area as defined under Article XIV: Natural Resources Protection.

3. The expansion of any existing nonconforming building or the construction of any new building or structure shall require a special exception when the total floor area will be increased by more than fifty percent (50%) of the floor area of the nonconforming building or structure on the date that it became nonconforming. In granting a special exception, the Zoning Hearing Board shall evaluate conformance with the standards set in §155-2005.A, and no more than one (1) expansion to a nonconforming building shall be granted.

C. Change in use: conforming. Once changed to a conforming use, within a structure or on land, the use shall not be permitted to revert to a nonconforming use.

D. Change in use: nonconforming. A nonconforming use, within a structure or on land, may be changed to another nonconforming use only when the proposed change is a use characterized by the same or lesser impacts on adjoining properties in the zoning district in which it is proposed and only when authorized as a special exception by the Zoning Hearing Board. In making its determination, the Zoning Hearing Board shall employ the criteria set forth under §155-2005.A, in addition to the following:

1. The applicant shall show that the nonconforming use cannot reasonably be changed to a use permitted in the district where it is located.

2. Proposed structural alterations, if any, shall be deemed the minimum necessary to facilitate the proposed use and should not create nor increase any structural or dimensional nonconformity.

E. Restoration. A nonconforming building or structure or a building or structure containing a nonconforming use involuntarily damaged or destroyed by fire, explosion, flood, wind, or other similar cause, to an extent of not more than 50 percent (50%) of the area utilized for the

nonconforming use being destroyed or legally condemned, may be restored within the limits of the existing foundation and original dimensions and used for the same use, provided that:

1. Reconstruction of the building or structure shall commence within one (1) year from the date such was damaged, destroyed, or condemned and shall be completed within one (1) year of the date of damage, destruction or condemnation and shall be carried on consistently without major interruption on a time schedule agreed to by the Building Codes Officer at the time of building permit issuance. Evidence of a hardship beyond the control of the applicant is necessary to request an extension of time from the Building Codes Officer.

2. The reconstructed building or structure shall not exceed the area and bulk of the damaged or destroyed building or structure, except as provided for in §155-1903.A. or §155-1903.B, as applicable. However, such building or structure may be rebuilt to be larger than existed at the time of its damage or destruction, provided that such shall meet this Chapter and other applicable regulations and the expanded portion of such shall only be for a conforming use.

3. Where the extent of damage or destruction exceeds fifty percent (50%) of a nonconforming structure, any restoration, reconstruction or new construction shall comply fully with the terms of this Chapter.

F. Discontinuance. If an owner of a building or land which is occupied as a nonconforming use desires to discontinue such use for an extended period of time, but intends to resume such use at a later date, he/she may apply to the Board of Supervisors, in writing, for a Certificate of Continuance stating the reasons for and duration of the discontinuance and the date upon which such use will be resumed. Certificates shall be granted for periods of up to one (1) year and may be renewed for an additional one (1) year period upon reapplication.

G. Abandonment. If a nonconforming use of land or a building ceases or is discontinued for a continuous period of six (6) months or more and no Certificate of Continuance has been granted, as stipulated in §155-1903.F, such use shall be considered to have been abandoned, and any subsequent use of such building or land shall conform to the provisions of this Chapter. Similarly, if a Certificate of Continuance and renewal are granted but the nonconforming use is not resumed within the stipulated time period, such use shall be considered to have been abandoned, and any subsequent use of such building or land shall conform to the provisions of this Chapter.

H. Voluntary demolition. Where a nonconforming building or structure is voluntarily demolished or destroyed, except for its reconstruction and/or modernization, the nonconforming structure, shall be deemed to have been discontinued, and any building or structure thereafter shall conform to the provisions of this Chapter.

SECTION 155-1904. NONCONFORMING LOTS OF RECORD

A. A nonconforming lot of record held on the effective date of this Chapter and that is in single and separate ownership, which does not meet the required minimum area or dimensional requirements of the applicable district, may be used and a structure or building may be built thereon, provided:

1. The proposed use is permitted under the district; and

2. The structure complies with zoning district provisions for yards, setbacks, height, building coverage, and lot coverage.

B. If a nonconforming lot involves protected areas as defined in Article XIV: Natural Resource Protections, no more than ten percent (10%) of the lot may be disturbed by structures or other land alteration; however, if the subject property is a lot of less than 30,000 gross square feet, a total area of up to 3,000 square feet may be disturbed.

C. In the event an applicant owns adjacent property sufficient to enable compliance with the provisions of this Chapter, such property or portions thereof shall be combined prior to the erection, expansion, enlargement, or alteration of a building or structure.

D. Where a lot cannot meet all minimum yard requirements or where alterations or enlargements would result in further noncompliance with applicable district requirements, the use of such lot shall require authorization as a special exception by the Zoning Hearing Board. No application for such special exception shall be granted if the area of the lot in question is less than fifty percent (50%) of the required minimum lot area or width for the district in which it is located.

SECTION 155-1905. NONCONFORMING SIGNS

A. Any nonconforming sign may continue to be used in its existing location, provided it is maintained in good condition and repair at all times. Once a nonconforming sign is removed for any reason other than normal repair and maintenance as outlined in §155-1905.C, it shall be presumed to be abandoned, and any replacement sign must comply with all applicable provisions of Article XVII: Signs.

B. Area. The total area of all such signs relating to a single use at the effective date of this chapter, or at the effective date of any amendment to this chapter by which any sign shall be made nonconforming, shall not be increased.

C. Repair and maintenance. Nonconforming signs once removed or damaged more than sixty percent (60%), including structural framing or bracing, shall be replaced with conforming signs. Nonconforming signs with damage of sixty percent (60%) or less may be repainted or repaired, provided that such repainted or repaired sign does not exceed the dimensions of the existing sign or otherwise increase its nonconformity.

