WEST VINCENT TOWNSHIP

ZONING ORDINANCE

2010

Chester County, Pennsylvania

(As Amended by and through Ordinance __-201~~5~~6,
_____, 201~~5~~6)

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WEST VINCENT TOWNSHIP

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WEST VINCENT TOWNSHIP ZONING ORDINANCE OF 2010

An Ordinance of the Township of West Vincent, Chester County, Pennsylvania to amend and revise the West Vincent Township Zoning Ordinance of 2003, incorporating all amendments, maps, and supplements thereto.

ARTICLE I

GENERAL PROVISIONS

SECTION 101 SHORT TITLE AND EFFECTIVE DATE

This Ordinance shall be known and may be cited as the "West Vincent Township Zoning Ordinance of 2010". This Ordinance shall become effective five days following its official adoption.

Adopted: _____, 2010
Effective: _____, 2010

SECTION 102 ORDINANCE PROVISIONS

This Ordinance is enacted to permit, prohibit, regulate, restrict and determine: uses of land, watercourses, and other bodies of water; size, height, bulk, location, erection, construction, repair, maintenance, alteration, razing, removal, and use of structures; areas and dimensions of land and bodies of water to be occupied by uses and structures, as well as areas, courts, yards and other greenway lands and distances to be left unoccupied by uses and structures; density of population and intensity of use; provisions for special exceptions and variances; provisions for conditional uses; provisions for the administration and enforcement of such Ordinances; provisions for the protection and preservation of natural resources and agricultural land and activities; and such other provisions as may be necessary to implement the purposes of the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended.

SECTION 103 PURPOSE

This Ordinance is enacted under and pursuant to the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended, for the following purposes:

A. To promote, protect and facilitate one or more of the following: the public health, safety, morals and~~,~~ general welfare of current and future Township residents; ~~,~~ the coordinated and practical community development, proper density of population, civil defense, disaster evacuation, airports, and national defense facilities, the provisions of adequate light and air, police protection, vehicle parking and loading space, transportation, water, sewage, schools, public grounds and other public requirements.

B. To prevent one or more of the following: overcrowding of land, blight, danger and congestion in travel and transportation, loss of health, life or property from fire, flood, panic or other dangers.

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

D. To promote sustainability by: adopting measures to reduce Township-wide energy costs and dependence on fossil fuels or other sources that negatively affect the natural environment; incorporating protections for local ecosystems; and supporting sustainable policies and practices in a manner that enhances the community's prosperity, its sense of community identity, inclusiveness and civic-mindfulness; honoring and advancing~~, and that honor and advance~~ the natural beauty of the Township in an effort to achieve the status as a model community for sustainable policies and practices.

This Ordinance has been prepared in accordance with the West Vincent Township Comprehensive Plan, as amended, the Phoenixville Regional Comprehensive Plan, the Township Sustainability Plan of 2012, as amended, and with consideration for the character of the Township, its various parts and the suitability of the various parts for particular uses and structures.

SECTION 104 COMMUNITY DEVELOPMENT OBJECTIVES

This Ordinance has been prepared in accordance with the West Vincent Township Comprehensive Plan, as amended, and with consideration for the goals and objectives of the Township. The goals and objectives are stated within the Township Comprehensive Plan, which goals are reestablished as part of this Ordinance, as follows:

A. To provide for the preservation, protection, management, and enhancement of the natural resources and environmental qualities of West Vincent Township for present and future generations.

B. To encourage and promote the provisions for a wide-range and variety of decent, safe and sanitary housing that meet the needs of all present and future Township residents regardless of age, sex, income, religion or ethnic background and which is compatible with the limitations established by the environment, transportation network, community facilities and services.

C. To provide in an economically and aesthetically beneficial manner, the various facilities and services necessary to meet the existing and future needs of the Township in a way that is compatible with the natural and man-made environments.

D. To provide a transportation system that provides the most efficient, safe and convenient movement of goods and people while minimizing the adverse impacts the system may have on the natural and man-made environment.

E. To encourage opportunities for managed economic development and expansion in the Township compatible with the natural and man-made environment of the area, including services, facilities and transportation network, and consistent with regional needs and capabilities for appropriate economic activities.

F. To promote the adequate provision for recreational and cultural amenities.

G. To promote the conservation and continuation of agricultural activities in the Township.

H. To develop a planning implementation program that continually updates planning policies and coordinates these policies with Township and regional officials and residents.

SECTION 105 INTERPRETATION

In interpreting and applying the provisions of this Ordinance, the said provisions shall be held to be the minimum requirements for promoting the health, safety, morals, and general welfare of the Township and its residents. Any use, structure, building, or sign shall conform with all provisions of the Ordinance except for which an exception or variance may be granted.

SECTION 106 CONFLICT

It is not intended by this Ordinance to interfere with, abrogate, or annul any rules or regulations previously adopted or permits previously issued by the Township, provided the same are not in conflict with any provisions of this Ordinance, nor is it intended by this Ordinance to interfere with, abrogate, or annul any easement, covenants, building restrictions, or any other agreements between parties; provided, however, that where this Ordinance imposes a greater restriction upon the use of the buildings or premises or upon the height of the building, or requires a larger greenway land than is imposed or required by such Ordinance, rules, regulations or permits, or by easements, covenants, building restrictions or agreements, the provisions of this Ordinance shall control.

When the provisions of any statute, other Ordinance or regulation impose greater restrictions than established by this Ordinance, the provisions of such statute, other Ordinance or regulation shall be controlling.

SECTION 107 SEVERABILITY

In the event that any article, section, subsection or provision of this Zoning Ordinance be declared by a court of competent jurisdiction to be illegal, unconstitutional or invalid, such decision shall not affect or impair the validity of the Ordinance as a whole or any remaining part thereof.

SECTION 108 REPEALER

Any resolution, Ordinance, or part of any Ordinance or resolution, including the West Vincent Township Zoning Ordinance of 2003, as amended, inconsistent with the provisions of this Ordinance are hereby repealed.

ARTICLE II

DEFINITION OF TERMS

SECTION 201 INTERPRETATION

Unless otherwise expressly stated, the following words and phrases shall be interpreted throughout this Ordinance in the following manner:

A. The present tense includes the future tense; the singular includes the plural, and the plural the singular; the masculine gender includes the feminine.

B. The word "person" includes any individual, estate, trust, fiduciary, partnership, company, firm, association, corporation or organization.

C. The word "shall" is always mandatory; the word "may" is optional.

D. The words "used" or "occupied" shall include the words "arranged," "designed," or "intended" to be used or occupied.

E. The word "built" shall include the words "erected," "constructed," or "altered".

F. The word "including" shall not limit the term to the specified example, but is intended to extend its meaning to all other instances of similar kind and character.

G. When terms, phrases, or words herein are not defined, they shall have the meaning prescribed by the Township Subdivision and Land Development Ordinance, any other Township ordinances or resolutions, or, in the absence of such, their ordinarily accepted meaning or such as the context may imply.

SECTION 202 DEFINITION OF TERMS

For the purposes of this Ordinance, the following words, terms, and phrases shall have the meaning herein indicated. :

Abandonment. The relinquishment of a use without intention to resume the said use as established under Article XXVI.

Accessory Apartment. A self-contained accessory dwelling unit located entirely within an existing single-family dwelling which serves as a principal dwelling, with a habitable floor area which is less than that of the principal dwelling.

Accessory Building. A permanent detached building whose primary use is secondary to that of the principal building on the same lot. No truck bodies, abandoned mobile homes, travel

trailers, or similar structures shall be used for accessory buildings or to house accessory uses.

Accessory Dwelling. A dwelling whose use is secondary to that of the principal dwelling or building on same lot, including but not limited to accessory apartment, tenant house or carriage house.

Accessory Use or Structure: A use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.

Accessway. An area of land that extends from the street line to the front lot line providing access to an interior lot.

Act. The Pennsylvania Municipalities Planning Code, Act 247 (53 P.S. 10101 et. seq.) as amended.

Addition. An enlargement or increase in floor area or height of an existing building or structure.

Adjusted Tract Acreage. See "Tract Acreage, Adjusted".

ADU (Accessory Dwelling Unit). See "Accessory Dwelling".

Adult Bookstore. An establishment having a substantial or significant portion of its stock in trade, books, films, magazines, periodicals, and other paraphernalia which are distinguished or characterized by their emphasis on matters depicting, describing or related to "specified sexual activities," or "specified anatomical areas," or an establishment with a segment or section devoted to the sale or display of such material.

Adult Motion Picture Theater. An enclosed building or outdoor drive-in theater used for presenting material distinguished or characterized by emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" for observation by patrons therein.

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 or aquacultural crops and commodities. The term includes an enterprise that implements changes in production practices and procedures or types of crops, livestock, livestock products or commodities produced consistent with practices and procedures that are normally engaged by farmers or are consistent with technological development within the agricultural industry.

Agricultural Village Community. A planned and unified development designed as part of an agricultural operation, consisting of dwelling units and providing a variety of facilities and services for its residents.

Agriculture, Intensive. Agricultural uses involving the processing or production of agricultural products that are likely to emit frequent, recurring odors or noises considered obnoxious to a residential environment. Intensive agriculture includes, but is not limited to, feedlots, mushroom houses, and poultry houses.

Agriculture, Passive. The cultivation of the soil and the raising and harvesting of products of the soil including nurserying, horticulture, the raising of crops, forestry, dairying, raising of beef cattle and other livestock (excluding pigs), but excluding intensive agriculture.

Aircraft. Any vehicle or device, except an unpowered hang-glider, hot air balloon or parachute, used for manned assent into or flight through the air.

Airport. A place or facility where aircraft can land and takeoff, which may be equipped with storage hangers, facilities for refueling and repair, and various accommodations for passengers.

A. **Public Use Airport**. Any airport open to the general public and not requiring prior permission of the owner and/or operator to land.

B. **Private Use Airport**. Any airport that restricts usage to the owner and/or operator or to persons authorized by the owner and/or operator.

C. **Personal Use Airport**. Any airport used exclusively by the owner.

Alley. A minor right-of-way, which may or may not be legally dedicated to the Township, serving as a secondary means of access to the rear or side of properties otherwise abutting on a street.

All-Weather Surface. A pavement constructed of graded stone or slag, with or without a surface of macadam, bituminous concrete or Portland cement concrete.

Alteration. Any substantial or significant change, rearrangement, addition to or diminution, whether horizontally or vertically, of the supporting or structural members of a building or other structure, such as bearing walls, columns, beams or girders, as well as any addition or reduction in the number, area or dimensions of doors or windows; any change which could convert an existing building or structure into a different structure or adapt it to a different use; or the moving of a building or structure from one location to another.

Animal Hospital. A building in which domestic animals such as dogs, cats, rabbits, and birds or fowl receive medical or surgical treatment by a veterinarian and in which any housing or boarding of animals is limited to short-term care incidental to the hospital use.

Annexation. A subdivision in which (1) a portion of a parcel is conveyed and merged with an adjacent parcel and (2) the resultant parcels conform to the area and bulk requirements of the applicable district in which they are located.

Applicant. A landowner(s), developer(s) or authorized agent who has filed an application

under this Ordinance, including his/her heirs, successors and assigns.

Architecture. The art/science of building design and construction; a method or style of building; the product of construction; the recognizable features for any kind of structure; the materials and methods used to produce a structure. Architecture signifies a standing cultural resource, either in whole or in part, used at one time for dwelling, storage, industry, recreation, religious use or any other activity related to reasonable human functioning.

Architect. An individual registered in the Commonwealth of Pennsylvania in the profession of architecture.

Archaeology. The science of investigation and study of the past by examination of artifacts/remains of human activity; the examination of non-renewable cultural resources deposited in the earth by human or animal-related activity over time for the purpose of defining or affirming human activities and behavior.

Archaeologist. An individual with a degree from a recognized college or university in the science of archaeology.

Attached Garden Lot Development. See Single-Family Garden Lot Development.

Automobile Service Station. A structure, building or area of land or any portion thereof that is used for the sale of gasoline and/or other motor vehicle fuel, which may or may not include facilities for lubrication, service, washing or minor repair of motor vehicles, but not for body repair or painting or for the sale of new or used vehicles. Any use dispensing motor fuel for its own vehicles will not be deemed to be an automobile service station.

Automotive/Mechanical Repair Shop. A structure, building or area of land or any portion thereof that is used principally for mechanical or body repair of motor vehicles, and which may or may not be used for the sale of motor fuel, lubricants, parts and accessories.

Base Density. The number of dwelling units per acre or in the case of non-residential uses, the maximum floor area or building/lot coverage that may be achieved when a property is developed in accordance with the applicable zoning district requirements without the use of Transferable Development Rights or other design options.

Base District. A zoning district designated by this Ordinance and whose boundaries are depicted on the Township Zoning Map.

Basement. Any area of a building having its floor below ground level on all sides.

Bed and Breakfast. An accessory ~~activity~~ use to a single family dwelling unit~~home~~ in which all or a portion of the dwelling unit is rented on a short-term basis, including peer-to-peer home or room rental services such as homeaway.com, vrbo.com and Airbnb.com~~a limited number of guest rooms are provided without structural alteration~~. ~~The guest rooms should not be occupied on a weekly or longer basis, and the owner of the property must be in residence~~. Bed and Breakfast

rentals shall be classified as either: a) Host Rentals: where the owner of the property remains on-site during the entirety of the rental period; or b) Non-Host Rentals: where the owner of the property does not remain on-site during the entirety of the rental period. Residential leases greater than six (6) months in duration shall not be subject to the provisions associated with Bed and Breakfast uses. ~~Bed and breakfast facilities shall be permitted a sign no greater than ___ square feet in area, and such facilities must be on a 5-acre minimum property unless they are in a designated historic resource or located in the BV Birchrunville Village District, the LVCC Ludwigs Village Center Commercial District, the KV Kimberton Village District or the RM Residential Mix District (in which case, the minimum lot area requirements of the applicable Zoning District shall apply). This term shall include peer-to-peer home rentals (through sites such as homeaway.com, vrbo.com and airbnb.com).~~

Berm. An earthen mound designed to create a visual and sound barrier between a use and adjoining properties, streets, and adjacent uses.

Board. The Board of Supervisors of West Vincent Township.

Boarding House. A dwelling in which three (3) or more, but not more than fifteen (15) rooms are rented, housed, or lodged for compensation with or without meals. A rooming house, tourist home, or lodging house shall be deemed a boarding house.

Boarding Unit. An inhabited space within a boarding house designed for the use and enjoyment of a boarder(s) which does not qualify as a self-contained dwelling unit under this Ordinance.

Buffer. An area to be used as means of limiting the effects created by a use on adjoining properties, streets and uses, including but not limited to screening, fencing and use of berms.

Buffer, Riparian (a.k.a. Stream Buffer, Vegetated Stream Buffer). Land areas immediately adjacent to streams or ponds, and typically include floodplains, alluvial soils and stream-related wetlands. Riparian buffers can provide many environmental benefits (including, but not limited to, functioning as silt and chemical buffers for associated streams).

Building. A combination of materials to form a permanent structure having walls and a roof. Included shall be all manufactured homes and trailers to be used for human habitation.

Building Area. The aggregate of the maximum horizontal cross-section areas of all buildings on a lot, excluding cornices, eaves, and gutters projecting not more than eighteen (18) inches.

Building Coverage. The ratio of the total building area on a lot to the lot area, expressed as a percentage.

Building Footprint. The total enclosed area in the horizontal plane or floor of a building at grade or ground level. See also Floor Area, Ground.

Building Height. The vertical distance measured from the average finished grade at all foundation corners of a building or structure, or at not less than ten (10) equidistant points in the case of a circular structure, to a point midway between the highest and lowest points of the roof, excluding chimneys, antennas, spires, towers, stair or elevator bulkheads, silos, tanks, renewable or alternative energy system components, and other similar projections.

Building Inspector. An agent of the Board of Supervisors, charged with the administration and enforcement of the Township Building Code.

Building Permit. A statement issued and signed by the Building Inspector authorizing the erection, construction, alteration or enlargement of a building or structure. The statement should indicate that the proposed activity complies with the applicable Township codes and Ordinances.

Building Setback Line. A line established within a lot, measured from the ultimate or future street right-of-way and parallel thereto, defining the distance in which no building may be constructed. In the case of an interior lot not fronting a street for its entire width, the building setback line shall be a line parallel to and measured from the property line nearest the street, defining the minimum distance in which no building may be constructed.

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

Caliper. The diameter of a tree trunk measured six (6) inches above ground level for a tree measuring up to and including four (4) inches in diameter and twelve (12) inches above ground level for a tree measuring over four (4) inches in diameter.

Campground. A tract of land under single and separate ownership upon which two or more campsites are located, established, or maintained for occupancy by tents or other individual camping unit of the general public as temporary living quarters for recreation or vacation purposes.

Campsite. A plot of ground within a campground intended for the accommodation of either a tent or other individual camping unit, excluding recreational vehicles, on a temporary basis.

Carriage House. An accessory residential building, previously or currently used for the storage of vehicles.

Cartway. The portion of a street or alley right-of-way, paved or unpaved, intended for vehicular use, including travel lanes, but not including shoulders, curbing and drainage facilities.

Cellar. That portion of a building which is partly or completely below grade and having more than one-half (1/2) of its height below the average level of the adjoining ground. A cellar shall not be considered a story in determining the permissible number of stories.

Cemetery. Land used or intended to be used for the burial of the deceased, including crematories, mausoleums and mortuaries when operated in conjunction with a cemetery and within its boundaries.

Center for Local Government Services. The Governor's Center for Local Government Services located within the Department of Community and Economic Development.

Certificate of Occupancy. A statement signed, issued, and administered by the Building Inspector upon completion of construction of a new building or upon change or conversion of a structure or use of a building, which establishes that a building complies with all requirements and regulations as provided in this Ordinance and other applicable codes, and that the same may be occupied for the intended use.

Church. A building utilized for public divine worship. The term church shall also include temple, synagogue, or mosque.

Clear-Cutting. Any intentional act to cut down, remove all or virtually all of a group or stand of trees.

Clear Sight Distance. An area of unobstructed vision at street intersections or access points defined by lines of sight between points at given distance from the intersection of street center lines.

Club. An organization established for social or fraternal purposes whose buildings, facilities and services are for the use of members and their guests only including service organizations and lodges.

Cluster Development. A development design which allows the minimum lot area and yard requirements to be reduced so that buildings and lots can be grouped together in a more efficient and environmentally sensitive configuration, provided that the remaining area is set aside and preserved as greenway land.

Commercial Use. A use of land or improvements thereto for the purpose of engaging in retail, wholesale, or service activities for profit.

Common Facilities. Services or utilities such as, but not limited to, water and sewer service within a development site designed, constructed, and maintained primarily for the use of residents of the development.

Communications Antenna. Any device used for the transmission or reception of radio, television, wireless telephone, pager, commercial mobile radio service or any other wireless communications signals, including without limitation omnidirectional or whip antennas and directional or panel antennas, owned or operated by any person or entity licensed by the Federal Communications Commission (FCC) to operate such device. This definition shall not include private residence mounted satellite dishes or television antennas or amateur radio equipment including without limitation ham or citizen band radio antennas.

Communications Equipment Building. An unmanned building or structure containing communications equipment required for the operation of communications antennas.

Communications Tower. A structure other than a building, such as a monopole, self-supporting or guyed tower, designed and used to support communications antennas.

Community Supported Agriculture (CSA) - A partnership of mutual commitment between a farm and a community of supporters that provides a direct link between the production and consumption of food. Members generally purchase a share of the season's harvest. Members may participate in harvesting, or they may be limited to regularly scheduled pick-ups at the farm.

Completely Dry Space: A space which will remain totally dry during flooding; the structure is designed and constructed to prevent the passage of water and water vapor.

Comprehensive Plan. The Comprehensive Plan of West Vincent Township, as adopted and amended from time to time, which shall be deemed to include the Township Sustainability Plan of 2012, as amended from time to time, and the Regional Comprehensive Plan.

Conditional Use. A use which is not generally appropriate or allowed by right in a particular zoning district as a whole, but which may be suitable in certain localities within the district only when specific conditions and factors prescribed for such cases within this Ordinance are present. Conditional uses are allowed or denied by the Board of Supervisors after a public hearing and review and recommendations by the Planning Commission.

Condominium. Real estate, portions of which are designated for separate ownership and the remainder of which may be designated for common ownership solely by the owners of those separate portions, in accordance with the Pennsylvania Uniform Condominium Act l980-82, as amended.

Conservancy Lot or Conservation Lot. A large, privately-owned lot comprised partially of greenway land and restricted from further subdivision and development under Article XIX and subject to the provisions in Section 1903 C.4. The purpose of the conservancy lot is to provide surrounding residents with visual access to greenway land, while keeping the land under private ownership and maintenance. Only a small portion of such lots may be developed; the remainder must be protected through conservation easements and used in conformance with the standards set forth in this Ordinance. Public access to conservancy lots is not required.

Conservation Area Map. A map adopted as part of the Township Comprehensive Plan and/or Township Zoning Ordinance depicting Primary and Secondary Conservation Areas for the purposes of creating an interconnected system of greenway land and recreation areas.

Conservation Area, Primary. Environmentally constrained lands comprising floodplains, submerged lands, wetlands, and prohibitive steep slopes (above 25%).

Conservation Area, Secondary. Features, such as precautionary slopes (15-25%),

seasonal high water table soils, woodlands, visual resources, and other features as depicted on the Township Conservation Area Map, which do not create severe limitations for development but which designation as greenway areas, along with the preservation of primary conservation areas, is desirable for purposes of providing an interconnected system of greenway land and recreation.

Consistency. An agreement or correspondence between matters being compared which denotes a reasonable, rational, similar connection or relationship.

Consistency, General or Consistent, Generally. That which exhibits consistency.

Continuum of Care. The provision of independent adult living, assisted living, skilled nursing and dementia care pursuant to a lifetime contract with the single owner or agent for the single owner of a life care community, having full responsibility for and control over all facets of the housing, assisted living and nursing operations. The ratio of independent adult living unit, assisted living unit and skilled nursing care beds in a life care community shall be in accordance with industry standards and/or general practices and shall be planned with the objective of complying with the contractual obligations of the single owner or agent for the single owner to the residents of the life care community.

Construction. The building, rebuilding, assembly, renovation, repair, extension, expansion, alteration, or relocation of a building or structure, including the placement of mobile homes.

Contributing Building, Structure, Site or Object. A building, structure, site or object within a National Register historic district that reflects the cultural, historical or architectural character of the district as defined by the National Register nomination.

Convenience Commercial Use. A retail activity designed to serve a local market such as the residents of a neighborhood or planned development, including delicatessens, newsstands and small food markets.

Conventional Development Design. A form of subdivision or development design in which the total tract is "lotted out" or fully divided among individual building lots without the use of lot averaging or clustering with greenway land.

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

County Comprehensive Plan. A land use and growth management plan prepared by the Chester County Planning Commission and adopted by the Chester County Commissioners which establishes broad goals and criteria for municipalities to use in preparation of their comprehensive plans and land use regulations.

Cultural Landscape. The minimum essential setting or context in which an identified historic resource retains its historic integrity, including both natural (trees, streams, slopes, etc.) and man-made features (bridges, outbuildings such as springhouses, barns, stables, cemetery markers,

etc.) in an unimpaired state, allowing a better understanding of the materials and culture of the past.

Cultural Resource. A site or collection of sites, building or collection of buildings, with such a combination of historical, architectural, natural and scenic attributes as to create an irreplaceable, unique entity that serves as an element in defining the overall community character.

Customary Agricultural Accessory Uses – Accessory uses that are incidental and subordinate to an Passive Agricultural Operations, including, but not limited to farm product sales, processing of dairy and meat products, breeding and raising of certain animals, alternative energy generation for on-site consumption, and the storage and use of farm implements, barns, sheds, corrals, windmills and watering and feed troughs.

Customary Residential Accessory Uses – Accessory uses that are incidental and subordinate to residential uses, including, but not limited to Low Intensity R~~r~~ecreation, storage and animal care, which may utilize structures such as swimming pools, tennis courts, garages, sheds and horse barns.

Cut-Off Fixture. A lighting fixture that provides a cut-off (shielding) of the emitted light.

Day Care Center, Child. The premises in which care is provided at any one time for seven (7) or more children unrelated to the operator and where tuition, fees, or other forms of compensation for the care of the children is charged, and which is licensed or approved by the state to operate as a child day care center.

Day Care Facility, Family. A single-family detached dwelling in which care is provided as a home occupation to a maximum of six (6) children unrelated to the owner and where tuition, fees, or other forms of compensation for the care of the children is charged, and which is licensed or approved by the state to operate as a family day care facility.

DBH (Diameter at Breast Height). Tree trunk diameter measured in inches at a height of four and one-half (4.5) feet above the ground. If a tree divides or splits into multiple trunks below 4.5 feet, the trunk is measured at its most narrow point beneath the split.

Deed of Transfer of Development Rights. A legal instrument which records the conveyance of Transferable Development Rights from a tract of land in a designated sending zone.

Demolition by Neglect. The failure to provide ordinary and necessary maintenance and repair to a building, structure or object classified as a historic resource, whether by ordinary negligence or willful neglect, purpose or design, by the owner or any party in possession thereof, which results in any of the following conditions:

A. the deterioration of exterior features so as to create or permit a hazardous or unsafe condition to exist; or

B. the deterioration of exterior walls, roofs, chimneys, windows, the lack of adequate waterproofing, or deterioration of interior features or foundations which will or

could result in permanent damage or loss of exterior features.

Demolition/Demolish. The razing or destruction, whether entirely or in significant part, of a building, structure, site or object. Demolition includes the removal of a building, structure or object from its site.

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, expressed in dwelling units per acre. Unless otherwise stated, maximum density shall be construed as gross density.

Density, Gross Residential. The number of dwelling units per acre in a Planned Residential Development, computed by dividing the number of dwelling units proposed by the number of acres in the development exclusive of areas to be devoted to commercial use.

Density, Net. The number of dwelling units per acre, calculated by dividing the total number of dwelling units for a given dwelling type by the number of developed acres so developed, inclusive of yard areas and parking spaces, but exclusive of greenway lands, interior streets, rights-of-way, and easements outside of yard area.

Developer. Any landowner, agent of such landowner or tenant with the written permission from a landowner, who makes or causes to be made an application for approval of a subdivision and/or land development.

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

Development Capacity, Maximum. The maximum density, measured in dwelling units per acre (du/ac) or maximum building/ lot coverage, of a tract of land in a designated receiving zone if developed to the extent allowed under its base density plus any allowable additional density permitted through the use of transferable development rights or other density bonuses. The difference between maximum development capacity and the base density represents the transfer capacity that the tract is permitted to accommodate using transferable development rights.

Development Plan. A proposal for the development of a Planned Residential Development, prepared in accordance with this Ordinance, including a plat of subdivision, location of various uses, all covenants relating to use, location and bulk of building and other structures, intensity of use or density of development, streets, ways and parking facilities, greenway land and public facilities. The phrase provisions of the development plan when used in this Article shall mean both the verbal and graphic materials referred to in this subdivision.

Development Rights. The right to construct a specified amount of development according to the West Vincent Township Zoning Ordinance.

Development Rights, Transferable (TDR). The attaching of development rights to specified lands which are desired by West Vincent Township to be kept undeveloped, but permitting those rights to be transferred from those lands so that the development potential which they represent may occur on other lands where more intensive development is deemed to be appropriate.

Disability Glare. The human eye's line-of-sight contact with a direct light source which causes a partial and temporary blindness.

Dish Antenna. A parabolic reflector, together with its supporting members and attachments, used or intended to receive radio or electromagnetic waves from an orbiting satellite.

Driveway. A private access strip, graded and usually hard surfaced, intended for use as a means of vehicular or pedestrian access to an individual dwelling or other structure.

Driveway, Common. A private driveway serving two (2) or more lots or properties, the use and maintenance of which is shared among the property owners.

Dry Space, Completely. A space which will remain totally dry during flooding; the structure is designed and constructed to prevent the passage of water and water vapor.

Dry Space, Essentially. A space which will remain dry during flooding, except for the passage of some water vapor or minor seepage; the structure is substantially impermeable to the passage of water.

Dwelling or Dwelling Unit. A building or entirely self-contained portion thereof containing complete housekeeping, sleeping and lavatory facilities, for occupancy as a residence by only one family (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. This definition excludes units in a motel, boarding house, school dormitory, hospital and the like. Dwelling units may be classified, but not limited to the following types:

A. **Single Family Detached Dwelling**. A building designed for and occupied exclusively as a residence for one (1) family, having four (4) yards and no common party wall with an adjacent building or dwelling. Where a garage is structurally attached to such building, it shall be considered a part of the dwelling and not an accessory building.

B. **Single Family, Semi-Detached Dwelling**. A building designed for and occupied exclusively as a residence for one (1) family, that shares one common party wall on a lot line with another dwelling, and each dwelling has yard area on three (3) sides.

C. **Two Family Dwelling**. A building designed for and occupied exclusively as a residence for two (2) families on the same lot but living independently of each other, including a duplex (one dwelling unit above the other), or a twin (one dwelling unit beside the other).

D. **Multiple Family Dwelling**. A building or portion thereof containing or designed to contain three (3) or more dwelling units with or without common access facilities. Such dwellings may be arranged in any configuration, such as including but not limited to townhouses (single-family attached), quadriplexes (fourplex), apartment buildings, and other similar building types.

1. **Townhouse**. A building containing dwelling units separated by party walls on opposite sides, and 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 greenway land or yard areas to the front and rear (interior units) or front, rear and one side (end units). Each unit can be referred to as a single family attached unit, particularly when separately owned.

2. **Quadraplex**. A building containing four (4) dwelling units, each unit of which has greenway land or yard area on two non-parallel sides. Also called a fourplex.

3. **Apartment**. 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.

4. **Multiplex**. A building containing three (3) to five (5) attached dwelling units. In general, all units have independent outside access. Units may be arranged in a variety of configurations: side to side, back to back, or vertically. A multiplex should have the appearance of a large single family detached unit.

E. **Village Dwelling**. A single family detached dwelling on a single and separate lot with yards on all sides of the unit. It differs from other forms of detached housing in the lot size and placement on the lot. It is similar to houses found grouped in historic villages and towns.

Earth Disturbance (also Land Disturbance). Activity which exposes the topsoil or subsoil to erosion, including, but not limited to, the removal of cover vegetation, earthmoving, excavation, mining, timber harvesting, grubbing, removal of topsoil and grading.

Easements. An interest in land owned by another that entitles the holder to a specific limited use or enjoyment.

Educational Use. Land and/or buildings specifically designed, arranged and intended for the primary purpose of instruction and learning, including preschools, elementary and secondary schools, whether private or public, including schools relating to religious organizations and vocational schools.

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

Environmentally Constrained or Sensitive Lands. Those areas subtracted from the total area of a tract to produce the "Adjusted Tract Acreage". See "Tract Acreage, Adjusted".

Essential Services. Uses necessary for the preservation of the public health and safety including, but not limited to, the erection, construction, alteration or maintenance of, by public utilities or governmental agencies, underground or overhead transmission systems, poles, wires, pipes, cables, fire alarm boxes, hydrants, or other similar services, and the equipment and appurtenances necessary for such systems to furnish an adequate level of public service, excluding solid waste transfer stations, communications towers and communications antennas, as defined herein.

Essentially Dry Space: A space that will remain dry during flooding, except for the passage of some water vapor or minor seepage; the structure is substantially impermeable to the passage of water.

Extension. An increase in the amount of floor area used for an existing use within an existing building.

Family. Any number of individuals related by blood, marriage, or adoption, including foster children under the care of foster parents and handicapped individuals in a group home, or not more than five (5) unrelated individuals, excluding domestic help housed on the premises, living together as a single non-profit housekeeping unit and doing their cooking on the premises, excluding occupants of a club, fraternity house, lodge, residential club, boarding or rooming house.

Family Day Care. See "Day Care, Family".

Farm Building or Structure. Any building or structure used for agricultural use including the storing of agricultural equipment or farm produce or products, the housing of livestock or poultry, or the processing of dairy products. The term farm building or structure shall not include dwelling, but shall include a barn, silo, and accessory storage shed.

Feedlot. A confined area that is larger than one (1) acre, allowing no access to pasture, for feeding livestock or poultry, for holding livestock or poultry, for holding livestock or poultry temporarily for shipment.

Fence. A structure consisting of natural and/or man-made materials designed to enclose a developed or undeveloped area, an outdoor activity or serving as a screen between uses.

Film or Video Shoot: The commercial filming of scenes, locales, and/or actors for use in a commercial film or video production.

Flood. A temporary inundation of normally dry land areas.

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.

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

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

Floor Area. The enclosed total area within all buildings or structures as measured from the exterior of the building and including the sum of all floors and levels.

Floor Area, Habitable. The total area of all floors within a dwelling which are contained within walls and actually used for habitation, exclusive of unfinished basements, open porches, garages, attics, and accessory buildings and structures.

Floor Area, Gross Leasable. The total area of all floors within a building contained within walls which is available and suitable for commercial or industrial use. This term shall be exclusive of the floor area included in party and outside walls, overhangs, loading docks, elevator shafts, common hallways, and maintenance facilities.

Floor Area, Ground. The total enclosed area in the horizontal plane or floor of a building at grade or ground level. See also Building Footprint.

Floor Area Ratio. A relationship between the floor area of a building to the lot area, measured by dividing the total floor area in square feet of all buildings on a lot by the total land area in square feet of the lot.

Footcandle. Unit of light density incident on a plane (assumed to be horizontal unless otherwise specified), and measurable with an illuminance meter, or a light meter.

Freeboard. A margin of safety, expressed in feet, above the one hundred (100) year flood elevation.

Full Cut-Off. Attribute of a lighting fixture from which no light is emitted at or above a horizontal plane drawn through the bottom of the fixture and no more than 10% of the lamp's intensity is emitted at or above the angle 10º below that horizontal plane, at all lateral angles around the fixture.

Fully Shielded. Attribute of a lighting fixture provided with internal and/or external shields and louvers to prevent brightness from lamps, reflectors, refractors and lenses from causing glare at normal viewing angles.

Garage, Private. An accessory building, attached or detached from the principal building, used for the storage of motor vehicles owned and used by the owner or tenant of the premises, or for the storage of not more than two (2) motor vehicles owned and used by persons other than the owner or tenant of the premises.

Garage, Automobile Repair. A building providing commercial storage, service or repair of motor vehicles to the general public. The term shall include auto body repair shops.

Garage, Storage. A building, other than a private or public garage, limited to one story in height, used solely for the storage of motor vehicles (other than trucks), but not for the service or repair thereof nor for the sale of fuel, accessories, or supplies.

Gasoline Service Station. A building and lot which is used for the sale and dispensing of gasoline and other motor fuels and may provide services incidental to the day-to-day maintenance of motor vehicles and the traveling public (such as retail food sales or convenience store) but shall not include auto body repair and painting service or automobile sales. Any use which dispenses gasoline solely for the use of its own vehicles will not be deemed a gasoline service station.

General Consistency or Generally Consistent. That which exhibits consistency.

Geothermal Heat Pumps. Any mechanical system or installation for air conditioning or heating which utilizes ground or well water as a coolant or heat booster.

Glare. Excessive brightness in the field of view that is sufficiently greater than the brightness to which the eye is adapted, so as to cause annoyance or loss in visual performance and visibility, or jeopardize health, safety or welfare.

Greenhouse, Private. An enclosed structure used for the growing, raising or keeping of flowers and other plants.

Greenhouse, Commercial. An enclosed structure used for the growing, raising and/or selling of flowers or other plants.

Greenway Land. That portion of a tract that is set aside for the protection of sensitive natural features, farmland, scenic views, and other unique features. Greenway land may be accessible to the public, or it may be contained in areas of conservancy lots which are not accessible to the public.

Group Home. As defined by the Federal Fair Housing Amendments of 1988, as amended, a licensed dwelling providing supervised non-transient lodging or residential services for handicapped individuals or for individuals with disabilities, except for those whose tenancy would constitute a direct threat to the health or safety of other individuals or whose tenancy would result in substantial physical damage to the property of others, in which some or all of the occupants are unrelated.

High Water Table Soils/Areas. Those soils or areas having a water table within one and

one-half (1.5) feet of the surface or less for 90 days or more consecutive days in the year.

Highway Access Point. The location or place of egress and ingress to a street or highway created by a driveway, alley or other street.

Historic Site Inventory. The list of historic resources located in the Township and any maps which show the location of these resources, and which is updated from time to time by the Township Historical Commission.

Historical Commission. The West Vincent Township Historical Commission, or the West Vincent Township Environmental Advisory Council if no Historical Commission is created; an advisory board designated by the Board of Supervisors to deal with matters pertaining to any of the identified cultural and historic resources located in the Township and to administer any historic preservation provisions of this Ordinance.

Historic Resource. A structure, object, district or site identified as having historic significance in the Township Historic Sites Survey, the Pennsylvania Historic Resources File and/or the National Register of Historic Places.

Home Occupation. An accessory use conducted in a dwelling by the occupant involving an activity for compensation per provisions of Section 2209.

Homeowners Association. A nonprofit, private organization composed of property owners within a cluster development or planned residential development, operating under State guidelines for the purpose of administering to the needs of residents the maintenance of commonly-owned property and improvements.

Horizontal Illuminance. The measurement of brightness from a light source, usually measured in footcandles or lumens and which is taken through a light meter's sensor at a horizontal position.

Hospital. An accredited general medical facility or institution within which the diagnosis, treatment and care of human ailments is performed primarily on an inpatient basis.

Hotel/Inn. A building arranged or used for temporary public lodging accommodations for compensation by tourists and transient guests.

Hub Height. The distance measured from the surface of the wind turbine tower foundation to the height of the Wind Turbine hub, to which the blade is attached.

Hydric Soils. Soils that are characterized by the presence of water and are therefore indicators of wetlands, as determined by the Soil Conservation Service, U.S. Department of Agriculture.

Identified Floodplain Area. The floodplain area specifically identified in this Ordinance as being inundated by the one hundred (100) year flood.

Illuminance. Quantity of light measured in footcandles.

Impervious Cover. Any material impenetrable by precipitation and/or incapable of supporting vegetation, including, but not limited to, buildings, structures, stone and/or gravel driveways (except to the extent that such are excludible from the calculation of impervious coverage pursuant to other provisions of this Ordinance) and parking areas, swimming pools, cement lined ponds and paved areas. "Impervious coverage" is additionally referred to herein as "Ground Cover."

Industrial Park. A grouping of three (3) or more industrial establishments developed according to a unified plan, and sharing common utilities and streets.

Institutional Use. A non-profit or public establishment involving building and grounds, including but not limited to schools, museums, places of worship, convents, retreats, nursing homes, school dormitories.

Junk Yard. An area of land with or without buildings used for storage outside of used and discarded materials including, but not limited to, waste paper, rags, metal, building materials, house furnishings, machinery, vehicles, or parts thereof, with or without the dismantling, processing, salvage, sale or other use or disposition of the same. The deposit or storage on a lot of two or more unlicensed, uninspected, wrecked or disabled vehicles, excluding usual farm equipment, or the major part thereof, is a junk yard. The storage of toxic wastes, radioactive materials, poisons, and other substances which are potentially harmful to man are excluded from this definition.

Kennel. The use of land, building, enclosed area, and/or structure having more than four (4) animals and/or an establishment under the Pennsylvania Dog Law operated for the purpose of trading, breeding, boarding, training or grooming customary household pets for compensation.

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

Land Development. Any of the following activities:

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

   (i) 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 tenants; or

   (ii). 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.

2. A subdivision of land.

3. Certain land development shall be excluded from the definition of land development only when such land development involves:

   a. the conversion of an existing single-family detached dwelling or single family semi-detached dwelling into not more than three (3) residential units, unless such units are intended to be a condominium; or

   b. the addition of an accessory building, including accessory farm, residential and non-residential buildings, on a lot containing and subordinate to an existing principal building.

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

Landscaping. The planting of turf, trees, shrubs, and other appropriate vegetative materials and ground cover within the open areas of a lot other than for agricultural purposes, and including the maintenance and replacement thereof, for the purposes of erosion control, retention of precipitation, protection against the elements, promotion of human comfort and welfare.

Life Care Community. A planned development designed for the aged and/or infirm providing a continuum of care and services and consisting of dwelling units, community center, health and nursing center, personal service shops, Low Intensity and Medium Intensity R~~r~~ecreation areas and greenway land.

Light Trespass. Light emitted by a lighting fixture or installation, which is cast beyond the boundaries of the property on which the lighting installation is sited.

Lighting.

A. **Diffused**: That form of lighting wherein the light passes from the source through a translucent cover or shade.

B. **Direct or Flood**: That form of lighting wherein the source is visible and the light is distributed directly from it to the object to be illuminated.

C. **Indirect**: That form of lighting wherein the light source is entirely hidden, the light being projected to a suitable reflector from which it is reflected to the object to be illuminated.

Loading Space. A portion of a building or land area within a lot accessible from a street or alley, for the temporary use of vehicles while delivering or receiving merchandise or materials.