D. In conjunction with a nonconforming use. Signs which, at the effective date of this Section, or subsequent amendment, are maintained in connection with and upon the same lot as a lawful nonconforming use may be maintained, repaired or replaced with signs similar in size and character, as long as such lawful nonconforming use continues, but may not be enlarged or otherwise substantially altered (nor may any illumination be increased or newly installed).

E. Discontinuance. Whenever any nonconforming use of building, structure, or land, or a combination or portion thereof, is abandoned per §155-1903.F, all signs accessory to such use shall be removed within 30 days from the date such use terminates.

SECTION 155-1906. EXISTING STRUCTURES SUBJECT TO FLOODPLAIN MANAGEMENT

In addition to the applicable provisions as outlined in Article XIX, a structure or use of a structure or premises which lawfully existed before the enactment of Floodplain Management provisions, but

which is not in conformity with those provisions, shall be subject to the requirements of Section 83-29 if expansion or improvements are proposed.

Page intentionally left blank.

Article XX: Zoning Hearing Board

SECTION 115-2000. PURPOSE AND JURISDICTION

The purpose of this Article is to provide standards for the functions and procedures of the Zoning Hearing Board, based on the MPC Section 909.1. The Zoning Hearing Board shall have exclusive jurisdiction to hear and render final decisions in the following matters:

A. Variances. Applications for variances under this Chapter, pursuant to the MPC Section 910.2.

B. Special Exceptions. Applications for special exceptions under this Chapter, pursuant to the MPC Section 912.1.

C. Appeals from Zoning Officer decisions. Appeals from 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 registration or refusal to register any nonconforming use, structure, or lot.

D. Appeals from Preliminary Opinion of Zoning Officer. Appeals from Zoning Officer determinations under the MPC Section 916.2.

E. Substantive challenges. Substantive challenges to the validity of this Chapter or the Zoning Map, except landowner curative amendments brought before the Board of Supervisors, pursuant to the MPC Sections 609.1 and 916.1(a)(2).

F. Validity or procedural challenges. Challenges to the validity of this Chapter or the Zoning Map raising procedural questions or alleged defects in the process of enactment or adoption which challenges shall be raised by an appeal taken within 30 days after the effective date of said items in question.

G. Variances for Floodplain Management. Applications for variances under Chapter 83: Floodplain Management.

SECTION 115-2001. MEMBERSHIP, ORGANIZATION, AND EXPENDITURES

A. Membership.

1. Members. Membership of the Zoning Hearing Board shall consist of five (5) Township residents, appointed by resolution of the Board of Supervisors and in accordance with the MPC Article IX. Each term of office shall be five (5) years and shall be so fixed that the term of office of one (1) member shall expire each year.

2. Vacancies. The Zoning Hearing Board shall promptly notify the Board of Supervisors of any vacancy that occurs. Appointments to fill vacancies shall be for the duration of the unexpired portion of the term.

3. Alternate members. The Board of Supervisors may appoint, by resolution, up to three (3) Township residents to serve as alternate members of the Zoning Hearing Board. The term of an alternate member shall be three (3) years. An alternate member may participate in any proceeding or discussion of the Zoning Hearing Board, but shall not be entitled to vote as a

member of the Zoning Hearing Board nor be compensated as a member as provided in this Section, unless seated as a member in accordance with this Section.

4. Limitation of responsibilities. Members and alternate members of the Zoning Hearing Board shall hold no other elected or appointed office in the Township, including service as a member of the Planning Commission, nor shall any member be an employee of the Township.

5. Removal of members. Any Zoning Hearing Board member may be removed for malfeasance, misfeasance, or nonfeasance in office or for other just cause by a majority vote by the Board of Supervisors. No vote shall occur until the member has received a fifteen (15) day 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.

B. Organization.

1. Conduct and officers. 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 the members of the Zoning Hearing Board. The Zoning Hearing Board may appoint a hearing officer from its own membership to conduct any hearing on its behalf, and the parties may waive further action by the Zoning Hearing Board as provided in the MPC Section 908.

2. Procedure. The Zoning Hearing Board may make, alter, and rescind rules and forms for its procedure, consistent with the MPC, this Chapter, other applicable Township ordinances, and the laws of the Commonwealth. The Zoning Hearing Board shall maintain full public records of its business, which records shall be the property of the Township, and shall submit a report of its activities to the Board of Supervisors annually or as requested by the Board of Supervisors.

3. Designation of alternate members. The Chair of the Zoning Hearing Board may designate alternate members of the Zoning Hearing Board to replace any absent or disqualified members and if, by reason of absence or disqualification of a member, a quorum is not reached, the Chair shall designate as many alternate members of the Zoning Hearing Board to sit on the Zoning Hearing Board as may be needed to reach a quorum. Alternate member(s) shall continue to serve on the Zoning Hearing Board in all proceedings involving the matter or case for which the alternate member(s) was initially appointed until the Zoning Hearing Board has made a final decision on the matter or case. Designation of an alternate member pursuant to this Subsection shall be made on a case-by-case basis in rotation according to declining seniority among all alternates.

C. Expenditures and Fees.

1. Expenditures. Within the limits of funds appropriated by the Board of Supervisors, the Zoning Hearing Board may employ or contract for legal counsel (which shall be an attorney other than the Township Solicitor), consultants, and other technical and clerical services. Members of the Zoning Hearing Board, including alternate member(s) when designated in accordance with this Section, may receive compensation for the performance of their duties, as may be established by resolution of the Board of Supervisors, but in no case shall it exceed the rate of compensation authorized to be paid to the Board of Supervisors.

2. Fees. An applicant before the Zoning Hearing Board shall deposit with the Township the appropriate filing fee. Fees shall be established by resolution of the Board of Supervisors from time to time.

3. Hearing fees. The Board of Supervisors may prescribe reasonable fees with respect to hearings before the Zoning Hearing Board. Fees for said hearings may include compensation for the Township 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.

SECTION 115-2002. HEARINGS

The Zoning Hearing Board shall conduct hearings in accordance with the following provisions, based on the MPC Section 908.