Lot. A) A designated parcel, tract or area of land established by a plat or otherwise as permitted by law and to be used, developed or built upon as a unit; or B) A tract or parcel of land, regardless of size, held in single or joint ownership, not necessarily a lot or lots shown on a duly recorded plan, which is occupied or capable of being occupied by buildings, structures and accessory buildings, including such greenway lands as are arranged, designed, or required, which is intended for transfer of ownership, use, lease or improvements or for development, regardless of how it is conveyed. The term "lot" shall also mean parcel, plot, site or tract or any similar term.

Lot Area, Gross. The total area of land contained within the legal limits of the property lines of a lot, exclusive of any land area within a street right-of-way.

Lot Area/Size, Net. The acreage contained within the property lines of a lot, excluding the following areas:

A. Any area within an existing street right-of-way;

B. Any area comprising stormwater management basins, lakes, ponds, and/or on-lot berms;

C. Any area overlain by the Flood Plain Conservation District as defined in Article XVI of this Ordinance;

D. Areas of slope in excess of twenty-five percent (25%) as defined in Article XVII of this Ordinance;

E. Wetlands as defined in Section 202 of this Ordinance;

F. Any area comprising rights-of-way or easements for gas, oil, natural gas, electric or communications transmission facilities, whether below or above ground, that do not serve the lot or lots traversed;

Where two or more of these conditions overlap, the single most stringent reduction factor shall apply in the calculation of net lot or tract area/size.

Lot Averaging. A development design option which allows some lots within a development to be larger or smaller than is otherwise required by a zoning district, provided the average lot size is equal to or greater than the requirements of the district and that no greenway land is created unless required by the Township Subdivision and Land Development Ordinance.

Lot, Corner. A lot bounded on at least two sides by streets, whenever the lines of such streets extended form an interior angle of one hundred thirty-five (135) degrees or less. All yards abutting streets shall be considered front yards, the remaining yards shall be treated as side yards except when uses otherwise allowed by right under this Ordinance are unreasonably excluded by the designation of more than one front yard. If there is a need to select one yard as a front yard, the Board of Supervisors shall select the front yard and that selection shall be binding.

Lot Coverage. The percentage of lot area covered by any and all impervious surfaces.

Lot Frontage. The lot dimension measured along the street line of any street abutting a lot.

Lot, Interior. Any lot which only has access to a street either by an easement or right-of-way and may be characterized as "landlocked"; or any lot which has limited frontage on a street through an accessway serving solely for access to interior lands ("flag-shaped").

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 line even though such may be the property boundary line or legal description of the lot.

Lot Line Change. A subdivision in which no increase in the number of lots is proposed or an annexation, as long as each lot is a conforming lot.

Lot Line, Front. The line separating the lot from the street line. In the case of an interior or "flag" lot, the front lot line shall be based on the lot line through which the driveway penetrates.

Lot Line, Rear. Any line, except the front lot line, which is parallel to, or within forty-five (45) degrees of being parallel to, and does not intersect, any street line.

Lot Line, Side. Any lot line which is not a front lot line or rear lot line.

Lot, Reverse Frontage. A lot extending between and having frontage on two generally parallel streets with vehicular access limited to one street. Access shall be from a local rather than a collector or arterial street, as defined in the Comprehensive Plan. In the case of a reverse frontage lot, the front yard, as defined by this Ordinance for the purpose of prohibiting or regulating the location of accessory buildings and structures, shall be determined by the front door of the dwelling. If there is a dispute over which yard is the front yard, the Board of Supervisors shall determine the front yard and its decision shall be binding. Any accessory buildings or structures located in the remaining front yard shall be located based on the front yard setback of the applicable zoning district.

Lot Width. The horizontal distance between side lot lines at the building setback line and measured parallel to the street line. Where the street line is curved or angled, the lot width shall be measured as a straight line.

Lot Width, Average. The average horizontal distance between side lot lines measured at the building setback line and the rear lot line.

Lowest Floor. The lowest floor of the lowest fully enclosed area (including basement). An unfinished, flood resistant partially enclosed area, used solely for parking of vehicles, building access, and incidental storage, in an area other than a basement area is not considered the lowest

floor of a building, provided that such space is not designed and built so that the structure is in violation of the applicable non-elevation design requirements of this ordinance.

Lumberyard. The principal use of land and structures involving the loading and unloading, storage and sales of lumber and millwork materials.

Lumen. As used in the context of this Ordinance, the light-output rating of a lamp (light bulb)

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

Manufactured Home Lots or Site. A parcel of land in a manufactured home park, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single manufactured home, which is leased by the park owner to the occupants of the manufactured home erected on the lot.

Manufactured Home Pad. A concrete pad at least six (6) inches in thickness with at least six (6) tie-down rings to which the manufactured home shall be secured, and equal in length and width to the dimensions of the manufactured home to be placed thereon.

Manufactured Home Park. A parcel of land under single ownership, which has been planned and improved for the placement of two or more residential manufactured homes for non-transient use.

Master Development Plan. A plan or plans accompanied by written materials where such are necessary to describe, in graphic form and narrative form, the information required in a Master Development Plan conditional use application under Article XVIIIA of this Ordinance.

Medical Center/Clinic or Facility. The use of land and/or a building for all of the following: examination, diagnosis, and treatment of ill or afflicted human outpatients by any of the following: physicians, dentists, and their supervised assistants.

Minerals. Any aggregate or mass of mineral matter, whether or not coherent. The term includes, but is not limited to, limestone and dolomite, sand and gravel, rock and stone, earth, fill, slag, iron ore, zinc ore, vermiculite and clay, anthracite and bituminous coal, coal refuse, peat and crude oil and natural gas.

Mini-Storage/Self-Storage Warehouse. A structure containing separate storage spaces of equal or varying sizes leased or rented on an individual basis.

Minor Repair. The replacement of existing work with equivalent materials for the purpose of its routine maintenance and upkeep, but not including the cutting away of any wall, partition or portion thereof; the removal or cutting of any structural beam or bearing support; or the removal or

change of any required means of egress; or rearrangement of parts of a structure affecting the exitway requirements; nor shall minor repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, oil, waste, vent or similar piping, electric wiring or mechanical or other work affecting public health or general safety

Mixed Use. The utilization of a building or a lot for two (2) or more principal uses.

Mobile Home. See Manufactured Home.

Mobile Home Lots or Site. See Manufactured Home Lots or Site.

Mobile Home Pad. See Manufactured Home Pad.

Mobile Home Park. See Manufactured Home Park.

Motel. A building or group of buildings containing individual rooms or lodging accommodations for transients, each of which is provided with a separate exterior entrance and parking space, and offered principally for sleeping accommodations on a rental basis for automobile travelers.

Motor Home. A self-propelled vehicular structure designed to be used as a temporary dwelling for travel, recreational, or vacation uses.

Multimunicipal Planning Agency. A planning agency composed of representatives of more than one municipality and constituted as a joint municipal planning commission in accordance with Article XI of the Pennsylvania Municipalities Planning Code, or otherwise by resolution of the participating municipalities, to address, on behalf of the participating municipalities, multimunicipal issues, including, but not limited to, agricultural and greenway land preservation, natural and historic resources, transportation, housing and economic development.

Municipalities Planning Code ("MPC"). The Pennsylvania Municipalities Planning Code, Act No. 247 of 1968, reenacted and amended by Act No. 170 of 1988, as amended by Act 170 of 1988 and as it may be subsequently amended, 53 P.S. Sections 10101-11202.

Municipal Use. An activity carried out and maintained by the Township of West Vincent.

Museum. An institution devoted to procurement, care, study, display and exhibition of objects of lasting interest or value.

National Register Historic District. An area which has been designated as a National Register Historic District pursuant to the requirements of the National Park Service (e.g. - Birchrunville).

National Register Site. An individual site, building or structure which has been included in the National Register of Historic Places pursuant to the requirements of the National Park Service.

New Construction. Structures for which the start of construction commenced on or after September 3, 1985 and includes any subsequent improvements thereto.

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

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

(2) The business shall employ no employees other than family members residing in the dwelling.

(3) There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.

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

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

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

(7) The business activity shall be conducted only within the dwelling or accessory dwelling and may not occupy more than 25% of the habitable floor area.

(8) The business may not involve any illegal activity.

Nonconforming Building/Structure. A structure or building, or part thereof, which does not conform to the applicable provisions or regulations of the zoning district in which it is located, where such structure or building lawfully existed prior to the enactment of this Ordinance or subsequent amendment thereto. Nonconforming structures shall include, but are not limited to, nonconforming buildings and signs.

Nonconforming Lot. A lot held in single and separate ownership which does not conform to one or more of the applicable area or bulk requirements of the zoning district in which it is located, where such lot lawfully existed prior to the enactment of this Ordinance or subsequent

amendment thereto.

Nonconforming Use. A use, whether of land or of a structure, which does not comply with the applicable use provisions of the zoning district in which it is located, where such use was lawfully in existence prior to the enactment of this Ordinance or subsequent amendment.

Non-Participating Landowner. In the context of an application for a Wind Energy Facility, any landowner except those on whose property all or a portion of a Wind Energy Facility is located pursuant to an agreement with the Wind Energy Facility Owner or Operator.

Nursery.

A. **Private Non-Commercial**. Land and any associated accessory buildings or structures used to raise flowers, shrubs, plants, or trees as a use accessory and incidental to a single family detached dwelling on the same lot.

B. **Commercial Retail**. Land and related accessory buildings or structures used to raise flowers, shrubs, plants, or trees primarily for retail sale to the general public.

C. **Wholesale**. Land and related accessory buildings or structures used to raise flowers, shrubs, plants, or trees primarily in large quantities or in bulk to retailers or contractors, rather than to consumers directly. Any retail sales to the general public shall be accessory and incidental to the wholesale operation.

Nursing Home, Skilled. A facility operated for the purposes of providing housing and nursing care to the invalid, infirmed, disabled or convalescent persons for compensation, provided such facility has obtained proper governmental licensure. The term "convalescent center" and "long term care facility" are included in this definition.

Object. A material thing of functional, aesthetic, cultural, historic or scientific value that may be, by nature or design, movable yet related to a specific culture, setting or environment (e.g. - Native American artifacts).

Obstruction. Any wall, dam, wharf, embankment, levee, dike, pile abutment, projection, excavation, channel, rectification, culvert, building, fence, stockpile, refuse, fill, structure, or matter in, along, across, or projecting into any channel, watercourse or floodprone area, which may impede, retard, or change the direction of the flow of water either in itself or by catching or collecting debris carried by such water or is placed where the flow of the water might carry the same downstream to the damage of life and property.

Off-Street Parking. A parking space or facility for motor vehicles located outside any street right-of-way.

One Hundred Year Flood. A flood that, on the average, is likely to occur once every one hundred (100) years (i.e., that has one (1) percent chance of occurring each year, although the flood

may occur in any year).

Outdoor Storage. The collection of man-made materials unprotected from the elements.

Parking Lot. An off-street, surfaced area designed solely for the parking of motor vehicles, including passageways and maneuvering space.

Parking Space. A reasonably level area outside a street right-of-way, available for the parking of one motor vehicle and consisting of an all-weather surface, either covered garage space or uncovered parking lot space, and which has access from a street, alley or driveway.

Party Wall. A common vertical or horizontal wall that separates two (2) buildings, structures, or dwelling units.

PennDOT. For the purpose of this Ordinance, the Pennsylvania Department of Transportation.

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

Phase. A separate or individual area or tract which is part of an overall development and which is to be developed according to a timetable for development over a period of time.

Place of Worship. A nonprofit use of land or a building or buildings as a place of worship, convent, monastery or similar religious institution, including rectory and parish houses for an organization solely or primarily used as a religious institution when located on the same premise.

Planned Office Park. A tract of land designed and developed from a single, unified plan involving the layout of lots, buildings and improvements together with a landscaping and greenway land plan in order to achieve a campus theme and efficient use of shared utilities and roads.

Planned Residential Development. An area of land, controlled by a landowner, to be developed as a single entity for a number of dwelling units, the development plan for which does not correspond in lot size, bulk or type of dwelling, density, lot coverage and required greenway land to the regulations established in any one residential district created, from time to time, under the provisions of the municipal zoning ordinance.

Planned Shopping Center. A tract of land held in single and separate ownership designed and developed from a single, unified plan for a combination of two (2) or more commercial uses.

Planning Commission. The Planning Commission of West Vincent Township.

Plat. The map or plan of a subdivision or land development, whether preliminary or final.

Plat, Recorded. The final plat, or engineering layout of streets and lots, easements,

greenway lands and public grounds, which has been duly approved by all necessary officials and bodies, and recorded in the Office of the Recorder of Deeds of Chester County, Pennsylvania.

Pond. A natural or artificial body of water which retains water year-round. Artificial ponds may be created by dams or berms or may result from excavation. The shoreline of such water bodies shall be measured from the maximum condition rather than from the permanent pool if there is any difference. This definition shall not include swimming pools, garden ponds, spray irrigation treatment or storage lagoons, or industrial waste lagoons.

Porch. A roofed open area, which may be glazed or screened, attached to or part of and with direct access to or from a building. A porch is a room where the space enclosed may be heated or air conditioned and, if glazed, where the percentage of window area to wall area is less than fifty percent (50%).

Preservation or Protection. When used in connection with natural and historic resources, shall include means to conserve and safeguard these resources from wasteful or destructive use, but shall not be interpreted to authorize the unreasonable restriction of forestry, mining or other lawful uses of natural resources

Primary Conservation Area. See "Conservation Area, Primary".

Prime Agricultural Activities. Land used for agricultural purposes regardless of soil classification.

Prime Agricultural Land. Land used for agricultural purposes that contains soils of the first, second, or third class as defined by the United States Department of Agriculture Natural Resource and Conservation Services County Soil Survey.

Principal Building. A building in which is conducted the main and primary use of the lot on which it is located. With respect to single family residential uses and buildings (except those in conjunction with agricultural operations), there shall be no more than one (1) principal building per lot.

Principal Dwelling or Use. The single dominant or main use or dwelling on a lot.

Public Grounds/Facilities. Includes parks, playgrounds and other public areas, and the sites for schools, sewage treatment, refuse disposal and other publicly owned or operated facilities.

Public Notice. Notice published once a week for two successive weeks in a newspaper of general circulation in the Township. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered. The first publication shall not be more than thirty (30) days and the second publication shall not be less than seven (7) days from the date of the hearing.

Public Utility Corporation. A corporation registered and regulated by the Pennsylvania Public Utility Commission.

Public Utility Operating Facilities. Buildings, structures, and facilities, including generating and switching stations, poles, lines, pipes, pumping stations, repeaters, antennas, transmitters and receivers, valves, and all buildings and structures relating to the furnishing of utility services, such as electric, gas, telephone, water, sewer, and public transit, to the public.

Public Utility Transmission Tower. A structure, owned and operated by a public utility electric company regulated by the Pennsylvania Public Utility Commission, designed and used to support overhead electricity transmission lines.

Receiving Zone. A zoning district in which concentrated development has been planned, where Transferable Development Rights may be applied and added to the base density.

Recreation, High Intensity. Indoor or outdoor leisure time facilities or uses that are commercial and more intense than Medium Intensity Recreational use due to their attributes pertaining to; the charging of membership and/or admission fees; the presence of a high number of participants and parking spaces; and a level of use or land disturbance of 50% or greater of the tract. Examples of high intensity outdoor recreation use include: go-cart tracks; motocross tracks; water slide parks; and amusement parks. .....

Recreation, Low Intensity. Indoor or outdoor leisure time facilities or uses of a noncommercial nature for walking, hiking, fishing, bird watching, nature study, and picnicking, Such uses shall be carried out with little disruption to the area in which they occur.

Recreation, Medium Intensity. Indoor or outdoor leisure time facilities or uses for active use by the public on a limited basis, utilizing no greater than 5% impervious cover of a tract, including for soccer, baseball, softball, football, rugby, tennis, swimming clubs, child playground facilities, as well as golf courses and driving ranges.

~~**Recreation, Active**. Leisure time activities, usually of a more formal nature and performed with other individuals, often requiring equipment and taking place at prescribed places, sites or fields. Such areas usually require physical alteration to the area before they can occur and are intensively used, including playgrounds, ball courts, and swimming pools.~~

~~**Recreation, Passive**. Leisure time activities, usually of an informal nature and which can be carried out with little alteration or disruption to the area in which they occur. Such uses include hiking and picnicking.~~

Recreation Facility, Commercial. A building or parcel of land designed and equipped for the conduct of sports, leisure time activities, and other customary and usual recreational activities, and which is operated as a business and open to the public for a fee.

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

Recreational Vehicle Campground. A parcel or tract of land under single and separate ownership upon which two (2) or more recreational vehicle sites are located, established, or maintained for occupancy by recreational vehicles of the general public as temporary living quarters for recreation or vacation purposes.

Recreational Vehicle Site. A plot of ground within a recreational vehicle park intended for the accommodation of either a recreational vehicle, tent, or other individual camping unit on a temporary basis.

Reduced Yard. A development design option which allows flexibility in required side and/or rear yard setback to create larger contiguous yard area, provided special criteria are met.

Regional Comprehensive Plan. The Phoenixville Regional Comprehensive Plan of 2008, as may be amended from time to time.

Regional Planning Agency. A planning agency that is composed of representatives of more than one county. Regional planning responsibilities shall include providing technical assistance to counties and municipalities, mediating conflicts across county lines and reviewing county comprehensive plans for consistency with one another.

Regional Planning Committee. A Planning Commission composed of representatives of multiple municipalities bound by an intermunicipality planning agreement that reviews member municipality zoning amendments and land development applications of regional significance for consistency with the Regional Comprehensive Plan.

Regulatory Flood Elevation. The one hundred (100) year flood elevation plus a freeboard safety factor of one and one-half (1 1/2) feet.

Religious Use. A nonprofit use of land or a building or buildings as a place of worship, convent, monastery or similar institution.

Renewable or Alternative Energy Source. Any method, process or substance whose supply is rejuvenated through natural processes and, subject to those natural processes, remains relatively constant, including, but not limited to, biomass conversion, geothermal energy, solar and wind energy, hydroelectric energy, and excluding those sources of energy used in the fission and fusion processes.

Repair Garage Facility. A building and lot which is used for the repair of motor vehicles, whether mechanical or body-oriented, above and beyond customary services provided by a gasoline service station.

Repetitive Loss: Flood related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each flood event, on the average, equals or exceeds 25 percent of the market value of the structure.

Residential Conversion. The change in density and dwelling type of an existing residence, resulting in the creation of party walls and independent cooking, lavatory and sleeping facilities.

Restaurant. A building used for the purpose of furnishing or serving food and beverages for consumption to the public and which contains inside seating facilities.

Restaurant, Fast Food. An eating establishment where customers place their orders at a service area located indoors, but separate from seating facilities, and where food is served either at said seating facilities or is taken out for consumption off the premises.

Restaurant, Fast Food with Drive-In Service. As defined above, an eating establishment, but which also provides service to customers who remain seated in automobiles where customers are served either through an exterior window in the establishment or directly to parked automobiles on the premises.

Restrictive Covenant Agreement. A legal instrument which simultaneously places restrictions on future development on a specified tract of land in a designated Transferable Development Rights sending zone.

Retail Establishment. A commercial use comprising the sale of commodities and/or services directly to the general public, with limited wholesale activities only as an accessory and incidental use.

Retirement or Active Adult Community. A development of individual or multiple dwellings that may include a community center and is designed for adult individuals and/or couples who do not have resident dependent children younger than eighteen (18) years old. The residents thereof need not be actually retired from their occupation or employment.

Ridgeline. The line of intersection at the top of opposite slopes or sides of increasing contour lines or the boundary between watershed drainage areas, as the same are depicted on the Visual Resources Map of the Township Greenway land and Recreation Plan .

Right-of-Way. Land set aside for use as a street, other means of travel or for use by a utility.

A. **Existing Right-of-Way**. The legal right-of-way, as established by the Township or Commonwealth of Pennsylvania or other appropriate governing authority, and currently in existence.

B. **Ultimate or Future Right-of-Way**. The right-of-way deemed necessary by the Township or by other governmental agencies with jurisdiction within the Township to provide adequate width for future street or utility improvements.

Sanitary Landfill. A lot or portion of a lot used for the deposit and storage of refuse and in which all exposed refuse is covered by earth every day. A sanitary landfill shall be operated in accordance with standards established by and shall be subject to inspection by the Pennsylvania

Department of Environmental Protection.

Screening. The use of plant or landscaping materials, fencing, walls and/or earthen berms to aid in the concealment of such features as parking areas and vehicles within them, and to provide privacy between land uses which abut one another.

Seasonal High Water Table Areas. Areas having a water table within one and one-half (1.5) feet of the surface or less for ninety (90) or more consecutive days in the year.

Seasonal High Water Table Soils. Soils described as having a minimum depth to seasonal high water table of one and one half (1.5) feet or less as identified in Table 6 of the Soil Survey for Chester and Delaware Counties, as amended or revised.

Secondary Conservation Area. See "Conservation Area, Secondary".

Section. A geographical area or tract which is part of a proposed development which will be developed according to a timetable for development over a period of years.

Selective Clearing. The careful and planned removal of specific trees, shrubs, and plants using standards and protection measures under a forest management plan.

Sending Zone. A zoning district containing designated resources to be preserved in which Transferable Development Rights may be severed and sold or otherwise transferred in exchange for permanent restrictive covenants.

Sewage Service, Individual On-Site. A system for the disposal of sewage on the lot of which it originated by the use of cesspools, septic tanks, and/or other means as approved by the Chester County Health Department.

Sewage Service, Community. A system for the collection and disposal of sewage from more than one lot, owned in common and operated by the lot owners served or by the Township. The system is subject to the approval of the Chester County Health Department and the Pennsylvania Department of Environmental Protection.

Sewage Service, Public. An off-site system for treatment and disposal of sewage in which sewage is conveyed by interceptor to a publicly-operated treatment plant and disposed of through means approved by the Pennsylvania Department of Environmental Protection.

Shallow Soils. Those soils or areas where the depth to the bedrock from the ground surface is twenty (20) inches or less.

Shared Parking. A parking arrangement in which the parking requirement for two or more uses is proposed to be satisfied by the provision of fewer parking spaces than the sum of the minimum number of parking spaces which would otherwise be required for such uses under this Ordinance.

Sign. Any structure or part thereof, or any device attached to a building, including any letter, word, model, device, picture, symbol or representation intended as an announcement, direction or advertisement and may be either freestanding, attached to another structure or painted on the exterior wall of a building. Additional definitions can be found in Article XX, § 2002.

Sign, Advertising. A sign which offers services or goods produced or available somewhere other than on the lot on which the sign is located, including billboards.

Sign Area. The face of a sign including all lettering, wording, designs and symbols, together with 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 the sign shall be considered to include a square or rectangular pattern as drawn at the outer limits of the letters, words, or representations.

Sign, Business. A sign which offers services or goods available on the lot on which the sign is located.

Sign, Directional. An informational sign indicating direction, entry, exit, loading or service areas, fire lanes, parking and other information incidental to the primary use and not itself advertising that use.

Sign, Official. A sign erected by the State, County, Township or other legally-constituted governmental body.

Single and Separate Ownership. The possession of real estate by one or more persons where vested interest is separate and distinct from that of any adjoining property.

Single-Family Garden Lot Development. A development consisting of either attached or detached single-family garden lots which, through flexible design standards, is designed to allow for maximum use of the individual lot areas. Such design flexibility shall include reduced internal road rights-of-way widths, the use of alleys or parking drives, and reduced lot areas and yard setbacks. When alleys are used for vehicular access to the dwelling units parking on the internal roadway shall be restricted to one side.

Site, Historic. The location of a significant event, a prehistoric or historic occupation or activity, or a building or structure, whether standing, ruined, or vanished, where the location itself maintains historical, cultural, or archaeological value regardless of the value of any existing building or structure.

Soils Too Permeable. Those soils in which the water percolation rate is greater than five (5) minutes per inch.

Special Exception. Permission, approval or authorization granted by the Zoning Hearing Board for particular uses in accordance with the provisions of Article XXVIII, in situations where provision is made by terms of this Ordinance.

Special Permit: A special approval which is required for hospitals, nursing homes, jails, and new manufactured home parks and subdivisions and substantial improvements to such existing parks, when such development is located entirely in, or in a designated portion of, a floodplain.

Specified Anatomical Areas. Less than completely and opaquely covered human genitals, pubic region, buttocks; female breasts below a point immediately above the top of the areola; and/or human male genitals in a discernibly turgid state, even if completely or opaquely covered.

Specified Sexual Activities. Human genitals in a state of sexual stimulation or arousal; acts of human masturbation, ejaculation, sexual intercourse, bestiality or sodomy; fondling or other erotic touching of human genitals, pubic region, buttocks or female breasts.

Specimen Tree. A unique, rare, or otherwise specifically selected plant or tree considered worthy of conservation by the Township because of its species, size, age, shape, form, historical importance, or any other significant characteristic, including listing as a Species of Special Concern by the State of Pennsylvania and/or in the visual resource inventory of the Township Open Space and Recreation Plan; particularly as applied to trees over 20 inches dbh or as identified as such pursuant to the table in Section 2231.

Stable. A building or structure and surrounding enclosures wherein horses or other equine animals are housed for any purpose, and so constructed that animals cannot stray therefrom.

Stable, Commercial Boarding. A building or structure and surrounding enclosures wherein horses or other equine animals are housed primarily for purposes other than the landowner's personal recreational use.

Stable, Commercial Hack. A building or structure and surrounding enclosures wherein horses or other equine animals are housed for rental or other exchange of compensation on a hourly or per diem basis to members of the general public.

Stable, Horse Show. A building or structure and surrounding enclosures wherein horses or other equine animals are housed temporarily during events and shows conducted on horseshow grounds.

Stage. A section or sections of a development of which the applicant proposes to commence development at the same time, as part of a timetable for development over a period of years.

Stand-Alone Wind Energy System. A wind energy generation and/or conversion system with a rated capacity of 100 kW or less, the main purpose of which is to generate electricity for, and to reduce, on-site consumption of utility power, consisting of a wind turbine, a tower, mounting frame and associated control or conversion electronics

State Land Use and Growth Management Report. A comprehensive land use and growth

management report to be prepared by the Center for Local Government Services and which shall contain information, data and conclusions regarding growth and development patterns in this Commonwealth and which will offer recommendations to Commonwealth agencies for coordination of executive action, regulation and programs.

Storage. The deposit of goods, materials, vehicles or products intended for future disposition.

Stormwater Detention Basin/Facility. A structure designed to temporarily retard surface water runoff for a period of time sufficient to cause the deposition of sediment and to reduce the velocity and volume of surface flows leaving a site, thus preventing further erosion and sedimentation and potential flooding downslope.

Stormwater Retention or Recharge Facility. A structure designed for the permanent storage or groundwater recharge of surface water runoff.

Story. That portion of a building comprised between the surface of any floor and the surface of any floor or roof next above, exclusive of cellars and basements by their definition.

Street. A strip of land, including the entire right-of-way intended for use as a means of vehicular and pedestrian access. The word "street" includes avenue, boulevard, thoroughfare, road, highway, alley, lane and other ways used or intended to be used by vehicular traffic or pedestrians, whether public or private.

Street, Arterial. A street which serves high volumes of traffic at relatively high rates of speed, including controlled access bypasses and highways serving the region.

Street, Collector. A street which serves as access between residential areas and village centers within the Township and provides access to the arterial street network.

Street, Cul-de-Sac. A local access street intersecting another street at one end and terminating at the other end by a permanent vehicular turnaround.

Street, Local Access. A street which solely serves abutting properties and provides access to the collector street network.

Street Centerline. A line which is an equal distance from both street lines.

Street Line. The ultimate or future right-of-way line of a street dividing the legal limit of a public street from a lot, or in the case of a private street the line dividing a lot from a private street. A.k.a. Street Right-of-Way.

Street, Marginal Access. A minor local access street, parallel and adjacent to an arterial street, but separated from it by a reserve strip, which provides access to abutting properties and control of intersections with arterial streets.

Street, Private. A thoroughfare serving two or more lots held in single and separate ownership and not dedicated or deeded to the Township.

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

Street Right-of-Way. See Street Line.

Street, Single Access. A type of minor street which has only one (1) point of intersection with the public street network. Single access streets include cul-de-sacs and all variations of the cul-de-sac design.

Stripping of Topsoil. The removal of sod and topsoil from a tract or portion thereof.

Structure. Anything constructed or erected on, in or under the ground or attached to the ground, including, but not limited to, buildings, sheds, manufactured homes, fences, pools, tennis courts, roads, driveways, sidewalks and other similar items. This term includes any man-made object having an ascertainable stationary location on or in land or water whether or not affixed to land.

Structural Alteration. Any substantial or significant change, rearrangement, addition to or diminution of the supporting or structural members of a building or other structure, such as bearing walls, columns, beams or girders; as well as any addition or reduction in the number, area or dimensions of doors or windows; or any change which could convert an existing building or structure into a different structure or adapt it to a different use; or the moving of a building or structure from one location to another.

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 acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.

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

Substantial Improvement. Any reconstruction, rehabilitation, addition, or other improvements of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure before the "start of construction" *("or repetitive loss" when repetitive loss language is used)* regardless of the actual repair work perreformed. The term does not, however, include either:

1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the

local code enforcement official and which are the minimum necessary to assure safe living conditions; or

2. Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

Swimming Pool, Private. A temporary or permanent structure, whether in-ground or above ground, not located within a completely enclosed building, containing or capable of containing water for swimming or wading with a minimum depth of two (2) feet. Farm ponds and storm water retention basins are not included in this definition unless specifically designed for swimming.

Swimming Pool, Public. Any open or enclosed structure, open to the general public for swimming or other water-related recreational activities, whether or not a fee is charged for admission or the use thereof.

Tenant House. A detached building whose primary use is secondary to that of the principal dwelling on the same lot and whose occupants are generally, but not necessarily limited to, employees and family members of the occupants of the principal dwelling or lessees of associated agricultural operations on that lot.

Theater. A building or part of a building devoted to the showing of moving pictures or theatrical productions on a paid admission basis.

Theater, Outdoor Drive-In. An open lot or part thereof, with its appurtenant facilities, devoted primarily to the showing of moving pictures or theatrical productions, on a paid admission basis, to patrons seated in automobiles, or on outdoor seats.

Top of Bank – The point above a waterway which defines the maximum height of channel flow of a waterway. It is either determined visually or computed as a topographic elevation.

Tower. Any single or multi-purpose, non-residential and uninhabited, private or commercial structure terminating over thirty-five (35) feet from original ground level (height to include any apparatus mounted thereon) whether secured to another structure or mounted on its own in-ground foundation. Towers or structures specifically designed to receive or transmit satellite television or other transmissions are included in this definition even if they do not exceed thirty-five (35) feet in height.

Township. West Vincent Township, Chester County, Pennsylvania.

Tract. One or more contiguous lots assembled for the purpose of unified or planned development, including but not necessarily limited to planned residential development, shopping center, office park, industrial park, cluster development, or a mobile home park. Lots shall be determined to be contiguous even if separated by a road right-of-way or other easement or right-of-way.

Tract Acreage, Adjusted. Where density or intensity of development of a particular tract is based on "Adjusted Tract Acreage" (ATA) under this Ordinance, the ATA shall constitute all

areas within the title lines of the tract, excluding the following weighted percentages of environmentally sensitive areas, rights of way and easements:

a. All existing rights-of-way or easements for public or private streets;

b. An area equivalent to 75 percent of any of the following areas:

(1) Any areas within a flood hazard district, subject to flooding in a 100-year storm and identified in Article XVI of this Ordinance;

(2) Submerged lands, riparian buffers and wetlands that are delineated under the criteria of the U.S. Army Corps of Engineers, and/or the PA Department of Environmental Protection as wetlands;

(3) All areas of steep slopes, designated as those being in excess of 25 percent as defined in Article XVII of this Ordinance;

(4) Areas within the rights-of-way of high-tension electrical transmission lines (69kV or greater) and pipelines.

c. An area equivalent to 50 percent of seasonal high water table soils as defined herein.

Tract Area, Total. The land area contained within the boundaries of a tract, exclusive of the areas of such permanent easements as are associated with overhead power transmission lines and underground pipelines, and land within the right-of-way of existing public roads that are present on the land at the time of application for subdivision is made.

Tract Coverage. The percentage of an entire tract covered by any and all impervious surfaces. In the case of a planned or unified development, the percentage of lot area of all individual lots within the development and any common or public areas covered by any and all impervious surfaces.

Traditional Neighborhood Development. An area of land developed for a compatible mixture of residential units for various income levels and nonresidential commercial and workplace uses, including some structures that provide for a mix of uses within the same building. Residences, shops, offices, workplaces, public buildings, and parks are interwoven within the neighborhood so that all are within relatively close proximity to each other. Traditional neighborhood development is relatively compact, limited in size and oriented toward pedestrian activity. It has an identifiable center and a discernible edge. The center of the neighborhood is in the form of a public park, commons, plaza, square or prominent intersection of two or more major streets. Generally, there is hierarchy of streets laid out in a rectilinear or grid pattern of interconnecting streets and blocks that provide multiple routes from origins to destinations and are appropriately designed to service the needs of pedestrians and vehicles equally.

Transferable Development Rights (TDR). The attaching of development rights to

specified lands which are desired by West Vincent Township to be kept undeveloped, but permitting those rights to be transferred from those lands so that the development potential which they represent may occur on other lands where more intensive development is deemed to be appropriate.

Transferable Development Rights (TDR) Tract Area, Net. The adjusted area of a parcel in a designated sending zone, free of rights-of-way, restrictive easements and designated sensitive environmental resources. This calculation, measured in acreage, is used to calculate the number of development rights established for an eligible tract of land.

Unified Development. A development of land in accordance with Article XVIIIA of this Ordinance.

Uniform Construction Code (UCC): The statewide building code adopted by The Pennsylvania General Assembly in 1999 applicable to new construction in all municipalities whether administered by the municipality, a third party or the Department of Labor and Industry. Applicable to residential and commercial buildings, The Code adopted The International Residential Code (IRC) and the International Building Code (IBC), by reference, as the construction standard applicable to the Commonwealth floodplain construction. For coordination purposes, references to the above are made specifically to various sections of the IRC and the IBC.

Uplighting. Any light source that distributes illumination above a 90 degree horizontal plane.

U. Ratio. Uniformity ratio describing the average level of illumination in relation to the lowest level of illumination for a given area (e.g. - U. ratio equal to 4:1 indicates that the average level of illumination should be no more than 4 times the lowest level of illumination).

Use. The specific purpose for which land or a building is designed, arranged, intended, or for which it is or may be occupied or maintained, or any activity, occupation, business, or operation conducted in a building or other structure.

Variance. Permission, approval or authorization granted by the Zoning Hearing Board, constituting a modification or deviation from the exact provisions of this Ordinance as applied to a specific property in accordance with the provisions of Article XXVIII.

Village. A relatively small clustered settlement with the following typical characteristics:

- often located at a crossroads or village center/square;
- small, compact development pattern;
- usually small or narrow lots;
- may include a mix of land uses (i.e. - commercial, office).

Historical villages are pre-twentieth century in origin, often dominated by older homes and structures, and with a central origin (e.g. - mill, general store, tavern, extended farmstead).

Village Cluster Development. A development design option which allows the minimum lot area and yard requirements to be reduced so that buildings and lots can be grouped together in a configuration intended to recreate traditional village settings and to preserve visual resources, provided that the remaining area is set aside and preserved as greenway land.

Visual Resources. Characteristic landscape elements when viewed from public streets or rights-of-way, including but not limited to those features identified on the Visual Resources Map in the West Vincent Township Open Space and Recreation and Plan including:

- upland areas of moderate topographical relief and broad agricultural landscapes.
- ridge lines of prominent topographical relief.
- valley floors hemmed in by ridge or upland areas.
- visually prominent wetlands and watercourses.
- clusters of buildings arranged to have the appearance of a single landscape unit.
- landscape rooms wherein vegetation, hills and ridge lines produce a narrow visual focus.

Wagering and Gambling Facilities. A commercial use which provides facilities or at which persons assemble for the purpose of any activity which involves lawful gambling or wagering including, without limitation, those facilities and activities for pari-mutual wagering on thoroughbred and/or harness horse races remote from any race track and governed by and licensed pursuant to the Race Horse Industry Reform Act, the Act of December 17, 1981, P.L. 435, as it may be from time to time amended, 4 P.S. subsection 325.101 et seq. Gambling and wagering shall include any activity, game, or device at which money or other valuable things may be played for, or staked or betted upon and in which, by the rules of the activity, game, or device a consideration is paid by the player or participant and a reward is paid to players or participants as a consequence of some element of chance. A commercial use otherwise permitted shall not constitute a gambling or wagering facility solely on account of the installation of facilities and devices pursuant to the State Lottery, the Act of August 26, 1971, P.L. 351, as amended, 72 P.S. subsection 3761-1 et seq.

Watercourse. A channel or conveyance of surface water having defined bed and banks, whether natural or artificial, with perennial or intermittent flow. The term shall also include water features defined as "Waters of the Commonwealth".

Water Supply, Individual On-Site. A system for supplying and distributing water to a single dwelling or other structure from a source located on the same lot. The system shall be approved by the Chester County Health Department.

Water Supply System, Central. A system for supplying and distributing water from a common source or sources, available to all dwellings and structures within a franchise area. The system shall be approved by the Chester County Health Department, the Pennsylvania Department of Environmental Protection, and the Pennsylvania Public Utility Commission. The water supply source may be located on-site or off-site.

A. **Community Water Supply System**. A centralized system for supplying and

distributing water from a common source or sources to two (2) or more dwellings or structures within a single development, neighborhood, or area.

B. **Public Water Supply System**. A system, owned and operated by a municipality, governmental agency or public utility, for supplying and distributing water from a common source or sources to dwellings and other structures generally not confined to a single development, neighborhood or area.

Waters of the Commonwealth. Rivers, streams, creeks, rivulets, impoundments, ditches, watercourses, storm sewers, lakes, dammed water, wetlands, ponds, springs and other bodies or channels of conveyance of surface and underground water, or parts thereof, whether natural or artificial, within or on the boundaries of the Commonwealth of Pennsylvania.

Wetlands. Based on U.S. Army of Corps of Engineers and Pennsylvania Department of Environmental Protection regulations, those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas.

Wetlands Margin. The transitional area extending from the outer limit of a wetlands.

Wholesale Activities. A commercial activity comprising the sale of merchandise in large quantities or in bulk to retailers or contractors, rather than to consumers directly, including warehousing, loading and unloading, and shipping of such merchandise.

Wind Energy Facility. An electric generating facility, whose main purpose is to supply electricity, consisting of one or more Wind Turbines and other accessory structures and buildings, including substations, meteorological towers, electrical infrastructure, transmission lines and other appurtenant structures and facilities.

Wind Energy Facility Operator. The entity responsible for the day-to-day operation and maintenance of a Wind Energy Facility.

Wind Energy Facility Owner. The entity or entities having an equity interest in a Wind Energy Facility, including their respective successors and assigns.

Wind Turbine. A Wind Energy System that converts wind energy into electricity through the use of a wind turbine generator, and includes the nacelle, rotor, tower, and pad transformer, if any.

Wind Turbine Height. The distance measured from the surface of the tower foundation to the highest point of the turbine rotor plane.

Yard. An open area surrounding a building contained within a lot extending parallel to lot lines and street lines and measured at a distance perpendicular to lot and street lines.

A. **Yard, Front**. A yard extending the full width of the front lot line and extending in depth from such lot line to the nearest portion of any building on the lot. In the case of an interior or "flag" lot or a reverse frontage lot, the front yard shall be determined by the yard through which the driveway traverses.

B. **Yard, Rear**. A yard extending the full width of the lot along the rear lot line and extending in depth from the rear lot line to the nearest portion of any building on the lot.

C. **Yard, Side**. A yard extending the full depth of the lot along a side lot line, between front and rear yards, and extending in width from such side lot line to the nearest portion of any building on the lot.

Zoning Hearing Board. The Zoning Hearing Board of West Vincent Township, Chester County, Pennsylvania.

Zoning Map. The duly approved Zoning Map of West Vincent Township, Chester County, Pennsylvania.

Zoning Officer. The officer or other designated authority charged with the enforcement of the Township Zoning Ordinance.

Zoning Ordinance. The Zoning Ordinance of West Vincent Township, Chester County, Pennsylvania.

ARTICLE III

ESTABLISHMENT OF DISTRICTS

SECTION 301 CLASSES OF DISTRICTS

For the purpose of this Ordinance, West Vincent Township is hereby divided into nine (9) base districts and thirteen (13) overlay districts, which shall be designated as follows:

BASE DISTRICTS

RC Rural-Conservation District (Article IV)

R-3 Residential District (Article V)

R-2 Residential District (Article VI)

RM Residential Mix District (Article VII)

KV Kimberton Village District (Article VIII)

BV Birchrunville Village District (Article X)

PC/LI Planned Commercial/Limited Industrial District (Article XI)

LVCC Ludwigs Village Center Commercial District (Article XII)

M Municipal District (Article XV)

UDA Unified Development Area District (Article XVIIIA)

OVERLAY DISTRICTS

MHP Mobile Home Park Overlay District (Article IX)

VCR Village Center Residential Overlay District (Article XIII)

RT100 Rt. 100 Overlay District (Article XIV)

FPC Flood Plain Conservation Overlay District (Article XVI)

SSC Steep Slope Conservation Overlay District (Article XVII)

PRD Planned Residential Development Overlay District (Article XVIII)

WRP Water Resource Protection Overlay Districts (Article XXIII)

HP Historic Preservation Overlay District (Article XXIV)

TDR Transferable Development Rights Overlay District (Article XXV)

GPA Groundwater Protection Zone A (Township Well Ordinance)

GPB Groundwater Protection Zone B (Township Well Ordinance)

GPC Groundwater Protection Zone C (Township Well Ordinance)

SECTION 302 ZONING MAP

The boundaries of all base districts shall be shown upon the Zoning Map made a part of this Ordinance. The Zoning Map, and all notations, references, and other data shown thereon, are hereby incorporated by reference into this Ordinance as if they were fully described herein. The Mobile Home Park District, Village Center Residential District, Planned Residential Development District, Steep Slope Conservation District, Flood Plain Conservation District, Water Resource Protection District, Historic Preservation District, Transferable Development Rights District, Rt. 100 Overlay District, and Groundwater Protection Districts shall be treated as overlay districts to the otherwise applicable base zone, provisions for which are included therein.

SECTION 303 INTERPRETATION OF DISTRICT BOUNDARIES

In the case of the Flood Plain Conservation District, rules for interpretation of district boundaries are contained in Article XVI, Section 1604. In the case of the Steep Slope Conservation District, rules for interpretation of district boundaries are contained in Article XVII, Section 1703. In the case of the Water Resource Protection District, rules for interpretation of district boundaries are contained in Article XXIII, including Section 2304, Section 2305, Section 2306 and Section 2307. In the case of the Groundwater Protection Districts, rules for interpretation of district boundaries are contained in the Township Well Ordinance. For all other districts, boundary lines shall, unless otherwise indicated, follow property lines or the center lines of streets, watercourses, ponds and lakes, or such lines extended, or lines parallel thereto. The following additional rules shall apply to the interpretation of the location of any boundary on the Zoning Map:

A. Where boundaries of a single district are indicated as including directly opposite sides of a street, watercourse, pond, lake, or right-of-way of a power line, other public utility, or any portion of its length, the district so indicated shall be construed to apply to the entire width of such street, watercourse, pond, lake, or right-of-way of such power line or other public utility lying within such portion of the district.

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

C. Where a district boundary is indicated as approximately following the centerline of a street, watercourse, pond or lake, such centerline shall be construed to be such boundary.

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

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

In the case of any uncertainty or where any question or disagreement may develop through interpretation by the Zoning Officer concerning the exact location of any district boundary line, the Zoning Hearing Board shall interpret the intent of the Zoning Map as to the location of district boundaries per procedures established in Article XXVIII of this Ordinance. Applicants for such a hearing shall not be subject to hearing fees for hearings made necessary by uncertainty on the part of the Zoning Officer.

SECTION 304 DISTRICT BOUNDARY TOLERANCES

Where a district boundary line divides a lot held in single and separate ownership as of the effective date of the West Vincent Township Zoning Ordinance of 2003 (such effective date being June 9, 2003), the use regulations applicable to either district may, at the landowner's election, extend over the portion of the lot a distance of twenty-five (25) feet beyond the district boundary line.

SECTION 305 FEDERAL AND STATE OWNED PROPERTY

Whenever Federal or State owned property is located in the Township, it shall be subject to the provisions of this Ordinance only in so far as permitted by the Constitution and Laws of the United States of America and the Commonwealth of Pennsylvania.

ARTICLE IV

RC RURAL CONSERVATION DISTRICT

SECTION 401 PURPOSES

A. In conformance with the Municipalities Planning Code, particularly Section 604, Zoning Purposes, subsections (1), (3), and (5); and Section 605, Classifications, subsections (2) and (3), the purposes of this Article, among others, are as follows:

1. To promote continued agricultural, greenway land, and conservation uses while also permitting additional residential development at an overall low density that will help to maintain the rural character of the district;

2. To provide for a choice of lot sizes and a range of net building densities to accommodate a variety of age and income groups and residential preferences so that the community's population diversity may be maintained;

3. To implement adopted Township policies to conserve a variety of irreplaceable and environmentally sensitive resource lands as set forth in the West Vincent Township Open Space and Recreation Plan, including provisions for reasonable incentives to create a greenway system for the benefit of present and future residents;

4. To provide standards reflecting the varying circumstances and interests of individual landowners, and the individual characteristics of their properties; and

5. To implement adopted Township land use, transportation and community policies, as identified in the Township's Comprehensive Plan;

B. In order to achieve these purposes, this Article provides for flexibility in designing new residential subdivisions by allowing four optional forms of development (from which the landowner shall be required to select one or, if permitted by the Township, more than one), referred to as "tiers", as summarized below. These design options shall not apply to "lot line changes" for parcels in existence prior to January 2, 1999 or created by any approved subdivision plan filed with the Township prior to January 2, 1999. The reconfigured lots resulting from the lot line changes to such parcels shall comply with the area and bulk requirements set forth in Exhibit F to this Zoning Ordinance.

1. **Tier I Subdivisions**: relatively low density, providing for rural residential uses with flexible and reduced design standards in instances where a permanent conservation easement is offered to maintain such uses;

2. **Tier II Subdivisions**: moderate density, providing for rural-suburban residential uses in conventional layouts of standard houselots and streets;

3. **Tier III Subdivisions**: higher density, providing for residential uses and

neighborhood greenway land in flexibly designed layouts with (where appropriate) other improvements serving the community such as central water systems and community sewage disposal facilities.

4. **Tier IV Subdivisions**: greater density, providing for residential uses and a larger percentage of neighborhood greenway land in more flexibly designed layouts with (where appropriate) other improvements serving the community such as central water system and community sewage disposal facilities.

These four options are all "as-of-right" alternatives and do not require Conditional Use or Special Exception permits. However, approval is subject to applications meeting certain design standards and performance standards contained in this Ordinance and in the Subdivision and Land Development Ordinance. These options are intended to minimize impacts on environmental resources (sensitive lands such as wetlands, floodplains and steep slopes) and disturbance of natural or cultural features (such as mature woodlands, hedgerows and treelines, critical wildlife habitats, historic buildings, and visual resources). In this way the Township will be better able to accommodate future growth with a minimal amount of land disturbance, in accordance with Township land-use policies as articulated in the West Vincent Township Comprehensive Plan and the West Vincent Township Greenway land, Recreation and Natural Resources Plan.

SECTION 402 APPLICABILITY

A. General

This Article applies to all land within the RC Rural Conservation District.

B. Special Conditions Associated with Tier I Subdivisions

Regulations for Tier I subdivision as set forth in this Article, apply to applicants who intend to subdivide their land at reduced densities than otherwise may be allowed under the provisions of the RC Rural Conservation District, and who voluntarily grant a permanent conservation easement on such land to a qualified conservation organization.

C. Provisions for Long-Range Planning Purposes

The design of all new subdivisions shall reflect consideration of potential impacts the proposed layouts could have on the future usability of and possible uses of the newly created parcels and the need to conform with the purposes of this Ordinance. All new subdivisions shall therefore meet the design requirements for Tier I, Tier II, Tier III, or Tier IV developments (as described in Section 405 below). Consideration shall be given to the ultimate layout to ensure that all zoning provisions can be met, particularly those involving greenways identified in the Township's Open Space and Recreation Plan. Toward this end, applicants shall complete an Existing Conditions and Site Analysis Plan, and shall also complete the first step of the "five-step" design approach identifying Primary and Secondary

Conservation Areas, as described in the Subdivision and Land Development Ordinance.

D. **Exemption for Pre-Existing Parcels less than Ten (10) Acres**

If an applicant is seeking to subdivide a parcel containing less than ten (10) acres as of the effective date of this Ordinance, such shall be subdivided in accordance with the area and bulk regulations which previously applied to parcels in this zoning district per the West Vincent Township Zoning Ordinance of 1987, as amended, which provisions are contained in Appendix F, unless the applicant can demonstrate that subdividing the parcel will comply with the greenway land requirements of this Ordinance, as amended, in providing an interconnected greenway network of greenway land which is a principal objective of this Ordinance.

E. **Exemption for Act 319 Subdivisions**

If an applicant is seeking to subdivide or effectuate a Lot Line Change of a lot that has been approved under, and is subject to the protection of, the Pennsylvania Farmland and Forest Land Assessment Act of 1974, 72 P.S. §§ 5490.1 *et seq.* (commonly known as "Act 319" or the "Clean and Green Law"), the minimum lot area and the maximum density shall be the lesser of: the dimensional standards set forth in the tier design option selected by the applicant; or two (2) acres (i.e., a minimum lot area of two (2) acres and a maximum density of one (1) dwelling unit per two (2) acres). All of the foregoing shall be conditioned on the applicant complying with all applicable requirements of Act 319.

SECTION 403 USE REGULATIONS

A. **Uses by Right**

A building or structure may be erected, altered, or used, and a lot or premises may be used or occupied, for one of the following purposes and no others:

1. Passive Agricultural Uses and buildings related to the same.

2. Woodlots, arboreta, and other similar silvicultural uses.

3. Woodland preserve, game preserve, wildlife sanctuary, or other similar conservation use.

4. Subject to the compliance with provisions of Section 2220, the breeding, raising or boarding of animals (excluding, however, the breeding, raising or boarding of pigs, which is expressly prohibited) provided that the minimum area of the tract on which the use is conducted shall not be less than ten (10) acres except as otherwise expressly provided in Section 2220.

5. Single-family detached homes.

6. Single-family attached dwellings in Tier III and Tier IV developments, subject to a maximum of four (4) units within any single building and a maximum of thirty-three percent (33%) of all dwelling units within the development.

7. Low Intensity Recreation ~~Park or recreation~~ Use area.

8. Municipal building or use.

9. ~~9.~~ Essential services.

~~Bed and breakfast uses, provided that no more than two (2) guest rooms are let to a maximum occupancy of four (4) guests, in the aggregate, at any one time, that one (1) improved off-street parking space per guest room is provided, and that the use is located on a lot of at least five (5) acres in area.~~

~~ALTERNATIVE DRAFT LANGUAGE (INCORPORATE THROUGHOUT IF SELECTED):~~

Bed and B~~b~~reakfast use~~s~~ on a lot of at least ~~five~~three (3~~5~~) acres, provided that:

a) Host Rentals: If the owner of the property will remain on-site during the entirety of the rental period, then no more than three (3) guest rooms may be let at any one time, with a maximum occupancy of six (6) guests. One (1) improved off-street parking space per guest bedroom must be provided.

b) Non-~~-~~Host Rentals: If the owner of the property will not remain on-site during the entirety of the rental period, then the rental period shall not exceed ~~seven~~fifteen (~~7~~15) consecutive days and the number of overnight guest stays shall not exceed sixty (60) nights per year. ~~The owner must also supply the Township and each guest with their name and emergency contact information.~~ One (1) improved off-street parking space per guest bedroom must be provided. The Non-Host Rental Bed and Breakfast must also remain incidental and secondary to the principal residential use of the property.

c) The owner of a Bed and Breakfast use shall register with the Township prior to commencement of the use and on or before the end of January of each calendar year, providing the name, type of Bed and Breakfast use, number of guest rooms, number of guest bedrooms, number of rental nights in the prior year (in the case of a Non-Host Rental Bed and Breakfast use), and the emergency contact information of the property owner.

B. **Conditional Uses**

Any of the following uses may be permitted as a conditional use when authorized by the Board of Supervisors, subject to the standards established herein and the standards of Section 2711 of this Ordinance.

1. Commercial greenhouses, provided they are situated no less than one hundred (100) feet from an adjoining property line or public right-of-way.

2. Church or similar place of worship, including rectory or parish house.

3. Boarding stables, excluding commercial hack stables, provided they meet the standards of Section 2220 and the following minimum requirements:

    a. Minimum lot area: ten (10) acres.

    b. Such stables shall be an accessory use to a principal dwelling located on the same lot.

4. Cemetery, provided that the parcel devoted to this use shall not be less than twenty (20) acres.

5. Public utility building or use; not to include business facilities, storage of materials, trucking or repair facilities, the housing of repair crews, private or municipal sanitary landfills.

6. Clubs for swimming, golf, horseback riding, tennis, or other racquet sports, provided that:

    a. The minimum tract size is not less than ten (10) acres;

    b. Each structure or building shall be clearly incidental to the outdoor use;

    c. Any club or lodge building and its services shall be for the use of members and their guests only;

    d. Amusement parks, pitch and putt, miniature golf, go-cart tracks, rifle ranges, or similar uses shall be prohibited. Driving ranges shall be permitted only as part of a regulation golf course; and

    e. All outdoor uses or activities shall be conducted on and confined to the premises.

7. Personal use airport for personal use by the landowner only provided the minimum tract size is not less than ten (10) acres and in accordance with Section 2214 of this Ordinance.

8. Bed and Breakfast use on a lot less than three (3) acres in area, subject to compliance with the requirements of Section 403.A.9 and Section 2711.

C. **Uses by Special Exception**

Any of the following uses may be granted as a special exception when authorized by the Zoning Hearing Board, subject to the standards of Section 2807 of this Ordinance:

~~1. Bed and breakfast uses, provided that no more than two (2) guest rooms are let to a maximum of four (4) guests at any one time, that one (1) improved off-street parking space per guest room is provided, and that the use is located on a lot of at least five (5) acres in area.~~

~~2~~1. Conversion of one or more farm buildings or structures existing at the effective date of this ordinance located in a cluster, or a close grouping of buildings or structures typically associated with a farm lot, into a single-family detached dwelling or multi-family dwelling, provided that the minimum total lot area for such a use shall be two (2) acres for each dwelling unit so created, including the original single-family dwelling unit, and subject to the provisions of Section 2204.

D. **Accessory Uses**

The following accessory uses shall be permitted, provided they are incidental to any of the foregoing permitted uses subject to the applicable provisions of Article XXII of the Zoning Ordinance, including Section 2201:

1. Customary Residential Accessory Uses. The total impervious coverage of all structures associated with such accessory uses shall not exceed a maximum of five percent (5%) of the gross lot area, unless authorized by the Zoning Hearing Board as a special exception in accordance with Section 2807 of this Ordinance.

    a. Private swimming pools, subject to the provisions of Section 2222.

2. Customary Agricultural Accessory Uses, including the raising, breeding or boarding of pigs, poultry and fowl subject to compliance with the provisions of Section 2220.

3. Private, noncommercial greenhouses.

4. Home occupations, in accordance with the provisions of Section 2209.

5. Accessory dwelling units subject to the provisions of Section 2201.

6. Roadside stands for the sale of farm products and in accordance with the provisions of Section 2219.

7. Private, non-commercial nursery.

8. Communications antennas mounted on an existing public utility transmission tower, existing building or other existing structure, and communications equipment buildings subject to the provisions of Section 2224 of this Ordinance.

E. **Combined Approaches Involving Tiers I, II, III, and IV Design**

No tract may be used for more than one of the permitted "tiers" of residential development, unless it can be demonstrated to the satisfaction of the Board of Supervisors that additional tiers on that tract would comply with all the requirements of this Ordinance, and that they would also conform with its purposes.

SECTION 404 GENERAL REGULATIONS

A. **General**: The design of all new developments in the RC Rural Conservation District shall be governed by the following minimum standards:

1. **Ownership**: The tract of land may be held in single and separate ownership or in multiple ownership. However, when a tract is held in multiple ownership, it shall be planned as a single entity with common authority and common responsibility.

2. **Site Suitability**: As evidenced by the Existing Conditions and Site Analysis Plan, the conceptual Preliminary Plan and the detailed Final Plan, the tract incorporating this design option shall be suitable for such development in terms of environmental conditions, its size, and configuration.

3. **Intersections and Access**: New intersections with existing public roads shall be minimized. Although two accessways into and out of subdivisions containing more than fifteen (15) dwellings are generally required for safety, proposals for more than two entrances onto public roads shall be discouraged if they would unnecessarily disrupt traffic flow.

4. **Sensitive Area Disturbance**: The proposed design shall strictly minimize disturbance of environmentally sensitive areas, as shown on the Existing Conditions and Site Analysis Plan. Lands within the 100-year floodplain, or having slopes in excess of 25%, and rock outcroppings constitute such environmentally sensitive areas, where disturbance shall be strictly minimized. Demonstration by the applicant that these features will be protected by the proposed application shall be prerequisite to approval of both the conceptual Preliminary Plan and the detailed Final Plan.

5. **Community Wastewater Systems**: In developments that are proposed to be served

by community wastewater disposal systems, the selection of the preferred wastewater treatment alternative shall be based upon the Township's Act 537 Sewage Facilities Plan.

SECTION 405 AREA, BULK, AND LAYOUT REGULATIONS

The following regulations shall apply to all residential uses in the RC Rural Conservation District:

A. **Conformance with Purposes:** Site planning, including the layout of lots, streets, structures and required greenway space shall be in compliance with the purposes of this Article and with the overall purposes of this Ordinance.

B. **Maximum Density and "Adjusted Tract Acreage":**

Maximum density shall be calculated through the "Adjusted Tract Acreage" approach as described in Section 202 of this Ordinance (except in Tier I developments where total tract area may be counted, excluding only lands submerged for six or more months of the year, such as lakes and ponds).

C. **Area and Bulk Regulations in Lieu of Base Zoning – "Default Setting":**

For the purposes of establishing nonconforming status for parcels in existence as of the effective date of this Ordinance or where provisions of this Ordinance require a minimum lot size or setback requirements, the minimum size for lots in this district shall be determined by Section 405G.1 below and the setback requirements shall be determined by Section 405G.5 below.

D. **Dimensional Standards for Tier I Subdivisions**:

1. **Maximum Density**: One (1) dwelling unit per ten (10) gross acres, except as noted below:

   Accessory Dwelling Units: A maximum of one (1) accessory dwelling unit may be granted for any approved house lot in any Tier I residential development, in accordance with Section 403D.6, herein, unless otherwise permitted under Section 2201.

2. **Minimum Required Greenway Land**: 80% of total tract area.

3. **Minimum Lot Area**: None

   Although no minimum lot size is prescribed, lots in Tier I subdivisions shall be designed to include a substantial proportion of greenway lands. Design standards and requirements for greenway lands are contained in Article XIX of this Ordinance.

4. **Minimum Lot Width at Building Setback Line and Frontage Requirement**.

Minimum Lot Width at Building Setback Line: 150 feet.

All proposed lots shall possess at least thirty (30) feet frontage on a street, country lane, or common driveway meeting Township standards. Access strips to interior lots or flag lots shall not exceed 600 feet in length, except where deemed necessary by the Township because of site conditions or the depth of adjoining lots with road frontage. The land area within the driveway access strips shall not be included in the minimum required lot area or the maximum permitted impervious coverage.

5. **Yard Regulations**: The builder or developer is urged to consider variations in the principal building position and orientation, but shall observe the following minimum standards:

   a. **Front Yard**: For principal buildings, 100 feet from the ultimate right-of-way (or, in the case of an interior lot, the front lot line) of existing public roads, 50 feet from the ultimate right-of-way of new streets.

   b. **Rear Yard**: 50 feet minimum for principal buildings and 10 feet for accessory buildings.

   c. **Side Yard**: 40 feet for principal buildings.

   d. **Setback From Agricultural Operations:** 100 ft. minimum for new principal dwellings. Existing dwellings, new additions to existing dwellings, and any new accessory structures shall be exempt from this setback requirement.

   e. **Accessory Buildings and Structures**: In accordance with Section 2201 of this Ordinance.

6. **Maximum Impervious Coverage by Buildings, Structures and Impervious Surfaces**: Maximum of 4% of Adjusted Tract Acreage on entire subdivision tract (e.g. - maximum 17,424 sq. ft. of impervious coverage per house based upon a minimum 10-acre gross density per principal residence). The calculation of impervious coverage for the purposes of this provision shall not include impervious coverage attributable to public sidewalks or driveways serving the lot (the scope of such exclusion to include shared driveways, but exclude discrete parking areas other than those directly in front of an approved garage).

E. **Dimensional Standards for Tier II Subdivisions**:

1. **Maximum Density**: One dwelling unit per five (5) acres of Adjusted Tract Acreage. From the net area thus calculated, 5% shall be deducted to provide for street

circulation, if applicable, prior to determining density.

2. **Minimum Required Greenway Land**: 65% of Adjusted Tract Acreage, plus all primary conservation areas. The minimum greenway land shall remain undivided to the extent practical. Any required public land dedication in accordance with Section 615C of the Township Subdivision and Land Development Ordinance shall be in addition to the foregoing minimum greenway land requirement.

3. **Minimum Lot Area (Net)**: None

4. **Minimum Lot Width at Street Line (Frontage Requirement)**:

   a. **Minimum Lot Width at Building Setback Line For Single-Family Detached Dwellings**: 70 feet.

      All proposed lots shall possess at least 30 feet of frontage on a public or private street or shall provide a common driveway meeting Township standards. Access strips to interior lots or flag-lots shall not exceed 350 feet in length except where deemed necessary by the Board of Supervisors owing to site conditions or the depth of adjoining lots with street frontage. The land area within the driveway access strips shall not be included in the minimum required lot area or in the minimum required building envelope.

   b. **Minimum Lot Width at Building Setback Line For Single-Family Attached Dwellings**: 24 feet.

5. **Yard Regulations**: The builder or developer is urged to consider variations in the principal building position and orientation, but shall observe the following minimum standards:

   a. **Front Yard**: For principal buildings, 100 feet from the ultimate right-of-way (or, in the case of an interior lot, the front lot line) of existing public roads, 50 feet from the ultimate right-of-way of new streets.

   b. **Rear Yard**: 50 feet minimum for principal buildings. On reverse frontage lots, the provisions of Section 2103D shall prevail.

   c. **Side Yard**: 40 feet for principal buildings.

   d. **Setback From Agricultural Operations:** 100 ft. minimum for new principal dwellings. Existing dwellings, new additions to existing dwellings, and any new accessory structures shall be exempt from this setback requirement.

   e. **Tract Perimeter Setback**: All new buildings shall be set back not less than 60 feet from the tract perimeter unless an effective visual buffer exists, in

which case the Board of Supervisors may reduce the perimeter setback for structures to 50 feet. The Board may also require that such a buffer be created or amplified where existing vegetation does not provide effective visual screening in accordance with Section 1903C.5 and Section 2106B of this Ordinance.

f. **Accessory Buildings and Structures**: In accordance with Section 2201 of this Ordinance.

6. **Impervious Coverage by Buildings, Structures and Impervious Surfaces**: Maximum of 7% of Adjusted Tract Acreage on each lot, including all buildings and impervious cover. The calculation of impervious coverage for the purposes of this provision shall not include impervious coverage attributable to public sidewalks or driveways serving the lot (the scope of such exclusion to include shared driveways, but exclude discrete parking areas other than those directly in front of an approved garage).

F. **Dimensional Standards for Tier III Subdivisions**:

1. **Maximum Density**:

One dwelling unit per 140,000 sq. ft. of Adjusted Tract Acreage.

2. **Minimum Required Greenway Land**: 60% of Adjusted Tract Acreage, plus all primary conservation areas. The minimum greenway land shall remain undivided to the extent practical. Any required public land dedication in accordance with Section 615C of the Township Subdivision and Land Development Ordinance shall be in addition to the foregoing minimum Greenway Land requirement. Exceptions are permitted, however, allowing larger building lots with conservation easements in accordance with Section 1903 of this Ordinance.

3. **Minimum Lot Area**: None

4. **Minimum Lot Width at Building Setback Line and Frontage Requirement**.

a. Minimum Lot Width at Building Setback Line For Single-Family Detached Dwellings: 70 feet.

All proposed lots shall possess at least 30 feet of frontage on a public or private street or common driveway meeting Township standards. Access strips to interior lots or flag-lots shall not exceed 350 feet in length, except where deemed necessary by the Board due to site conditions or the depth of adjoining lots with street frontage. The land area within the driveway access strips shall not be included in the minimum required lot area or in the minimum required building envelope.

b. **Minimum Lot Width at Building Setback Line For Single-Family Attached Dwellings**: 24 feet.

5. **Yard Regulations**: The builder or developer is urged to consider variations in the principal building position and orientation, but shall observe the following minimum standards.

a. **Front Yard**: 25 feet from the edge of pavement of new private streets, 25 feet from the ultimate right-of-way of new public streets, and 50 feet from the ultimate right-of-way of existing Township roads.

b. **Rear Yard**: 30 feet minimum for principal buildings.

c. **Side Yard**: 10 feet for principal buildings

d. **Setback From Agricultural Operations**: 100 ft. minimum for new principal dwellings. Existing dwellings, new additions to existing dwellings, and any new accessory structures shall be exempt from this setback requirement.

e. **Tract Perimeter Setback**: All new buildings shall be set back not less than 60 feet from the tract perimeter unless an effective visual buffer exists, in which case the Board of Supervisors may reduce the perimeter setback for structures to 50 feet. The Board may also require that such a buffer be created or amplified where existing vegetation does not provide effective visual screening in accordance with Section 1903C.5 and Section 2106B of this Ordinance.

f. **Accessory Buildings and Structures**: in accordance with Section 2201 of this Ordinance.

6. **Maximum Impervious Coverage by Buildings, Structures and Impervious Surfaces** : Maximum of 15% of Adjusted Tract Acreage on each lot . The calculation of impervious coverage for the purposes of this provision shall not include impervious coverage attributable to public sidewalks or driveways serving the lot (the scope of such exclusion to include shared driveways, but exclude discrete parking areas other than those directly in front of an approved garage).

G. **Dimensional Standards for Tier IV Subdivisions**:

1. **Maximum Density**:

One dwelling unit per 120,000 sq. ft. of Adjusted Tract Acreage.

2. **Minimum Required Greenway Lands**: 70% of Adjusted Tract Acreage, plus all primary conservation areas. The minimum Greenway Land shall remain undivided to the extent practical. Any required public land dedication in accordance with Section 615C of the Township Subdivision and Land Development Ordinance shall be in addition to the foregoing minimum Greenway Land requirement. Exceptions are permitted, however, allowing larger building lots with conservation easements in accordance with Section 1903 of this Ordinance.

3. **Minimum Lot Area**: None

4. **Minimum Lot Width at Building Setback Line and Frontage Requirements**.

   a. Minimum Lot Width at Building Setback Line for Single-Family Detached Dwellings: 60 feet.

   b. All proposed lots shall possess at least 30 feet frontage on a public or private street or common driveway meeting Township standards. Access strips to interior lots or flag lots shall not exceed 250 feet in length, except where deemed necessary by the Board due to site conditions or the depth of adjoining lots with street frontage. The land area within the driveway access strips shall not be included in the minimum required lot area or in the minimum required building envelope.

   c. Minimum Lot Width at Building Setback Line For Single-Family Attached Dwellings: 24 feet.

5. **Yard Regulations**: The builder or developer is urged to consider variations in the principal building position and orientation, but shall observe the following minimum standards.

   a. **Front Yard**: 20 feet from the edge of pavement of new private streets, 20 feet from the ultimate right-of-way of new public streets, and 50 feet from the ultimate right-of-way of existing Township roads.

   b. **Rear Yard**: 30 feet minimum for principal buildings.

   c. **Side Yard**: 10 feet for principal buildings.

   d. **Setback From Agricultural Operations**: 100 ft. minimum for new principal dwellings. Existing dwellings, new additions to existing dwellings, and any new accessory structures shall be exempt from this setback requirement.

   e. **Tract Perimeter Setback**: All new buildings shall be set back not less than 60 feet from the tract perimeter unless an effective visual buffer exists, in

which case the Board of Supervisors may reduce the perimeter setback for structures to 50 feet. The Board may also require that such a buffer be created or amplified where existing vegetation does not provide effective visual screening in accordance with Section 1903C.5 and Section 2106B of this Ordinance.

f. **Accessory Buildings and Structures**: In accordance with Section 2201. of this Ordinance.

6. **Maximum Impervious Coverage by Buildings and Other Structures, and Impervious Surfaces**: Maximum of 20% of Adjusted Tract Acreage on each lot for single-family detached dwellings and 50% of Adjusted Tract Acreage on each lot for single-family attached dwellings. The calculation of impervious coverage for the purposes of this provision shall not include impervious coverage attributable to public sidewalks or driveways serving the lot (the scope of such exclusion to include shared driveways, but to exclude discrete parking areas other than those directly in front of an approved garage). With respect to each lot containing a single family detached dwelling unit, an additional 15% of the Adjusted Tract Acreage shall be permitted as impervious coverage to the extent that such additional impervious coverage is required in order to construct pools, patios, decks and other approved, permitted accessory structures, subject, however, to the property owner satisfying each of the following conditions:

a. The property owner shall prepare an engineered plan dealing with all stormwater generated by all of the impervious cover at the property, along with proposed new improvements during a 100 year storm;

b. The plan shall be reviewed by the Township Engineer at the cost and expense of the property owner;

c. The plan must be approved by the Township Engineer prior to the beginning of any earth movement or the issuance of a building permit; and

d. Upon plan approval by the Township Engineer and the issuance of a building permit, property owner may implement the plan under the oversight by the Township and the Township Engineer, the cost of which shall also be borne by the property owner.

H. **Maximum Height Regulations (All Tiers)**: The maximum height of buildings and other structures erected or enlarged in this district shall be as follows:

1. For any principal building or any building used for dwelling purposes: thirty-five (35) feet.

2. For any farm building or farm structure, except silos and silo related equipment: sixty-five (65) feet.

3. For any accessory building or structure, except accessory farm buildings and farm structures: twenty-five (25) feet.

I. **Greenway Land**

Standards pertaining to the quantity, quality, configuration, ownership, and maintenance of the greenway land created under this Article are contained in Article XIX of this Ordinance.

SECTION 406 DESIGN STANDARDS

A. **Residential and Agricultural Uses by Right**

1. **Parking**. As required by Section 2102 of this Ordinance.

2. **Access and Highway Frontage**. As required by Section 2103 of this Ordinance.

3. **Landscaping and Screening**. As required by Section 2106 of this Ordinance.

4. **Lighting**. As required by Section 2108 of this Ordinance.

5. **Visual Resource Protection**. As required by Section 2110 of this Ordinance.

6. **Greenway Lands**. As required by Article XIX of this Ordinance.

B. **Conditional Uses and Uses by Special Exception**

1. **Parking**. As required by Section 2102 of this Ordinance.

2. **Access and Highway Frontage**. As required by Section 2103 of this Ordinance.

3. **Interior Circulation and Emergency Access**. As required by Section 2104 of this Ordinance.

4. **Loading and Unloading**. As required by Section 2105 of this Ordinance.

5. **Landscaping and Screening**. As required by Section 2106 of this Ordinance.

6. **Storage**. As required by Section 2107 of this Ordinance.

7. **Lighting**. As required by Section 2108 of this Ordinance.

8. **Visual Resource Protection**. As required by Section 2110 of this Ordinance.

ARTICLE V

R-3 RESIDENTIAL DISTRICT

SECTION 501 PURPOSES

A. In conformance with the Municipalities Planning Code, particularly Section 604, Zoning Purposes, subsections (1), (3), and (5) and Section 605, Classifications, subsections (2) and (3), the purposes of this Article, among others, are as follows:

1. To promote continued agricultural, greenway land, and conservation uses while also permitting additional residential development at an overall low density that will help to maintain the rural character of the district;

2. To provide for a choice of lot sizes and a range of net building densities to accommodate a variety of age and income groups and residential preferences so that the community's population diversity may be maintained;

3. To implement adopted Township policies to conserve a variety of irreplaceable and environmentally sensitive resource lands as set forth in the West Vincent Township Open Space and Recreation Plan, including provisions for reasonable incentives to create a greenway system for the benefit of present and future residents;

4. To provide standards reflecting the varying circumstances and interests of individual landowners, and the individual characteristics of their properties; and

5. To implement adopted Township land use, transportation and community policies, as identified in the Township's Comprehensive Plan;

B. In order to achieve these purposes, this Article provides for flexibility in designing new residential subdivisions by allowing five optional forms of development (from which the landowner shall be required to select one or, if permitted by the Township, more than one), referred to as "tiers", as summarized below. These design options shall not apply to "lot line changes" for parcels in existence prior to January 2, 1999 or created by any approved subdivision plan filed with the Township prior to January 2, 1999. The reconfigured lots resulting from the lot line changes to such parcels shall comply with the area and bulk requirements set forth in Exhibit F to this Zoning Ordinance.

1. **Tier I Subdivisions**: relatively low density, providing for rural residential uses with flexible and reduced design standards in instances where a permanent conservation easement is offered to maintain such uses;

2. **Tier II Subdivisions**: moderate density, providing for rural-suburban residential uses in conventional layouts of standard houselots and streets;

3. **Tier III Subdivisions**: higher density, providing for residential uses and

neighborhood greenway land in flexibly designed layouts with (where appropriate) other improvements serving the community such as central water systems and central sewage disposal facilities.

4. **Tier IV Subdivisions**: greater density, providing for residential uses and a larger percentage of neighborhood greenway land in more flexibly designed layouts with (where appropriate) other improvements serving the community such as central water systems and central sewage disposal facilities.

The above options are all "as-of-right" alternatives and do not require Conditional Use or Special Exception approval. However, approval is subject to applications meeting certain design standards and performance standards contained in this Ordinance and in the Subdivision and Land Development Ordinance. These options are intended to minimize impacts on environmental resources (sensitive lands such as wetlands, floodplains and steep slopes) and disturbance of natural or cultural features (such as mature woodlands, hedgerows and treelines, critical wildlife habitats, historic buildings, and visual resources). In this way the Township will be better able to accommodate future growth with a minimal amount of land disturbance, in accordance with Township land-use policies as articulated in the West Vincent Township Comprehensive Plan and the West Vincent Township Open Space and Recreation Plan.

SECTION 502 APPLICABILITY

A. General

This Article applies to all land within the R-3 Residential District.

B. Special Conditions Associated with Tier I Subdivisions

Regulations for Tier I subdivisions as set forth in this Article, apply to applicants who intend to subdivide their land at reduced densities than otherwise may be allowed under the provisions of the R-3 Residential Zoning District, and who voluntarily grant a permanent conservation easement on such land to a qualified conservation organization.

C. Provisions for Long-Range Planning Purposes:

The design of all new subdivisions shall reflect consideration of potential impacts the proposed layouts could have on the future usability of and possible uses of the newly created parcels and the need to conform with the purposes of this Ordinance. All new subdivisions shall therefore meet the design requirements for Tier I, Tier II, Tier III, or Tier IV developments (as described in Section 505 below). Consideration shall be given to the ultimate layout to ensure that all zoning provisions can be met, particularly those involving greenways identified in the Township's Open Space and, Recreation Plan. Toward this end, applicants shall complete an Existing Conditions and Site Analysis Plan, and shall also

complete the first step of the "five-step" design approach identifying Primary and Secondary Conservation Areas, as described in the Subdivision and Land Development Ordinance.

D. **Exemption for Pre-Existing Parcels less than Ten (10) Acres**

If an applicant is seeking to subdivide a parcel containing less than ten (10) acres as of the effective date of this Ordinance, such shall be subdivided in accordance with the area and bulk regulations which previously applied to parcels in this zoning district per the West Vincent Township Zoning Ordinance of 1987, as amended, which provisions are contained in Appendix F, unless the applicant can demonstrate that subdividing the parcel will comply with the greenway land requirements of this Ordinance, as amended, in providing an interconnected greenway network of greenway land which is a principal objective of this Ordinance.

E. **Exemption for Act 319 Subdivisions**

If an applicant is seeking to subdivide or effectuate a Lot Line Change of a lot that has been approved under, and is subject to the protection of, the Pennsylvania Farmland and Forest Land Assessment Act of 1974, 72 P.S. §§ 5490.1 *et seq.* (commonly known as "Act 319" or the "Clean and Green Law"), the minimum lot area and the maximum density shall be the lesser of: the dimensional standards set forth in the tier design option selected by the applicant; or two (2) acres (i.e., a minimum lot area of two (2) acres and a maximum density of one (1) dwelling unit per two (2) acres). All of the foregoing shall be conditioned on the applicant complying with all applicable requirements of Act 319.

SECTION 503 USE REGULATIONS

A. **Uses by Right**

A building or structure may be erected, altered, or used, and a lot or premises may be used or occupied, by right, for one of the following purposes and no others:

1. Passive Agricultural Uses and buildings related to the same.

2. Woodlots, arboreta, and other similar silvicultural uses.

3. Woodland preserve, game preserve, wildlife sanctuary, or other similar conservation use.

4. Subject to compliance with the provisions of Section 2220, the breeding, raising or boarding of animals (excluding, however, the breeding, raising, or boarding of pigs, which is expressly prohibited) provided that the minimum area of the tract on which the use is conducted shall not be less than ten (10) acres except as otherwise expressly provided in Section 2220.

5. Low Intensity Recreation Use ~~Park or recreation~~ area.

6. Municipal building or use.

7. Essential services.

8. Single-family detached homes.

9. Single-family attached dwellings in Tier III and Tier IV developments, subject to a maximum of five (5) units within any single building and a maximum of thirty-three percent (33%) of all dwellings units within the development.

10. Bed and Breakfast use on a lot of at least three (3) acres, provided that:

a) Host Rentals: If the owner of the property will remain on-site during the entirety of the rental period, then no more than three (3) guest rooms may be let at any one time, with a maximum occupancy of six (6) guests. One (1) improved off-street parking space per guest bedroom must be provided.

b) Non-Host Rentals: If the owner of the property will not remain on-site during the entirety of the rental period, then the rental period shall not exceed ~~seven~~fifteen (~~7~~15) consecutive days and the number of overnight guest stays shall not exceed sixty (60) nights per year. One (1) improved off-street parking space per guest bedroom must be provided. The Non-Host Rental Bed and Breakfast must also remain incidental and secondary to the principal residential use of the property.

c) The owner of a Bed and Breakfast use shall register with the Township prior to commencement of the use and on or before the end of January of each calendar year, providing the name, type of Bed and Breakfast use, number of guest rooms, number of guest bedrooms, number of rental nights in the prior year (in the case of a Non-Host Rental Bed and Breakfast use), and the emergency contact information of the property owner

~~Bed and breakfast uses, provided that no more than two (2) guest rooms are let to a maximum occupancy of four (4) guests, in the aggregate, at any one time, that one (1) improved off-street parking space per guest room is provided, and that the use is located on a lot of at least five (5) acres in area.~~

B. **Conditional Uses**

Any of the following uses may be permitted as a conditional use when authorized by the Board of Supervisors, subject to the standards established herein and the standards of Section 2711 of this Ordinance.

1. Commercial greenhouses, provided they are situated no less than one hundred (100)

feet from an adjoining property line or public right-of-way.

2. Church or similar place of worship, including rectory or parish house.

3. Boarding stables, excluding commercial hack stables, provided they meet the standards of Section 2220 and the following minimum requirements:

   a. Minimum lot area: ten (10) acres.

   b. Such stables shall be an accessory use to a principal dwelling located on the same lot.

4. Cemetery, provided that the parcel devoted to this use shall not be less than twenty (20) acres.

5. Public utility building or use; not to include business facilities, storage of materials, trucking or repair facilities, the housing of repair crews, private or municipal sanitary landfills.

6. Clubs for swimming, golf, horseback riding, tennis, or other racquet sports, provided that:

   a. The minimum tract size is not less than ten (10) acres;

   b. Each structure or building shall be clearly incidental to the outdoor use;

   c. Any club or lodge building and its services shall be for the use of members and their guests only;

   d. Amusement parks, driving ranges, pitch and putt, miniature golf, go-cart tracks, rifle ranges, or similar shall be prohibited. Driving ranges shall be permitted only as part of a regulation golf course; and

   e. All outdoor uses or activities shall be conducted on and confined to the premises.

7. Bed and Breakfast use on a lot less than three (3) acres in area, subject to compliance with the requirements of Section 503.A.10 and Section 2711.

C. **Uses by Special Exception**

Any of the following uses may be granted as a special exception, when authorized by the Zoning Hearing Board, subject to the standards contained herein and the standards of Section 2807 of this Ordinance:

~~1. Bed and breakfast uses, provided that no more than two (2) guest rooms are let to a~~

~~maximum of four (4) guests at any one time, that one (1) improved off-street parking space per guest room is provided, and that the use is located on a lot of at least five (5) acres in area.~~

1 ~~2~~. Conversion of one or more farm buildings or structures existing at the effective date of this Ordinance located in a cluster, or a close grouping of buildings or structures typically associated with a farm lot, into a single-family detached dwelling or multi-family dwelling, provided that the minimum total lot area for such a use shall be two (2) acres for each dwelling unit so created including the original single-family dwelling unit, and subject to the standards of Section 2204.

D. **Accessory Uses**

The following accessory uses shall be permitted, provided they are incidental to any of the foregoing permitted uses:

1. Customary Residential Accessory Uses. The total impervious coverage of all structures associated with such accessory uses shall not exceed a maximum of five percent (5%) of the gross lot area, unless authorized by the Zoning Hearing Board as a special exception in accordance with Section 2807 of this ordinance.

   a. Private swimming pools, subject to the provisions of Section 2222.

2. Customary Agricultural Accessory Uses, including the raising, breeding or boarding of pigs, poultry and fowl, subject to compliance with the provisions of Section 2220.