A. Applications. Requests for hearings before the Zoning Hearing Board shall be as follows:

1. Appeals under §115-2000 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.

2. Requests for a variance or special exception may be filed with the Zoning Hearing Board by any landowner or any tenant with evidence of consent from the landowner.

3. Applications shall be made in writing on forms furnished by the Township and shall include information necessary to enable the Zoning Officer to ascertain compliance with this Chapter and other applicable ordinances. Applications shall be accompanied by such plans, documents, and information as required on the applicable forms furnished by the Township and by the applicable fee per the Township fee schedule as adopted by the Board of Supervisors from time to time. In the event that any required information is not furnished, the application shall be considered incomplete, and notice of application refusal such be given to the applicant.

B. Notice. Upon receiving the filing of a request for a hearing, the Zoning Hearing Board shall fix a reasonable time and place for a public hearing and shall give public notice thereof as follows:

1. By publishing a notice thereof once a week for two (2) successive weeks, the first not more than thirty (30) days and the second not less than seven (7) days from the date of the hearing in a newspaper of general circulation.

2. By mailing a notice thereof to the applicant, the Zoning Officer, the Township Manager and to every person or organization that has made timely request for same.

3. By posting notice of said hearing in a conspicuous location on the affected tract of land at least one (1) week prior to the hearing.

4. By the Zoning Solicitor mailing or delivering a notice thereof to the owner of every lot within five hundred (500) feet from any lot line of the lot in question not less than ten (10) days prior to the date of the hearing. The name and address of the persons to whom the notice shall be given shall be those listed on the tax records.

5. The notice herein shall be a copy of the advertisement submitted for publication. Posting and mailing or delivering of the notice shall be the responsibility of the Zoning Solicitor. Failure to give notice as required by §115-2002.B.4 shall not invalidate any action taken by the Board.

C. Timing.

1. The first hearing before the Zoning Hearing Board or hearing officer shall be commenced within sixty (60) days from the date of receipt of the applicant's complete application, unless the applicant has agreed in writing to an extension of time. Each subsequent hearing before the Zoning Hearing Board or hearing officer shall be held within forty-five (45) days of the prior hearing, unless otherwise agreed to by the applicant in writing or on the record. An applicant shall complete the presentation of his/her case-in-chief within one hundred (100) days of the first hearing. Upon the request of the applicant, the Zoning Hearing Board or hearing officer shall assure that the applicant receives at least seven (7) hours of hearings within the one hundred (100) days, including the first hearing.

2. Persons opposed to the application shall complete the presentation of their opposition to the application within one hundred (100) days of the first hearing held after the completion of the applicant's case-in-chief, and the applicant may, upon request, be granted additional hearings to complete his/her case-in-chief, provided the persons opposed to the application are granted an equal number of additional hearings. Persons opposed to the application may, upon the written consent or consent on the record by the applicant and Township, be granted additional hearings to complete their opposition to the application, provided the applicant is granted an equal number of additional hearings for rebuttal.

3. The Zoning Hearing Board shall conduct the hearings or may appoint any member or an independent attorney as a hearing officer. The decision, or, where no decision is called for, the findings shall be made by the Zoning Hearing Board; however, the appellant or the applicant, as the case may be, in addition to the Township, may, prior to the decision of the hearing, waive decision or findings by the Zoning Hearing Board and accept the decision or findings of the hearing officer as final.

D. Parties to the hearing. 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 entitled to notice under this Subsection including civic or community organizations permitted to appear by the Zoning Hearing Board. The Zoning Hearing Board shall have power to require that all persons who wish to be considered parties enter appearances in writing on forms provided by the Zoning Hearing Board for that purpose.

E. Powers of the chair. The Chair or Acting Chair 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 documents requested by the parties.

F. Rights of the parties. The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond, to present evidence, and to argue and cross-examine adverse witnesses on all relevant issues.

G. Exclusion of evidence. Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded.

H. Record of the proceedings. 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 Board or hearing officer or shall be paid by the person appealing from the decision of the Zoning Hearing Board if such appeal is made, and in either event the cost of additional copies shall be paid by the person requesting such copy or copies. In other cases the party requesting the original transcript shall bear the cost thereof.

I. Communications. The Zoning Hearing Board or hearing officer shall not communicate, directly or indirectly, with any party or his/her representatives in connection with any issue involved except upon notice and opportunity for all parties to participate, shall not take notice of any communication, reports, staff, memoranda, or other materials, except advice from their solicitor, unless the parties are afforded an opportunity to contest the material, and shall not inspect the site or its surroundings after the commencement of the hearings with any party or his representative unless all parties are given an opportunity to be present.

SECTION 115-2003. HEARING DECISIONS

The Zoning Hearing Board shall make decisions in accordance with the following provisions, based on the MPC Section 908.

A. 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 last hearing before the Zoning Hearing Board or hearing officer, unless the applicant has agreed in writing to an extension of time.

1. Where the application is contested or denied, each decision shall be accompanied by findings of fact and conclusions based thereon, together with the reasons therefor. Conclusions based on any provisions of this Chapter, the MPC, or of any ordinance, rule, or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found.

2. If the hearing is conducted by a hearing officer and there has been no stipulation that his/her decision or findings are final, the Zoning Hearing Board shall make his/her report and recommendations available to the parties within forty-five (45) days, and the parties shall be entitled to make written representations thereon to the Zoning Hearing Board prior to 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.

3. Except for Challenges filed under the MPC Section 916.1 where the Zoning Hearing Board fails to render the decision within the period required by this section or fails to commence, conduct, or complete the required hearing as provided in §§115-2002.C.1 and 2, the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing or on the record to an extension of time. When a decision has been rendered in favor of the applicant because of the failure of the Zoning Hearing Board to meet or render a decision as hereinabove provided, the Zoning Hearing Board shall give public notice of said decision within ten (10) days from the last day it could have met to

render a decision in the same manner as provided in §115-2002.B. 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.

B. A copy of the final decision or, where no decision is called for, of the findings shall be delivered to the applicant personally or sent by mail not later than the day following its date.

C. The Zoning Hearing Board shall provide by mail or otherwise a brief notice of the decision or findings and a statement of the place where the full decision may be examined to all other persons who have filed their names and addresses with the Zoning Hearing Board not later than the last day of the hearing.

SECTION 115-2004. VARIANCES

The Zoning Hearing Board shall hear and decide on requests for variances in accord with this Article, where it is alleged that a provision(s) of this Chapter inflict unnecessary hardship on the applicant.

A. An applicant shall file an application for a variance per §115-2002.A.

B. In granting a variance, the Zoning Hearing Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Chapter.

C. Financial gain shall not be a basis for granting a variance and the proposed use shall comply with all other applicable requirements of this Chapter.

D. The Zoning Hearing Board may grant a variance to a provision(s) of this Chapter, provided that all of the following standards are satisfied where relevant in a given case based on the MPC Section 910.2:

1. That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of the zoning ordinance in the neighborhood or district in which the property is located.

2. That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the zoning ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.

3. That such unnecessary hardship has not been created by the appellant.

4. That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.

5. That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

E. If the Zoning Hearing Board grants the variance request, such approval shall accompany any application for subdivision of land or land development or permit(s) sought.

F. Variance relief sought from Chapter 83: Floodplain Management shall be subject to the procedures and conditions set forth in Section 83-31.

SECTION 115-2005. SPECIAL EXCEPTIONS

This Section provides for consideration of certain uses and modifications to be permitted within the Township as special exceptions. Such have the potential for greater impact and may not be appropriate at every location within a zoning district, and accordingly as permitted by the MPC, this Section establishes criteria by which to evaluate applications for special exceptions.

A. An applicant shall file an application for a special exception per §115-2002.A. The Zoning Hearing Board shall hear and decide all such requests for special exceptions uses identified in this Chapter, in accordance with this Article and all of the following standards.

1. Consideration of the size, scope, extent, and character of the proposed special exception and assurance that such is consistent with community goals and objectives of the Comprehensive Plan.

2. Consideration of the proposed special exception with respect to promoting harmonious development within the spirit, purpose, requirements, and intent of this Chapter, and that the proposed special exception will not adversely affect the public health, safety, and welfare of Township residents.

3. Consideration of the suitability of the property for the use desired and the extent to which the new or expanded use is susceptible of regulation by appropriate conditions and safeguards.

4. Consideration of the public interest in or the need for the proposed use or change and determine that the proposal will serve the best interests of the Township, the convenience of the community (where applicable) and the public health, safety, morals and general welfare.

5. Consideration of, where pertinent, the effects of the proposed change with respect to: the most appropriate use of land; safety from fire, panic and other dangers; adequacy of light and air; the overcrowding of land; congestion of population; and the adequacy of public and community services.

6. Consideration of 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, as 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.

7. Consideration of the development of highway frontage insofar as possible so as to limit the total number of access points, reduce the need for on-street parking and encourage the frontage of buildings on parallel marginal roads perpendicular to the highway.

8. Consideration of the probable effects of proposed development on highway congestion and ensure that adequate access arrangements are provided in order to protect major highways from undue congestion and hazard.

B. It shall be the responsibility of the applicant requesting approval of the special exception to present such evidence as is necessary to demonstrate that the proposed use or modification complies with standards set forth in this Section.

C. If the Zoning Hearing Board grants the special exception request, such approval shall accompany any application for subdivision of land or land development or permit(s) sought.

SECTION 115-2006. TIME LIMITATION FOR APPEALS

A. No person shall be allowed to file any proceeding with the Zoning Hearing Board later than thirty (30) days after an application for development, preliminary or final, has been approved by an appropriate Township officer, agency, or body if such proceeding is designed to secure reversal or limit approval in any manner unless such person alleges and proves that he/she had no notice, knowledge, or reason to believe that such approval had been given. If such person has gained his/her interest after such approval, he/she shall be bound by the knowledge of his/her predecessor in interest.

B. The failure of anyone other than the landowner to appeal from an adverse decision on a tentative plan pursuant to the MPC or from an adverse decision by the Zoning Officer on a challenge to the validity of an ordinance or map 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 landowner shall be filed by the landowner within thirty (30) days after notice of the determination is issued.

D. Notice of determination in §115-2006.C and approval by an appropriate Township officer, agency, or body in §115-2006.A shall mean the same date for purposes of administration of this Section.

SECTION 115-2007. EXPIRATION OF SPECIAL EXCEPTIONS AND VARIANCES

A special exception or variance approval shall expire six (6) months from the date of approval if the applicant does not begin work, or apply for the appropriate permit(s), or submit a preliminary or final subdivision or land development plan application, if applicable. In addition, the special exception or variance approval shall expire six (6) months from the date of approval if the application for the appropriate permit or preliminary or final subdivision or land development plan is withdrawn. The applicant may request an extension of time to the Zoning Hearing Board in writing for a period not to exceed one (1) additional consecutive year. Such applications for extension must occur prior to the expiration of the initial approval. Owners of properties wherein a special exception or variance has been granted must reapply for additional relief when changes are requested beyond the original authorization.

SECTION 115-2008. STAY OF PROCEEDINGS

Upon filing of any proceeding referred to in §115-2000.C. through G. and during its pendency before the Zoning Hearing Board, all land development pursuant to any challenged ordinance,

order, or approval of the Zoning Officer or of any agency or body, and all official action thereunder, shall be stayed unless the Zoning Officer or any other appropriate agency or body certifies to the Zoning Hearing Board facts indicating that such stay would cause imminent peril to life or property. In such case, the development or official action 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. Procedures shall be in accordance with the MPC Section 915.1.

SECTION 115-2009. APPEALS TO COURT

Appeals from decisions of the Zoning Hearing Board may be taken by any party aggrieved to the Chester County Court of Common Pleas in accordance with the MPC Article X-A.

Page intentionally left blank.