3. Private, noncommercial greenhouses.

4. Home occupations, in accordance with the provisions of Section 2209.

5. Accessory dwelling units in accordance with the provisions of Section 2201 of this Ordinance.

6. Roadside stands for the sale of farm products and in accordance with the provisions of Section 2219.

7. Communications antennas mounted on an existing public utility transmission tower, existing building or other existing structure, and communications equipment buildings subject to the provisions of Section 2224 of this Ordinance.

E. **Combined Approaches Involving Tiers I, II, III and IV Design**

No tract may be used for more than one of the permitted "tiers" of residential development, unless it can be demonstrated to the satisfaction of the Board of Supervisors that additional tiers on that tract would comply with all the requirements of this Ordinance, and that they

would also conform with its purposes.

SECTION 504 GENERAL REGULATIONS

A. **General**: The design of all new developments in the R-3 Residential District shall be governed by the following minimum standards:

1. **Ownership**: The tract of land may be held in single and separate ownership or in multiple ownership. However, when a tract is held in multiple ownership, it shall be planned as a single entity with common authority and common responsibility.

2. **Site Suitability**: As evidenced by the Existing Conditions and Site Analysis Plan, the conceptual Preliminary Plan, and the detailed Final Plan, the tract incorporating this design option shall be suitable for such development in terms of environmental conditions, its size, and configuration.

3. **Intersections and Access**: New intersections with existing public roads shall be minimized. Although two accessways into and out of subdivisions containing more than fifteen (15) dwellings are generally required for safety, proposals for more than two entrances onto public roads shall be discouraged if they would unnecessarily disrupt traffic flow.

4. **Sensitive Area Disturbance**: The proposed design shall strictly minimize disturbance of environmentally sensitive areas, as shown on the Existing Conditions and Site Analysis Plan. Lands within the 100-year floodplain, or having slopes in excess of 25%, and rock outcroppings constitute such environmentally sensitive areas, where disturbance shall be strictly minimized. Demonstration by the applicant that these features will be protected by the proposed application shall be prerequisite to approval of both the conceptual Preliminary Plan and the detailed Final Plan.

5. **Community Wastewater Systems**: In developments that are proposed to be served by community wastewater disposal systems, the selection of wastewater treatment technique shall be based upon the Township's Act 537 Sewage Facilities Plan.

SECTION 505 AREA, BULK, AND LAYOUT REGULATIONS

The following regulations shall apply to all residential uses in the R-3 Residential District:

A. **Conformance with Purposes**:

Site planning, including the layout of lots, streets, structures and required greenway space shall be in compliance with the purposes of this Article and with the overall purposes of this Ordinance.

B. **Maximum Density and "Adjusted Tract Acreage"**:

Maximum density shall be calculated through the "Adjusted Tract Acreage" approach as defined in Section 202 of this Ordinance (except in Tier I developments where total tract area may be counted, excluding only lands submerged for six or more months of the year, such as lakes and ponds).

C. **Area and Bulk Regulations in Lieu of Base Zoning – "Default Setting":**

For the purposes of establishing nonconforming status for parcels in existence as of the effective date of this Ordinance or where provisions of this Ordinance require a minimum lot size or setback requirements, the minimum size for lots in this district shall be determined by Section 505G.1 below and the setback requirements shall be determined by Section 505G.6 below.

D. **Dimensional Standards for Tier I Subdivisions**:

1. **Maximum Density**: One (1) dwelling unit per ten (10) acres gross, except as noted below.

   Accessory Dwelling Units: A maximum of one accessory dwelling unit may be granted for any approved house lot in any Tier I residential development, in accordance with Section 503.D.6 herein unless otherwise permitted under Section 2201 of this Ordinance.

2. **Minimum Required Greenway Land**: 80% of total tract area.

3. **Minimum Lot Area**: None

   Although no minimum lot size is prescribed, lots in Tier I subdivisions shall be designed to include a substantial proportion of greenway land. Design standards and requirements for greenway lands are contained in Article XIX of this Ordinance.

4. **Minimum Lot Width at Building Setback Line and Frontage Requirement**.

   Minimum Lot Width at Building Setback Line: 150 feet.

   All proposed lots shall possess at least thirty (30) feet frontage on a street, country lane, or common driveway meeting Township standards. Access strips to interior lots or flag lots shall not exceed 600 feet in length, except where deemed necessary by the Township because of site conditions or the depth of adjoining lots with road frontage. The land area within the driveway access strips shall not be included in the minimum required lot area.

5. **Yard Regulations**: The builder or developer is urged to consider variations in the

principal building position and orientation, but shall observe the following minimum standards:

a. **Front Yard**: For principal buildings, 75 feet from the ultimate right-of-way (or, in the case of an interior lot, the front lot line) of existing public roads,) 50 feet from the ultimate right-of-way of new) streets.

b. **Rear Yard**: 50 feet minimum for principal buildings.

c. **Side Yard**: 40 feet for principal buildings.

d. **Setback From Agricultural Operations**: 100 ft. minimum for new principal dwellings. Existing dwellings, new additions to existing dwellings, and any new accessory structures shall be exempt from this setback requirement.

e. **Accessory Buildings and Structures**: In accordance with Section 2201 of this Ordinance.

6. **Maximum Impervious Coverage by Buildings, Structures and Impervious Surfaces**: Maximum of 4% of Adjusted Tract Acreage on entire subdivision tract (e.g. - maximum 17,424 sq. ft. of coverage per house lot, which may contain up to two ADUs, based upon a minimum 10-acre gross density per principal residence). The calculation of impervious coverage for the purposes of this provision shall not include impervious coverage attributable to public sidewalks or driveways serving the lot (the scope of such exclusion to include shared driveways, but to exclude discrete parking areas other than those directly in front of an approved garage).

E. **Dimensional Standards for Tier II Subdivisions**

1. **Maximum Density**: One dwelling unit per five (5) acres of Adjusted Tract Acreage. From the net area thus calculated, 5% shall be deducted to provide for street circulation, if applicable, prior to determining density.

2. **Minimum Required Greenway Land**: 65% of Adjusted Tract Acreage, plus all primary conservation areas. The minimum greenway land shall remain undivided to the extent practical. Any required public land dedication in accordance with Section 615C of the Township Subdivision and Land Development Ordinance shall be in addition to the foregoing minimum Greenway Land requirement.

3. **Minimum Lot Area (Net)**: None

4. **Minimum Lot Width at Street Line (Frontage Requirement)**:

a. **Minimum Lot Width at Building Setback Line for Single-Family Detached Dwellings**: 65 feet.

All proposed lots shall possess at least 30 feet of frontage on a public or private street or common driveway meeting Township standards. Access strips to interior lots or flag-lots shall not exceed 350 feet in length, except where deemed necessary by the Board of Supervisors owing to site conditions or the depth of adjoining lots with street frontage. The land area within the driveway access strips shall not be included in the minimum required lot area or in the minimum required building envelope.

b. **Minimum Lot Width at Building Setback Line for Single-Family Attached Dwellings**: 24 feet.

5. **Yard Regulations**: The builder or developer is urged to consider variations in the principal building position and orientation, but shall observe the following minimum standards:

a. **Front Yard**: For principal buildings, 75 feet from the ultimate right-of-way (or, in the case of an interior lot, the front lot line) of existing public roads , 50 feet from the ultimate right-of-way of new streets.

b. **Rear Yard**: 50 feet minimum for principal buildings. On reverse frontage lots, the provisions of Section 2103D shall prevail.

c. **Side Yard**: 40 feet for principal buildings.

d. **Setback From Agricultural Operations**: 100 ft. minimum for new principal dwellings. Existing dwellings, new additions to existing dwellings, and any new accessory structures shall be exempt from this setback requirement.

e. **Tract Perimeter Setback**: All new buildings shall be set back not less than 60 feet from the tract perimeter unless an effective visual buffer exists, in which case the Board of Supervisors may reduce the perimeter setback for structures to 50 feet. The Board may also require that such a buffer be created or amplified where existing vegetation does not provide effective visual screening in accordance with Section 1903C.5 and Section 2106B of this Ordinance.

f. **Accessory Buildings and Structures**: In accordance with Section 2201of this Ordinance.

6. **Maximum Impervious Coverage by Buildings, Structures and Impervious Surfaces**: Maximum of 10% of Adjusted Tract Acreage on each lot, including all buildings and impervious cover. The calculation of impervious coverage for the purposes of this provision shall not include impervious coverage attributable to

public sidewalks or driveways serving the lot (the scope of such exclusion to include shared driveways, but to exclude discrete parking areas other than those directly in front of an approved garage).

F. **Dimensional Standards for Tier III Subdivisions**

1. **Maximum Density**:

One dwelling unit per 140,000 sq. ft. of Adjusted Tract Acreage.

2. **Minimum Required Greenway Land**: 55% of Adjusted Tract Acreage, plus all primary conservation areas. The minimum Greenway Land shall remain undivided to the extent practical. Any required public land dedication in accordance with Section 615C of the Township Subdivision and Land Development Ordinance shall be in addition to the foregoing minimum Greenway Land requirement. Exceptions are permitted, however, allowing larger building lots with conservation easements in accordance with Section 1903 of this Ordinance.

3. **Minimum Lot Area**: None

4. **Minimum Lot Width at Building Setback Line and Frontage Requirement**.

a. **Minimum Lot Width at Building Setback Line for Single-Family Detached Dwellings**: 65 feet.

All proposed lots shall possess at least 30 feet of frontage on a public or private street or common driveway meeting Township standards. Access strips to interior lots or flag-lots shall not exceed 350 feet in length, except where deemed necessary by the Board due to site conditions or the depth of adjoining lots with street frontage. The land area within the driveway access strips shall not be included in the minimum required lot area or in the minimum required building envelope.

b. **Minimum Lot Width at Building Setback Line for Single-Family Attached Dwellings**: 24 feet.

5. **Yard Regulations**: The builder or developer is urged to consider variations in the principal building position and orientation, but shall observe the following minimum standards:

a. **Front Yard**: 20 feet from the edge of pavement of new private streets, 20 feet from the ultimate right-of-way of new public streets, and 50 feet from the ultimate right-of-way of existing Township roads.

b. **Rear Yard**: 30 feet minimum for principal buildings.

c. **Side Yard**: 10 feet for principal buildings

d. **Setback From Agricultural Operations**: 100 ft. minimum for new principal dwellings. Existing dwellings, new additions to existing dwellings, and any new accessory structures shall be exempt from this setback requirement.

e. **Tract Perimeter Setback**: All new buildings shall be set back not less than 60 feet from the tract perimeter unless an effective visual buffer exists, in which case the Board of Supervisors may reduce the perimeter setback for structures to 50 feet. The Board may also require that such a buffer be created or amplified where existing vegetation does not provide effective visual screening in accordance with Section 1903C.5 and Section 2106B of this Ordinance.

f. **Accessory Buildings and Structures**: In accordance with Section 2201 of this Ordinance.

6. **Maximum Impervious Coverage by Buildings, Structures and Impervious Surfaces**: Maximum of 15% of Adjusted Tract Acreage on each lot. The calculation of impervious coverage for the purposes of this provision shall not include impervious coverage attributable to public sidewalks or driveways serving the lot (the scope of such exclusion to include shared driveways, but to exclude discrete parking areas other than those directly in front of an approved garage).

G. **Dimensional Standards for Tier IV Subdivisions**

1. **Maximum Density**:
One dwelling unit per 120,000 sq. ft. of Adjusted Tract Acreage.

2. **Minimum Required Greenway Land**: 65% of Adjusted Tract Acreage, plus all primary conservation areas. The minimum Greenway Land shall remain undivided to the extent practical. Any required public land dedication in accordance with Section 615C of the Township Subdivision and Land Development Ordinance shall be in addition to the foregoing minimum Greenway Land requirement. Exceptions are permitted, however, allowing larger building lots with conservation easements in accordance with Section 1903 of this Ordinance.

3. **Minimum Lot Area**: None

4. **Minimum Lot Width at Building Setback Line and Frontage Requirements**.

a. **Minimum Lot Width at Building Setback Line for Single-Family Detached Dwellings**: 55 feet.

All proposed lots shall possess at least 30 feet frontage on a public or private street) or common driveway meeting Township standards. Access strips to interior lots or flag lots shall not exceed 250 feet in length, except where deemed necessary by the Board due to site conditions or the depth of adjoining lots with street frontage. The land area within the driveway access strips shall not be included in the minimum required lot area or in the minimum required building envelope.

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b. **Minimum Lot Width at Building Setback Line for Single-Family Attached Dwellings**: 24 feet.

5. **Yard Regulations**: The builder or developer is urged to consider variations in the principal building position and orientation, but shall observe the following minimum standards:

a. **Front Yard**: 15 feet from the edge of pavement of new private streets, 15 feet from the ultimate right-of-way of new public streets, and 50 feet from the ultimate right-of-way of existing Township roads.

b. **Rear Yard**: 30 feet minimum for principal buildings.

c. **Side Yard**: 10 feet for principal buildings.

d. **Setback From Agricultural Operations**: 100 ft. minimum for new principal dwellings. Existing dwellings, new additions to existing dwellings, and any new accessory structures shall be exempt from this setback requirement.

e. **Tract Perimeter Setback**: All new structures shall be set back not less than 60 feet from the tract perimeter unless an effective visual buffer exists, in which case the Board of Supervisors may reduce the perimeter setback for structures to 50 feet. The Board may also require that such a buffer be created or amplified where existing vegetation does not provide effective visual screening in accordance with Section 1903C.5 and Section 2106B of this Ordinance.

f. **Accessory Buildings and Structures**: In accordance with Section 2201 of this Ordinance.

6. **Maximum Impervious Coverage by Buildings and Other Structures, And Impervious Surfaces**: Maximum of 30% of Adjusted Tract Acreage on each lot for single-family detached dwellings and 50% of Adjusted Tract Acreage on each lot for single-family attached dwellings. The calculation of impervious coverage for the purposes of this provision shall not include impervious coverage attributable to public sidewalks or driveways serving the lot (the scope of such exclusion to include shared driveways, but to exclude discrete parking areas other than those directly in

front of an approved garage). With respect to each lot containing a single family detached dwelling unit, an additional 25% of the Adjusted Tract Acreage shall be permitted as impervious coverage to the extent that such additional impervious coverage is required in order to construct pools, patios, decks and other approved, permitted accessory structures, subject, however, to the property owner satisfying each of the following conditions:

a. The property owner shall prepare an engineered plan dealing with all stormwater generated by the proposed new improvements during a 100 year storm;

b. The plan shall be reviewed by the Township Engineer at the cost and expense of the property owner;

c. The plan must be approved by the Township Engineer prior to the beginning of any earth movement or the issuance of a building permit; and

d. Upon plan approval by the Township Engineer and the issuance of a building permit, property owner may implement the plan under the oversight by the Township and the Township Engineer, the cost of which shall also be borne by the property owner.

H. [Reserved].

I. **Maximum Height Regulations (All Tiers)**: The maximum height of buildings and other structures erected or enlarged in this district shall be as follows:

1. In Tiers I, II, III and IV: For any principal building or any building used for dwelling purposes: thirty-five (35) feet.

2. [Reserved]

3. For any farm building or structure, except silos: sixty-five (65) feet.

4. For any accessory building or structure, except accessory farm buildings and structures: twenty-five (25) feet.

J. **Greenway Land**

Standards pertaining to the quantity, quality, configuration, ownership, and maintenance of the greenway land created under this Article are contained in Article XIX of this Ordinance.

SECTION 506 DESIGN STANDARDS

A. **Residential and Agricultural Uses by Right**

1. **Parking**. As required by Section 2102 of this Ordinance.

2. **Access and Highway Frontage**. As required by Section 2103 of this Ordinance.

3. **Landscaping and Screening**. As required by Section 2106 of this Ordinance.

4. **Lighting**. As required by Section 2108 of this Ordinance.

5. **Visual Resource Protection**. As required by Section 2110 of this Ordinance.

6. **Greenway Lands**. As required by Article XIX of this Ordinance.

B. **Conditional Uses and Uses by Special Exception**

1. **Parking**. As required by Section 2102 of this Ordinance.

2. **Access and Highway Frontage**. As required by Section 2103 of this Ordinance.

3. **Interior Circulation and Emergency Access**. As required by Section 2104 of this Ordinance.

4. **Loading and Unloading**. As required by Section 2105 of this Ordinance.

5. **Landscaping and Screening**. As required by Section 2106 of this Ordinance.

6. **Storage**. As required by Section 2107 of this Ordinance.

7. **Lighting**. As required by Section 2108 of this Ordinance.

8. **Visual Resource Protection**. As required by Section 2110 of this Ordinance.

ARTICLE VI

R-2 RESIDENTIAL DISTRICT

SECTION 601 PURPOSES

A. In conformance with the Municipalities Planning Code, particularly Section 604, Zoning Purposes, subsections (1), (3), and (5) and Section 605, Classifications, subsections (2) and (3), the purposes of this Article, among others, are as follows:

1. To provide for a diversity of lot sizes, building densities and housing choices to accommodate a variety of age and income groups, and residential preferences, so that the community's population diversity may be maintained;

2. To implement adopted Township land use, transportation and community policies, as identified in the Township's Comprehensive Plan;

3. To implement adopted Township policies to conserve a variety of irreplaceable and environmentally sensitive resource lands as set forth in the West Vincent Township Open Space and Recreation Plan, including provisions for reasonable incentives to create a greenway system for the benefit of present and future residents; and

4. To provide standards reflecting the varying circumstances and interests of individual landowners, and the individual characteristics of their properties.

B. In order to achieve these purposes, this Article provides for flexibility in designing new residential subdivisions by allowing five optional forms of development (from which the landowner shall be required to select one or, if permitted by the Township, more than one), referred to as "tiers", as summarized below. These design options shall not apply to "lot line changes" for parcels in existence prior to January 2, 1999 or created by any approved subdivision plan filed with the Township prior to January 2, 1999. The reconfigured lots resulting from the lot line changes to such parcels shall comply with the area and bulk requirements set forth in Exhibit F to this Zoning Ordinance.

1. **Tier I Subdivisions**: relatively low density, providing for rural residential uses with flexible and reduced design standards in instances where a permanent conservation easement is offered to maintain such uses;

2. **Tier II Subdivisions**: moderate density, providing for rural-suburban residential uses in conventional layouts of standard houselots and streets;

3. **Tier III Subdivisions**: higher density, providing for residential uses and neighborhood greenway land in flexibly designed layouts with (where appropriate) other improvements serving the community such as central water systems and community sewage disposal facilities; and

4. **Tier IV Subdivisions**: greater density, providing for residential uses and a larger percentage of neighborhood greenway land in more flexibly designed layouts with (where appropriate) other improvements serving the community such as central water systems and community sewage disposal facilities.

The above options are all "as-of-right" alternatives and do not require Conditional Use or Special Exception permits. However, approval is subject to applications meeting certain design standards and performance standards contained in this Ordinance and in the Subdivision and Land Development Ordinance. These options are intended to minimize impacts on environmental resources (sensitive lands such as wetlands, floodplains and steep slopes) and disturbance of natural or cultural features (such as mature woodlands, hedgerows and treelines, critical wildlife habitats, historic buildings, and visual resources). In this way the Township will be better able to accommodate future growth with a minimal amount of land disturbance, in accordance with Township land-use policies as articulated in the West Vincent Township Comprehensive Plan and the West Vincent Township Open Space and Recreation Plan.

SECTION 602 APPLICABILITY

A. General

This Article applies to all land within the R-2 Residential District.

B. Special Conditions Associated with Tier I Subdivisions

Regulations for Tier I subdivision as set forth in this Article apply to applicants who intend to subdivide their land at reduced densities than otherwise may be allowed under the provisions of the R-2 Residential District, and who voluntarily grant a permanent conservation easement on such land to a qualified conservation organization.

C. Provisions for Long-Range Planning Purposes

The design of all new subdivisions shall reflect consideration of potential impacts the proposed layouts could have on the future usability of and possible uses of the newly created parcels and the need to conform with the purposes of this Ordinance. All new subdivisions shall therefore meet the design requirements for Tier I, Tier II, Tier III or Tier IV developments (as described in Section 605 below). Consideration shall be given to the ultimate layout to ensure that all zoning provisions can be met, particularly those involving greenways identified in the Township's Open Space and Recreation Plan. Toward this end, applicants shall complete an Existing Conditions and Site Analysis Plan, and shall also complete the first step of the "five-step" design approach identifying Primary and Secondary Conservation Areas, as described in the Subdivision and Land Development Ordinance.

D. **Exemption for Pre-Existing Parcels less than Ten (10) Acres**

If an applicant is seeking to subdivide a parcel containing less than ten (10) acres as of the effective date of this Ordinance, such shall be subdivided in accordance with the area and bulk regulations which previously applied to parcels in this zoning district per the West Vincent Township Zoning Ordinance of 1987, as amended, which provisions are contained in Appendix F, unless the applicant can demonstrate that subdividing the parcel will comply with the greenway land requirements of this Ordinance, as amended, in providing an interconnected greenway network of Greenway Land which is a principal objective of this Ordinance.

E. **Exemption for Act 319 Subdivisions**

If an applicant is seeking to subdivide or effectuate a Lot Line Change of a lot that has been approved under, and is subject to the protection of, the Pennsylvania Farmland and Forest Land Assessment Act of 1974, 72 P.S. §§ 5490.1 *et seq.* (commonly known as "Act 319" or the "Clean and Green Law"), the minimum lot area and the maximum density shall be the lesser of: the dimensional standards set forth in the tier design option selected by the applicant; or two (2) acres (i.e., a minimum lot area of two (2) acres and a maximum density of one (1) dwelling unit per two (2) acres). All of the foregoing shall be conditioned on the applicant complying with all applicable requirements of Act 319.

SECTION 603 USE REGULATIONS

A. **Uses by Right**

A building or structure may be erected, altered, or used, and a lot or premises may be used or occupied, for one of the following purposes and no others:

1. Passive Agricultural Uses, and buildings related to the same.

2. Woodlots, arboreta, and other similar silvicultural uses.

3. Woodland preserve, game preserve, wildlife sanctuary, or other similar conservation use.

4. Subject to compliance with the provisions of Section 2220, the breeding, raising or boarding of animals (excluding, however, the breeding, raising, or boarding of pigs, which is expressly prohibited) provided that the minimum area of the tract on which the use is conducted shall not be less than ten (10) acres except as otherwise expressly provided in Section 2220."

5. Essential services.

6. Single-family detached homes.

7. Single-family attached dwellings in Tier III and Tier IV developments, subject to a maximum of four (4) units within any single building and a maximum of thirty-three percent (33%) of all dwelling units within the development.

8. Planned residential development in accordance with Article XVIII and as designated on the West Vincent Township Zoning Map.

9. Agricultural Village Community in accordance with Section 2229 of this Ordinance.

10. ~~Park~~ Low Intensity R~~or r~~ecreation Use area.

11. Municipal building or use.

12. ~~Bed and breakfast uses, provided that no more than two (2) guest rooms are let to a maximum occupancy of four (4) guests, in the aggregate, at any one time, that one (1) improved off-street parking space per guest room is provided, and that the use is located on a lot of at least five (5) acres in area.~~Bed and Breakfast use on a lot of at least three (3) acres, provided that:

    a) Host Rentals: If the owner of the property will remain on-site during the entirety of the rental period, then no more than three (3) guest rooms may be let at any one time, with a maximum occupancy of six (6) guests. One (1) improved off-street parking space per guest bedroom must be provided.

    b) Non-Host Rentals: If the owner of the property will not remain on-site during the entirety of the rental period, then the rental period shall not exceed ~~seven~~fifteen (~~7~~15) consecutive days and the number of overnight guest stays shall not exceed sixty (60) nights per year. One (1) improved off-street parking space per guest bedroom must be provided. The Non-Host Rental Bed and Breakfast must also remain incidental and secondary to the principal residential use of the property.

    c) The owner of a Bed and Breakfast use shall register with the Township prior to commencement of the use and on or before the end of January of each calendar year, providing the name, type of Bed and Breakfast use, number of guest rooms, number of guest bedrooms, number of rental nights in the prior year (in the case of a Non-Host Rental Bed and Breakfast use), and the emergency contact information of the property owner

B. **Conditional Uses**

Any of the following uses may be permitted as a conditional use when authorized by the Board of Supervisors, subject to the standards established herein and the standards of Section 2711 of this Ordinance.

1. Commercial greenhouses, provided they are situated no less than one hundred (100) feet from an adjoining property line or public right-of-way.

2. Church or similar place of worship, including rectory or parish house.

3. Boarding stables, excluding commercial hack stables, provided they meet the standards of Section 2220 and the following minimum requirements:

   a. Minimum lot area: ten (10) acres.

   b. Such stables shall be an accessory use to a principal dwelling located on the same lot.

4. Cemetery, provided that the parcel devoted to this use shall not be less than twenty (20) acres.

5. ~~Park or recreation area;~~ Ggovernmental or public utility building or use; not to include business facilities, storage of materials, trucking or repair facilities, the housing of repair crews, private or municipal sanitary landfills.

6. Medium Intensity Recreation Use area. Clubs for swimming, golf, horseback riding, tennis, or other racquet sports, provided that:

   a. The minimum tract size is not less than ten (10) acres;

   b. Each structure or building shall be clearly incidental to the outdoor use;

   c. Any club or lodge building and its services shall be for the use of members and their guests only; and

   d. Amusement parks, pitch and putt, miniature golf, go-cart tracks, rifle ranges, or similar uses shall be prohibited. Driving ranges shall be permitted only as part of a regulation golf course.

   e. All outdoor uses or activities shall be conducted on and confined to the premises.

7. Life-care community, subject to the provisions of Section 2212 of this Ordinance.

8. Bed and Breakfast use on a lot less than three (3) acres in area, subject to compliance with the requirements of Section 603.A.12 and Section 2711.

C. **Uses by Special Exception**

Any of the following uses may be granted as a special exception, when authorized by the Zoning Hearing Board, subject to the standards of Section 2807 of this Ordinance:

~~1. Bed and breakfast uses, provided that no more than two (2) guest rooms are let to a maximum of four (4) guests at any one time, that one (1) improved off-street parking space per guest room is provided, and that the use is located on a lot of at least five (5) acres in area.~~

2. Educational, medical, or religious uses, excluding correctional or penal institutions, but including schools, hospitals, animal hospitals, nursing or convalescent centers, in accordance with the standards contained in Section 2210.

3. Conversion of one or more farm buildings or structures existing at the effective date of this ordinance located in a cluster, or a close grouping of buildings or structures typically associated with a farm lot, into a single-family detached dwelling or multi-family dwelling, provided that the minimum total lot area for such a use shall be two (2) acres for each dwelling unit so created including the original single-family dwelling unit, and subject to the provisions of Section 2204.

D. **Accessory Uses**

The following accessory uses shall be permitted, provided they are incidental to any of the foregoing permitted uses:

1. Customary Residential Accessory Uses. The total impervious coverage of all structures associated with such accessory uses shall not exceed a maximum of five percent (5%) of the gross lot area, unless authorized by the Zoning Hearing Board as a special exception in accordance with Section 2807 of this Ordinance.

   a. Private swimming pools, subject to the provisions of Section 2222.

2. Customary Agricultural Accessory Uses (including the raising, breeding, boarding of pigs, poultry and fowl) subject to compliance with the provisions of Section 2220.

3. Private, noncommercial greenhouses.

4. Home occupations, in accordance with the provisions of Section 2209.

5. Accessory dwelling units subject to the provisions of Section 2201.

6. Roadside stands for the sale of farm products and in accordance with the provisions of Section 2219.

7. Private, non-commercial nursery.

8. Communications antennas mounted on an existing public utility transmission tower, existing building or other existing structure, and communications equipment buildings subject to the provisions of Section 2224 of this Ordinance.

9. Community recreation buildings or structures associated with a Tier III or IV residential developr

E. **Combined Approaches Involving Tiers I, II, III and IV Design**

No tract may be used for more than one of the permitted "tiers" of residential development, unless it can be demonstrated to the satisfaction of the Board of Supervisors that additional tiers on that tract would comply with all the requirements of this Ordinance, and that they would also conform with its purposes.

SECTION 604 GENERAL REGULATIONS

A. **General**: The design of all new developments in the R-2 Residential District shall be governed by the following minimum standards:

1. **Ownership**: The tract of land may be held in single and separate ownership or in multiple ownership. However, when a tract is held in multiple ownership, it shall be planned as a single entity with common authority and common responsibility.

2. **Site Suitability**: As evidenced by the Existing Conditions and Site Analysis Plan, the conceptual Preliminary Plan, and the detailed Final Plan, the tract incorporating this design option shall be suitable for such development in terms of environmental conditions, its size, and configuration.

3. **Intersections and Access**: New intersections with existing public roads shall be minimized. Although two access ways into and out of subdivisions containing more than fifteen (15) lots are generally required for safety, proposals for more than two entrances onto public roads shall be discouraged if they would unnecessarily disrupt traffic flow.

4. **Sensitive Area Disturbance**: The proposed design shall strictly minimize disturbance of environmentally sensitive areas, as shown on the Existing Conditions and Site Analysis Plan. Lands within the 100-year floodplain, or having slopes in excess of 25%, and rock outcroppings constitute such environmentally sensitive areas, where disturbance shall be strictly minimized. Demonstration by the applicant that these features will be protected by the proposed application shall be prerequisite to approval of both the conceptual Preliminary Plan and the detailed Final Plan.

5. **Community Wastewater Systems**: In developments that are proposed to be served

by community wastewater disposal systems, the selection of wastewater treatment technique shall be based upon the Township's Act 537 Sewage Facilities Plan.

SECTION 605 AREA, BULK, AND LAYOUT REGULATIONS

The following regulations shall apply to all residential uses in the R-2 Residential District:

A. **Conformance with Purposes**: Site planning, including the layout of lots, streets, structures and required greenway space shall be in compliance with the purposes of this Article and with the overall purposes of this Ordinance.

B. **Maximum Density and "Adjusted Tract Acreage"**:

Maximum density shall be calculated through the "Adjusted Tract Acreage" approach as described in Section 202 of this Ordinance (except in Tier I developments where total tract area may be counted, excluding only lands submerged for six or more months of the year, such as lakes and ponds).

C. **Area and Bulk Regulations in Lieu of Base Zoning – "Default Setting":**

For the purposes of establishing nonconforming status for parcels in existence as of the effective date of this Ordinance or where provisions of this Ordinance require a minimum lot size or setback requirements, the minimum size for lots in this district shall be determined by Section 605G.1 below and the setback requirements shall be determined by Section 605G.6 below.

D. **Dimensional Standards for Tier I Subdivisions**

1. **Maximum Density**: One (1) dwelling unit per ten (10) acres gross, except as noted below:

   Accessory Dwelling Units: A maximum of one (1) accessory dwelling unit may be granted for any approved house lot in any Tier I residential development, in accordance with Section 603D.6 herein, unless otherwise permitted under Section 2201 of this Ordinance.

2. **Minimum Required Greenway Land**: 80% of total tract area.

3. **Minimum Lot Area**: None

   Although no minimum lot size is prescribed, lots in Tier I subdivisions shall be designed to include a substantial proportion of greenway land. Design standards and requirements for greenway land or greenway land are contained in Article XIX of this Ordinance.

4. **Minimum Lot Width at Building Setback Line and Frontage Requirement**.

Minimum Lot Width at Building Setback Line: 150 feet.

All proposed lots shall possess at least 30 feet frontage on a street, country lane, or common driveway meeting Township standards. Access strips to interior lots or flag lots shall not exceed 600 feet in length, except where deemed necessary by the Township because of site conditions or the depth of adjoining lots with road frontage. The land area within the driveway access strips shall not be included in the minimum required lot area.

5. **Yard Regulations**: The builder or developer is urged to consider variations in the principal building position and orientation, but shall observe the following minimum standards:

a. **Front Yard**: For principal buildings, 75 feet from the ultimate right-of-way (or in the case of an interior lot, the front lot line) of existing public roads, 50 feet from the ultimate right-of-way of new streets.

b. **Rear Yard**: 50 feet minimum for principal buildings.

c. **Side Yard**: 40 feet for principal buildings.

d. **Setback From Agricultural Operations**: 100 ft. minimum for new principal dwellings. Existing dwellings, new additions to existing dwellings, and any new accessory structures shall be exempt from this setback requirement.

e. **Accessory Buildings and Structures**: In accordance with Section 2201 of this Ordinance.

6. **Maximum Impervious Coverage by Buildings, Structures and Impervious Surfaces**: Maximum of 4% of Adjusted Tract Acreage on entire subdivision tract (e.g. - maximum 17,424 sq. ft. of coverage per house lot, which may contain up to two ADUs, based upon a minimum 10-acre gross density per principal residence). The calculation of impervious coverage for the purposes of this provision shall not include impervious coverage attributable to public sidewalks or driveways serving the lot (the scope of such exclusion to include shared driveways, but to exclude discrete parking areas other than those directly in front of an approved garage).

E. **Dimensional Standards for Tier II Subdivisions**

1. **Maximum Density**: One dwelling unit per five (5) acres of Adjusted Tract Acreage. From the net area thus calculated, 5% shall be deducted to provide for street circulation, if applicable, prior to determining density.

2. **Minimum Required Greenway Land**: 65% of Adjusted Tract Acreage, plus all primary conservation areas. The minimum greenway land shall remain undivided to the extent practical. Any required public land dedication in accordance with Section 615C of the Township Subdivision and Land Development Ordinance shall be in addition to the foregoing minimum greenway land requirement.

3. **Minimum Lot Area (Net)**: None

4. **Minimum Lot Width at Street Line (Frontage Requirement)**:

   a. **Minimum Lot Width at Building Setback Line for Single Family Detached Dwellings**: 60 feet.

      All proposed lots shall possess at least 30 feet of frontage on a public or private street or common driveway meeting Township standards.
      Access strips to interior lots or flag-lots shall not exceed 350 feet in length, except where deemed necessary by the Board of Supervisors owing to site conditions or the depth of adjoining lots with street frontage. The land area within the driveway access strips shall not be included in the minimum required lot area or in the minimum required building envelope.

   b. **Minimum Lot Width at Building Setback Line for Single-Family Attached Dwellings:** 24 feet.

5. **Yard Regulations**: The builder or developer is urged to consider variations in the principal building position and orientation, but shall observe the following minimum standards:

   a. **Front Yard**: For principal buildings, 75 feet from the ultimate right-of-way (or, in the case of an interior lot, the front lot line) of existing public roads, 50 feet from the ultimate right-of-way of new streets.

   b. **Rear Yard**: 50 feet minimum for principal. On reverse frontage lots, the provisions of Section 2103D shall prevail.

   c. **Side Yard**: 40 feet for principal buildings.

   d. **Setback From Agricultural Operations**: 100 ft. minimum for new principal dwellings. Existing dwellings, new additions to existing dwellings, and any new accessory structures shall be exempt from this setback requirement.

   e. **Tract Perimeter Setback**: All new buildings shall be set back not less than 60 feet from the tract perimeter unless an effective visual buffer exists, in which case the Board of Supervisors may reduce the perimeter setback for structures to 50 feet. The Board may also require that such a buffer be

created or amplified where existing vegetation does not provide effective visual screening in accordance with Section 1903C.5 and Section 2106B of this Ordinance.

f. **Accessory Buildings and Structures**: in accordance with Section 2201of this Ordinance.

6. **Maximum Impervious Coverage by Buildings, Structures and Impervious Surfaces**: Maximum of 15% of Adjusted Tract Acreage on each lot, including all buildings and impervious cover. The calculation of impervious coverage for the purposes of this provision shall not include impervious coverage attributable to public sidewalks or driveways serving the lot (the scope of such exclusion to include shared driveways, but to exclude discrete parking areas other than those directly in front of an approved garage).

F. **Dimensional Standards for Tier III Subdivisions**

1. **Maximum Density**:

One dwelling unit per 120,000 sq. ft. of Adjusted Tract Acreage.

2. **Minimum Required Greenway Land**: 55% of Adjusted Tract Acreage, plus all primary conservation areas. This minimum Greenway Land shall generally remain undivided. Exceptions are permitted, however, allowing larger building lots with conservation easements in accordance with Section 1903 of this Ordinance.

3. **Minimum Lot Area**: None

4. **Maximum Lot Area**: None

5. **Minimum Lot Width at Building Setback Line and Frontage Requirement**.

a. **Minimum Lot Width at Building Setback Line for Single Family Detached Dwellings**: 60 feet.

All proposed lots shall possess at least 30 feet of frontage on a public or private street or common driveway meeting Township standards.
Access strips to interior lots or flag-lots shall not exceed 350 feet in length, except where deemed necessary by the Board due to site conditions or the depth of adjoining lots with street frontage. The land area within the driveway access strips shall not be included in the minimum required lot area or in the minimum required building envelope.

b. **Minimum Lot Width at Building Setback Line for Single-Family Attached Dwellings:** 24 feet.

6. **Yard Regulations**: The builder or developer is urged to consider variations in the principal building position and orientation, but shall observe the following minimum standards.

   a. **Front Yard**: 15 feet from the edge of pavement of new private streets, 15 feet from the ultimate right-of-way of new public streets, and 50 feet from the ultimate right-of-way of existing Township roads.

   b. **Rear Yard**: 30 feet minimum for principal buildings.

   c. **Side Yard**: 10 feet for principal buildings.

   d. **Setback From Agricultural Operations**: 100 ft. minimum for new principal dwellings. Existing dwellings, new additions to existing dwellings, and any new accessory structures shall be exempt from this setback requirement.

   e. **Tract Perimeter Setback**: All new structures shall be set back not less than 60 feet from the tract perimeter unless an effective visual buffer exists, in which case the Board of Supervisors may reduce the perimeter setback for structures to 50 feet. The Board may also require that such a buffer be created or amplified where existing vegetation does not provide effective visual screening in accordance with Section 1903C.5 and Section 2106B of this Ordinance.

   f. **Accessory Buildings and Structures**: In accordance with Section 2201 of this Ordinance.

7. **Maximum Impervious Coverage by Buildings, Structures and Impervious Surfaces**: Maximum of 25% of Adjusted Tract Acreage on each lot. The calculation of impervious coverage for the purposes of this provision shall not include impervious coverage attributable to public sidewalks or driveways serving the lot (the scope of such exclusion to include shared driveways, but to exclude discrete parking areas other than those directly in front of an approved garage).

G. **Dimensional Standards for Tier IV Subdivisions**

1. **Maximum Density**:

   One dwelling unit per 100,000 sq. ft. of Adjusted Tract Acreage.

2. **Minimum Required Greenway Land**: 65% of Adjusted Tract Acreage, plus all primary conservation areas The minimum Greenway Land shall remain undivided to the extent practical. Any required public land dedication in accordance with Section 615C of the Township Subdivision and Land Development Ordinance shall be in addition to the foregoing minimum Greenway Land requirement. Exceptions

are permitted, however, allowing larger building lots with conservation easements in accordance with Section 1903 of this Ordinance.

3. **Minimum Lot Area**: None

4. **Minimum Lot Width at Building Setback Line and Frontage Requirements**

   a. **Minimum Lot Width at Building Setback Line for Single-Family Detached Dwellings**: 50 feet.

      All proposed lots shall possess at least 30 feet frontage on a public or private street or common driveway meeting Township standards. Access strips to interior lots or flag lots shall not exceed 250 feet in length, except where deemed necessary by the Board due to site conditions or the depth of adjoining lots with street frontage. The land area within the driveway access strips shall not be included in the minimum required lot area or in the minimum required building envelope

   b. **Minimum Lot Width at Building Setback Line for Single-Family Attached Dwellings**: 24 feet.

5. **Yard Regulations**: The builder or developer is urged to consider variations in the principal building position and orientation, but shall observe the following minimum standards.

   a. **Front Yard**: 10 feet from the edge of pavement of new private streets, 10 feet from the ultimate right-of-way of new public streets, and 50 feet from the ultimate right-of-way of existing Township roads.

   b. **Rear Yard**: 30 feet minimum for principal buildings.

   c. **Side Yard**: 10 feet for principal buildings.

   d. **Setback From Agricultural Operations**: 100 ft. minimum for new principal dwellings. Existing dwellings, new additions to existing dwellings, and any new accessory structures shall be exempt from this setback requirement.

   e. **Tract Perimeter Setback**: All new buildings shall be set back not less than 60 feet from the tract perimeter unless an effective visual buffer exists, in which case the Board of Supervisors may reduce the perimeter setback for structures to 50 feet. The Board may also require that such a buffer be created or amplified where existing vegetation does not provide effective visual screening in accordance with Section 1903C.5 and Section 2106B of this Ordinance.

f. **Accessory Buildings and Structures**: In accordance with Section 2201 of this Ordinance.

6. **Maximum Impervious Coverage by Buildings, Structures and Impervious Surfaces**: Maximum of 30% of Adjusted Tract Acreage on each lot for single-family detached dwellings and 50% of Adjusted Tract Acreage on each lot for single-family attached dwellings. The calculation of impervious coverage for the purposes of this provision shall not include impervious coverage attributable to public sidewalks or driveways serving the lot (the scope of such exclusion to include shared driveways, but to exclude discrete parking areas other than those directly in front of an approved garage). With respect to each lot containing a single family detached dwelling unit, an additional 20% of the Adjusted Tract Acreage shall be permitted as impervious coverage to the extent that such additional impervious coverage is required in order to construct pools, patios, decks and other approved, permitted accessory structures, subject, however, to the property owner satisfying each of the following conditions:

a. The property owner shall prepare an engineered plan dealing with all stormwater generated by all of the impervious cover at the property, along with proposed new improvements during a 100 year storm;

b. The plan shall be reviewed by the Township Engineer at the cost and expense of the property owner;

c. The plan must be approved by the Township Engineer prior to the beginning of any earth movement or the issuance of a building permit; and

d. Upon plan approval by the Township Engineer and the issuance of a building permit, property owner may implement the plan under the oversight by the Township and the Township Engineer, the cost of which shall also be borne by the property owner.