Article XXI: Administration

SECTION 155-2100. PURPOSE

This Article outlines the procedures by which this Chapter shall be administered, including, but not limited to, obtaining and regulating permits, enforcing this Chapter, and Zoning Officer responsibilities.

SECTION 155-2101. ZONING OFFICER

Provisions of this Chapter shall be administered and enforced by a Zoning Officer and any Deputy Zoning Officer(s) appointed by the Board of Supervisors. The Zoning Officer shall not hold any elective office in the Township, shall not be a member of the Zoning Hearing Board, and shall be able to demonstrate to the satisfaction of the Township a working knowledge of municipal zoning. The Zoning Officer shall administer this Chapter in accordance with its literal terms, and shall not have the power to permit any construction or any use or change of use which does not conform to this Chapter. Specific duties of the Zoning Officer shall include:

A. Receive and examine all applications for permits, referring applications to the Planning Commission for review and recommendation when deemed advisable; record and file all applications for permits with any accompanying plans and documents.

B. Issue permits only when there is compliance with the provisions of this Chapter and with other Township ordinances.

C. Receive applications for special exceptions and/or variances and forward these applications to the Zoning Hearing Board for action thereon.

D. Receive applications for appeals from alleged error of the Zoning Officer and forward these applications to the Zoning Hearing Board for action thereon.

E. Receive applications for conditional uses and forward these applications to the Board of Supervisors and the Planning Commission for action thereon.

F. Issue permits resulting from decisions on special exception or variance applications, or from decisions on conditional use applications, only upon written order of the Zoning Hearing Board or the Board of Supervisors, respectively.

G. Conduct inspections or surveys to determine compliance or noncompliance with the terms of this Chapter.

H. Issue cease and desist orders, in writing, to require correction of all conditions found to be in violation of the provisions of this Chapter. Such written orders shall be served personally or by certified mail upon persons, firms, or corporations deemed by the Zoning Officer to be violating the terms of this Chapter.

I. Maintain the official Zoning Map showing the current zoning classification of all land.

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

SECTION 155-2102. ZONING PERMITS

A. Zoning permits.

1. Application for zoning permits. A zoning permit shall be required prior to the erection of any building or structure. All applications for zoning permits shall be made to the Zoning Officer in accordance with this Chapter. All applications for a zoning permit shall include:

   a. Application for a zoning permit shall be filed in writing with the Township on a form provided by the Township.

   b. The application shall include a separate plot plan that illustrates what currently exists and is proposed for the property subject to the application being made. The plot plan should include the size and configuration of the property and precise location of all man-made structures, easements, and all bodies of water and other natural features.

   c. All applicable fees shall be paid in accordance with §155-2103.

2. Permits shall be granted or refused, in writing, within fifteen (15) days after receipt of application and shall be valid for one (1) year from the date of issue.

3. A copy of the approved permit shall be kept conspicuously on the premises, and no person shall perform building operations of any kind unless a zoning permit is being displayed as required by this Chapter.

4. Permits may be renewed annually within 15 days from the expiration thereof for additional successive periods of one (1) year, but each such renewal permit and the issuance thereof shall be subject to the provisions of all of the applicable Township ordinances and any rules, regulations and resolutions made pursuant thereto which are in effect on the date of renewal, which shall be the date of the expiration of the preceding permit.

5. Failure to renew within the required time shall terminate all renewal privileges.

6. Before any renewal permit shall be issued, the permittee shall pay an additional fee in an amount as set from time to time by resolution of the Board of Supervisors, and the cost of any additional inspection or other services required to be performed by the Zoning Officer and/or his designee prior to the issuance of such permit.

7. Appeals. Whenever a zoning permit is refused or is not acted upon within the required time or an order is given by the Zoning Officer to cease an alleged violation of this Chapter, the party so refused the permit or to whom the order is given may appeal such action to the Zoning Hearing Board, or whenever a permit is granted, any interested or affected resident or property owner of the Township may appeal the granting of such permit to the Zoning Hearing Board, who may, if the case warrants, hold the use of building proposed in violation of the Chapter and rescind the permit; provided that such appeals are instituted within the time and in the manner prescribed by the Zoning Hearing Board in the rules it shall formulate.

SECTION 155-2103. FEES

The applicant for any permit established under this Article shall, at the time of making application, pay a fee in accordance with a Township fee schedule adopted by resolution of the Board of Supervisors from time to time. Fees paid by the applicant shall be nonrefundable. An application under this Chapter shall be considered incomplete until all applicable fees, charges, and expenses are paid in full. No action shall be taken on any permit, conditional use, special exception, variance, validity challenge, curative amendment, petition for a zoning change, appeal, or other items under this Chapter until all applicable fees, charges, and expenses are paid in full.

SECTION 155-2104. BOARD OF SUPERVISORS JURISDICTION

The Board of Supervisors shall have exclusive jurisdiction to hear and render final adjudications in the following matters, based on the MPC Section 909(1)(b):

A. Applications for planned residential developments under the MPC Article VII.

B. Applications for conditional use under the MPC Section 603(c)(2).

C. Applications for subdivisions or land development approval under the MPC Article V.

D. Applications for curative amendments pursuant to the MPC Sections 609.1 and 916.1(a)(2).

E. Petitions for amendments to this Chapter, pursuant to the MPC Section 609. Any action on such petitions shall be deemed legislative acts, provided that nothing contained in this clause shall be deemed to enlarge or diminish existing law with reference to appeals to court.

F. Amendments to the Official Map under the MPC Article IV.

SECTION 155-2105. CONDITIONAL USE PROCESS

A. Statement of intent. This Section provides for consideration of certain uses to be permitted in the Township by conditional use. Such have the potential for greater impact on the community and may not be appropriate at every location within a zoning district, and accordingly as permitted by the MPC, this Section establishes procedures, standards, and criteria by which to evaluate applications for conditional use. It shall be the burden of the applicant to demonstrate compliance with the standards for conditional use contained in this Section and with any other relevant stipulations of this Chapter and to indicate means by which potential impacts from the proposed use will be mitigated.

   It is intended these uses, constituting major uses having the potential for substantial impact upon the community, shall comply with the standards for conditional uses hereinafter set forth in addition to the relevant stipulations of the district in which the conditional use is authorized. In the sole discretion of the Board of Supervisors, failure to comply with these standards may be deemed a basis for the imposition of appropriate conditions to a grant of approval. Where there is a conflict between the standards set forth in this section and other standards elsewhere established by this Chapter or other applicable ordinances, it is intended that the more stringent standards shall apply, and it is not the intent of this section to abrogate or impair any other such standards or requirements.

B. General requirements

1. Ownership. The tract of land under application for conditional use approval shall be in single ownership, or shall be subject of an application filed jointly by the owners of the entire tract, and shall be under unified control. If ownership of the entire tract is held by more than one (1) person or entity, the application shall identify and be filed on behalf of all of the said owners. Approval of the application shall be conditioned upon agreement by the applicant(s) that the tract shall be developed under single direction in accordance with the approved application.

2. Site work. No site preparation or construction shall be permitted other than in accordance with the approved application. If ownership of all or any portion of the tract changes subsequent to approval of the application, no site preparation or construction by such new owner(s) shall be permitted unless and until such owner(s) shall review the terms and obligations of the approved plan and agree in writing to be bound thereby with respect to development of the tract.

3. The Board of Supervisors shall hold hearings and decide on requests for conditional uses and shall have the power to approve or deny conditional uses by the procedures set forth in this Section and any other reasonable conditions and safeguards to protect the health, safety, and general welfare of the community.

4. Nothing in this Section shall be construed to relieve the applicant for a conditional use approval from obtaining other required approvals, such as those mandated by the Subdivision and Land Development Ordinance and any other applicable Township, county, state or federal regulations.

5. Upon receiving conditional use approval, full engineering and construction details shall be required at the subdivision and land development stage in accordance with Township standards for such.

C. Application. Application for conditional use shall be filed in writing with the Township inclusive of all applicable supplemental materials. It shall include an explanation of the request being made, required filing fee, and the following information necessary to enable the Township to ascertain compliance with this Section and other applicable provisions of this Ordinance:

1. Name and address of the applicant and of the owner(s) of the tract to be affected by the proposed conditional use application and standards in §155-2105.B.1.

2. Description and location of the tract on which the conditional use is proposed.

3. Statement of the present zoning classification, present land use, and existing improvements for the tract in question.

4. Statement of the Section(s) of this Chapter allowing the proposed conditional use.

5. Description of the proposed use and site improvements.

6. Site Plan. A generalized site plan shall be submitted as part of any conditional use application. It is not intended this plan be engineered or contain a fixed architectural layout, such as would be required under Chapter 115, Subdivision and Land Development. The plan

shall be drawn to a scale of one (1) inch equals fifty (50) feet and demonstrate compliance with all applicable standards for approval of the conditional use, including the following information:

a. North point and date of site plan preparation.

b. Approximate tract boundaries.

c. Location of tract by indicating nearest street(s) intersection and zoning district.

d. Dimensional features showing compliance with the applicable area, width, coverage, yard, and design standards specified in this Chapter.

e. Existing and proposed streets, site access, interior circulation, and parking proposed for the tract.

f. Existing topographical and physical features on and adjacent to the tract, such as structures and improvements, historic resources, easements, nature resources (soils, floodplains, wetlands, watercourses, and woodlands), and a description of how such features will be affected, and if impacted mitigated, by the proposal.

g. General lot layout, approximate overall dimensions, gross floor area, coverage and height of each building or structure when applicable as specified in this Chapter.

h. Location, approximate dimension and arrangement of all areas devoted to ground cover, trees, screen planting, open space, recreation and similar purposes, as applicable.

i. Proposed method of water supply and sewage disposal and treatment.

j. Proposed method for handling of stormwater in the form of a preliminary written analysis and conclusions as to anticipated methods prepared by a professional engineer.

k. The Board of Supervisors may, at its discretion, request one (1) or more of the detailed site analysis plans and/or impact studies as outlined in §155-704 for transportation, community, and environmental impacts.

7. Where specific conditional use submission requirements are contained within another article of this Chapter and are applicable to a particular conditional use authorized by that article, those requirements shall be adhered to and shall prevail in any instance of conflict or overlap.

D. Application review procedure.

1. Application completeness. The application shall be reviewed by the Zoning Officer for completeness with the components listed in §155-2105.C. If it is deficient with regard to any required components, procedures or fees, the Zoning Officer shall so notify the applicant in writing. This review and notification shall occur prior to the scheduling of a public hearing on the application. If such identified deficiencies are not remedied in the form of a resubmitted application, such deficiencies shall constitute grounds for denial of the application by the Board of Supervisors subsequent to public hearing.

2. Timing. The Board of Supervisors shall schedule and hold a public hearing on the application, pursuant to public notice, within sixty (60) days of filing unless the applicant, in writing, waives or extends the time limitation.

3. Planning Commission review. The Township shall submit the application for recommendation to the Township Planning Commission, which shall begin review of the application at its next regularly scheduled meeting at least thirty (30) days prior to the date of the hearing. The Planning Commission, in its review of the conditional use application, shall evaluate, in particular, the generalized site plan in relation to the Township Comprehensive Plan and the physical development of the Township.

4. Board of Supervisors review. The Board of Supervisors shall conduct their review of the conditional use application pursuant to Section 913.2 of the MPC. The public hearing shall be carried out in accordance with the following:

    a. Public notice shall be given pursuant to the following:

        1. By publishing a notice thereof once a week for two (2) successive weeks, the first not more than thirty (30) days and the second not less than seven (7) days from the date of the hearing in a newspaper of general circulation.

        2. By mailing a notice thereof to the applicant, the Zoning Officer, the Township Manager and to every person or organization that has made timely request for same.