H. [Reserved].

I. **Maximum Height Regulations (All Tiers)**: The maximum height of buildings and other structures erected or enlarged in this district shall be as follows:

a. In Tiers I, II, III, and IV: For any principal building or any building used for dwelling purposes: thirty-five (35) feet.

b. [Reserved].

c. For any farm building or farm structure, except silos and silo related equipment: sixty-five (65) feet.

d. For any accessory building or structure, except accessory farm buildings and farm structures: twenty-five (25) feet.

J. **Greenway Land**

Standards pertaining to the quantity, quality, configuration, ownership, and maintenance of the greenway land created under this Article are contained in Article XIX of this Ordinance.

SECTION 606 DESIGN STANDARDS

A. **Residential and Agricultural Uses by Right**

1. **Parking**. As required by Section 2102 of this Ordinance.

2. **Access and Highway Frontage**. As required by Section 2103 of this Ordinance.

3. **Landscaping and Screening**. As required by Section 2106 of this Ordinance.

4. **Lighting**. As required by Section 2108 of this Ordinance.

5. **Visual Resource Protection**. As required by Section 2110 of this Ordinance.

6. **Greenway Land**. As required by Article XIX of this Ordinance.

B. **Conditional Uses and Uses by Special Exception**

1. **Parking**. As required by Section 2102 of this Ordinance.

2. **Access and Highway Frontage**. As required by Section 2103 of this Ordinance.

3. **Interior Circulation and Emergency Access**. As required by Section 2104 of this Ordinance.

4. **Loading and Unloading**. As required by Section 2105 of this Ordinance.

5. **Landscaping and Screening**. As required by Section 2106 of this Ordinance.

6. **Storage**. As required by Section 2107 of this Ordinance.

7. **Lighting**. As required by Section 2108 of this Ordinance.

8. **Visual Resource Protection**. As required by Section 2110 of this Ordinance.

ARTICLE VII

RM RESIDENTIAL MIX DISTRICT

SECTION 701 PURPOSE

In addition to the general goals listed in the statements of Purpose (Section 103) and Community Development Objectives (Section 104), it is the purpose of this district to encourage the continuation of the traditional land use patterns in the early village setting of Kimberton, allowing a reasonable level of development to occur while preserving those areas which characterize the unique heritage of the area; and to provide for medium and high density residential development which is compatible with existing residential development, in areas of the Township which contain environmental features generally suitable for such development, high groundwater yields, and accessible to transportation systems and community facilities appropriate for such development. In addition, this district is designed to provide additional flexibility and opportunity for accommodating multi-family housing needs on a smaller scale than what has been provided for in the PRD Planned Residential Development District.

This purpose is to be achieved by employing the following techniques, as permitted by Section 605 of Act 247, the Pennsylvania Municipalities Planning Code, to ensure that proposed designs for in-fill development and development on the fringe of the village is compatible with the planning goals for this area.

A. Encourage a compact form of development by allowing lot design alternatives, as permitted by Sections 503.5 and 603.5 of Act 247, which permit the concentration of land use on certain portions of the tract while leaving other portions open so as to promote designs compatible with the village.

B. Require land use designs which preserve natural, scenic, and historic resources as permitted by Section 604.1 of Act 247.

C. Retain the boundaries (or edges) of the village as essential components that serve as a transition between adjacent uses and distinguish the village as a unique community, as enabled by Section 605.1 of Act 247.

D. Establish a viable network of greenway land areas that complement the land use pattern of the village and promote pedestrian circulation to reinforce the community character and decrease reliance on the automobile. These greenway land components should link the village with surrounding areas, including existing recreational facilities, and correspond to the recommendations of the Township Open Space and Recreation Plan.

E. Define landscaping, circulation, parking, signage, and community facility/services standards that are unique to the village setting and are compatible with its particular design requirements.

F. Ensure that new development is compatible with the availability of essential services or

facilities, as required by Section 604.1 of Act 247, and that new demands as required by the project are adequately addressed.

G. To encourage the continued agricultural uses in surrounding areas in keeping with the traditional village pattern of land use and the goal to preserve farming as an important land use and economic activity, as provided by Section 604.3 of Act 247.

H. Provide opportunities for the creation of a variety of residential dwelling types in keeping with the character, scale, and architecture of the traditional village setting, in accordance with Section 604.5 of Act 247.

In the RM Residential Mix District, the following regulations shall apply:

SECTION 702 USE REGULATIONS

A. Uses by Right

A building may be erected, altered or used, and a lot or premises may be used, by right, for any one (1) of the following uses and no other:

1. Single-family detached dwelling, single family semi-detached dwelling.

2. Woodland preserve, game preserve, wildlife sanctuary or other conservation use.

3. Passive Agricultural Uses.

4. Breeding or raising of animals (excluding the raising of pigs, which is expressly prohibited), provided that the minimum area of the tract on which the use is conducted shall not be less than ten (10) acres and shall be subject to the provisions of Section 2220.

5. Essential services.

6. Planned residential development in accordance with Article XVIII and as designated on the West Vincent Township Zoning Map.

7. ~~Park or recreation~~Low Intensity Recreation Use area

8. Municipal building or use.

9. Bed and B~~b~~reakfast use, provided that:

   a. One (1) improved off-street parking space per guest bedroom shall be provided;
   b. The B~~b~~ed and B~~b~~reakfast shall be occupied by the owner and operator

thereof; ~~and~~

c. The principal building on the lot shall be a historic resource and shall be an integral component of the B~~b~~ed and B~~b~~reakfast; and.

d. Non-host Bed and Breakfast uses shall be permitted on properties not containing a historic resource, provided that the rental period shall not exceed ~~seven~~fifteen (~~7~~15) consecutive days and the number of overnight guest stays shall not exceed sixty (60) nights per year. The owner shall also register with the Township prior to commencement of the use and on or before the end of January of each calendar year, providing the owner's name, the type of Bed and Breakfast use, the number of guest rooms, the number of guest bedrooms, the number of rental nights in the prior year, and the emergency contact information of the property owner.

B. **Uses by Special Exception**

Any of the following uses may be permitted as a special exception when authorized by the Zoning Hearing Board, subject to the standards contained herein and Section 2807 of this Ordinance:

1. Two family and multi-family residential building types, provided that:

   a. The minimum tract size for multi-family dwellings shall not have a lot area less than fifteen (15) acres.

   b. No unit shall be less than twenty (20) feet in width.

2. Life-care community, subject to the provisions of Section 2212.

3. Municipal or public uses; ~~public park or recreation area owned and operated by a public or private non-profit agency;~~ governmental or public utility building or use; not to include business facilities, storage of materials, trucking or repair facilities, the housing of repair crews, private or municipal landfills.

4. Combination of two or more residential dwelling types on the same tract, provided that the minimum tract size is not less than twenty-five (25) acres.

5. Medium Intensity Recreation Use area, including p~~P~~rivate clubs for swimming, golf, horseback riding, tennis or other racquet sports, provided that:

   a. The minimum tract size is not less than ten (10) acres;

   b. Each structure or building shall be clearly incidental to the outdoor use;

c. Any club or lodge building and its services shall be for the use of members and their guests only;

d. No commercial activity or use such as a High Intensity Recreation Use, amusement park, recreational vehicle campground, driving range, pitch and putt, or miniature golf course, and similar uses customarily carried on as a business shall be permitted; and

e. All activities shall occur and be confined to property owned by the club.

6. Conversion of a single-family detached dwelling or other detached buildings, subject to the provisions of Section 2204.

7. Communications towers subject to the provisions of Section 2224 of this Ordinance.

~~8. Bed and breakfast, provided that:~~

~~a. One (1) improved off-street parking space per guest room shall be provided;~~
~~b. The bed and breakfast shall be occupied by the owner and operator thereof; and~~
~~c. The principal building on the lot shall be a historic resource and shall be an integral component of the bed and breakfast.~~

C. **Accessory Uses**

The following accessory uses shall be permitted provided that they are incidental to any of the foregoing permitted uses:

1. Customary Residential Accessory Uses.

   a. Private swimming pools, subject to the provisions of Section 2222.

2. Customary Agricultural Accessory Uses.

3. Private non-commercial greenhouses.

4. Home occupations, in accordance with the provisions of Section 2209.

5. Accessory dwelling units, subject to the provisions of Section 2201.

6. Roadside stands for the sale of farm products and in accordance with the provisions of Section 2219.

7. Private, non-commercial nursery.

8. Communications antennas mounted on an existing public utility transmission tower,

existing building or other existing structure, and communications equipment buildings subject to the provisions of Section 2224 of this Ordinance.

SECTION 703 AREA AND BULK REGULATIONS

A. **Lot Area**

1. Single-Family Dwelling or Non-Residential Uses. Every lot containing a single-family dwelling or non-residential use shall have an area of not less than 20,000 square feet, provided that, in the case of an interior lot, any right-of-way or accessway connecting such lot to a road or street shall be in addition to the minimum lot area of 20,000 square feet.

2. Two Family Dwelling (Duplex or Twin Dwelling). Every lot containing a twin or duplex dwelling shall have a lot area of not less than 15,000 square feet per dwelling unit, provided that, in the case of an interior lot, any right-of-way or accessway connecting such lot to a road or street shall be in addition to the minimum lot area of 15,000 square feet per dwelling unit.

3. Multi-Family Dwelling (Including but not limited to townhouses, apartments and quadraplex units). Every lot or tract containing a multi-family residence shall meet the following specifications:

   a. The minimum tract size for multi-family dwellings shall not have a lot area less than fifteen (15) acres.

   b. The gross density for development of multi-family dwellings shall not exceed five (5) dwelling units per acre.

   c. The net density for development shall not exceed seven (7) dwelling units per acre.

   d. No unit shall be less than twenty (20) feet in width.

B. **Lot Width**

1. Single-Family Dwelling or Non-Residential Use. Every lot containing a single-family dwelling or non-residential use shall not be less than one hundred (100) feet in average width, with thirty-five (35) feet minimum width at the street line, or in the case of an interior lot, the front lot line.

2. Two-Family Dwelling. Every lot containing a twin or duplex dwelling shall have an average aggregate lot width for two dwelling units of one hundred twenty-five (125) feet, with fifty (50) feet minimum aggregate width at the street line, or in the case of

an interior lot, the front lot line.

3. Multi-Family Dwellings. Every tract containing multifamily dwellings shall not be less than three hundred (300) feet in width at the Building Setback Line.

C. **Front Yard**

There shall be a front yard of not less than seventy-five (75) feet from the building setback line to the street line, or in the case of an interior lot, the front lot line.

D. **Side Yards**

1. For every single-family or two-family dwelling, there shall be two side yards not less than thirty-five (35) feet in aggregate width and neither of which shall be less than fifteen (15) feet in width.

2. For every principal building other than a dwelling, there shall be two side yards neither of which shall be less than thirty-five (35) feet in width.

3. For multi-family dwellings there shall be two side yards neither of which shall be less than fifty (50) feet in width.

E. **Rear Yard**

There shall be a rear yard on each lot which shall be not less than thirty (30) feet in depth unless the lot is a reverse frontage lot, in which case the requirements of Section 2103.D of this Ordinance shall apply.

F. **Lot Coverage**

Not more than forty percent (40%) of the Adjusted Tract Acreage may be occupied by buildings, structures or other impervious coverage. This calculation of Lot Coverage shall not include impervious coverage attributable to public sidewalks or driveways serving the lot (the scope of such exclusion to include shared driveways, but to exclude discrete parking areas other than those directly in front of an approved garage).

G. **Accessory Buildings and Structures**: In accordance with Section 2201 of this Ordinance.

H. **Maximum Height Regulations**: The maximum height of buildings and other structures erected or enlarged in this district shall be as follows:

1. For any principal building or any building used for dwelling purposes: thirty-five (35) feet.

2. For any farm building or farm structure, except silos and silo related equipment: sixty-five (65) feet.

3. For any accessory building or structure, except accessory farm buildings and farm structures: twenty-five (25) feet.

SECTION 704 COMMUNITY FACILITIES

A. **Water and Sewer Service**

All developments shall submit information as required by the Board of Supervisors verifying that adequate and safe water and sewer facilities are available to service the proposed development without causing adverse environmental damage or negatively affecting adjacent property owners.

B. **Greenway land**

1. Not less than fifty (50) percent of the gross lot area shall be designated as and used exclusively for greenway land.

2. No more than twenty-five (25) percent of the area designated for greenway land shall have environmental limitations such as floodplains, steep slopes (in excess of 25%), or wetlands.

3. A maximum of twenty-five (25) percent of the greenway land is permitted to be used for individual on-lot disposal systems, stormwater facilities, community sewage treatment/storage lagoons, and non-elevated community sewage absorption areas.

4. Portions of the tract which comprise the village fringe shall be composed of greenway land. The width of the village fringe greenway land shall be at least 200 feet. This minimum buffer requirement may be waived by the Board of Supervisors if topography, new or existing vegetative screening meeting the requirements of Section 2106B of this Ordinance, or other conditions render the provision unnecessary.

5. Sidewalks and/or pedestrian walkways/trails shall be provided in accordance with Sections 612C and 616 of the Township Subdivision and Land Development Ordinance.

6. A hierarchy of greenway land and recreational areas shall be distributed strategically throughout the village for maximum benefit and convenience of the residents and shall culminate in a central village green or square.

7. All greenway land shall be designed to add to the visual amenities of the area by maximizing its visibility for persons passing the site or overlooking it from nearby properties.

8. The ownership, location, design, layout, and maintenance of greenway land shall be in accordance with Article XIX of this Ordinance and Section 615 and Article VII of the Township Subdivision and Land Development Ordinance.

9. Greenway land shall be used to meet the following objectives:

   a. Contribute to the village fringe

   b. Create linkages between lots and adjacent greenway land/ recreation or greenway land parcels

   c. Comply with recommendations of the Township Open Space and Recreation Plan, including the Recommendations Summary Map

   d. Reinforce the traditional village land use pattern by locating structures close to the road

   e. Provide buffers to cultural resources or enhance scenic vistas

   f. Complement facility infrastructure requirements such as water supplies, wastewater treatment, stormwater control, etc.

   g. Preserve sensitive environmental resources

   h. Retain woodlands as important environmental and aesthetic local resources

   i. Enhance the character of the village setting by complementing the built environment in ways such as providing space for landscaping, community events, pedestrian linkages, and other such design opportunities.

   j. Reflect how passive and active greenway lands and recreation are now used in the village, whether they are adequate, and how they may be complemented.

SECTION 705 SITE DEVELOPMENT STANDARDS - MULTI-FAMILY DEVELOPMENTS

The following additional site development standards shall apply to multi-family developments:

A. **Building Separation**. The minimum horizontal distance between separate buildings shall be as follows:

   1. Between facing walls within twenty-five (25) degrees of being parallel, fifty (50) feet if either wall contains windows.

2. In all other cases of facing walls, twenty-five (25) feet.

3. Where walls do not face each other, twenty-five (25) feet between building corners.

These minimum horizontal distances may be reduced at the discretion of the Board of Supervisors if the building design contains varied setbacks, building orientations and window treatments, or otherwise results in an improved design.

B. **Courts**

1. At least twenty-five (25) percent of courts formed by the arrangement of more than one building shall be greenway land not occupied by parking areas or other uses, court areas to be measured on a straight line between building corners.

2. A separation distance shall be created of no less than two hundred (200) feet between courts, measured from building corners forming the perimeter of courts.

C. **Exterior Walls**. Exterior walls shall be faced with maintenance-free material other than cinder block, plain concrete block or concrete poured in place.

D. **Rear of Buildings**. The rear of buildings shall not face, or be within twenty-five (25) degrees of being parallel to, any public road.

E. **Attached Building (Townhouses)**

1. The arrangement of two or more buildings in clusters as seen in front elevation or an elevation normal thereto shall have a maximum horizontal dimension of two hundred (200) feet if each building is variously oriented. The maximum horizontal dimension of clusters oriented in the same direction shall be two hundred seventy-five (275) feet.

2. There shall be no more than five (5) units to any single building and no more than three (3) buildings to any court.

3. Buildings shall be arranged in a maximum of two (2) rows within twenty-five (25) degrees of being parallel. Arrangement of buildings in three (3) or more rows, whether with long or short walls facing, will not be permitted.

4. Exterior walls greater than eighty (80) feet in length will not be approved and exterior walls collinear with or parallel to fire walls, at least five (5) feet in horizontal length and of full height, may be required to assure offset or variety of exterior surfaces of both.

5. Use of gables and variations of color, texture or of ridgeline height or orientation may be required to provide architectural diversity and individuality for the various building subdivisions or sets of them.

F. **Other Multi-Family Buildings and Apartment Buildings**

1. Unless the applicant has incorporated unique architectural design, apartment buildings and other multi-family buildings shall generally have a maximum exterior wall perimeter at any level of no more than five hundred (500), no straight facade or roofline segment of which may be longer than sixty (60) feet.

2. Apartment buildings and other multi-family buildings shall be no more than thirty-five (35) feet in height except on recommendation of the Planning Commission and approval by the Board of Supervisors where it can be shown that the top of the buildings will not alter the visible horizon as seen from a public road.

G. **Accessory Uses**. No outdoor swimming pool, tennis court or similar facility shall be located closer than one hundred (100) feet to any adjacent residential property.

SECTION 706 DESIGN STANDARDS

A. **Uses by Right**

1. **Parking**. As required by Section 2102 of this Ordinance.

2. **Access and Highway Frontage**. As required by Section 2103 of this Ordinance.

3. **Lighting**. As required by Section 2108 of this Ordinance.

4. **Landscaping and Screening**. As required by Section 2106 of this Ordinance.

5. **Village Design Standards**. As required by Section 2109 of this Ordinance.

6. **Visual Resource Protection Standards**. As required by Section 2110 of this Ordinance.

B. **Uses by Special Exception**

1. **Parking**. As required by Section 2102 of this Ordinance.

2. **Access and Highway Frontage**. As required by Section 2103 of this Ordinance.

3. **Interior Circulation and Emergency Access**. As required by Section 2104 of this Ordinance.

4. **Loading and Unloading**. As required by Section 2105 of this Ordinance.

5. **Landscaping and Screening**. As required by Section 2106 of this Ordinance.

6. **Storage**. As required by Section 2107 of this Ordinance.

7. **Lighting**. As required by Section 2108 of this Ordinance.

8. **Village Design Standards**. As required by Section 2109 of this Ordinance.

9. **Visual Resource Protection Standards**. As required by Section 2110 of this Ordinance.

ARTICLE VIII

KV KIMBERTON VILLAGE DISTRICT

SECTION 801 PURPOSE

In addition to the general goals listed in the statements of Purpose (Section 103) and Community Development Objectives (Section 104), it is the purpose of this district to: (1) encourage the continuation of the existing land use patterns adjacent to the village of Kimberton, (2) allow a reasonable level of development and redevelopment to occur while preserving those features which characterize the area, and (3) provide for medium and high density residential development which is compatible with existing residential development in areas of the Township which contain environmental features generally suitable for such development and accessible to transportation systems and public or community facilities appropriate for such development.

This purpose is to be achieved by employing the following techniques, as permitted by Section 605 of Act 247, the Pennsylvania Municipalities Planning Code, as amended, to ensure that proposed designs for in-fill development and development on the fringe of the village is compatible with the planning goals for this area:

A. Retain the boundaries or edges of the village as essential components that serve as a transition between adjacent uses and distinguish the village as a unique community, as enabled by Section 605.1 of Act 247.

B. Ensure that new development is compatible with the availability of essential services or

facilities, as required by Section 604.1 of Act 247, and that new demands as required by the project are adequately addressed.

C. Allow development which is consistent with the Township's Act 537 Sewage Facilities Plan and the recent extension of public sewage service to this area of the Township.

D. Encourage the continued agricultural uses in surrounding areas in keeping with the traditional village pattern of land use and the goal to preserve farming as an important land use and economic activity, as provided by Section 604.3 of Act 247.

E. Provide opportunities for the creation of a variety of residential dwelling types in keeping with the character, scale, and architecture of the traditional village setting, in accordance with Section 604.5 of Act 247.

In the KV Kimberton Village District, the following regulations shall apply:

SECTION 802 USE REGULATIONS

A. Uses by Right

A building may be erected, altered or used, and a lot or premises may be used, by right, for any one (1) of the following uses and no other:

1. Single-family dwelling.

2. Single-family semi-detached dwelling.

3. Woodland preserve, game preserve, wildlife sanctuary or other conservation use.

4. Passive Agricultural Uses.

5. Essential services.

6. ~~Park or recreation~~Low Intensity Recreation Use area.

7. Municipal building or use.

8. Bed and ~~b~~Breakfast, provided that:

   a. One (1) improved off-street parking space per guest bedroom shall be provided;

b. The B~~b~~ed and B~~b~~reakfast shall be occupied by the owner and operator thereof; and

c. The principal building on the lot shall be a historic resource and shall be an integral component of the B~~b~~ed and B~~b~~reakfast.

d. Non-host Bed and Breakfast uses shall be permitted on properties not containing a historic resource, provided that the rental period shall not exceed ~~seven~~fifteen (~~7~~15) consecutive days and the number of overnight guest stays shall not exceed sixty (60) nights per year. The owner shall also register with the Township prior to commencement of the use and on or before the end of January of each calendar year, providing the owner's name, the type of Bed and Breakfast use, the number of guest rooms, the number of guest bedrooms, the number of rental nights in the prior year, and the emergency contact information of the property owner.

B. **Conditional Uses**

Any of the following uses may be permitted as a conditional use when authorized by the Board of Supervisors, subject to the standards contained herein and the standards of Section 2711 of this Ordinance:

1. Two-family and multi-family residential building types, provided that:

   a. The minimum tract size for multi-family dwellings shall not have a lot area less than five (5) acres.

   b. No unit shall be less than twenty (20) feet in width.

2. Conversion of a single-family detached dwelling or other detached buildings, subject to the provisions of Section 2204.

3. Communications towers subject to the provisions of Section 2224 of this Ordinance.

~~4. Bed and breakfast, provided that:~~

~~a. One (1) improved off-street parking space per guest room shall be provided;~~

~~b. The bed and breakfast shall be occupied by the owner and operator thereof; and~~

~~c. The principal building on the lot shall be a historic resource and shall be an integral component of the bed and breakfast.~~

C. **Accessory Uses**

The following accessory uses shall be permitted provided that they are incidental to any of the foregoing permitted uses:

1. Customary Residential Accessory Uses.

   a. Private swimming pools, subject to the provisions of Section 2222.

2. Customary Agricultural Accessory Uses.

3. Private non-commercial greenhouses.

4. Home occupations, in accordance with the provisions of Section 2209.

5. Accessory dwelling unit, subject to the provisions of Section 2201.

6. Roadside stands for the sale of farm products and in accordance with the provisions of Section 2219.

7. Private, non-commercial nursery.

8. Communications antennas mounted on an existing public utility transmission tower, existing building or other existing structure, and communications equipment buildings subject to the provisions of Section 2224 of this Ordinance.

SECTION 803 AREA AND BULK REGULATIONS

A. Lot Area

1. **Single-Family Dwelling or Non-Residential Uses**.

   Every lot containing a single-family dwelling or non-residential use shall have an area of not less than 20,000 square feet, provided that, in the case of an interior lot, any right-of-way or accessway connecting such lot to a road or street shall be in addition to the minimum lot area of 20,000 square feet.

2. **Two Family Dwelling (Duplex or Twin Dwelling)**.

   Every lot containing a twin or duplex dwelling shall have a lot area of not less than 15,000 square feet per dwelling unit, provided that, in the case of an interior lot, any right-of-way or accessway connecting such lot to a road or street shall be in addition to the minimum lot area of 15,000 square feet per dwelling unit.

3. **Multi-Family Dwelling (Including but not limited to townhouses, apartments and quadriplex units)**.

   Every lot or tract containing a multi-family residence shall meet the following specifications:

a. The minimum tract size for multi-family dwellings shall not have a lot area less than five (5) acres.

b. The gross density for development of multi-family dwellings shall not exceed two (2) dwelling units per acre.

B. **Lot Width**

1. **Single-Family Dwelling or Non-Residential Use**. Every lot containing a single-family dwelling or non-residential use shall not be less than one hundred (100) feet in average width, with thirty-five (35) feet minimum width at the street line, or in the case of an interior lot, the front lot line.

2. **Two-Family Dwelling**. Every lot containing a twin or duplex dwelling shall have an average aggregate lot width for two dwelling units of one hundred twenty-five (125) feet, with fifty (50) feet minimum aggregate width at the street line, or in the case of an interior lot, the front lot line.

3. **Multi-Family Dwellings**. Every tract containing multifamily dwellings shall not be less than three hundred (300) feet in average width, with one hundred (100) feet minimum width at the street line, or in the case of an interior lot, the front lot line.

C. **Front Yard**

There shall be a front yard of not less than fifty (50) feet from the building setback line to the street line, or in the case of an interior lot, the front lot line.

D. **Side Yards**

1. For every single-family or two family dwelling, there shall be two side yards not less than thirty-five (35) feet in aggregate width and neither of which shall be less than fifteen (15) feet in width.

2. For every principal building other than a dwelling, there shall be two side yards neither of which shall be less than thirty-five (35) feet in width.

3. For multi-family dwellings there shall be two side yards neither of which shall be less than fifty (50) feet in width.

E. **Rear Yard**

There shall be a rear yard on each lot which shall be not less than thirty (30) feet in depth unless the lot is a reverse frontage lot, in which case the requirements of Section 2103.D of this Ordinance shall apply.

F. **Lot Coverage**

Not more than forty percent (40%) of the Adjusted Tract Acreage may be occupied by buildings, structures or other impervious coverage. This calculation of Lot Coverage shall not include impervious coverage attributable to public sidewalks or driveways serving the lot (the scope of such exclusion to include shared driveways, but to exclude discrete parking areas other than those directly in front of an approved garage).

G. **Accessory Buildings and Structures**: In accordance with Section 2201 of this Ordinance.

H. **Maximum Height Regulations**: The maximum height of buildings and other structures erected or enlarged in this district shall be as follows:

1. For any principal building or any building used for dwelling purposes: thirty-five (35) feet.

2. For any farm building or farm structure, except silos and silo related equipment: sixty-five (65) feet.

3. For any accessory building or structure, except accessory farm buildings and farm structures: twenty-five (25) feet.

SECTION 804 WATER AND SEWER SERVICE

All developments shall submit information as required by the Board of Supervisors verifying that adequate and safe water and sewer facilities are available to service the proposed development without causing adverse environmental damage or negatively affecting adjacent property owners.

SECTION 805 DESIGN STANDARDS

A. **Uses by Right**

1. **Parking**. As required by Section 2102 of this Ordinance.

2. **Access and Highway Frontage**. As required by Section 2103 of this Ordinance.

3. **Lighting**. As required by Section 2108 of this Ordinance.

4. **Landscaping and Screening**. As required by Section 2106 of this Ordinance.

B. **Conditional Uses**

1. **Parking**. As required by Section 2102 of this Ordinance.

2. **Access and Highway Frontage**. As required by Section 2103 of this Ordinance.

3. **Interior Circulation and Emergency Access**. As required by Section 2104 of this Ordinance.

4. **Loading and Unloading**. As required by Section 2105 of this Ordinance.

5. **Landscaping and Screening**. As required by Section 2106 of this Ordinance.

6. **Storage**. As required by Section 2107 of this Ordinance.

7. **Lighting**. As required by Section 2108 of this Ordinance.

ARTICLE IX

MHP MOBILE HOME PARK OVERLAY DISTRICT

SECTION 901 PURPOSE

In addition to the general goals listed in the statements of Purpose (Section 103) and Community Development Objectives (Section 104), it is the purpose of this district to provide specific opportunities for the development of mobile home parks in the Township which are compatible with existing development, and in areas of the Township generally suitable for such development and accessible to appropriate transportation systems and community facilities.

In the Mobile Home Park District, the following regulations shall apply:

SECTION 902 ZONING MAP OVERLAY

Mobile home parks are permitted only as an overlay district as specifically designated and located on the West Vincent Township Zoning Map.

SECTION 903 AREA AND BULK REGULATIONS

A. **Mobile Home Parks**

1. **Site Requirements and Maximum Density**

   a. The minimum tract size for mobile home parks shall be ten (10) acres.

   b. Mobile home sites within the park shall have a minimum gross lot area of five thousand (5,000) square feet and shall be no less than fifty (50) feet wide, the corners of each such space to be indicated by markers, flush with the ground.

   c. The maximum gross density of a mobile home park shall be no greater than five (5) units per acre.

2. **Required Setbacks**

   a. All mobile homes shall be set back at least one hundred (100) feet from any park boundary line, and at least fifty (50) feet from any recreational or park service buildings.

   b. Mobile homes shall be separated from accessory buildings or structures located on the same lot or site by at least ten (10) feet. Such accessory buildings or structures may be placed on the lot line, provided that an

easement at leave five (5) feet wide is located on the adjacent lot or site to allow maintenance for the accessory building or structure. Accessory buildings or structures shall be located within the side or rear yards only.

c. Mobile homes shall be separated from each other and accessory structures on adjacent mobile home lots or sites by at least thirty (30) feet.

B. **Maximum Height Regulations**: The maximum height of buildings and other structures erected or enlarged in this district shall be as follows:

1. For any principal building or any building used for dwelling purposes: thirty-five (35) feet.

2. For any farm building or farm structure, except silos and silo related equipment: sixty-five (65) feet.

3. For any accessory building or structure, except accessory farm buildings and farm structures: twenty-five (25) feet.

SECTION 904 DESIGN STANDARDS AND OTHER REQUIREMENTS

A. **Mobile Home Parks**

All other requirements for mobile home parks such as, but not limited to, application procedures, permits, plans, design standards, and maintenance shall be in accordance with the mobile home park provisions of the West Vincent Township Subdivision and Land Development Ordinance.

ARTICLE X

BV BIRCHRUNVILLE VILLAGE DISTRICT

SECTION 1001 PURPOSE

In addition to the general goals listed in the statements of Purpose (Section 103) and Community Development Objectives (Section 104), it is the purpose of this district to provide for the orderly development of those uses compatible with the village character of Birchrunville; to encourage landscape and architectural innovation that will insure that the establishment of uses in the BV Birchrunville Village District will be harmonious with the character of the surroundings; and to discourage locally generated automobile trips and encourage non-vehicular travel.

This purpose is to be achieved by employing the following techniques, as permitted by Section 605 of Act 247, the Pennsylvania Municipalities Planning Code, to ensure that proposed designs for in-fill development and development on the fringe of the village is compatible with the planning goals for this area.

A. Encourage a compact form of development by allowing lot design alternatives, as permitted by Sections 503.5 and 603.5 of Act 247, which permit the concentration of land use on certain portions of the tract while leaving other portions open so as to promote designs compatible with the village.

B. Require land use designs which preserve natural, scenic, and historic resources as permitted by Section 604.1 of Act 247 and Act 167, the Pennsylvania Historic District Act.

C. Retain the boundaries (or edges) of the village as essential components that serve as a transition between adjacent uses and distinguish the village as a unique community, as enabled by Section 605.1 of Act 247.

D. Establish a viable network of greenway land areas that complement the land use pattern of the village and promote pedestrian circulation to reinforce the community character and decrease reliance on the automobile. These greenway land components should link the village with surrounding areas, including existing recreational facilities, and correspond to the recommendations of the Township Open Space and Recreation Plan.

E. Define landscaping, circulation, parking, signage, and community facility/services standards that are unique to the village setting and are compatible with its particular design requirements.

F. Ensure that new development is compatible with the availability of essential services or facilities, as required by Section 604.1 of Act 247, and that new demands as required by the project are adequately addressed.

G. To encourage the continued agricultural uses in surrounding areas in keeping with the

traditional village pattern of land use and the goal to preserve farming as an important land use and economic activity, as provided by Section 604.3 of Act 247.

H. Provide opportunities for the creation of a variety of residential dwelling types and a limited mix of non-residential uses in keeping with the character, scale, and architecture of the traditional village setting, in accordance with Section 604.5 of Act 247.

I. Allow for the conversion of land uses in the village setting in a manner that identifies the potential impacts and opportunities, ensures compliance with the goals and objectives of the Comprehensive Plan, and promotes innovative designs that are compatible with and contribute to the village character, as permitted by Sections 603.5 and 603.6 of Act 247.

In the BV Birchrunville Village District, the following regulations shall apply:

SECTION 1002 USE REGULATIONS

A. **Uses by Right**

A building may be erected, altered or used, and a lot or premises may be used, by right, for any one (1) of the following uses and no other:

1. Single-family detached dwelling.

2. Single-family residence as part of a commercial use within the same building, as long as it is occupied by the owner or operator of the business. Such use shall comply with the applicable provisions of Zoning Ordinance Section 2201.E.

3. Woodland preserve, game preserve, wildlife sanctuary or other conservation use.

4. ~~Park or recreation~~Low Intensity Recreation Use area.

5. Municipal building or use.

6. Bed and B~~b~~reakfast, provided that:

   a. One (1) improved off-street parking space per guest room shall be provided;
   b. The building shall be occupied by the owner and operator of the ~~b~~Bed and B~~b~~reakfast;
   c. The principal building on the lot shall be a historic resource and shall be an integral component of the ~~b~~Bed and ~~b~~Breakfast; and
   d. Non-host Bed and Breakfast uses shall be permitted on properties not containing a historic resource, provided that the rental period shall not exceed ~~seven~~fifteen (~~7~~15) consecutive days and the number of overnight guest stays shall not exceed sixty (60) nights per year. The owner shall also

Comment [A]: See proposed alternative language above.

register with the Township prior to commencement of the use and on or before the end of January of each calendar year, providing the owner's name, the type of Bed and Breakfast use, the number of guest rooms, the number of guest bedrooms, the number of rental nights in the prior year, and the emergency contact information of the property owner.

B. **Conditional Uses**

Any one of the following uses may be permitted as a conditional use when authorized by the Board of Supervisors, subject to the standards set forth herein and in Section 2711 of this Ordinance:

1. Professional office uses are permitted, provided that they are confined to a maximum of 1,500 square feet of gross area (if on one (1) floor) and 2,500 square feet of gross area (if on more than one (1) floor).

2. Restaurant, tearoom, and cafes provided that food be served at tables by the establishment and that it not be designed for drive-in or take-out business, provided that the total ground floor area is two thousand (2,000) square feet or less.

3. Conversion of a single-family detached dwelling in existence at the time of the adoption of this Ordinance, subject to the provisions contained herein and in Section 2204 of this Ordinance, except that office uses may be permitted the full use of the existing gross floor area, even if such gross floor area exceeds the limitations listed in paragraph 1 above.

4. ~~Bed and breakfast, provided that~~

~~a. One (1) improved off-street parking space per guest room shall be provided;~~
~~b. The building shall be occupied by the owner and operator of the bed and breakfast;~~
~~c. The principal building on the lot shall be a historic resource and shall be an integral component of the bed and breakfast;~~

5. Accessory dwelling unit, subject to the provisions contained herein and in Section 2201 of this Ordinance.

6. Medium Intensity Recreation Use, including a~~Public~~ park or recreation area owned and operated by a public or private non-profit agency.

7. Single-family residence on the second floor of any use allowed by conditional use in this District (which has been approved as a conditional use by the Township Board of Supervisors). Such use shall comply with the applicable provisions of Zoning Ordinance Section 2201.E.

C. **Accessory Uses**

The following accessory uses shall be permitted provided that they are customary and incidental to any of the foregoing permitted uses:

1. Customary Residential Accessory Uses.

   a. Private swimming pools, subject to the provisions of Section 2222.

2. Office accessory uses.

3. Private non-commercial greenhouses.

4. Home occupations, in accordance with the provisions of Section 2209.

SECTION 1003 AREA AND BULK REGULATIONS

A. **Minimum Lot Areas**

1. **Adjusted Tract Area** - A minimum adjusted tract area of thirty thousand (30,000) square feet shall be provided for a single use, with an additional thirty thousand (30,000) square feet of gross lot area required for each additional use. Within a mixed-use development on the same lot, an average minimum of thirty thousand (30,000) square feet shall be provided for each use.

B. **Minimum Lot Widths**

1. Lots served by individual on-lot sewage .....70 feet

2. Lots served by community or public sewage.....50 feet

C. **Maximum Lot Length/Width Ratio** 5/1

D. **Front Yard**

1. **Minimum front yard**.....15 feet

2. **Maximum front yard** .....30 feet

E. **Side Yards**

There shall be two side yards neither of which shall be less than twenty-five (25) feet in width. For developments with a combination of uses on a single lot, the side yards for each building within the development may be reduced to ten (10) feet in width (i.e., twenty (20) feet of total building separation); side yards of at least twenty-five (25) feet in width shall be maintained where any of these buildings abut a perimeter property line.

F. **Rear Yard**

There shall be a rear yard on each lot which shall not be less than twenty-five (25) feet in depth.

G. **Lot Coverage**

Impervious coverage of any lot or tract shall not exceed fifty percent (50%) of Adjusted Tract Acreage. This calculation of Lot Coverage shall not include impervious coverage attributable to public sidewalks or driveways serving the lot (the scope of such exclusion to include shared driveways, but to exclude discrete parking areas other than those directly in front of an approved garage).

H. **Building Coverage**

Not more than twenty percent (20%) of the Adjusted Tract Acreage may be occupied by buildings.

I. **Accessory Buildings**

No accessory buildings or structures shall be situated within the front yard, nor within ten (10) feet of any side or rear property line.

J. **Height Restrictions**

No building or structure, other than farm buildings or farm structures, shall exceed thirty-five (35) feet in height, except that no accessory building shall exceed twenty-five (25) feet in height. No farm building or farm structure, except silos and silo-related equipment, shall exceed sixty-five (65) feet in height.

SECTION 1004 SPECIAL DESIGN REQUIREMENTS

A. Each building should be designed so as to harmonize with the character of development in the surrounding village area. In the case of Birchrunville, the design of any proposed structure shall be compatible with this rural village setting.

B. Each permitted principal use, other than a parking lot, off-street loading facility or public utility shall be conducted within a completely enclosed building.

C. Along each side or rear property line which directly abuts a zoning district boundary line, a buffer area not less than fifty (50) feet in width shall be provided on which shall be

placed hedge, evergreens or other suitable plantings sufficient to constitute an effective screen per Section 2106B of this Ordinance.

D. No storage of merchandise, articles or equipment shall be permitted outside a building, and no outdoor vending machine, self-service station, or similar use shall be permitted on a lot.

E. If there is more than one building or use on a single lot:

(a) The proposed development shall be designed as, or as part of, a single architectural and landscaping scheme,

(b) The group of buildings as a whole shall comply with the area and yard regulations of the District, and

(c) The distance at the closest point between any two buildings or groups of buildings shall be at least as great as the average height of the two buildings but not less than twenty (20) feet.

F. The restoration or rehabilitation of existing historic sites in this district should, but are not required to, follow the standards contained in the U.S. Department of the Interior's "The Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitation of Historic Buildings."

SECTION 1005 DESIGN STANDARDS

A. **Parking**. As required by Section 2102 of this Ordinance.

B. **Access and Highway Frontage**. As required by Section 2103 of this Ordinance.

C. **Interior Circulation and Emergency Access**. As required by Section 2104 of this Ordinance.

D. **Loading and Unloading**. As required by Section 2105 of this Ordinance.

E. **Landscaping and Screening**. As required by Section 2106 of this Ordinance.

F. **Storage**. As required by Section 2107 of this Ordinance.

G. **Lighting**. As required by Section 2108 of this Ordinance.

H. **Performance Standards**. As required by Section 2213 of this Ordinance.

I. **Signs**. As required by Article XX of this Ordinance.

J. **Village Design Standards**. As required by Section 2109 of this Ordinance.

K. **Visual Resource Protection**. As required by Section 2110 of this Ordinance.

ARTICLE XI

PC/LI PLANNED COMMERCIAL/LIMITED INDUSTRIAL DISTRICT

SECTION 1101 PURPOSE

In addition to the general goals listed in the statements of Purpose (Section 103) and Community Development Objectives (Section 104), it is the purpose of this district to encourage the continuation of the traditional mixed land use patterns of Ludwigs Corner, allowing in-fill development and a reasonable level of new development to occur; and to provide and require a unified and organized arrangement of buildings, signs, service and parking areas, together with adequate off-street circulation among neighboring businesses and harmoniously landscaped greenway land, planned and designed as an integrated unit, and in a manner so as to provide an efficient, safe, convenient, and attractive shopping and service area in an area of the Township accessible to a regional highway system.