        3. By posting notice of said hearing in a conspicuous location on the affected tract of land at least one (1) week prior to the hearing.

        4. By the applicant mailing or delivering a notice thereof to the owner of every lot within five hundred (500) feet from any lot line of the lot in question not less than ten (10) days prior to the date of the hearing. The name and address of the persons to whom the notice shall be given shall be those listed on the tax records.

        5. The notice herein shall be a copy of the advertisement submitted for publication. Posting and mailing or delivering of the notice shall be the responsibility of the applicant.

    b. A stenographic record of the hearing proceedings shall be made by a court reporter. The appearance fee for the court reporter shall be shared equally by the applicant and the Board of Supervisors. Any party requesting the original transcript or a copy of the transcript shall bear the cost of the same as required by the court reporter.

    c. The plan presented at the public hearing shall be essentially the same as that reviewed by the Planning Commission. At the discretion of the Board of Supervisors, changes deemed substantial may result in rescheduling the public hearing where the Planning Commission finds that such changes necessitate a greater period of time for review and comment.

5. Conditions for approval. In reviewing an application for conditional use, the Board of Supervisors shall evaluate the application for its degree of compliance with the following conditions with which the applicant shall be responsible for demonstrating compliance.

a. The proposed use is consistent with the purpose of the zoning district in which it is permitted, the overall purpose for zoning as described in Article I, the policies of the Comprehensive Plan, and serves the health, safety, and general welfare of the Township.

b. The proposed use is capable of satisfying the applicable provisions and requirements of the Subdivision and Land Development Ordinance and other applicable ordinances, codes and/or regulations.

c. The proposed use is limited to those allowed as conditional uses within the zoning district in which the lot or tract is located.

d. The proposed use and its proposed construction is located in an area for which site conditions are suited.

e. The proposed use is compatible with land uses on adjacent properties, including historic structures, and will be designed, constructed and maintained in a manner which complements the appearance and character of the neighborhood.

f. If containing more than one (1) building, the proposal consists of a harmonious grouping of buildings or other structures.

g. The proposed use is consistent with and will have no adverse effect upon public services and infrastructure such as police, fire protection, recreational opportunities, open space, and public schools.

h. The proposed use reflects an environmentally sensitive approach to land planning and design and will be sited in a manner sensitive to existing site conditions, including watercourses, vegetation, and other natural resources.

i. The proposed use provides safe and adequate access to existing or proposed streets, will not result in excessive traffic volumes, and will make improvements needed to create compatibility with adjacent streets and public services.

j. Interior traffic circulation for the proposed use provides safe and convenient circulation for all users, including vehicular and pedestrian modes of traffic, parking areas, and addresses emergency management considerations.

k. Evidence of adequate water supply and sewage disposal capability for the proposed use is provided. The tract or lot shall be served by a water supply system and a sewage disposal system deemed acceptable by the Board of Supervisors, upon recommendation of the Township Engineer. Such facilities shall be designed and constructed in compliance with the applicable sections of the Subdivision and Land Development Ordinance and Act 537 Sewage Facilities Plan.

l. The proposed use will be developed using best stormwater management practices and soil erosion and sedimentation control techniques consistent with the requirements of the Subdivision and Land Development and Stormwater Management Ordinances and all other applicable codes and ordinances.

m. Development of a tract carried out in either a single phase or in stages shall be executed in accordance with a development agreement. The owner, developer, and Township shall

enter into said agreement embodying all details regarding compliance with this Chapter to assure the binding nature thereof on the overall tract and its development, which agreement shall be recorded with the final development plan.

n. The Board of Supervisors may impose other conditions of approval, in addition to those required herein, as may be necessary to ensure compliance with this Chapter and any other relevant ordinances, regulations, and codes.

E. Application decision

1. Approval of application. In accordance with Section 913.2.b.1 of the MPC, the Board of Supervisors shall render a written decision or, when no decision is called for, make written findings on the application within 45 days after the last hearing, unless the applicant, in writing, waives or extends the time limitation. In approving a conditional use application where such use is authorized under this Chapter, the Board of Supervisors may, at its sole discretion, attach such conditions to its approval as it deems necessary to further the purposes of this Chapter. Such conditions may include, but need not be limited to:

   a. Specific modifications to area and bulk requirements as might otherwise be applicable;

   b. Provisions for additional utility or traffic safety facilities;

   c. Securing of additional easements or property to assure property site design; or

   d. Modification to the applicable design standards.

2. If the Board of Supervisors approves the application and accompanying generalized site plan, such approved plan shall accompany any as prescribed by the Subdivision and Land Development ordinance, in addition to the detailed working drawings normally required and any application for a building permit. The issuance or rejection of a building permit shall take place in the regularly prescribed manner herein pertaining to building permits but shall be preceded by compliance with the Subdivision and Land Development ordinance.

3. Denial of application. In accordance with Section 913.2.b.1 of the MPC, the Board of Supervisors shall render a written decision or, when no decision is called for, make written findings on the application within forty-five (45) days after the last hearing, unless the applicant, in writing, waives or extends the time limitation. Where the application is contested or denied, each decision shall be accompanied by findings of fact or conclusions based thereon, together with any reasons therefor. Conclusions based on any provisions of the MPC or of any ordinance, rule or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found.

4. Deemed approval of application. In accordance with Section 913.2.b.1.2 of the MPC, if the Board of Supervisors fails to render the decision within 45 days or fails to commence, conduct or complete the required hearing within sixty (60) days from the date of receipt of the application, the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing or on the record to an extension of time. When a decision has been rendered in favor of the applicant because of the failure of the governing body to meet or render a decision as hereinabove provided, the governing body shall give public notice of the decision within ten (10) days from the last day it could have met to

render a decision in the same manner as required by the mandatory public notice requirements. If the governing body shall fail to provide such notice, the applicant may do so.