In the PC/LI Planned Commercial/Limited Industrial District, the following regulations shall apply:

SECTION 1102 USE REGULATIONS

A. **Uses by Right**

A building may be erected, altered or used, and a lot or premises may be used, by right for any one (1) of the following principal uses and no other:

1. Retail establishments for the sale of dry goods, drugs, food, jewelry, variety and general merchandise, hardware, household furnishings and supplies, instruments, electronic equipment and appliances, including video rentals, repair service, and job printing, except as otherwise noted in Sections 1102B (Conditional Uses) and 1102C (Special Exceptions).

2. Personal service shop including barber, beauty salon, shoe repair, tailor, dressmaking, and laundry and dry cleaning pick-up service.

3. Restaurant, tearoom, cafe, diner, ice cream parlor, confectionery or other place serving food or beverage. This category of uses permitted by right shall not include fast-food restaurants in free-standing, single-use buildings, serving quick

meals in readily disposable containers, in a manner that makes it convenient for the food to be consumed away from the premises. Also excluded are premises whose primary business is the serving of alcoholic beverages.

4. Business, professional, or medical office; bank, savings and loan association, or other financial institution; or real estate sales office.

5. Private cafeteria or lunchroom facilities as an accessory use to any professional or business establishment and for the exclusive use of its employees.

6. Residential dwelling units as an accessory use in second or third floor locations.

7. Bed and B~~b~~reakfast establishment or country inn offering overnight accommodations, not exceeding eight (8) bedrooms or suites, and without music or entertainment. One (1) off-street parking space shall be provided for every guest room.

8. Retail commercial nursery.

9. ~~Park or recreation~~Low Intensity Recreation Use area.

10. Municipal building or use.

B. **Conditional Uses**

Any one of the following uses may be permitted as a conditional use when authorized by the Board of Supervisors, subject to the standards set forth herein and in Section 2711 of this Ordinance:

1. Sale and repair of new automobiles, motorcycles, vehicles, boats, machinery and equipment including the sale and repair of used automobiles, boats, machinery and equipment as an accessory to new sales.

2. Sales of used automobiles, motorcycles, vehicles, boats, machinery and equipment.

3. Gasoline service station and/or convenience store, in accordance with the standards contained in Section 2207 of this Ordinance.

4. Business office for sales promotions, demonstration of equipment, and showing of samples, including the warehousing of merchandise on the premises for sale, exchange or delivery thereon.

5. Retail or wholesale establishment for the sale of plumbing or heating equipment and supplies, sale of construction equipment, excavation or landscaping business, lumber yard, or substantially similar uses (with respect to their traffic generation,

operating characteristics and community impact), including the customary storage and work yards incidental thereto when completely visually screened by a fence, wall or planting screen per the requirements of Section 2106 of this Ordinance.

6. Automatic self-service laundry and dry cleaning establishment, and diaper cleaning services, with certificates of approval by the appropriate public health, fire safety officer, and other governmental agencies having jurisdiction thereover, including but not limited to water consumption, wastewater disposal and safety regulations.

7. Fast-food restaurants in free-standing, single-use buildings, serving quick meals in readily disposable containers, in a manner that makes it convenient for the food to be consumed away from the premises, provided that:

   a. Any conflicts between pedestrian and vehicular traffic shall be minimized. Pedestrian crosswalks within the site shall be clearly marked.

   b. If drive-through service is provided, the following additional standards shall apply:

      (1) The total stacking length of any drive-through lane shall be one hundred sixty (160) feet.

      (2) Drive-through aisles shall be prohibited from exiting directly onto a public road or highway. Drive-through aisles shall lead into a parking area within the site.

      (3) Outdoor speakers shall be located at least fifty (50) feet from any property line bordering residential uses or districts, and shall be screened with a solid fence and plantings at least six (6) feet in height.

      (4) Drive-through entrances and exits shall be located at least three hundred (300) feet from an intersection or driveway.

   c. The restaurant shall conduct a litter collection program at least daily to remove any litter originating from the establishment within five hundred (500) feet of the property.

8. Manufacturing from previously prepared materials the following products: apparel and other finished products made from fabrics and similar materials; furniture and fixtures; publishing and allied industries; electrical and electronic machinery, equipment and supplies; measuring, analyzing, and controlling instruments; photographic, medical and optical equipment, watches and clocks.

9. ~~Commercial recreation facility~~Medium to High Intensity Recreation Use,

provided that:

a. If the recreational activity is to be conducted outdoors:

(1) No lighting shall be installed other than that required for illumination of parking areas and driveways per Section 2108 of this Ordinance.

(2) Hours of operation shall be limited to daylight hours.

(3) No public address systems with outdoor speakers shall be allowed.

b. If the recreational activity involves the use of objects which have the potential of traveling off-site, adequate screening or netting shall be installed to protect adjacent properties and roads.

c. Uses shall not create any nuisances for adjacent properties.

d. All High Intensity Outdoor Recreation uses shall be setback at least 200 feet from all lot lines. Medium Intensity Recreation uses shall be setback at least 50 feet from all lot lines.

e. Screening and buffering shall be installed along all property boundary lines with neighboring residential uses or residentially-zoned properties, to protect the neighboring residential use from noise, light and other disturbances.

f. The Applicant shall establish that parking facilities will be sufficient to provide on-site parking for the maximum anticipated use. The intensity of the use of the facilities shall be restricted to the on-site parking provided, except to the extent that the Applicant provides the Township with a shared parking agreement executed between it and another landowner.

10. Veterinary clinics and small boarding kennels, provided that:

a. Such clinics and kennels shall comply with the standards and licensing requirements of the Pennsylvania Dog Law and Title 7, Part II, Chapter 21 of the Pennsylvania Code.

b. The maximum number of animals shall not exceed twenty (20). All animals shall be housed or contained within indoor accommodations. No outdoor pens or runs shall be allowed by right in the Planned Commercial/Limited Industrial District.

c. The housing of animals outside shall be prohibited.

d. In addition to the landscaping and screening requirements of Section 1806 of this Ordinance, all buildings where animals are housed shall be fully screened with a solid masonry wall and a continuous planting screen of evergreens, each of which shall be a minimum of six (6) feet in height, to minimize noise onto adjacent properties. In addition, any building containing overnight accommodations for animals shall not be closer to any property line than one hundred (100) feet.

e. Animal waste storage facilities shall meet the setback requirements for buildings containing overnight accommodations for animals (see paragraph d above).

f. The operation shall be designed and conducted so that animal wastes are confined to the lot on which they originate or are stored. In rooms used for overnight accommodations, floors shall be cleaned with a disinfectant at least daily, and wastewater shall be directed into subsurface drainage facilities located on the property, meeting all applicable county and state requirements.

g. Wastes shall be removed from the premises on a daily basis or stored in closed containers with tight-fitting lids and emptied at least weekly. All wastes shall be disposed of in an approved sanitary landfill or solid waste disposal facility. The land application or incineration of animal wastes shall be prohibited in this district.

h. The design and construction of animal waste storage facilities shall be in accordance with Soil Conservation Service standards.

11. Wagering and gambling facilities.

12. A combination of uses permitted by right, conditional use, or special exception under this district.

13. Uses not specifically provided for herein, provided that the use meets the performance standards of Section 2213 of this Ordinance.

C. **Uses by Special Exception**

Any one of the following uses may be granted as a special exception, when authorized by the Zoning Hearing Board, subject to the standards of Section 2213 and Section 2807 of this Ordinance:

1. Automotive services, including engine repair, body shops, lubrication, wheel alignment, muffler replacement, and car washes.

2. Kennels, provided that:

a. Such kennels shall comply with standards and licensing requirements of the Pennsylvania Dog Law and Title 7, Part II, Chapter 21 of the Pennsylvania Code.

b. The maximum number of animals accommodated in outdoor pens or runs shall not exceed one hundred (100).

c. No outdoor run or pen shall be closer than one hundred (100) feet from any property line; except when located adjacent to a non-commercial use or district, in which case the minimum buffer shall be at least one hundred fifty (150) feet.

d. The housing of animals outside shall be prohibited between 6:00 p.m. and 8:00 am.

e. In addition to the landscaping and screening requirements of Section 1806 of this Ordinance, all outdoor pens and runs shall be fully screened with a solid fence or a masonry/stone wall and a continuous planting screen of evergreens, each of which shall be a minimum of six (6) feet in height, to minimize noise onto adjacent properties. If the kennel is located adjacent to a non-commercial use or district, the subject property line shall also be fully screened in accordance with these standards, in addition to the screening required for outdoor pens or runs.

f. Animal waste storage facilities shall meet the setback requirements for outdoor pens and runs per paragraph b above.

g. Lots shall be graded so that animal wastes are confined to the lot on which they originate or are stored.

h. Waste shall be removed from outdoor pens and runs on at least a daily basis, and stored in closed containers with tight-fitting lids and emptied at least weekly. All wastes shall be disposed of in an approved sanitary landfill or solid wastes disposal facility. The land application or incineration of animal wastes shall be prohibited.

i. The design and construction of animal waste storage facilities shall be in accordance with Soil Conservation Service standards.

3. Communications towers subject to the standards contained in Section 2224 of this Ordinance.

D. **Accessory Uses**

The following accessory uses shall be permitted, provided that they are customary and

incidental to any of the foregoing permitted uses:

1. Commercial accessory uses customary to the above permitted commercial uses.

2. Industrial accessory uses customary to the above permitted industrial uses.

3. Communications antennas mounted on an existing public utility transmission tower, existing building or other existing structure, and communications equipment buildings subject to the provisions of Section 2224 of this Ordinance.

SECTION 1103 AREA AND BULK REGULATIONS

A. Gross Lot Area

The minimum lot size shall be one (1) acre for a single use and two (2) acres for multi-use developments with a minimum of 20,000 square feet for each use within a multi-use development.

B. Front Yard

There shall be a front yard on each lot the depth of which shall be not less than fifty (50) feet exclusive of parking area. Such areas shall be fully landscaped and shall not contain any parking spaces, outdoor storage or displays of merchandise, or accessory structures; except as may be specifically permitted by other provisions of this Ordinance. The front yard setback may be reduced for compatibility with existing historic buildings, as long as required clear site distances and safety considerations are achieved.

C. Side Yards

There shall be two side yards neither of which shall be less than fifty (50) feet in width, however, a side yard shall be seventy-five (75) feet in width when abutting a residential use or district.

D. Rear Yard

For principal buildings, there shall be a rear yard on each lot which shall be not less than twenty-five (25) feet in depth; however, a rear yard shall be fifty (50) feet in depth when abutting a residential use or district. For accessory buildings or structures, there shall be a rear yard on each lot which shall be not less than ten (10) feet in depth.

E. Lot Coverage

Impervious coverage shall not exceed fifty percent (50%) of Adjusted Tract Acreage.

F. Building Coverage

Not more than thirty percent (30%) of the Adjusted Tract Acreage may be occupied by buildings.

G. **Accessory Buildings**

No accessory buildings or structures shall be situated within the front yard, nor within ten (10) feet of any side or rear property line.

H. **Height Restrictions and Objectives**

No principal building or structure shall exceed thirty-five (35) feet in height, and no accessory building shall exceed twenty-five (25) feet in height. Although no minimum building height is specified, the construction of two-story buildings is encouraged in the PC/LI District in the interests of efficiency and compactness by allowing retail, service, office, and residential uses on second floors in accordance with the provisions herein.

SECTION 1104 GREENWAY LAND REQUIREMENTS

A. **Minimum Greenway land Requirements**

Parcels within the PC/LI Planned Commercial/Limited Industrial District shall be designed with at least fifty percent (50%) of their gross lot area as permanent greenway land of the following types:

1. Civic commons or greens;

2. Publicly accessible recreation areas, which may be accessory to other uses; or

3. Land belonging to homeowner associations, land trusts or the Township.

B. Of these three types of greenway land, no less than twenty-five percent (25%) of the greenway land shall be in the form of squares, commons, greens, or Low to Medium Intensity R~~active r~~ecreation areas. Such squares, commons, greens or ~~active~~ recreation areas shall be between 10,000 square feet and two (2) acres in area, unless waived by the Township Board of Supervisors; and shall be designed as attractive gathering places for residents.

C. Any required greenway land that is privately owned (either individually, jointly, or by an organization) shall be permanently protected through conservation easements.

D. The required greenway land shall be located and designed to add to the visual amenities of the village and to the surrounding area, by maximizing the visibility of internal greenway land as terminal vistas at the ends of streets or along the outside edges of street curves, and by maximizing the visibility of external greenway land as perimeter

greenway land. Perimeter greenway land shall be designated to provide buffers and to protect scenic views as seen from existing roadways and from public parks.

E. Greens or commons shall border on the principal street of the development or be located so as to constitute the "terminal vista" of that street. The type of trees and shrubs used shall be such that vistas through the open space are largely unobstructed. Greens shall be landscaped using elements of formal gardens, walkways, monuments, statues, gazebos, fountains, park benches, and pedestrian-scale lamp posts. No green or common shall contain more than 10% coverage by impervious surfaces.

F. Parcels utilizing the TDR and/or Rt. 100 Overlay District options of this Ordinance may reduce the minimum greenway land requirements of this subsection correspondingly.

G. Parcels within the PC/LI Planned Commercial/Limited Industrial District may reduce the minimum greenway land requirements of this subsection to 25% of gross lot area by paying a fee to the Township in lieu of providing such a greenway land. The decision to accept a fee-in-lieu offer by the applicant shall lie with the Board of Supervisors, which shall also establish the amount of the fee-in-lieu based on the Township's estimated cost of acquiring land that is similar in area and attributes which would better serve the public recreational needs. Any fees established shall be payable prior to issuance of building permits. All fees collected in lieu of greenway land shall be maintained in an interest bearing Township open space capital reserve fund, which shall be used only for the acquisition of greenway lands or capital improvements for greenway lands and/or parks and/or recreational purposes within the Township at locations consistent with the Open Space Plan of the Township.

SECTION 1105 DESIGN STANDARDS

A. **Parking**. As required by Section 2102 of this Ordinance.

B. **Access and Highway Frontage**. As required by Section 2103 of this Ordinance.

C. **Interior Circulation and Emergency Access**. As required by Section 2104 of this Ordinance.

D. **Loading and Unloading**. As required by Section 2105 of this Ordinance.

E. **Landscaping and Screening**. As required by Section 2106 of this Ordinance.

F. **Storage**. As required by Section 2107 of this Ordinance.

G. **Lighting**. As required by Section 2108 of this Ordinance.

H. **Performance Requirements**. As required by Section 2213 of this Ordinance.

I. **Signs**. As required by Article XX of this Ordinance.

J. **Outdoor Display of Merchandise**. As required by Section 2219 of this Ordinance.

K. **Village Design Standards**. As required by Section 2109 of this Ordinance.

ARTICLE XII

LVCC LUDWIGS VILLAGE CENTER COMMERCIAL DISTRICT

SECTION 1201 PURPOSE

In addition to the general goals listed in the statements of Purpose (Section 103) and Community Development Objectives (Section 104), it is the purpose of this district to encourage the continuation of the traditional land use patterns and design of the early village setting of Ludwigs Corner, allowing in-fill development and a reasonable level of new development to occur along Lexington Boulevard and other roads, as delineated on the Township Official Map, while preserving those areas which characterize the unique heritage of the area; and to provide and require a unified and organized arrangement of buildings, connected walkways, signs, service and parking areas, together with adequate off-street circulation among neighboring businesses and harmoniously landscaped greenway, planned and designed as an integrated unit, and in a manner so as to provide an efficient, walkable, safe, convenient, and attractive mixed shopping, civic and recreational area in an area of the Township accessible to a regional highway system, incorporating the design and use guidelines of the Ludwigs Corner Strategic Vision and Community Design Plan.

This purpose is to be achieved by employing the following techniques, as permitted by Section 605 of Act 247, the Pennsylvania Municipalities Planning Code, to ensure that proposed designs for in-fill development and new development on the fringe of the village is compatible with the planning goals for this area:

A. Provide opportunities for the creation of mixed uses in keeping with the character, scale, and architecture of the traditional village setting in the area, in accordance with Section 604.5 of Act 247.

B. Encourage a compact form of development by allowing lot design alternatives, as permitted by Sections 503.5 and 603.5 of Act 247, which permit the concentration of land use on certain portions of the tract while leaving other portions open so as to promote designs compatible with the village;

C. Require land use designs which preserve natural, scenic, and historic resources as permitted by Section 604.1 of Act 247;

D. To promote pedestrian movement by locating new village housing, services, jobs and public places within convenient walking distance of each other, wherever practicable;

E. Establish a viable network of greenway land areas that complement the land use pattern of the village and which link the village with surrounding areas, including existing housing, employment, and recreational facilities, and that correspond to the recommendations of the Township Open Space and Recreation Plan and the Ludwigs Corner Strategic Vision and Community Design Plan;

F. To reduce traffic congestion and dependence on the automobile by creating a hierarchy of streets and public ways that efficiently serve pedestrians and drivers;

G. To promote community life and identity by providing for commercial services, village greens, and sites for civic buildings;

H. Define landscaping, circulation, parking, signage, and community facility/services standards that are unique to the village setting and are compatible with its particular design requirements; and

I. Ensure that new development is compatible with the availability of essential services or facilities, as required by Section 604.1 of Act 247, and that new demands as required by the project are adequately addressed.

In the LVCC Ludwigs Village Center Commercial District, the following regulations shall apply:

SECTION 1202 USE REGULATIONS

A. Uses by Right

A building may be erected, altered or used, and a lot or premises may be used, by right for any combination of any of the following uses on the first floor of the premises except as allowed pursuant of this ordinance:

1. Retail establishments for the sale of dry goods, jewelry, art and/or crafts, variety and general merchandise, instruments, video rentals, job printing, except as otherwise noted in Sections 1202.B (Conditional Uses).

2. Retail bakeries and artisan workshops conducted in conjunction with educational classes and/or the sale of goods produced on the premises (such as bread, pastries, pottery, paintings, jewelry, glassware, etc.) and as long as the manufacture or production of such goods is accessory to the retail sale.

3. Personal service shop including barber, beauty salon, shoe repair, tailor, dressmaking, and laundry and dry cleaning pick-up service.

4. Restaurant, tea room, cafe, diner, ice cream parlor, confectionery or other place serving food or beverage. This category of uses permitted by right shall not include fast-food restaurants in free-standing, single-use buildings, serving quick meals in readily disposable containers, in a manner that makes it convenient for the food to be consumed away from the premises. Also excluded are premises whose primary business is the serving of alcoholic beverages.

5. Business, professional, or medical office; bank, savings and loan association, or other financial institution; or real estate sales office or insurance sales office.

6. Private cafeteria or lunch room facilities as an accessory use to any professional or business establishment and for the exclusive use of its employees.

7. For buildings built prior to the effective date of this Ordinance that have been lawfully utilized in compliance with this Ordinance, residential dwelling units are allowed on any floor, but for those built after the effective date of this Ordinance, residential uses are only allowed as an accessory use in second or third floor locations.

8. Bed and B~~b~~reakfast establishment or inn offering overnight accommodations, not exceeding twenty (20) bedrooms or suites. One (1) improved off-street parking space per guest room shall be provided.

9. Low Intensity R~~Park or r~~ecreation Use area.

10. Municipal building or use.

B. **Conditional Uses**

Any one of the following uses may be permitted as a conditional use on the first floor of the premises, except as allowed pursuant to Article XXV of this ordinance, when authorized by the Board of Supervisors, subject to the standards set forth herein and in Section 2711 of this Ordinance:.

1. Automatic self-service laundry and dry cleaning establishment, and diaper cleaning services, with certificates of approval by the appropriate public health, fire safety officer, and other governmental agencies having jurisdiction thereover, including but not limited to water consumption, wastewater disposal and safety regulations;

2. Fast-food restaurants in free-standing, single-use buildings, serving quick meals in readily disposable containers, in a manner that makes it convenient for the food to be consumed away from the premises, provided that:

   a. Any conflicts between pedestrian and vehicular traffic shall be minimized. Pedestrian crosswalks within the site shall be clearly marked.

   b. If drive-through service is provided, the following additional standards shall apply:

      (1) The total stacking length of any drive-through lane shall be one hundred sixty (160) feet.

      (2) Drive-through aisles shall be prohibited from exiting directly onto

a public road or highway. Drive-through aisles shall lead into a parking area within the site.

(3) Outdoor speakers shall be located at least fifty (50) feet from any property line bordering residential uses or districts, and shall be screened with a solid fence and plantings at least six (6) feet in height.

(4) Drive-through entrances and exits shall be located at least three hundred (300) feet from an intersection or driveway.

c. The restaurant shall conduct a litter collection program at least daily to remove any litter originating from the establishment within five hundred (500) feet of the property.

3. Medium to High Intensity Recreation Use areas, ~~Commercial recreation facility included, but not limited to, dance or exercise studios~~, provided that:

a. If the recreational activity is to be conducted outdoors:

(1) No outdoor lighting shall be installed other than that required for illumination of parking areas and driveways per Section 2108 of this Ordinance.

(2) Hours of operation shall be limited to daylight hours.

(3) No public address systems with outdoor speakers shall be allowed.

(4) Such outdoor area shall not exceed 15,000 square feet.

(5) All High Intensity Outdoor Recreation uses shall be setback at least 200 feet from all lot lines. Medium Intensity Recreation uses shall be setback at least 50 feet from all lot lines.

(6) Screening and buffering shall be installed along all property boundary lines with neighboring residential uses or residentially-zoned properties, to protect the neighboring residential use from noise, light and other disturbances.

(7) The Applicant shall establish that parking facilities will be sufficient to provide on-site parking for the maximum anticipated use. The intensity of the use of the facilities shall be restricted to the on-site parking provided, except to the extent that the Applicant provides the Township with a shared parking agreement executed between it and another landowner.

b. If the recreational activity involves the use of objects which have the potential of traveling off-site, adequate screening or netting shall be installed to protect adjacent properties and roads.

c. Uses shall not create any nuisances for adjacent properties.

4. Church or similar place of worship, including rectory or parish house.

5. Civic uses, day care centers, libraries, and/or community centers.

6. Establishments selling drugs, food, hardware, home furnishings and supplies, electronics equipment and/or appliances, where the premises are used for only one of the above-listed uses in this subsection.

7. Retail grocery stores, supermarkets, and/or farmers markets in excess of the maximum building size set forth in Section 1203 provided, however, that the maximum size/area or footprint shall not exceed 30,000 square feet.

8. A combination of uses permitted by right, or conditional use, under this district.

9. Uses substantially similar to the Permitted Uses or Conditional Uses listed above, with respect to their traffic generation, operating characteristics, exterior appearance, and community impact.

C. **Accessory Uses**

1. Customary commercial accessory uses shall be permitted, provided that they are customary and incidental to any of the foregoing permitted uses.

2. Communications antennas mounted on an existing public utility transmission tower, existing building or other existing structure, and communications equipment buildings subject to the provisions of Section 2224 of this Ordinance.

SECTION 1203 AREA AND BULK REGULATIONS

A. **Lot Area, Gross**

The minimum lot size shall be 5,000 square feet for a single use and 10,000 square feet for mixed-use developments with a minimum of 2,500 square feet for each use within a mixed-use development; or shall be determined by the area of land necessary to meet the requirements of this Ordinance with respect to setbacks, maximum coverage, parking, circulation, landscaping, and other applicable county and state laws or regulations (such

as those pertaining to wells and septic systems); whichever is greater.

B. **Front Yard**

The minimum front yard for buildings shall be determined by the functional classification of the road fronting the lot or development, as defined by the Township Comprehensive Plan. If the minimum right-of-way width required in Section 611B.2 of the Township Subdivision and Land Development Ordinance exists, the minimum front yards shall be twenty-five (25) feet, otherwise, the minimum front yard shall be as follows:

Arterial road	40 feet [comprised of a minimum of 25 feet dedicated to greenway, and 15 feet dedicated to walkway areas]
Collector road	40 feet [comprised of a minimum of 25 feet dedicated to greenway, and 15 feet dedicated to walkway areas]
Local road	25 feet [comprised of a minimum of 10 feet of greenway, and 15 feet dedicated to walkway areas]

The sidewalks and walkway areas shall be situate closest the buildings, while the non-walkway greenway areas shall be situate closer to the roadway. Such greenway areas shall be fully landscaped, shall include shade trees, unless the presence of such trees would unduly interfere with the visibility of building signs or display windows from public walkways and thorofares and shall not contain any parking spaces, outdoor storage or displays of merchandise, or accessory structures; except as may be specifically permitted by other provisions of this Ordinance. Where the front yard is along an arterial or collector road, there shall be a continuous concrete sidewalk located at the front of the set-back buildings to facilitate pedestrian access between parcels and buildings. The front yard setback may be reduced for compatibility with existing historic resources or structures, as long as required clear site distances and safety considerations are achieved.

While there is no official maximum front yard setback, the design of new developments shall generally be required to create the appearance of a traditional village streetscape, with the long axis of resources or structures perpendicular to the public street and with varying setbacks similar to those of historic buildings in the area. In instances where front yard setbacks are proposed to be greater than twenty (20) feet, the front yard shall be designed in a manner appropriate to a rural village, such as with a grassy, tree-lined "green" or "common". Such areas may be used for subsurface septic disposal areas. In cases where such areas are used to locate required stormwater management facilities, such facilities shall be designed either as self-draining detention basins with flat, mowed lawns, or as ponds planted at the edges with native species wetland flowers and shrubs, or as bioinfiltration gardens. Such facilities shall be designed by a registered landscape architect in consultation with the U.S. Soil Conservation Service.

C. **Side Yards**

The minimum side yards shall be determined based on the functional classification of the road fronting the lot or development, as defined by the Township Comprehensive Plan.

If the minimum right-of-way width required in Section 611B.2 of the Township Subdivision and Land Development Ordinance exists, the minimum side yards shall be ten (10) feet, otherwise, the minimum side yards shall be as follows:

Arterial road	50 feet
Collector road	30 feet
Local road	10 feet

When a side yard abuts a residential use or district, the building setback shall be not less than fifty (50) feet.

D. **Rear Yard**

For principal buildings, there shall be a rear yard on each lot which shall be not less than twenty-five (25) feet in depth; however, a rear yard shall be fifty (50) feet in depth when abutting a residential use or district. For accessory buildings or structures, there shall be a rear yard on each lot which shall be not less than ten (10) feet in depth.

E. **Lot Coverage**

Impervious coverage shall not exceed fifty percent (50%) of Adjusted Tract Acreage unless otherwise permitted under Section 1204.

F. **Height Restrictions and Objectives**

No principal building or structure shall exceed thirty-five (35) feet in height, and no accessory building shall exceed twenty-five (25) feet in height. Although no minimum building height is specified, the construction of two-story buildings is encouraged in the LVCC District in the interests of efficiency, compactness, and traditional village center design by allowing retail, service, office, and residential uses on second floors in accordance with the provisions herein.

G. **Maximum Building Size/Area**

The maximum size/area or footprint of any building shall be 15,000 square feet in order to maintain sufficient separation to accommodate a well landscaped walkway between rear parking and the front façade and sidewalk.

H. **Minimum Building Separation**

The minimum distance between buildings on the same lot shall be fifteen (15) feet, unless the buildings are separated by a roadway.

I **Maximum Building Separation**

The maximum distance between buildings on the same lot shall be twenty-five (25) feet,

unless the buildings are separated by a roadway.

J. **Ludwigs Corner Strategic Vision and Community Design Plan.**

The design of greenway, walkways and sidewalks, roads and parking shall conform to the requirements set forth in the Ludwigs Corner Strategic Vision and Community Design Plan adopted by the Township.

SECTION 1204 GREENWAY LAND REQUIREMENTS

A. **Minimum Greenway land Requirements**

Parcels within the Ludwigs Village Center Commercial District shall be designed with at least fifty percent (50%) of their gross lot area as permanent greenway land of the following types:

1. Civic commons or greens;

2. Publicly accessible recreation areas, which may be accessory to other uses; and

3. Land belonging to homeowner associations, land trusts or the Township.

B. Of these three types of greenway land, no less than twenty-five percent (25%) of the greenway land shall be in the form of squares, commons, greens, or Low to Medium Intensity ~~active~~ R~~r~~ecreation areas.

C. Any such land that is privately owned (either individually, jointly, or by an organization) shall be permanently protected through conservation easements.

D. The required greenway land shall be located and designed to add to the visual amenities of the village and to the surrounding area, by maximizing the visibility of internal greenway land as terminal vistas at the ends of streets or along the outside edges of street curves, and by maximizing the visibility of external greenway land as perimeter greenway land. Perimeter greenway land shall be designated to provide buffers and to protect scenic views as seen from existing roadways and from public parks.

E. Greens or commons shall border on the principal street of the development or be located so as to constitute the "terminal vista" of that street. The type of trees and shrubs used shall be such that vistas through the open space are largely unobstructed. Greens shall be landscaped using elements of formal gardens, walkways, monuments, statues, gazebos, fountains, park benches, and pedestrian-scale lamp posts. No green or common shall contain more than 10% coverage by impervious surfaces.

F. Parcels utilizing the fee-in-lieu option and/or Rt. 100 Overlay District provisions of this Ordinance may reduce the minimum greenway land requirements of this subsection correspondingly.

G. Parcels within the Ludwigs Village Center Commercial District may reduce the minimum greenway land requirements of this subsection to 25% by paying a fee to the Township in lieu of providing such a greenway land. The decision to accept a fee-in-lieu offer by the applicant shall lie with the Board of Supervisors, which shall also establish the amount of the fee-in-lieu based on the Township's estimated cost of acquiring land that is similar in area and has attributes which would better serve the public recreational needs. Any fees established shall be payable prior to issuance of building permits. All fees collected in lieu of greenway land shall be maintained in an interest bearing Township open space capital reserve fund, which shall be used only for the acquisition of greenway lands or capital improvements for greenway lands and/or park and/or recreational purposes within the Township at locations consistent with the Open Space Plan of the Township.

SECTION 1205 SPECIAL PARKING STANDARDS

A. The front edge of required parking areas shall be set back at least as far as the nearest facade of the principal building facing the front property line (porticos, open colonnades, and open porches excluded).

B. Off-street parking shall be to the rear of the property, and located within internal parking areas.

C. On-street parking spaces along the front property line of a lot may be counted toward the minimum number of parking spaces required for the use on the lot.

D. On-street parking spaces shall be designed to be parallel to the curb.

E. All parking shall be shared by adjacent buildings and businesses in compliance with the Township's Shared Parking Ordinance or, in the absence of such ordinance, the model shared parking ordinance in "Shared Parking in the Portland Metropolitan Area." The parking requirements for a given use shall be satisfied by utilizing the available parking, in the following order of priority: first by on-street parking; second, by parking in the parking areas identified on the Township Official Map; and third, by parking in other approved parking areas provided that such shall only be allowed if the on-street and parking areas on the Township Official Map are insufficient to meet the parking requirements of the use.

SECTION 1206 DESIGN STANDARDS

Design standards shall comply with the design standards provided in the Ludwigs Corner Strategic Vision and Community Design Plan. Where there is a conflict between that Plan and this Ordinance, the standards set forth in that Plan shall be utilized. Unless specified in the Ludwigs Corner Strategic Vision and Community Design Plan, applicable design standards are as follows:

A. **Parking**. As required by Sections 1205 and 2102 of this Ordinance.

B. **Access and Highway Frontage**. As required by Section 2103 of this Ordinance.

C. **Interior Circulation and Emergency Access**. As required by Section 2104 of this Ordinance.

D. **Loading and Unloading**. As required by Section 2105 of this Ordinance.

E. **Landscaping and Screening**. As required by Section 2106 of this Ordinance.

F. **Storage**. As regulated by Section 2107 of this Ordinance, except that all storage shall be within a completely enclosed building in conjunction with a permitted use.

G. **Lighting**. As regulated by Section 2108 of this Ordinance.

H. **Performance Requirements**. As required by Section 2213 of this Ordinance.

I. **Signs**. As required by Article XX of this Ordinance.

J. **Outdoor Display of Merchandise**. As required by Section 2219 of this Ordinance.

K. **Village Design Standards**. As required by Section 2109 of this Ordinance.

SECTION 1207 MODIFICATIONS

A. The Board of Supervisors may, by conditional use approval, permit the modification of the provisions of this Article in order to encourage a well-planned traditional Township village center.

B. Any conditional use to permit such a modification shall be subject to the following criteria in addition to the requirements of Section 2711 of this Ordinance:

1. The design and modifications shall be consistent with the purposes and the land use standards contained in this Article.

2. The design and modifications shall generally enhance the development plan, the central village area, the streetscapes, and the surrounding village neighborhoods, or at least not be any less desirable than the plan that could be created in conformance with this Article.

3. The design and modifications shall not produce lots or street systems that would be impractical or detract from the appearance of the District, and shall not adversely affect emergency vehicle access.

4. Increased intensity of nonresidential uses shall be offset by corresponding special efforts by the applicant to improve the appearance of the development through enhanced architectural and landscaping efforts.

5. The applicant shall demonstrate that the proposed modifications will produce equal or better results, from the Township's perspective, and represent the minimum modification necessary.

C. If the Board of Supervisors determines that the applicant has met his/her burden, it may grant a modification of the requirements of this Article. In granting modifications, the Board may impose such conditions as will, in its judgment, secure the objectives and purposes of this Article.

ARTICLE XIII

VCR VILLAGE CENTER RESIDENTIAL OVERLAY DISTRICT

SECTION 1301 PURPOSE

In addition to the general goals listed in the statements of Purpose (Section 103) and Community Development Objectives (Section 104), it is the purpose of this district to encourage the continuation of the traditional land use patterns and design of the early village setting of Ludwigs Corner, allowing in-fill development and a reasonable level of new development to occur along the Rt. 100 "bypass", as delineated on the Township Official Map, while preserving those areas which characterize the unique heritage of the area; and to provide and require a unified and organized arrangement of buildings, signs, service and parking areas, together with adequate off-street circulation among neighboring areas and harmoniously landscaped greenway land, planned and designed as an integrated unit, and in a manner so as to provide an efficient, safe, convenient, and attractive residential village setting in an area of the Township accessible to a regional highway system. Although principally created to provide residential uses, this district may also accommodate a limited amount of nonresidential uses when designed within a village pattern.

This purpose is to be achieved by employing the following techniques, as permitted by Section 605 of Act 247, the Pennsylvania Municipalities Planning Code, to ensure that proposed designs for in-fill development and new development on the fringe of the village is compatible with the planning goals for this area.

A. Encourage a compact form of development by allowing lot design alternatives, as permitted by Sections 503.5 and 603.5 of Act 247, which permit the concentration of land use on certain portions of the tract while leaving other portions open so as to promote designs compatible with the village.

B. To allow for a variety of housing sizes and types appropriate for households with different age and income characteristics in a manner that also reflects the lot and street patterns of traditional rural villages in Chester County.

C. Require land use designs which preserve natural, scenic, and historic resources as permitted by Section 604.1 of Act 247.

D. Retain the boundaries (or edges) of the village as essential components that serve as a transition between adjacent uses and distinguish the village as a unique community, as enabled by Section 605.1 of Act 247.

E. Establish a viable network of greenway land areas that complement the land use pattern of the village and promote pedestrian circulation to reinforce the community character and decrease reliance on the automobile. These greenway land components should link the village with surrounding areas, including existing housing, employment, and recreational facilities, and should correspond to the recommendations of the Township

Open Space and Recreation Plan.

F. Define landscaping, circulation, parking, signage, and community facility/services standards that are unique to the village setting and are compatible with its particular design requirements.

G. Ensure that new development is compatible with the availability of essential services or facilities, as required by Section 604.1 of Act 247, and that new demands as required by the project are adequately addressed.

H. To encourage the continued agricultural uses in surrounding areas in keeping with the traditional village pattern of land use and the goal to preserve farming as an important land use and economic activity, as provided by Section 604.3 of Act 247.

In the VCR Village Center Residential District, the following regulations shall apply:

SECTION 1302 ZONING MAP OVERLAY

The provisions of this Article are permitted only as an overlay district as specifically designated and located on the VCR Village Center Residential Overlay District Map and only upon completion of the Rt. 100 "By-Pass" or execution of a performance guarantee between the Township and affected property owner assuring completion of the Rt. 100 "By-Pass" along or through the subject property.

SECTION 1303 MAXIMUM PERMITTED DENSITY

The maximum permitted density shall be calculated on the basis of Adjusted Tract Acreage (ATA), according to the following standards:

A. Base Density .....0.50 du/ac ATA

B. Built-in bonus for village design with greenway land .....additional 0.50 du/ac ATA

C. Incentive for elderly/ affordable housing .....additional 0.50 du/ac ATA

Parcels utilizing the TDR and/or Rt. 100 Overlay District options of this Ordinance may increase the maximum density requirements of this section correspondingly.

SECTION 1304 LAND USE DESIGN STANDARDS

A. **Residential Diversity**. The percentages listed below should be interpreted as guidelines which shall generally set the parameters for designing and reviewing development proposals. The Board of Supervisors, upon a recommendation from the Planning Commission, may modify these percentages within the spirit of this section and Section 1309 herein when a compelling case is presented that such modifications would not substantially diminish the traditional character of the proposed development.

1. A primary objective of the Village Center Residential District is to provide for a diversity of household types, age groups, and income levels, in a manner consistent with the traditional village building and site development patterns. Within the overall residential density figures for villages, as established in accordance with Section 1303 above, new construction is to be predominantly single-family residential on a variety of compact village scale lot sizes, which should range in area from 5,000 sq. ft. to 15,000 sq. ft. with an average lot size of 6,000 sq. ft. This component should comprise between 60% and 75% of the residential development within a parcel. However, the concept of large "conservancy lots" of ten acres or more shall be encouraged along the village edge, in which part of the required greenway land may be incorporated within lot boundaries as "mini-farms".

2. Up to 25% of the dwellings may be on larger lots, between 15,000 and 25,000 sq. ft., while up to 10% of the dwelling units may be on "conservancy lots" or "estate lots" of 10 acres or more. Lot sizes between 25,000 sq. ft. and 10 acres shall be strongly discouraged, as this form relates more to suburban style subdivisions than it does to traditional villages.

3. A relatively modest percentage, up to 12% of all new units, may be designed as two-family dwellings, and a further 8% may be designed as three- or four-family dwellings. If an applicant elects to pursue the option for two-family and/or multi-family dwellings, which require a conditional use permit, such dwellings shall be designed either to reflect the Township's historic building tradition or shall be designed to resemble large single-family residences, with particular care taken in the arrangement of front doors, driveways and parking areas. When different housing types are proposed, the applicant shall be strongly encouraged to integrate them architecturally and in scale so that they can be mixed within the same streetscape and not isolated from each other in separate areas.

B. **Minimum Greenway L~~l~~and Requirements**

1. Parcels within the Village Center Residential District shall be designed with at least fifty percent (50%) of their gross lot area as permanent greenway land of the following types:

   a. Civic commons or greens;

b. Publicly accessible Low to Medium Intensity R~~r~~ecreation areas, which may be accessory to other uses; and

c. Land belonging to homeowner associations, land trusts or the Township.

2. Of these three types of greenway land, no less than twenty-five percent (25%) of the greenway land shall be in the form of squares, commons, greens, and Low to Medium Intensity ~~active~~ R~~r~~ecreation areas.

3. Any such land that is privately owned (either individually, jointly, or by an organization) shall be permanently protected through conservation easements recorded in favor of a private non-profit organization or the Township.

4. The required greenway land shall be located and designed to add to the visual amenities of the village and to the surrounding area, by maximizing the visibility of internal greenway land as terminal vistas at the ends of streets or along the outside edges of street curves, and by maximizing the visibility of external greenway land as perimeter greenbelt land. Greenbelt land shall be designated to provide buffers and to protect scenic views as seen from existing roadways and from public parks.

5. Greens or commons shall border on the principal street of the development or be located so as to constitute the "terminal vista" of that street. The type of trees and shrubs used shall be such that vistas through the greenway land are largely unobstructed. Greens shall be landscaped using elements of formal gardens, walkways, monuments, statues, gazebos, fountains, park benches, and pedestrian-scale lampposts. No green or common shall contain more than 10% coverage by impervious surfaces.

6. Parcels utilizing the TDR and/or Rt. 100 Overlay District options of this Ordinance may reduce the minimum greenway land requirements of this subsection correspondingly.

SECTION 1305 USE REGULATIONS

A. Uses by Right

A building may be erected, altered or used, and a lot or premises may be used, by right, for any one (1) of the following uses and no other:

1. Single-family village dwelling, single-family detached dwelling.

2. Single-family semi-detached dwelling.

3. Passive Agricultural Uses.

B. **Conditional Uses**

Any one of the following uses may be permitted as a conditional use when authorized by the Board of Supervisors, subject to the standards set forth herein and in Section 2711 of this Ordinance:

1. Two-family dwelling designed to resemble large single-family dwellings from the exterior, or designed to resemble traditional 19th century attached housing from rural Chester County.

2. Multi-family dwelling with no more than four dwelling units per building and designed to resemble large single-family dwellings from the exterior, or designed to resemble traditional 19th century attached housing from rural Chester County.

3. Life-care community, subject to the provisions of Section 2212 of this Ordinance.

C. **Uses by Special Exception**

Any use substantially similar to the above uses permitted by right or as conditional uses not specifically provided for herein may be granted as a special exception, when authorized by the Zoning Hearing Board, subject to the standards of Section 2213 and Section 2807 of this Ordinance. Similarity shall be evaluated in terms of traffic generation, operating characteristics, exterior appearance, environmental and community impact.

D. **Accessory Uses**

The following accessory uses shall be permitted, provided that they are customary and incidental to any of the foregoing permitted uses:

1. Customary Residential Accessory Uses.

2. Customary commercial accessory uses.

3. Communications antennas mounted on an existing public utility transmission tower, existing building or other existing structure, and communication equipment buildings subject to the provisions of Section 2224 of this Ordinance.

SECTION 1306 DIMENSIONAL STANDARDS

A. **General Dimensional Requirements***

1. Minimum lot size (residential) 5,000 sq. ft.

2.	Average lot size (residential)	6,000 sq. ft.
3.	Minimum additional land per accessory dwelling unit (maximum of two units)	4,000 sq. ft.
4.	Maximum building coverage	
	residential	25%
	nonresidential	50%
5.	Maximum lot coverage	
	residential	50%
	nonresidential	75%
6.	Minimum setback for driveway, parking space or pavement (unless shared with adjacent property):	
	- from side property line	5 ft.
	- from rear property line (except for driveway entering from rear property line)	10 ft.
7.	Minimum front yard setbacks	
	local access streets	20 ft.
	collector streets	35 ft.
	arterial streets	50 ft.
8.	Average minimum front yard setbacks	
	local access streets	25 ft.
	collector streets	40 ft.
	arterial streets	55 ft.
9.	Minimum side yard setbacks	
	individual	5 ft.
	aggregate	20 ft.
	accessory structures	5 ft.
10.	Minimum rear yard setbacks	
	principal buildings	15 ft.
	accessory structures along an alley	5 ft.
11.	Minimum setback from existing roads	50 ft.
12.	Maximum building height	
	principal buildings	35 ft.
	except for libraries, churches and civic buildings	none
	accessory buildings	25 ft.
13.	Minimum lot width	40 ft.
14.	Minimum average lot width	50 ft.

* All percentages shall be measured as a percentage of Adjusted Tract Acreage.

C. **Other Requirements**

1. The minimum lot size for nonresidential uses shall be determined by the area of land necessary to meet the requirements of this Ordinance for setbacks, maximum

coverage, parking, circulation, landscaping, greenway land, stormwater management, and other applicable county and state laws or regulations.

2. Stoops, porticos, open colonnades, and open porches may encroach up to 10 feet into front yard setbacks.

SECTION 1307 SPECIAL PARKING STANDARDS

A. The front edge of required parking areas for all uses, except one- and two-family dwellings, shall be set back at least as far as the foremost facade of the principal building facing the front property line (porticos, open colonnades, and open porches excluded).

B. Off-street parking shall be to the side or rear, or located within internal parking areas.

C. On-street parking spaces shall be designed to be parallel to the curb.

SECTION 1308 DESIGN STANDARDS

A. **Parking**. As required by Section 2102 of this Ordinance.

B. **Access and Highway Frontage**. As required by Section 2103 of this Ordinance.

C. **Interior Circulation and Emergency Access**. As required by Section 2104 of this Ordinance.

D. **Loading and Unloading**. As required by Section 2105 of this Ordinance.

E. **Landscaping and Screening**. As required by Section 2106 of this Ordinance.

F. **Storage**. As required by Section 2107 of this Ordinance, except that all storage shall be within a completely enclosed building in conjunction with a permitted use.

G. **Lighting**. As required by Section 2108 of this Ordinance.

H. **Performance Requirements**. As required by Section 2213 of this Ordinance.

I. **Signs**. As required by Article XX of this Ordinance.

J. **Outdoor Display of Merchandise**. As required by Section 2219 of this Ordinance.

K. **Village Design Standards**. As required by Section 2109 of this Ordinance.

SECTION 1309 MODIFICATIONS

A. The Board of Supervisors may, by conditional use approval, permit the modification of the provisions of this Article in order to encourage a well-planned traditional Township village center.

B. Any conditional use to permit such a modification shall be subject to the following criteria in addition to the requirements of Section 2711 of this Ordinance:

1. The design and modifications shall be consistent with the purposes and the land use standards contained in this Article.

2. The design and modifications shall generally enhance the development plan, the central village area, the streetscapes, and the surrounding village neighborhoods, or at least not be any less desirable than the plan that could be created in conformance with this Article.

3. The design and modifications shall not produce lots or street systems that would be impractical or detract from the appearance of the District, and shall not adversely affect emergency vehicle access.

4. Increased intensity of nonresidential uses shall be offset by corresponding special efforts by the applicant to improve the appearance of the development through enhanced architectural and landscaping efforts.

5. The applicant shall demonstrate that the proposed modifications will produce equal or better results, from the Township's perspective, and represent the minimum modification necessary.

C. If the Board of Supervisors determines that the applicant has met his/her burden, it may grant a modification of the requirements of this Article. In granting modifications, the Board may impose such conditions as will, in its judgment, secure the objectives and purposes of this Article.

ARTICLE XIV

RT. 100 OVERLAY DISTRICT

SECTION 1401 PURPOSE

In addition to the general goals listed in the statements of Purpose (Section 103) and Community Development Objectives (Section 104), it is the purpose of this district to provide density bonuses and incentives to property owners in the Ludwigs Corner area of the Township as a means of encouraging the dedication of required rights-of-way and the construction of road segments for the Rt. 100 "By-Pass", the improvements of which are intended to reduce traffic congestion and improve safety along Rt. 100 and are consistent with the Rt. 100 Corridor Study and the Official Map of the Township.

SECTION 1402 ZONING MAP OVERLAY

The provisions of this Article are permitted only as an overlay district as specifically designated and located on the Rt. 100 Overlay District Map.

SECTION 1403 DENSITY BONUSES AND INCENTIVES

The following provisions shall apply to the appropriate zoning:

A. **Right-of-Way Dedication**

Any applicant or property owner who reserves or dedicates a part or portion of the necessary right-of-way for the Rt. 100 "By-Pass" shall be permitted to increase the number of dwelling units or the maximum coverage provisions of the applicable zoning district as follows:

District	Density Bonus per 10,000 sq. ft. of R/W Reserved or Dedicated
LVCC	2500 sq. ft. additional lot coverage per acre of land
VCR	0.25 dwelling units
R-2	0.25 dwelling units

B. **Road Construction**

Any applicant or property owner who constructs a part or portion of the necessary improvements for the Rt. 100 "By-Pass" shall be permitted to increase the number of dwelling units or the maximum coverage provisions of the applicable zoning district as follows:

Density Bonus per 200 linear

District	lane feet of road constructed
LVCC	4300 sq. ft. additional lot coverage per acre of land
VCR	1.0 dwelling unit
R-2	1.0 dwelling unit

C. **Village Center Residential (VCR) Overlay District**

Upon the completion of construction of the Rt. 100 "Bypass" or final approval of subdivision or land development plans which include construction of the Rt. 100 "Bypass" along or accessing an applicant's or landowner's property, the base zoning district of any applicable property shall be established as VCR Village Center Residential in accordance with Article XIII of this Ordinance.

Any fractions resulting from the above calculations shall be rounded down to the next lowest whole number.

Tracts or parcels located in more than one zoning district shall qualify for the density bonuses in only one district. The applicable zoning district shall be at the discretion of the applicant.

SECTION 1404 MAXIMUM DEVELOPMENT CAPACITY

The maximum development capacity when the developer utilizes the density bonuses in accordance with the provisions of this Article shall be as follows:

District	Maximum Gross Density	Maximum Lot Coverage**
LVCC	n.a.	65%*
VCR	4 du/ac	n.a.
R-2	1 du/ac*	n.a.

*Applicable to Tier III and IV design options only.
** Measured as a percentage of Adjusted Tract Acreage.

SECTION 1405 APPLICABLE AREA AND BULK REQUIREMENTS

The density bonuses contained in this Article applicable to the R-2 Residential District, the VCR Village Center Residential District, and the LVCC Ludwigs Village Center Commercial District may be implemented by reducing the amount of required greenway land by up to 10%, reducing the minimum lot area and bulk requirements by up to 10%, or by a combination of these approaches, at the discretion of the Board of Supervisors.

ARTICLE XV

M MUNICIPAL DISTRICT

SECTION 1501 PURPOSE

In addition to the general goals listed in the statements of Purpose (Section 103) and Community Development Objectives (Section 104), it is the purpose of this district to provide for municipal uses in selected areas of the Township accessible to residents and transportation systems.

In the M Municipal District, the following regulations shall apply:

SECTION 1502 USE REGULATIONS

A. **Uses by Right**

A building may be erected, altered or used, and a lot or premises may be used, by right, for any of the following uses:

1. Township administrative building, community center, fire station, public park, Township maintenance facility, post office, or any similar public use.

2. Communications towers subject to the standards contained in Section 2224 of this Ordinance.

3. Private Use Airport.

B. **Conditional Uses**

Any one of the following uses may be permitted as conditional use when authorized by the Board of Supervisors, subject to the standards set forth herein and in Section 2711 of this Ordinance.

1. Professional office, real estate office, or similar office of agency, provided that the total floor area is two thousand (2,000) square feet or less.

C. **Accessory Uses**

The following accessory uses shall be permitted provided that they are customary and incidental to any of the foregoing permitted uses:

1. Municipal accessory uses.

2. Office accessory uses.

3. Communication antennas mounted on an existing public utility transmission

tower, existing building or other existing structure, and communications equipment buildings subject to the provisions of Section 2224 of this Ordinance.

SECTION 1503 AREA AND BULK REGULATIONS

Area and Bulk Regulations of Article X, BV Birchrunville Village District, shall apply to this District.

SECTION 1504 DESIGN STANDARDS

A. **Parking**. As required by Section 2102 of this Ordinance.

B. **Access and Highway Frontage**. As required by Section 2103 of this Ordinance.

C. **Interior Circulation and Emergency Access**. As required by Section 2104 of this Ordinance.

D. **Loading and Unloading**. As required by Section 2105 of this Ordinance.

E. **Landscaping and Screening**. As required by Section 2106 of this Ordinance.

F. **Storage**. As required by Section 2107 of this Ordinance.

G. **Lighting**. As required by Section 2108 of this Ordinance.

H. **Performance Requirements**. As required by Section 2213 of this Ordinance.

I. **Signs**. As required by Section 2004 of this Ordinance.

ARTICLE XVI

FPC FLOOD PLAIN CONSERVATION OVERLAY DISTRICT

SECTION 1601 PURPOSE

In addition to the general goals listed in the statements of Purpose (Section 103) and Community Development Objectives (Section 104), it is the purpose of this District to:

A. Promote the general health, welfare, and safety of the community.

B. Encourage the utilization of appropriate construction practices in order to prevent or minimize flood damage in the future.

C. Minimize danger to public health by protecting water supply and natural drainage.

D. Reduce financial burdens imposed on the community, its governmental units,, and its residents,, by preventing excessive development in areas subject to flooding.

SECTION 1602 APPLICABILITY

These provisions shall apply to all lands within the jurisdiction of West Vincent Township and shown as being located within the boundaries of any identified Floodplain Conservation District which are considered as a part of the official zoning map.

SECTION 1603 WARNING AND DISCLAIMER OF LIABILITY

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

This Article shall not create liability on the part of the Township or any officer or employee thereof for any flood damages that result from reliance on this Article or any administrative decisions lawfully made thereunder.

SECTION 1604 IDENTIFICATION OF FLOODPLAIN AREAS

The identified floodplain area shall be those areas of West Vincent Township, Chester County, which are subject to the one hundred (100) year flood, as identified in the Chester County Flood Insurance Study (FIS) dated September 29, 2006 and the accompanying maps as prepared for by the Federal Emergency Management Agency (FEMA), or the most recent revision thereof,

including all digital data developed as part of the Flood Insurance Study.

SECTION 1605 DESCRIPTION OF FLOODPLAIN AREAS

The identified floodplain area shall consist of the following specific areas:

A. FW (Floodway Area) - the areas identified as "Floodway" in the AE Zone in the Flood Insurance Study prepared by the FEMA. The term shall also include floodway areas which have been identified in other available studies or sources of information for those floodplain areas where no floodway has been identified in the Flood Insurance Study.

B. FF (Flood-Fringe Area) - the remaining portions of the one hundred (100) year floodplain in those areas identified as an AE Zone in the Flood Insurance Study, where a floodway has been delineated.

   The basis for the outermost boundary of this area shall be the one hundred (100) year flood elevations as shown in the flood profiles contained in the Flood Insurance Study.

C. FE (Special Floodplain Area) - the areas identified as Zone AE in the Flood Insurance Study, where one hundred (100) year flood elevations have been provided, but no floodway has been delineated.

D. FA (General Floodplain Area) - the areas identified as Zone A in the FIS for which no one hundred (100) year flood elevations have been provided. When available, information from other Federal, State, and other acceptable sources shall be used to determine the one hundred (100) year elevation, as well as a floodway area, if possible. When no other information is available, the one hundred (100) year elevation shall be determined by using a point on the boundary of the identified floodplain area which is nearest the construction site in question. In lieu of the above, and at the discretion of the Board of Supervisors, the Township may require the applicant to determine the elevation with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, and any other information shall be submitted in sufficient detail to allow a thorough technical review by the Township Engineer.

SECTION 1606 CHANGES IN IDENTIFICATION OF AREA

The identified floodplain area may be revised or modified by the Board of Supervisors where studies or information provided by a qualified agency or person documents the need for such revision. However, prior to any such change, approval must be obtained from the Federal Insurance Administration (FIA).

SECTION 1607 BOUNDARY DISPUTES

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

SECTION 1608 ZONING MAP OVERLAY

The Floodplain Conservation District shall be an overlay to the existing underlying districts as shown on the official zoning map of the Township. For the purpose of this Article, the underlying base zoning district shall be designated RC Rural Conservation. If this Article should be declared inappropriate to any tract by reason of amendment, special exception, variance or any other order of the Board of Supervisors, Zoning Hearing Board or court of competent jurisdiction, the base zoning provisions applicable to such tract shall be deemed the governing provisions and shall be enforced independent of this Article.

SECTION 1609 DISTRICT PROVISIONS

It shall be unlawful for any person, business, partnership, or corporation to undertake or cause to be undertaken any development within the floodplain unless a permit has been obtained from the Zoning or Building Permit Officer. In addition, the Township shall require copies of all necessary permits from those governmental agencies from which approval is required by Federal or State law. Under no circumstances shall any use, activity, and/or development adversely affect the capacity of the channel or floodway of any water course or other drainage facility or system.

A. **Permitted Uses**

The following uses and activities shall be permitted within the Floodplain Conservation District provided that they are in compliance with the provisions of the underlying District and are not prohibited by any other Ordinance, and provided that they do not require structures, fill, or storage of materials and equipment:

1. Agricultural uses including cultivation and harvesting crops, and grazing and pasturing, excluding any structures normally associated with agricultural uses.

2. Horticultural uses including the raising and propagating of trees, shrubs, flowers, and other vegetative material, excluding sod farming, removal of topsoil and any structures.

3. Low to Medium Intensity Recreational uses including public and private parks, day camps, picnic groves, golf courses, hunting, fishing and boating clubs, excluding structures, recreational vehicle camp sites, or fences normally

associated with such uses.

4. Forestry, lumbering and reforestation, excluding storage and mill structures.

5. Game farm, fish hatchery, hunting and fishing reserve, excluding structures.

6. Wildlife sanctuary, woodland preserve, arboretum, excluding structures.

7. Front, side or rear yards, and required lot area, for any District.

8. Non-impervious parking areas.

9. Open wire fences, or other types of open style fences.

B. **Uses by Special Exception**

1. New or replacement public or private utilities and facilities such as water, storm drainage, sewer, gas and electrical lines, provided that no acceptable alternative location exists and that such systems or improvements are designed, located, and constructed so as to be floodproofed or elevated one and one-half (1 1/2) feet above the one-hundred (100) year flood elevation.

2. No special exception shall be granted for any construction, development, use or activity within any floodway area that would cause any increase in the one hundred (100) year flood elevation.

C. **Prohibited Uses**

1. All structures and buildings with the exception of those specifically allowed in Section 1609A and 1609B.

2. The filling of floodplains, removal of topsoil or damming or relocation of any watercourses except with the approval of the Board of Supervisors and the Department of Environmental Protection.

3. Sanitary landfill, dump, junk yard, outdoor storage of vehicles and/or materials.

4. On-site sewage disposal systems.

5. Fences which serve as obstructions to water flow, such as, but not limited to chain link, stockade and solid wood fences.

SECTION 1610 EXISTING STRUCTURES IN IDENTIFIED FLOODPLAIN AREAS

A structure or use of a structure or premises locate within the Flood Plain Conservation District which lawfully existed before the enactment of these provisions, but which is not in compliance with these provisions may be continued subject to the following conditions:

A. No expansion or enlargement of an existing structure shall be allowed within any floodway area that would cause any increase in the elevation of the one hundred (100) year flood.

B. No expansion or enlargement of an existing structure shall be allowed within any FE area that would, together with all other existing and anticipated development, increase the one hundred (100) year flood elevation more than one (1) foot any point.

C. Any modification, alteration, reconstruction, or improvement of any kind to an existing structure, to an extent or amount of less than fifty (50) percent of its market value, shall be elevated and/or floodproofed one and one-half (1.5) feet above the one hundred (100) year flood elevation to the greatest extent possible.

D. Any modification, alteration, reconstruction, or improvement of any kind to an existing structure, to an extent or amount of fifty (50) percent or more of its market value, shall constitute a substantial improvement and shall be prohibited.

E. Any modification, alteration, reconstruction, or improvement of any kind that meets the definition of "repetitive loss" shall be undertaken only in full compliance with the provisions of this ordinance.

F. The requirements of 34 PA Code Chapter 401-405, as amended and the 2003 IRC (Secs. R102.7.1, R105.3.1, R105.3.1.1 and Appendices E and J) or the latest revision thereof, and the 2003 IBC (Secs. 101.3, 3403.1 and Appendix G) or the latest revision thereof shall also be utilized in conjunction with the provisions of this section.

SECTION 1611 PROCEDURES

A. No encroachment, alteration, or improvement of any kind shall be made to any watercourse until all adjacent municipalities which may be affected by such action have been notified by the municipality and until all required permits or approvals have been first obtained from the Department of Environmental Protection, Bureau of Dams and Waterway Management. In addition, the Federal Emergency Management Agency and the Pennsylvania Department of Community and Economic Development shall be notified prior to any alteration or relocation of any watercourse.

B. Within any floodway area, no new construction or development shall be permitted that would cause any increase in the one hundred (100) year flood elevation.

C. Within any AE area/district, no new construction or development shall be allowed unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the elevation of the one hundred (100) year flood more than one (1) foot at any point.

D. Any new construction of a non-residential structure, or part thereof, granted as a variance and having a lowest floor which is not elevated to at least one and one-half (1.5) feet above the one hundred (100) year flood elevation, shall be floodproofed in a completely or essentially dry manner in accordance with the W1 or W2 space classification standards contained in the "Flood-Proofing Regulations" published by the U.S. Army Corps of Engineers (June 1972, as amended), or with some other equivalent standard. All plans and specifications for such floodproofing shall be accompanied by a statement certified by a registered professional engineer or architect which states that the proposed design and methods of construction are in conformance with the above referenced standards.

E. Fully and partially enclosed spaces below the lowest floor (including basement) are prohibited.

1. Any substantial improvement or new construction of an existing residential structure shall have the lowest floor elevated to at least one and a half feet above the one hundred year flood.

2. If any, construction/development is permitted under this Article, it shall only be permitted where it is demonstrated that it will also strictly comply with all requirements of this Section and other applicable ordinances, the applicable requirements of the National Flood Insurance Program regulations or 44 CFR 60.3(d) and the Pennsylvania Flood Plain Management Act of 1978 as amended and the Uniform Construction Act of 1999 as amended and the standards and specifications contained in 34 PA Code, Chapters 401-405.

F. **Variances**: In the event that a property owner can prove in proceedings before the Zoning Hearing Board as an appeal, that there is an unnecessary hardship of a unique nature imposed upon this property if they are prohibited from erecting a structure or building within the FPC Flood Plain Conservation District on their property, the Zoning Hearing Board will have the authority to grant relief by way of variance to erect a structure(s) or a building(s) on the property provided:

1. No variance shall be granted for the following obstructions and activities:

a. Hospitals (public or private);

b. Nursing homes (public or private);

c. Jails or prisons; and

d. New manufactured home parks and manufactured home subdivision, and

substantial improvements to existing manufactured home parks.

2. No variance shall be granted for any new or substantially improved structure which will be used for the production or storage of any of the following dangerous materials or substances or which will be used for any activity requiring the maintenance of a supply (more than 550 gallons or other comparable volume or any amount of radioactive substance) of the following dangerous materials or substances on the premises:

   a. Acetone

   b. Ammonia

   c. Benzene

   d. Calcium carbide

   e. Carbon disulfide

   f. Celluloid

   g. Chlorine

   h. Hydrochloric acid

   i. Hydrocyanic acid

   j. Magnesium

   k. Nitric acid and oxides of nitrogen

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

   m. Phosphorus

   n. Potassium

   o. Sodium

   p. Sulphur and sulphur products

   q. Pesticides (including insecticides, fungicides, and rodenticides)

   r. Radioactive substances, insofar as such substances are not otherwise regulated

3. A detailed on-site survey at the expense of the property owner is conducted by the Township Engineer, U.S.D.A. Soil Conservation Service, the U.S. Department of the Interior Geological Survey or U.S. Army Corps of Engineers, including as much of the following material as the Township Engineer shall deem necessary for a complete consideration of the matter by the Board.

   a. Plans in triplicate drawn to scale showing the nature, location, dimensions and elevations of the lot and existing and proposed uses; photographs showing existing uses and vegetation; soil types and other pertinent information.

   b. A series of cross-sections at 25-foot intervals along the lot shoreline, showing the stream channel or the lake or pond bottom, and elevation of adjoining land areas, to be occupied by the proposed uses, and high water information.

   c. Profile showing the slope of the bottom of the channel, lake or pond.

   d. Specifications for building materials and construction, flood proofing, fillings, dredging, grading, storage, water supply, and sanitary facilities.

   e. Computation of the increase, if any, in the height of flood stages which would be attributable to any proposed uses.

4. The Zoning Hearing Board concludes that the requested variance will not substantially violate any of the objectives and the intent of this Ordinance.

5. That the variance, if authorized, will represent the minimum variance that will afford reasonable relief to the property owner under the regulations of this Ordinance. If it should become necessary to grant any variance, the applicant shall be required to comply with all applicable requirements of the National Flood Insurance Program Regulations (60.3a. through 60.3d.), including the requirements for elevation, flood proofing, and anchoring.

6. In granting any variance, the Zoning Hearing Board shall attach whatever reasonable conditions and safeguards it considers necessary in order to protect the public health, safety, and welfare, and to achieve the objectives of this Ordinance.

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

   a. The granting of the variance may result in increased premium rates for flood insurance.

   b. Such variances may increase the risks to life and property.

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

   a. That there is good and sufficient cause.

   b. That failure to grant the variance would result in exceptional hardship to the applicant.

   c. That the granting of the variance will (i) neither result in an unacceptable or prohibited increase in flood heights, additional threats to public safety, or extraordinary public expense, (ii) nor create nuisances, cause fraud on, or victimize the public, or conflict with any other applicable State or local ordinances and regulations.

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

10. No variance shall be granted for any construction, development, use or activity within any AE area that would, together with all other existing and anticipated development, increase the one-hundred (100) year flood elevation more than one (l) foot at any point within the (AE) area.

11. No variance shall be granted for any construction, development, use or activity within any floodway area that would cause any increase in the one hundred (100) year flood.

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

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

    a. A minimum of two (2) openings having a net total area of not less than one (1) square inch for every square foot of enclosed space.

    b. The bottom of all openings shall be no higher than one (1) foot above grade.

    c. Openings may be equipped with screens, louvers, etc. or other coverings or devices provided that they permit the automatic entry and exit of

floodwaters.

Notwithstanding any of the above, however, all structures shall be designed and constructed so as to have the capability of resisting the one-hundred (100) year flood.

G. **Building Permits**: Building permits shall be required before any construction, earth moving or disturbance, or development is undertaken within any identified floodplain area of the Township.

1. The Zoning Officer shall issue a building permit only after it has been determined that the proposed work to be undertaken will be in conformance with the requirements of this Ordinance and all other applicable codes and ordinances.

2. Prior to the issuance of any building permit, the Zoning Officer shall review the application for the permit to determine if all other necessary government permits required by State and Federal laws have been obtained, such as those required by the Pennsylvania Sewage Facilities Act (Act 1966-537, as amended); the Pennsylvania Dam Safety and Encroachments Act (Act 1978-325, as amended); the Pennsylvania Clean Streams Act (Act 1937-394, as amended); and the U.S. Clean Water Act, Section 404, 33 U.S.C. 1344. No permit shall be issued until this determination has been made.

3. **Application Procedures and Requirements**.

a. Application for such a building permit shall be made, in writing, to the Zoning Officer on forms supplied by the Township and in accordance with the procedures established in Article XXVII of this Ordinance.

b. When any proposed construction or development is located entirely or partially within any identified floodplain area, applicants for building permits shall provide all the necessary information in sufficient detail and clarity to enable the Zoning Officer to determine that:

(1) All such proposals are consistent with the need to minimize flood damage and conform with the requirements of this and all other applicable codes and ordinances;

(2) All utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damage; and

(3) Adequate drainage is provided so as to reduce exposure to flood hazards.

c. Applicants shall file the following minimum information plus any other pertinent information as may be required by the Zoning Officer to make

the determination in paragraph b. above:

(1) A completed building permit application form.

(2) A plan of the entire site, clearly and legibly drawn at a scale of one (1) inch being equal to one-hundred (100) feet or less, showing the following:

(a) North arrow, scale, and date

(b) Topographic contour lines

(c) All property and lot lines including dimensions, and the size of the site expressed in acres or square feet

(d) The location of all existing and proposed buildings, structures, and other improvements, including the location of any existing or proposed subdivision and land development

(e) The location of all existing streets, drives, and other accessways

(f) The location of any existing bodies of water or watercourses, identified floodplain areas, and, if available, information pertaining to the floodway, and the flow of water including direction and velocities

(g) Site location including address

(h) Brief description of proposed work and estimated cost, including a breakout of the flood-related cost and the market value of the building before the flood damage occurred

(3) Plans of all proposed buildings, structures and other improvements, drawn at suitable scale showing the following:

(a) The proposed lowest floor elevation of any proposed building based upon National Atlantic Vertical Datum of 1988

(b) The elevation of the one-hundred (100) year flood

(c) If available, information concerning flood depths, pressures, velocities, impact and uplift forces and other

factors associated with a one-hundred (100) year flood

(d) Detailed information concerning any proposed floodproofing measures

(4) The following data and documentation: A document, certified by a registered professional engineer or architect, which states that the proposed construction or development has been adequately designed to withstand the pressures, velocities, impact and uplift forces associated with a one-hundred (100) year flood. Such statement shall include a description of the type and extent of floodproofing measures that have been incorporated into the design of the structure and/or the development.

4. **Review by County Conservation District**

A copy of all applications and plans for any proposed construction or development in any identified floodplain area to be considered for approval shall be submitted by the Zoning Officer to the County Conservation District for review and comment prior to the issuance of a building permit. The recommendations of the Conservation District shall be considered by the Zoning Officer for possible incorporation into the proposed plan.

5. **Review of Application by Others**

A copy of all plans and applications for any proposed construction or development in any identified floodplain area to be considered for approval may be submitted by the Zoning Officer to any other appropriate agencies and/or individuals, including, but not limited to, the Township Planning Commission and the Township Engineer, for review and comment.

SECTION 1612 NOTIFICATION

The owner of any property located within the FPC Flood Plain Conservation District must advise prospective purchasers and/or lessees that the lot is located either entirely or partially, as the case may be, in the floodplain.

Before settlement or change in use, as the case may be, the purchaser or lessee shall signify in writing that he has been advised that the premises lies partially or entirely in the floodplain and a signed copy of such signification shall be delivered to the Township by the owner.

SECTION 1613 ABROGATION AND GREATER RESTRICTIONS

This Article supersedes any other conflicting provisions which may be in effect in identified floodplain areas. However, any other Ordinance provisions shall remain in full force and effect to the extent that these provisions are more restrictive.

ARTICLE XVII

SSC STEEP SLOPE CONSERVATION OVERLAY DISTRICT

SECTION 1701 PURPOSE

In addition to the general goals listed in the statements of Purpose (Section 103) and Community Development Objectives (Section 104), it is the purpose of this District to promote the health, safety and general welfare and to minimize negative environmental impacts by:

A. Conserving and protecting steep and very steep slopes from excessive and inappropriate development;

B. Permitting only those uses of steep slope areas which are compatible with the conservation of natural conditions and which maintain stable soil conditions by minimizing disturbances to vegetative ground covers and restricting the regrading of steep slope areas;

C. Limiting soil erosion and sedimentation and the resultant destruction of topsoil, siltation of streams, and property damage;

D. Protecting low-lying areas and downstream properties from flooding by limiting increases in stormwater run-off caused by grading of steep slope areas, changes of ground cover, or the placement of structures and other impervious surfaces;

E. Maintaining the ecological integrity and habitat value of steeply sloped areas which are affected by disturbances from stormwater run-off, erosion and sedimentation, landslides and soil failure; and

F. Encouraging the use of steep slope areas for greenway land and other conservation uses which are compatible with the preservation of natural resources and protection of critical environmental areas.

SECTION 1702 GENERAL PROVISIONS

A. **Compliance**

No area within the Steep Slope Conservation District shall hereafter be used without full compliance with the terms of this Article and other applicable regulations.

B. **Abrogation and Greater Restrictions**

It is not intended by this Article to repeal, abrogate, or impair any existing zoning or subdivision regulations, easements, covenants or deed restrictions. However, where this Article imposes greater restrictions, the provisions of this Article shall prevail.

C. **Severability**

If any provision of this Article or the Article in its entirety is held unconstitutional, invalid or illegal by a court of competent jurisdiction, such decision shall not affect the validity of any of the remaining provisions of the Article or this Ordinance. In the event it is held that provisions of this Article are unconstitutional, invalid or illegal, affected land shall be deemed to be in the base zoning district in which it is located without consideration of this Article and shall be governed accordingly.

D. **Municipal Liability**

The granting of a zoning or building permit or approval of a Subdivision or Land Development Plan within or near the Steep Slope Conservation District shall not constitute a representation, guarantee, or warranty of any kind by the Township of West Vincent, or by any official or employee thereof, of the practicability or safety of the proposed use and shall create no liability upon West Vincent Township, its officials or employees, for any damages that result from negligence of this Article or any administrative decision lawfully made thereunder. This Article does not imply that areas outside the Steep Slope Conservation District will always be totally free from the adverse affects of steep slopes.

SECTION 1703 IDENTIFICATION OF STEEP SLOPE CONSERVATION DISTRICT

A. **Definition of Steep Slope Conservation District**

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

1. Precautionary Slope District - Precautionary slopes are those areas with fifteen (15) to twenty-five (25) percent slope measured over a minimum vertical distance of six (6) feet, or three contiguous contour segments at two (2) foot contour intervals (e.g. - sloping fifteen (15) to twenty-five (25) feet vertical over an average distance of one-hundred (100) feet horizontal).

2. Prohibitive Slope District - Prohibitive slopes are those of greater than twenty-five (25) percent slope measured over a minimum vertical distance of six (6) feet, or three contiguous contour segments at two (2) foot contour intervals (e.g. - sloping more than twenty-five (25) feet vertical over an average distance of one hundred (100) feet horizontal).

B. **Measurement of Slope**

Slope shall be measured perpendicular to contour lines as the ratio in the change in height

over the horizontal distance between three consecutive contour lines at two (2) contour intervals.

C. **Zoning Map Overlay**

The Steep Slope Conservation District shall be deemed to be an overlay to the West Vincent Township Zoning Map subject to the following:

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

2. In those areas of West Vincent Township where the Steep Slope Conservation District applies, the requirements of the Steep Slope Conservation District shall supersede the requirements of the underlying zoning district(s).

3. Should the Steep Slope Conservation District boundaries be revised as a result of legislative or administrative actions or judicial decision, the zoning requirements applicable to the area in question shall revert to the requirements of the underlying zoning district(s) without consideration of this Article.

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

D. **Interpretation of District Boundaries and Appeals Procedure**

1. Each application for a building permit or a subdivision or land development within the Steep Slope Conservation District shall be submitted in accordance with Section 1705 below. Any area of Steep Slope Conservation District that falls within the subject tract, lot or lots shall be indicated and shown on the site plan required under Section 1705. The applicant shall use an actual field topographic survey, or the USGS Quadrangles as the source of contour information, as prescribed in the West Vincent Township Subdivision and Land Development Ordinance, as amended.

2. Where an interpretation is needed as to the exact location of the boundaries of the District in relation to a given parcel, or in the case of an alleged change in the District due to natural or other causes, except man-made, an initial determination shall be made by the Township Zoning Officer. Any party seeking such a determination may submit a topographic survey of the property and any other pertinent documentation for consideration. The Township Zoning Officer shall

prepare a written report of the results of the initial determination, a copy of which shall be provided to the applicant and the Board of Supervisors.

3. Any party aggrieved by any such determination or other such decision or determination under this Article may appeal to the Zoning Hearing Board. The party contesting the location of the district boundary shall have the burden of proof in case of any such appeal.

SECTION 1704 USE REGULATIONS

A. Permitted Uses

The following uses shall be permitted in Steep Slope Conservation Districts so long as use is in compliance with the base zoning district and all other provisions of this Ordinance.

1. **Precautionary Slope District (15-25% slope)**

a. Public parks and outdoor, Low Intensity R~~r~~ecreational uses, consistent with the goals of watershed protection.

b. Tree farming, forestry, and other agricultural uses when conducted in conformity with conservation practices approved by the Soil Conservation Service or the Chester County Conservation District.

c. Single-family detached dwellings and associated grading as required to create a stable yard area with positive drainage in compliance with earth disturbance procedures described in 1704A.1.h and all other governing ordinances.

d. Accessory buildings or structures (except swimming pools), necessary for the operation and maintenance of the above permitted uses.

e. Removal of trees or vegetation for yard areas of a building, so long as no building other than that permitted in Section 1704A.1.c and d above, are permitted within the Precautionary Slope District; the yard area is limited to an extent determined reasonable by the Township Zoning Officer or Township Engineer and tree removal complies with Section 2206 or 2223 of this Ordinance, whichever is applicable.

f. Individual on-lot sewage disposal systems and water supply wells provided that they are permitted by the Chester County Health Department and all regulatory agencies as required.

g. Public or community sewage systems.

h. Individual and common driveways provided that each is constructed in accordance with the following design standards. A plan must be submitted for review and approval with sufficient detail to prove compliance with the requirements of this section. The plan is subject to approval by the Zoning Officer and/or Township Engineer prior to the issuance of any applicable permit(s).

Earth disturbance (cuts and fills) must be avoided in steep slopes where practicable and minimize the area of disturbance and stormwater impacts within the steep slope areas to the greatest extent reasonably possible. However, the avoidance of impacts within the steep slopes should be balanced against the overall impact to the site and adjacent lands. Preference shall be given to preservation of wooded steeps slopes.

Runoff must be controlled to reduce the concentration of flows along the driveway and recharge any runoff as close to the source as possible. Permanent stabilization of all disturbed areas where the finished slope is to be 3:1 or steeper must be accomplished through the proper installation of erosion control blanket or sod. The applicant is encouraged to utilize natural vegetation where possible. Other comparable methods of stabilization may be employed at the sole discretion of the Zoning Officer and/or Township Engineer.

i. Impervious surfaces in compliance with the following limits:

Base Zoning District	**Maximum Impervious Surface as % of Total Tract (Lot) Area in Precautionary Slope District**
RC	8%
R-3	10%
R-2	13%
RM	35%
KV	40%
MHP	40%
BV	40%
PC/LI	35%
LVCC	40%
VCR	40%
M	40%

2. **Prohibitive Slope District (25% Slope)**

a. Public parks and outdoor, Low Impact R~~r~~ecreational uses, consistent with the goals of watershed protection.

b. Removal of trees for yard areas of a building, so long as no building is within the Prohibitive Slope District; any cuts or fills are in compliance with earth disturbance procedures described in 1704A.2.c. and all other governing ordinances and tree removal complies with Section 2206 or 2223 of this Ordinance, whichever is applicable.

c. Individual and common driveways provided that each is constructed in accordance with the following design standards. A plan must be submitted for review and approval with sufficient detail to prove compliance with the requirements of this section. The plan is subject to approval by the Zoning Officer and/or Township Engineer prior to the issuance of any applicable permit(s).

Earth disturbance must be avoided in steep slopes where practicable and minimize the area of disturbance and stormwater impacts within the steep slope areas to the greatest extent reasonably possible. However, the avoidance of impacts within steep slopes should be balanced against the overall impact to the site and adjacent lands. Preference shall be given to preservation of wooded steep slopes.

Runoff must be controlled to reduce the concentration of flows along the driveway and recharge any runoff as close to the source as possible. Permanent stabilization of all disturbed areas where the finished slope is to be 3:1 or steeper must be accomplished through the proper installation of erosion control blanket or sod. The applicant is encouraged to utilize natural vegetation where possible. Other comparable methods of stabilization may be employed at the sole discretion of the Zoning Officer and/or Township Engineer.

d. Impervious surfaces in compliance with the following limits:

Base Zoning District	**Maximum Impervious Surface As % of Total Tract Area in Prohibitive Slope District**
RC	5%
R-3	8%
R-2	10%
RM	25%
KV	30%

MHP	30%
PC/LI	25%
BV	30%
LVCC	30%
VCR	30%
M	30%

B. **Conditional Uses**

Any of the following uses may be permitted as a conditional use when approved by the Board of Supervisors, subject to the requirements of this Article and Section 2711 of this Ordinance. Consideration for granting of conditional uses shall include the provision of proper planning and engineering practices to assure that uses will be constructed without damage to surrounding properties and with minimal site disturbance.

1. **Precautionary Slope District (15-25%)**

a. Stormwater management facilities or storm sewer systems.

b. Cuts and fills, provided that the finished grades of all cuts and fills shall not exceed 3:1 unless the applicant can demonstrate that steeper grades can be adequately stabilized and maintained.

c. Emergency access roads that shall be suitable for the passage of emergency vehicles in the event of a fire, accident or other emergency. Such roads shall be constructed only when no other viable alternative for emergency access exists. Any such proposal shall be subject to the terms of the West Vincent Township Subdivision and Land Development Ordinance, shall have secured applicable approval from any other regulatory agencies, and shall be reviewed by the local fire company.

d. Streets or roads.

2. **Prohibitive Slope District (over 25%)**

a. Cuts and fills, provided that the finished grades of all cuts and fills shall not exceed 3:1 slope, unless the applicant can demonstrate that steeper grades can be adequately stabilized and maintained.

b. Stormwater management facilities or storm sewer systems.

c. Logging and woodcutting, provided that such activity is limited to highly selective removal of trees and is conducted in accordance with Pennsylvania Department of Forestry standards.

d. Extractive uses (excluding prohibited uses listed in Section 1704C.4.) when operated in accordance with recognized conservation practices and, as applicable, where approved by all regulatory agencies.

e. Streets or roads with less than twelve feet (12') vertical change in any one (1) section.

C. **Prohibited Uses**

The following uses are prohibited in the Prohibitive Slope District (over 25% slope):

1. Buildings and structures.

2. Individual on-lot sewage disposal systems, community or public sewer systems.

3. Removal of topsoil.

4. Soil, rock, or mineral extraction.

5. Streets or roads except as noted in 1704B.2.e.

SECTION 1705 ADMINISTRATION

Administration of this Article is governed by Article XXVII of this Ordinance, in addition to the following requirements:

A. **Application Procedure**

Before a conditional use, special exception or variance is granted, on land within or affecting the Steep Slope Conservation District, the following material, in full or in pertinent parts, shall be submitted to the Board of Supervisors (or Zoning Hearing Board in the case of special exception or variance applications) for review and recommendation by the Township Planning Commission.

1. Site plan of the property indicating existing grades with contour lines at two foot (2') intervals and proposed grades within the area of the proposed construction. All areas of Prohibitive and/or Precautionary Slope shall be shaded accordingly.

2. Site plan with footprint of preferred building locations and area of all grading activities illustrating how, through the use of design and engineering, surrounding properties will not be adversely affected and uses permitted will cause minimal disturbance to the sites on which they will be located.

3. Landscaping plan indicating proposed impervious surfaces, storm drainage

facilities, retaining walls, and ground cover, as well as trees and ornamental shrub locations.

4. Architectural plans, elevations, and cross-sections.

5. A statement, signed and sealed by a registered architect or engineer, explaining the building methods to be used to overcome foundation and other structural problems created by slope conditions, to preserving the natural watersheds, and to preventing soil erosion and excessive surface water run-off to neighboring properties and/or streets.

6. Plan, profile and typical cross-sections of any proposed driveway, with the seal of a registered professional engineer thereon.

7. A statement, signed by the owner or future occupant at the time of subdivision, land development, or building permit application, that there is a full understanding of any difficulties associated with access stemming from steep slopes.