F. Expiration of Conditional Use Approval. Unless the Board of Supervisors grant an extension via the applicant submitting complete forms for such furnished by the Township, any grant of conditional use approval shall be deemed null and void six (6) months from the date of such approval if, within that period, the applicant does not begin work or no application is made for a building permit, use and occupancy permit, or subdivision or land development, as appropriate, or any other approval or permit required by the Township to proceed with construction, occupancy, or use pursuant to the conditional use approval.

SECTION 155-2106. MUNICIPAL LIABILITY

The granting or denial of any permit under this Chapter shall not constitute a representation, guarantee, or warranty of any kind by, or create liability upon or a cause of action against, the Township or any of its officials or employees for any injury or damage that may occur from use, development, erection, alteration, enlargement, or other modification of buildings, structures, or the use of land.

SECTION 155-2107. VIOLATIONS, CAUSES OF ACTION, AND ENFORCEMENT

A. Complaints of Violation. Whenever a violation of this Chapter occurs or is alleged to have occurred, any person may file a complaint in regard thereto. All such complaints, stating fully the causes and basis of the complaint, shall be filed with the Zoning Officer. The Zoning Officer shall properly record such complaint, investigate, and take action thereon as provided by this article.

B. Causes of Action. Where any building, structure, landscaping, or land is or is proposed to be erected, reconstructed, altered, converted, maintained or used in violation of this Chapter, the Board of Supervisors or, with the approval of the Board of Supervisors, an officer of the Township or an aggrieved owner or tenant of real property who shows that his/her property or person will be substantially affected by the alleged violation, in addition to other remedies, may institute any appropriate action or proceeding to prevent, restrain, correct, or abate such building, structure, landscaping or land, or to prevent, in or about such premises, any act, conduct, business, or use constituting a violation. When any such action is instituted by a owner or tenant, notice of that action shall be served upon the Township at least 30 days prior to the time the action is begun by serving a copy of the complaint on the Board of Supervisors. No such action may be maintained until such notice has been given.

C. Enforcement Notice. If it appears to the Township that a violation of this Chapter has occurred, the Township shall initiate enforcement proceedings by sending an enforcement notice as provided in this Section based on the MPC Section 616.1. The enforcement notice shall be sent to the owner of record of the parcel on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding that parcel, and to any other person requested in writing by the owner of record. An enforcement notice shall state at least 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 provisions of this Chapter.

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 the period of time and procedures set forth in Article XX.

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

D. Enforcement Remedies. Any person, partnership, or corporation that has violated or permitted the violation of the provisions of this Chapter shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Township before a Magisterial District Judge, pay a judgment of not more than $600 plus all court costs, including reasonable attorney's fees incurred by the Township as a result thereof.

1. No judgment shall commence or be imposed, levied, or payable until the date of the determination of a violation by the Magisterial District Judge.

2. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable Rules of Civil Procedure.

3. Each day that a violation continues shall constitute a separate violation, unless the District Justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership, or corporation violating the Chapter to have believed that there was no such violation, in which event there shall be deemed to have been only one (1) such violation until the fifth day following the date of the determination of a violation by the Magisterial District Judge, and thereafter each day that a violation continues shall constitute a separate violation.

4. All judgments, costs, and reasonable attorney's fees collected for the violation of the Zoning Ordinance shall be paid over to the Township.

5. The appropriate officers or agents of the Township are hereby authorized to seek equitable relief, including injunction, to enforce compliance herewith.

6. 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.

7. Nothing contained in this Section shall be construed or interpreted to grant to any person or entity other than the Township the right to commence any action for enforcement pursuant to this Section.

8. Magisterial District Judges shall have initial jurisdiction over proceedings brought under Enforcement Remedies

SECTION 155-2108. ZONING ORDINANCE AMENDMENTS

The Board of Supervisors may, from time to time, amend, including supplement, change, modify, or repeal, this Chapter, including the Zoning Map and other adopted materials in the Appendix, by proceeding in the manner prescribed in this Section in accordance with the MPC Sections 609, 609.1, and 609.2. Proposals for amendment may be initiated by the Board of Supervisors on its own notion, Township Planning Commission, or by landowner(s) petition as follows.

A. Proposals originated by the Board of Supervisors.

1. Policy Amendment. The Board of Supervisors may determine amendment to this Chapter is needed for reasons of policy or regular Township business. The Board of Supervisors shall refer every proposed amendment to the Township Planning Commission and the County Planning Commission at least thirty (30) days prior to the hearing on such to provide an opportunity for review and to submit recommendation. Such shall consider whether the proposed amendment is consistent with the purpose and community development objectives in Article I of this Chapter, the Township Comprehensive Plan, County Comprehensive Plan, and the MPC.

2. Township Curative Amendment. The Board of Supervisors may determine amendment is needed to correct an invalidity in this Chapter. This type of amendment shall follow procedure in the MPC Section 609.2.

B. Proposals originated by the Township Planning Commission. The Township Planning Commission may at any time transmit to the Board of Supervisors any proposal for the amendment of the provisions of this Chapter. If the Board of Supervisors decides to move forward with such amendment as drafted, §155-2008.A.1 shall apply.

C. Hearings. In the case of amendments brought about based on §155-2008.A and/or §155-2008.B, the Board of Supervisors shall hold a public hearing thereon, pursuant to public notice, unless such proposal is withdrawn by the applicable party. Such hearing and notice shall meet requirements of the MPC Section 609. No amendment shall become effective until after a public hearing in relation thereto.

D. Proposals originated by landowner's petition. A landowner(s) who desires to challenge on substantive grounds the validity of this Chapter or the Zoning Map or any provision thereof, which prohibits or restricts the use or development of land in which the landowner has an interest, may submit a curative amendment to the Board of Supervisors with a written request, along with the applicable fee, that the landowner's challenge and proposed amendment be heard and decided per the MPC Section 609.1, including the Board of Supervisors shall commence a hearing thereon within sixty (60) days of the request, the request shall be referred to the Township and County Planning Commissions, and notice of the hearing thereon shall be given.

Page intentionally left blank.