B. **Additional Criteria for Review of Special Exceptions**

In evaluating any application for special exception, the Zoning Hearing Board shall consider the following factors:

1. The percent of slope on the site.

2. The extent and proposed disturbance of the existing vegetative cover on the site.

3. The soil types and underlying geology of the site.

4. The length or extent of the slope both on the site in question and on adjacent lands within 200 feet or down-slope of the site.

5. Evidence that the proposed development, any impervious ground cover and the resultant disturbance to the land and existing vegetative cover will not cause run-off and/or related environmental problems on or off the site.

C. **Uses and/or Structures Rendered Non-Conforming by the Adoption of this District**.

Following the adoption of this Article, any use or structure which is situated within the boundaries of the Steep Slope Conservation District and which does not conform to the permitted uses specified in Section 1704A.4 of this Article shall become a non-conforming use or structure, regardless of its conformance to the base zoning district in which it is located. The expansion or continuance of said non-conforming use or structure shall be governed by the requirements of Article XXVI of this Ordinance. However, the Zoning Hearing Board shall also ensure that the standards contained in Section 1705B of this Article are applied to the expansion or continuance of said non-

conforming use or structure.

D. **Burden of Proof**

In all proceedings before the Zoning Hearing Board under this Article, including application for special exception and variance from the provisions of this Article, the burden of proof shall be on the applicant to show that the use required will be in general conformity with the objectives of this Article, that proper safeguards will be observed and that the use will not be detrimental to the public health, safety, and welfare.

ARTICLE XVIII

PRD PLANNED RESIDENTIAL DEVELOPMENT OVERLAY DISTRICT

SECTION 1801 PURPOSE

In addition to the general goals listed in the statements of Purpose (Section 103) and Community Development Objectives (Section 104), it is the purpose of the District to:

A. Insure that the provisions of the West Vincent Township Zoning Ordinance which relate to the uniform treatment of dwelling type, bulk, density and greenway land for developments designed on a lot-by-lot basis within each zoning district provide options for cluster style and unified development;

B. Encourage innovations in residential development so that the increased demand for housing may be met by greater variety in type, design and layout of dwellings and by the conservation and more efficient use of greenway land ancillary to said dwellings;

C. Provide greater opportunities for better housing and recreation for residents of the Township;

D. Encourage a more efficient use of land and public services and to reflect changes in the technology of land development in order to provide more affordable housing.

E. Encourage more flexible land development which will respect and conserve natural resources such as streams, lakes, floodplains, groundwater, wooded areas, steeply sloped areas, visual resources, and areas of scenic value or importance to the natural ecosystem;

F. And, in aid of these purposes, to provide a procedure which can relate the type, design and layout of residential development to the particular site and the particular demand for housing in a manner consistent with the preservation of the property values within existing residential areas, and to assure that the increased flexibility of regulations over land development established hereby is carried out pursuant to sound, expeditious and fair administrative standards and procedures.

SECTION 1802 ELIGIBILITY REQUIREMENTS

No application for a Planned Residential Development shall be considered or approved by the Board of Supervisors unless the following initial requirements are met:

A. The proposed Planned Residential Development shall consist of one or more contiguous parcels of land under single ownership or control, or in the case of multiple ownership of the tract, it shall be developed according to a single plan with common authority and responsibility.

B. The proposed Planned Residential Development site contains at least fifty (50) acres of land and is situated entirely within the Planned Residential Development District.

C. Public water and community sewer systems are available to serve the proposed Planned Residential Development. The design, construction, and management of community sewage systems shall be in accordance with the West Vincent Township Wastewater Facilities Plan (Act 537). In the absence of a public water supply system, the developer may be permitted to provide a community water system to serve the entire development. In the absence of community sewage disposal systems, the developer may provide a public collection and disposal system designed to collect, centrally treat, and dispose of sewage from the entire development. Both the water and sewage systems shall be constructed at the time construction of the dwelling units in the Planned Residential Development begins. Construction shall be in accordance with Pennsylvania Department of Environmental Protection and Chester County Health Department regulations and obtain appropriate agency approvals and permits.

D. The proposed development is found to be generally consistent with the Comprehensive Plan for West Vincent Township.

E. Planned Residential Developments are permitted only as an overlay district as specifically designated and located on the West Vincent Township Zoning Map.

SECTION 1803 USE REGULATIONS

Uses permitted in a Planned Residential Development shall be limited to:

A. Residential dwelling units including:

1. Single-family detached dwellings;

2. Single-family semi-detached dwellings;

3. Two-family dwellings;

4. Multiple-family dwellings.

B. Greenway land for Low and Medium Intensity R~~r~~ecreational uses including, but not limited to, parks, playfields, picnic areas, hiking and horseback riding trails, tennis courts, golf courses, swimming, boating and fishing or for agricultural uses.

C. Non-residential uses including commercial, office, and institutional uses may be provided to the extent that they are designed and intended primarily to serve residents of the Planned Residential Development and are compatible and harmoniously incorporated into the unitary design of the Planned Residential Development.

SECTION 1804 DENSITY REGULATIONS

The following general standards shall govern the density of dwelling units within a Planned Residential Development:

A. The maximum gross residential density permitted for Planned Residential Developments shall be determined by subtracting the acreage devoted to existing road and utility rights-of-way, slopes over twenty-five percent (25%), floodplain as defined by Section 1604 of this Ordinance, and wetlands from the gross lot area and then applying the following:

Density per Net Tract Area	Minimum Greenway land
2.5 dwelling units/acre	60% of Total Tract Area
3.0 dwelling units/acre	80% of Total Tract Area

B. The percentage of the Planned Residential Development site which is to be covered by buildings, roads, parking areas, and other impervious cover shall not exceed twenty-five percent (25%) of the total tract area.

C. The percentage of the Planned Residential Development site to be devoted to greenway land shall be no less than required in A above.

SECTIONS 1805 MIX OF HOUSING TYPES

The following general standards shall govern the mix of housing types within a Planned Residential Development:

A.	Single-Family Detached	A minimum of twenty five percent (25%) of all proposed dwelling units.
B.	Single-Family Semi-Detached Two-Family	A minimum of ten percent (10%) of all proposed dwelling units.
C.	Multiple-Family	A maximum of thirty-five percent (35%) of all proposed dwelling units.

The remainder of the housing stock shall be left to the discretion of the applicant. The requirements of this section may be waived by the Board of Supervisors upon the applicant's successfully demonstrating that the required housing type(s) are not currently marketable or compatible with good site design or existing community character. Upon granting a waiver, the required percent of the remaining housing types shall be increased proportionately.

SECTION 1806 SITE ANALYSIS

The site design of a proposed Planned Residential Development must demonstrate to the satisfaction of the Board of Supervisors that both the opportunities provided and the constraints imposed by natural features and community facilities have been considered.

A. **Natural Features Analysis**

In order to determine which specific areas of the tract are suitable for development and which areas should be preserved in their natural state, an analysis of natural features shall be required. The following considerations must be included in the analysis and site planning responsive to these findings:

1. **Topography**. An analysis of the terrain of the site before and after construction including mapping of elevation and delineation of slope areas according to the following categories: 0-8%, 8-15%, 15-25%, and over 25% slope. The finished topography of the site shall adequately facilitate the proposed development without excessive earthmoving, tree clearance and destruction of natural amenities. The applicant shall demonstrate the means whereby soil erosion and sedimentation will be prevented during construction.

2. **Drainage**. An analysis of natural drainage patterns and water resources including streams, natural drainage swales, ponds or lakes, wetlands and marsh areas, floodplain areas, permanent and seasonal high water table areas shall be included. Natural drainage features such as lakes, ponds, wetlands, and streams shall be preserved and incorporated into final design of the development wherever possible and desirable. Where adequate surface drainage is not possible by grading alone, a supplementary drainage system shall be required.

3. **Geology**. An analysis of the characteristics of rock formations underlying the site including the delineation of aquifers (particularly those locally subject to pollution and with low groundwater yields), shallow depth-to-bedrock areas, and areas in which rock formations are unstable.

4. **Soils**. An analysis of soil types present on the site including delineation of prime agricultural soils, aquifer recharge soils, unstable soils, soils most susceptible to erosion, and soils suitable for development. The analysis of soils shall be based on the County Soil Survey of the Soil Conservation Service.

5. **Vegetation**. An analysis of tree and plant cover on the site shall be required. Dominant tree species should be identified, with individual trees having a caliper of six inches or more preserved. The applicant shall identify the location of mature trees and tree masses, and the means whereby these trees shall be protected during construction. Vegetation removal should be held to a minimum so as to preserve the natural species of plant life existing on the tract. The location of trees and other plant cover should be considered when planning greenway land, location of buildings, underground services, walks and paths, paved areas and finished

grade levels.

6. **French Creek Scenic River**. An analysis and delineation of the French Creek Scenic River Corridor if located on the tract in accordance with Section 2206 of this Ordinance. Areas of the tract located within the designated corridor shall be incorporated into the required greenway land for the development. Adequate screening to minimize the visual and environmental impacts of new development shall be installed in compliance with the design standards contained in Section 2206C. shall be demonstrated.

7. **Visual Resources**. An analysis of the visual resources of the tract and methods to preserve these features in accordance with Section 2110 of this Ordinance.

B. **Community Impact Analysis**

An analysis of the potential affects and impacts of the Planned Residential Development upon the following community facilities will be required:

1. Police and fire protection;

2. Solid waste disposal;

3. Recreation;

4. Transportation and surrounding roadway systems;

5. School facilities and school district budget;

6. Water supply;

7. Sewage disposal;

8. Public utilities;

9. Township revenues and expenses.

Specific contents and procedures for preparing the required impact analyses shall be in accordance with the West Vincent Township Subdivision and Land Development Ordinance.

The required analyses shall be taken into consideration by the Board of Supervisors as part of their review for tentative approval. The analyses may, at the discretion of the Board of Supervisors, form the basis of required conditions for plan approval. The Board of Supervisors may require modifications to site design when it has not adequately addressed these natural features and community facilities considerations.

SECTION 1807 SITE DESIGN REQUIREMENTS

A. Residential Uses

1. All dwellings shall be designed with regard to topography, elevation, and other natural features of the tract per Section 1806A. The effects of wind patterns and solar orientation shall be considered when designing dwelling locations.

2. Building setbacks within structures and from streets and minimum distances between buildings may be varied in order to create interesting architecture in the layout and character of housing.

3. Routes for vehicular and pedestrian access and parking areas shall be convenient without creating nuisances or detracting from the privacy of residents. Dwelling unit structures shall be located and sited so as to promote pedestrian and visual access to greenway land wherever possible.

4. All housing shall be sited so as to provide privacy and maximum natural light in principal rooms.

5. Dwellings shall be arranged in clusters so as to preserve natural features and to reduce the amount of improvements required to support residences, thereby minimizing development costs, and to provide immediate access to greenway land.

6. The maximum net density for each dwelling type shall not exceed the following:

a.	Single-Family Detached	6 dwelling units/acre
b.	Single-Family Semi-Detached	8 dwelling units/acre
c.	Two-Family	8 dwelling units/acre
d.	Multiple-Family	10 dwelling units/acre

The maximum net densities of this Section may be increased by the Board of Supervisors if the gross density of the tract is not increased and if the applicant can successfully demonstrate that the increase in net density will result in an overall improved design and layout, increased greenway land, preservation of natural and visual features, or more efficient traffic circulation.

7. All structures shall be located a minimum distance of one-hundred (100) feet from the perimeter property lines of the development. This minimum setback distance may be reduced by the Board of Supervisors if the applicant can successfully demonstrate and/or provide adequate vegetative screening, berms, or existing topographic features which preserve existing visual resources and create an

improved design.

8. Dwelling units and other structures located along the perimeter of the tract shall be designed so as to be harmonious with adjacent areas.

9. No structure shall be located within fifty (50) feet of the right-of-way of arterial or collector streets.

10. The following additional requirements shall apply:

    a. No structure shall be within twenty-five (25) feet of the street line or parking areas.

    b. No structure shall be located within thirty (30) feet of any other structure.

    c. There shall be a minimum of fifty (50) feet between any outside wall containing ten percent (10%) or more of window area and any other outside wall.

    d. There shall be a minimum of seventy-five (75) feet between sections of different dwelling types and screened according to Section 2106B of this Ordinance.

    e. For multiple family structures, no more than seven (7) dwelling units shall be in any one structure. The maximum length of multiple family structures shall be one-hundred-fifty (150) feet, unless unique design is incorporated using such features as varied setbacks and roof lines, interior courtyards, etc.

B. **Non-Residential Uses**

1. All non-residential uses shall be located in a single area of the Planned Residential Development site.

2. All non-residential uses shall be located with direct access to either a collector or arterial street.

3. Signs for non-residential uses are permitted, subject to the following restrictions:

    a. A single sign for the non-residential center is permitted. Such signs shall be limited to a height of six (6) feet with a total area of thirty (30) square feet.

    b. Signs for individual uses shall be permitted on the structure. Roof signs or free-standing signs for individual uses are prohibited. Such signs shall be limited to the store name and language descriptive of the merchandise or service offered, shall be no more than thirty (30) square feet in area, and

shall be mounted flush on the structure.

c. Signs may be illuminated by shielded floodlights provided such lighting is designed and located so as to direct light upon the sign and not at adjacent residences.

d. No sign shall have a flashing, moving, rotating, oscillating, shuttered or similar device.

4. All non-residential uses shall have architectural compatibility with residential structures.

5. Parking facilities shall be designed solely for the intended use and physically separated from other parking areas in the development.

6. Residential dwelling units as an accessory use in second and third floor locations, subject to the following:

a. Adequate parking facilities are provided for both non-residential and residential use, with consideration of shared and overlapping use.

b. Buildings housing both non-residential and residential uses shall comply with applicable building code requirements for mixed uses.

C. **Greenway land**

Required greenway land shall be designed in accordance with the standards contained in Article XIX of this Ordinance.

D. **Other Design Standards**

Design standards including, but not limited to, those for parking, access, interior circulation, sewer and water systems, erosion and sedimentation control, stormwater management, landscaping and screening, storage, utilities, and lighting shall comply with the applicable provisions of the West Vincent Township Zoning Ordinance and West Vincent Township Subdivision and Land Development Ordinance. Included among these standards are the village design standards contained in Section 2109 of this Ordinance.

SECTION 1808 OWNERSHIP AND MAINTENANCE OF GREENWAY LAND AND PROPERTY

A. **Ownership**

The applicant for a Planned Residential Development shall prepare at the time of application, for tentative approval by the Board of Supervisors, documents identifying the

disposition of ownership of greenway land and other common elements of the development by either, or a combination, of the methods described in Section 1905 of this Ordinance.

B. **Maintenance**

In the event that the organization established to own and maintain greenway land or common facilities, or any successor organization, shall at any time after establishment of the Planned Residential Development fail to maintain the greenway land or common facilities in reasonable order and condition in accordance with the development plan, the Township may serve written notice upon such organization or upon the residents of the Planned Residential Development setting forth the manner in which the organization has failed to maintain the greenway land or common facilities in reasonable condition, and said notice shall include a demand that such deficiencies of maintenance be cured within thirty (30) days thereof, and shall state the date and place of a hearing thereon which shall be held within fourteen (14) days of the notice. At such hearing the Township may modify the terms of the original notice as to the deficiencies and may give an extension of time within which they shall be cured. If the deficiencies set forth in the original notice or in the modifications thereof shall not be cured within said thirty (30) days or any extension thereof, the Township, in order to preserve the taxable values of the properties within the Planned Residential Development and to prevent the greenway land or common facilities from becoming a public nuisance, may enter upon said greenway land or common facilities and maintain the same for a period of one year. Said entry and maintenance shall not constitute a taking of said greenway land or common facilities, nor vest in the public any rights to use the greenway land or common facilities except when the same is voluntarily dedicated to the public by the residents and owners. Before the expiration of said year, the Township shall, upon its initiative or upon the request of the organization theretofore responsible for the maintenance of the greenway land or common facilities call a public hearing upon notice to such organization, or to the residents of the Planned Residential Development, to be held by the Township, at which hearing such organization or the residents of the Planned Residential Development shall show cause why such maintenance by the Township shall not, at the option of the Township, continue for a succeeding year. If the Township shall determine that such organization is ready and able to maintain said greenway land or common facilities in a reasonable condition, the Township shall cease to maintain greenway land or common facilities at the end of said year. If the Township shall determine that such organization is not ready and able to maintain said greenway land or common facilities in a reasonable condition, the Township may, in its discretion, continue to maintain said greenway land or common facilities during the next succeeding year and, subject to a similar hearing and determination, in each year thereafter. The decision of the Township shall be subject to appeal to court in the same manner, and within the same time limitation, as is provided for zoning appeals by this Ordinance. The cost of such maintenance by the Township shall be assessed ratably against the properties within the Planned Residential Development that have a right of enjoyment or use of the greenway land or common facilities and shall become a tax lien on said properties. The Township, at the time of entering upon said greenway land or common facilities for the purpose of maintenance,

shall file a notice of such lien in the office of the Prothonotary of the County, upon the properties affected by such lien within the Planned Residential Development.

SECTION 1809 DEVELOPMENT IN STAGES

A Planned Residential Development may be developed in stages if the following standards are met:

A. The application for tentative approval covers the entire Planned Residential Development.

B. The location and approximate time of construction of each stage is clearly marked on the Development Plan, including a schedule for the phased construction of all improvements.

C. At least fifteen percent (15%) of the dwelling units in the Development Plan are included in each stage.

D. To encourage flexibility of housing density, design, and type in accord with the purposes of this Ordinance, gross residential density may be varied from stage to stage. A gross residential density in one stage which exceeds the permitted gross residential density for the entire Planned Residential Development must be off-set by a gross residential density less than the permitted gross residential density for the entire development in any completed prior stage, or there must be an appropriate reservation of greenway land on the remaining land by a grant of easement or covenant in favor of the Township which specifies the amount and, if necessary, the location of the greenway land.

E. A restrictive covenant is placed in the deed to the entire parcel of land providing that in the event the Planned Residential Development is abandoned as to less than all the stages, the density of the entire parcel, including that portion still under the Planned Residential Development, shall not exceed the density permitted by the Zoning Ordinance of West Vincent Township.

F. Performance and maintenance guarantees are posted in order to guarantee the completion and maintenance of improvements for each stage and applicable to complete shared improvements and common facilities as set forth in Section 1807 herein and in the Township Subdivision and Land Development Ordinance, and in accordance with Sections 509 through 511 of Act 247.

SECTION 1810 APPLICATION FOR TENTATIVE APPROVAL

A. Pre-Application

An applicant proposing a Planned Residential Development is strongly encouraged to submit an informal sketch plan to the Planning Commission for informal discussion prior to the official submittal of a tentative plan. Such sketch plan shall include a site analysis

plan per Section 403D of the Township Subdivision and Land Development Ordinance.

B. **Procedures for Application for Tentative Approval**

1. The application for tentative approval of the development for a Planned Residential Development shall be filed by or on behalf of the landowner with the Township Secretary. A non-refundable fee, to be established by Township resolution, shall be paid upon filing of the application. A minimum deposit and additional deposits shall be made from time to time as requested by the Township to be applied against the expenses of processing the application, not to exceed actual expenses incurred by the Township.

2. The application for tentative approval shall include documentation illustrating compliance with all of the standards for Planned Residential Development set forth in this Article.

3. The application for tentative approval shall include, but not necessarily be limited to, the following documents. Additional information may be required by the Township when deemed important to properly review the site and proposed development.

   a. A statement indicating the nature of the landowners interest in the Planned Residential Development.

   b. A location map drawn at a scale of one (1) inch equals eight hundred (800) feet showing the location and size of the property in relationship to adjoining properties and streets. The location map shall include the names of abutting property owners.

   c. Plans at a scale of one (1) inch equals one hundred (100) feet showing existing natural and man-made features of the site, including topography, geology, soils, hydrology, and vegetation as explained in Section 1806A of this Ordinance and Section 403D of the Township Subdivision and Land Development Ordinance.

      The following specific information shall be included in such plans:

      (1) Total tract boundaries of the property being developed showing bearings and distances and a statement of total acreage of the property.

      (2) Contour lines at intervals of no greater than two (2) feet and showing location and elevation of the closest established bench-mark(s) from which the contour elevations are derived.

      (3) Slope categories delineating all slopes less than eight (8) percent,

between eight (8) and fifteen (15) percent, between fifteen (15) and twenty-five (25) percent, and in excess of twenty-five (25) percent.

(4) Location of all existing tree masses and other trees in excess of six (6) inches in caliper, rock outcroppings, watercourses, floodplain areas, wetlands, and other significant natural features.

(5) Delineation of existing drainage patterns on the property.

(6) Existing soil classifications.

(7) Any existing sewer lines, water lines, electric and telephone utility lines, pipelines, culverts, bridges, roads, easements and other significant man-made features.

(8) Location wells and septic systems on all adjacent properties.

(9) Location of any historic structures as defined by the Township Historic Site Survey or sites included in the Pennsylvania Natural Diversity Inventory.

d. A site plan at a scale of one inch equals one hundred (100) feet showing proposed use areas, greenway land, and location of buildings and improvements to be installed. The following specific information shall be shown on the site plan:

(1) The total acreage of the tract.

(2) The proposed land use areas within the Planned Residential Development distinguishing between types of residential, non-residential, and greenway land uses.

(3) The total number of residential units proposed, with sub-totals for each residential housing type.

(4) The land use density within the Planned Residential Development, including the gross residential density for the entire development and net densities for each residential housing type.

(5) The use and the approximate height, bulk and location of proposed buildings and other structures.

(6) The location, size, and function of the greenway land, and the form of organization proposed to own and maintain the greenway land.

(7) The provisions for parking of vehicles, including the location and capacity of parking areas, and the location of rights-of-way, and cartway widths of proposed streets, walks, paths, and public ways.

(8) The proposed location of water supply, sanitary sewer, and storm water systems.

(9) The proposed location of all underground structures, utilities, and storage tanks.

e. In the case of development plans which call for development over a period of years, a plan at one (1) inch equals one hundred (100) feet showing the proposed times within which applications for final approval of each stage of the Planned Residential Development are intended to be filed and the approximate number of dwelling units, types of dwelling units, gross residential density for each stage, and the net density for each type of dwelling unit planned for each stage. The schedule shall be updated annually on the anniversary of tentative approval until the development is completed.

f. Studies indicating the feasibility of proposals for water supply, traffic circulation, and the disposition of sanitary waste and stormwater per Section 403I of the Township Subdivision and Land Development Ordinance.

g. The substance of covenants, grants of easements or other restrictions proposed to be imposed upon the use of land, buildings and structures, including proposed easements and grants for greenway land, drainage and public utilities, and the legal form of provision thereof. Developments proposing greenway land or other facilities to be used or owned in common shall provide community association documents in accordance with Section 404I of the Township Subdivision and Land Development Ordinance.

h. A statement indicating the feasibility of proposals for energy conservation and the effective utilization of renewable energy sources.

i. A written statement by the landowner setting forth the reasons why, in their opinion, the Planned Residential Development would be in the public interest and would be consistent with the Township Comprehensive Plan.

C. **Agency Reviews**

1. The applicant shall submit at least twelve (12) copies of all required plans and information to the Township Secretary; the Township Secretary shall thereafter

distribute copies of the plans to all appropriate agencies including, but not limited to, the Township Planning Commission, the Township Environmental Advisory Council, the County Planning Commission, the County Health Department, the Township Engineer, and the County Conservation District.

2. All pertinent reviews, including those of the County Planning Commission and the Township Engineer, shall be forwarded to the Township within thirty (30) days of referral. The Township Planning Commission shall forward to the Board of Supervisors copies of reports received from the County Planning Commission, Township Engineer, Township Environmental Advisory Council, and all other reviewing agencies, together with its own review and recommendations within forty-five (45) days of referral or at least five (5) days prior to the public hearing to be held by the Board of Supervisors on the tentative approval application, whichever shall first occur. Copies of such reports shall also be furnished to the landowner not less than five (5) days prior to the public hearing to be held by the Board of Supervisors.

D. **Public Hearings**

1. Within sixty (60) days after the filing of an application for tentative approval of a Planned Residential Development pursuant to this Article, a public hearing pursuant to public notice on said application shall be held by the Board of Supervisors in the manner prescribed in Article XXIX for the enactment of an amendment to a zoning ordinance. The chairman, or in his absence, the acting chairman, of the Board of Supervisors may administer oaths and compel the attendance of witnesses. All testimony by witnesses at any hearing shall be given under oath and every party of record at a hearing shall have the right to cross-examine adverse witnesses.

2. A verbatim record of the hearing shall be caused to be made by the Board of Supervisors whenever such records are requested by any party to the proceedings; but the cost of making and transcribing such a record shall be borne by the party requesting it and the expense of copies of such record shall be borne by those who wish to obtain such copies. All exhibits accepted in evidence shall be identified and duly preserved or, if not accepted in evidence, shall be properly identified and the reason for the exclusion clearly noted in the record.

3. The Board of Supervisors may continue the hearing from time to time, and may refer the matter back to the Township Planning Commission for a report, provided, however, that in any event, the public hearing or hearings shall be concluded within sixty (60) days after the date of the first public hearing.

E. **Findings**

1. The Board of Supervisors, within sixty (60) days following the conclusion of the public hearing provided for in this Article, shall, by official written

communication to the landowner, either:

a. Grant tentative approval to the development plan as submitted;

b. Grant tentative approval subject to specified conditions not included in the development plan as submitted; or

c. Deny tentative approval to the development plan.

Failure to so act within said period shall be deemed to be a grant of tentative approval of the development plan as submitted. In the event, however, that tentative approval is granted subject to conditions, the landowner may, within thirty (30) days after receiving a copy of the official written communication of the Board of Supervisors, notify such Board of Supervisors of their refusal to accept all said conditions, in which case, the Board of Supervisors shall be deemed to have denied tentative approval of the development plan. In the event the landowner does not, within said period, notify the Board of their refusal to accept all said conditions, tentative approval of the development, with all said conditions, shall stand as granted.

2. The grant or denial of tentative 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 the denial, and said communication 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:

a. In those respects in which the development plan is or is not consistent with the Comprehensive Plan for the development of the Township;

b. 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;

c. The purpose, location and amount of the greenway land in the Planned Residential Development, the reliability of the proposals for maintenance and conservation of the greenway land, and the adequacy or inadequacy of the amount and purpose of the greenway land as related to the proposed density and type of residential development;

d. The physical design of the Development Plan and the manner in which said design does or does not make adequate provision for public services, provide adequate control over vehicular traffic, and further the amenities of light and air, recreation and visual enjoyment;

e. The relationship, beneficial or adverse, of the proposed Planned Residential Development to the neighborhood in which it is proposed to be established; and

f. In the case of a Development Plan which proposes development over a period of years, the sufficiency of the terms and conditions intended to protect the interests of the public and of the residents of the Planned Residential Development in the integrity of the Development Plan.

3. In the event a Development Plan is granted tentative approval with or without conditions, the Board of Supervisors may set forth in the official written communication the time within which an application for final 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 approval of each part thereof shall be filed. Except upon the consent of the landowner, the time so established between grant of tentative approval and an application for final approval shall not be less than three (3) months and, in the case of developments over a period of years, the time between applications for final approval of each part of a plan shall be not less than twelve (12) months.

F. **Status of Plan After Tentative Approval**

1. The official written communication provided for in this Article shall be certified by the Township Secretary and shall be filed in his office, and a certified copy shall be mailed to the landowner. Where tentative approval has been granted, the same shall be noted on the Township Zoning Map.

2. Tentative approval of a Development Plan shall not qualify a part of the Planned Residential Development for recording nor authorize development or the issuance of any building permits. A Development Plan which has been given tentative approval as submitted, or which has been given tentative approval with conditions which have been accepted by the landowner (and provided that the landowner has not defaulted nor violated any of the conditions of the tentative approval), shall not be modified or revoked nor otherwise impaired by action of the municipality pending an application or applications for final approval, without the consent of the landowner, provided an application for final approval is filed, or, in the case of development over a period of years, provided applications are filed, within the periods of time specified in the official written communication granting tentative approval.

In the event that a Development Plan is given tentative approval and thereafter, but prior to final approval, the landowner shall elect to abandon said Development Plan and shall so notify the Board of Supervisors in writing, or in the event the landowner shall fail to file application or applications for final approval within the required period of time or times, as the case may be, the tentative approval shall be

deemed to be revoked and all the portion of the area included in the development plan for which final approval has not been given shall be subject to those Township ordinances otherwise applicable thereto as they may be amended from time to time, and the same shall be noted on the Township Zoning Map and in the records of the Township Secretary.

SECTION 1811 APPLICATION FOR FINAL APPROVAL

A. An application for final approval may be for all the land included in a Development Plan or, to the extent set forth and permitted in the tentative approval, a section thereof. Such application shall be made to the Township Secretary and within the time or times specified in the decision granting tentative approval. If the application for final approval is in compliance with the tentatively approved Development Plan, a public hearing need not be held in connection therewith.

B. The application for final approval shall include a final plan at scale of fifty (50) feet to the inch. If the final plan is drawn in two or more sheets, a key map showing the location of the several sections shall be placed on each sheet. The final plan shall show the following:

1. Name of the Planned Residential Development.

2. Name and address of the Developer.

3. North point, graphic scale, and date.

4. Source of title to the land of the development as shown by the records in the Recorder of Deeds Office.

5. The total tract boundary lines of the area being developed with accurate distances to hundredths of a foot and bearings to one-fourth (1/4) of a minute. Boundaries shall be determined by an accurate field survey.

6. Total number of lots, lot lines, and lot numbers, where applicable, within the development with distances accurate to the nearest hundredth of a foot.

7. Total acreage of development, land uses in each area, total number of buildings and dwelling units, number of each type of dwelling units, residential density, and net residential density in each section.

8. Building coverage lines accurately locating all types of dwelling units and non-residential buildings and structures, giving dimensions of the buildings and structures, distances between buildings and structures, distances to street right-of-way lines and parking areas with distances accurate to the nearest hundredth of a foot.

9. Accurate dimensions of greenway land areas specifically indicating those areas to be preserved in their natural state and those areas to be developed for ~~active~~ Low and Medium Intensity R~~r~~ecreation. Where greenway land areas are to be developed, the exact location of structures in greenway land areas shall be illustrated.

10. Names, locations, cartways, rights-of-way, and other dimensions of existing and proposed streets, including centerline courses, curve data, and clear sight distances for all street intersections.

11. Locations and dimensions of parking areas and pedestrian walkways.

12. Locations and material of all permanent monuments and lot markers.

13. Location and dimensions of easement for utilities and any limitations on such easements.

14. The following certificates:

    a. Certification, with seal, by a registered engineer or land surveyor to the effect that the survey and plan are correct.

    b. Certificate for approval by the Board of Supervisors.

    c. Certificate of dedication of streets, public facility sites, or greenway land when such dedication is proposed.

C. The final plan shall also be accompanied by the following materials:

1. Final drawings for the installation of all improvements based on Section 1807 of this Ordinance and the provisions of the Township Subdivision Ordinance. Final profiles and cross-sections for street, sanitary sewer, water supply, and storm drainage system improvements shall be presented. Each system shall be illustrated on one or more separate sheets.

2. Architectural drawings illustrating exterior and interior designs of typical dwelling units of each type and non-residential structures or buildings to be constructed.

3. All covenants running with the land governing the reservation and maintenance of dedicated or undedicated greenway land. These shall bear the certificate of approval of the Township Solicitor as to their legal sufficiency.

4. Restrictions of all types which will run with the land and become covenants in the deeds of lots shown on the final plan in the form and substance satisfactory to the Township Solicitor.

5. Such certificates of approval by authorities as have been required in this Ordinance, including certificates approving the water supply system and the sanitary sewer system.

D. In the case of a Planned Residential Development proposed to be developed over a period of years, final plan requirements listed in subsections 1810B and C above shall apply only to the section for which final approval is being sought. Provided, however, that the final plan presented for the section to be developed must be considered as it relates to information regarding densities and types of dwelling units, location of greenway land, sanitary sewer and water distribution systems, and street systems presented for the entire development in the application for tentative approval.

E. Final approval shall not be granted for any proposed Planned Residential Development unless the Developer submits satisfactory proof to the Board of Supervisors that arrangements have been made, and binding commitments have been obtained, to adequately finance the development and construction of the Planned Residential Development.

F. **Performance and Maintenance Guarantees**

In order to guarantee the completion and maintenance of improvements as set forth in Section 1807 and in the Township Subdivision and Land Development Ordinance, to the extent which said regulations apply, no development plan shall be finally approved until Sections 509 through 511 of the Pennsylvania Municipalities Planning Code are complied with.

G. **Review Procedures for Final Approval**

1. In the event the application for final 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 approval, the Township shall, within forty-five (45) days from the date of the next regular meeting of the Township Planning Commission following the date the application is filed, grant such Development Plan final approval. Provided, however, that should the next regular meeting of the Township Planning Commission occur more than thirty (30) days following the filing of the application, the forty-five (45) day period shall be measured from the 30th day following the day the application has been filed.

2. If the Development Plan as submitted contains variations from the Development Plan given tentative approval, the Board of Supervisors may refuse to grant final approval and shall, within forty-five (45) days from the date of the next regular meeting of the Township Planning Commission following the date of the filing of the application for final approval, inform the Developer, in writing, of such refusal, setting forth in said notice the reasons why one or more of said variations are not in

the public interest. Provided, however, that should the next regular meeting of the Township Planning Commission occur more than thirty (30) days following the filing of the application, the forty-five (45) day period shall be measured from the 30th day following the day the application has been filed. In the event of such refusal, the Developer may either:

a. Refile their application for final approval without the objectionable variations;

b. File a written request with the Board of Supervisors that it hold public hearing on their application for final approval. If the Developer wishes to take either such alternate action they may do so at any time within which they shall be entitled to apply for final approval, or within thirty (30) additional days if the time for applying for final approval shall have already passed at the time when the Developer was advised that the Development Plan was not in substantial compliance. In the event the Developer fails to take either of these alternate actions within the time required, they 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 Developer, and the hearing shall be conducted in the same manner and to the same extent as is prescribed in this Ordinance for public hearings on applications for tentative approval. Within thirty (30) days after the conclusion of the hearing, the Board of Supervisors shall, by official written communication, either grant final approval to the Development Plan or deny final approval. The grant or denial of final approval of the Development Plan shall, in arising under this section, be in the form and contain the findings required for an application for tentative approval set forth in the Article. Failure of the Board of Supervisors to render a decision on an application for final approval and communicate it to the applicant within the time and in the manner required by this Section shall be deemed an approval of the application for final approval, as presented, unless the applicant has agreed in writing to an extension of time or change in the prescribed manner of presentation of communication of the decision, in which case, failure to meet the extended time or change in manner of presentation of communication shall have like effect.

c. A Development Plan, or any part thereof, which has been given final approval shall be so certified without delay by the Board of Supervisors and shall be filed of record by the Developer within ninety (90) days after final approval has been granted in the office of the Recorder of Deeds before any development shall take place in accordance therewith. Pending completion within a period of five (5) years of said Planned Residential Development 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 Developer.

d. In the event that a Development Plan, or a section thereof, is given final approval and thereafter the Developer shall abandon such plan or the section thereof that has been finally approved, the Developer shall so notify the Board of Supervisors in writing; or, in the event the Developer shall fail to commence and carry out the Planned Residential Development or of that part thereof, within a period of five (5) years after final approval has been granted, no development or further development shall take place on the property included in the Development Plan until after the said property is resubdivided and is reclassified by enactment of an amendment to this Ordinance in the manner prescribed for in such amendments in Section 2902.

SECTION 1812 <u>ENFORCEMENT AND MODIFICATION OF PROVISIONS OF THE PLAN</u>

To further the mutual interest of the residents of the Planned Residential Development and of the public in the preservation of the integrity of the Development Plan, as finally approved, and to insure 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, as approved, nor result in changes that would adversely affect the public interest, the enforcement and modification of the provisions of the Development Plan as finally approved, whether those are recorded by plat, covenant, easement or otherwise, shall be subject to the following provisions:

A. The provisions of the Development Plan relating to:

1. The use, bulk and location of buildings and structures;

2. The quantity and location of greenway land, except as otherwise provided in this Ordinance; and

3. The intensity of use or the density of residential units;

shall run in favor of the Township and shall be enforceable in law or in equity by the Township, without limitation on any powers of regulation otherwise granted the Township by law.

B. All provisions of the Development Plan shall run in favor of the residents of the Planned Residential Development but only to the extent expressly provided in the Development Plan and in accordance with the terms of the Development Plan, and to the extent said provisions, whether recorded by plat, covenant, easement or otherwise, may be enforced by 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 Planned Residential Development except as to those portions of the Development Plan which have been finally approved and have been recorded.

C. 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:

1. No such modification, removal or release of the provisions of the Development Plan by the Township shall affect the rights of the residents of the Planned Residential Development to maintain and enforce those provisions, at law or equity, as provided in this section;

2. No modification, removal or release of the provisions of the Development Plan by the Township shall be permitted except upon a finding by the Board of Supervisors, following a public hearing hereon 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 Planned Residential Development, does not adversely affect either the enjoyment of land abutting upon or across the street from the Planned Residential Development or the public interest, and is not granted solely to confer a special benefit upon any person.

D. Residents of the Planned Residential Development 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 of the Township to enforce the provisions of the Development Plan in accordance with provisions of this section.

SECTION 1813 <u>ADMINISTRATION</u>

The provisions of Article XXVII of this Ordinance governing the issuance of building permits, certificates of use and occupancy, and fees shall be fully applicable to Planned Residential Developments insofar as the provisions thereof are consistent with the provisions of this Article and the conditions of final approval.

ARTICLE XVIIIA

UNIFIED DEVELOPMENT AREA OVERLAY DISTRICT

SECTION 1851 PURPOSES

The Unified Development Area ("UDA") District is established for the following purposes:

A. To provide an opportunity for integrated development of a variety of uses according to a Master Development Plan ("Master Development Plan");

B. To encourage the preservation of greenway land for conservation and Low to Medium Intensity R~~r~~ecreation;

C. To provide opportunities for site design that conserve the natural, historical and visual resources of the Tract (as defined in Section 1852B.1, below);

D. To provide opportunities for storm water and waste water management facilities which promote groundwater recharge;

E. To provide flexibility in design and use of larger tracts of land within the Township consistent with the goals and objectives of the Township Comprehensive Plan and the County Comprehensive Plan ("Landscapes2");

F. To provide an opportunity for unified and harmonious development in order to establish continuity between uses in terms of character, scale, building massing, internal circulation patterns and Greenway Land, all of which shall be designed to prevent sprawl by concentrating the development of the Tract so as to minimize (to the maximum extent possible) a development's visual and environmental impacts on the Township and surrounding community and to limit the necessary infrastructure within a development.

SECTION 1852 ZONING OVERLAY CONCEPT AND ELIGIBILITY

A. The UDA District of West Vincent Township shall be deemed an overlay district on the RC, R-2, R-3 and RM Zoning Districts, as such underlying zoning districts are delineated on the Township Zoning Map. Said overlay shall become affixed to the land as the base zoning for the Tract upon the approval by the Board of Supervisors of an application for conditional use approval of an application for a Master Development Plan; provided, however, that the Greenway Land shall be finally restricted, offered for dedication or conveyed, as provided in the Master Development Plan and as required by Section 1857 prior or contemporaneous to the approval of the conditional use approval necessary to develop a Master Development Plan as set forth in Section 1853 below, unless extended by the Township Board of Supervisors in its discretion. To the extent that the Board of Supervisors exercises its discretion to extend such time period and the applicant fails to

timely comply therewith, the zoning for the tract shall revert to the zoning applicable to the Tract that existed immediately prior to the approval of the UDA District, and the UDA District shall be of no further force or effect. No building permit for any improvement within the UDA District shall be issued prior to the restriction, committal in a manner satisfactory to the Township, or the offer for dedication or conveyance of the Greenway Land as provided in the Master Development Plan.

B. In order to be eligible for conditional use approval of a Master Development Plan pursuant to this Section, all of the following eligibility criteria shall be met:

1. The property on which the UDA District and the Master Development Plan is proposed shall be a minimum of two hundred (200) acres, which shall be under the legal or equitable ownership of the applicant ("Master Development Plan Tract").

2. The Master Development Plan Tract shall have frontage along a collector or arterial road as designated by the Township Comprehensive Plan.

3. If the Master Development Plan Tract is not held in single ownership, all of the owners of the Tract must join in the application.

4. The Master Development Plan Tract shall be composed of a combination of residential and non-residential based zoning uses, developed as either:

   a. Primary Residential UDA Development. A Primary Residential UDA Development shall be defined as a UDA Development where 75% or greater of the Developable UDA Tract Acreage (as defined and calculated below) is utilized for Residential Uses (as set forth below), with the balance of the Developable UDA Tract Acreage to be utilized as an Office Park Use or a Farmstead Use.

   b. Primary Non-Residential UDA Development. A Primary Non-Residential UDA Development shall be a UDA Development where less than 75% of the Developable UDA Tract Acreage (as defined and calculated below) is utilized for Residential Uses, with the balance of the Developable UDA Tract Acreage to be utilized as an Office Park or a Farmstead Use.

5. The Applicant shall demonstrate compliance with all provisions of this Article.

6. The applicant shall delineate on the Master Development Plans all areas of Developable UDA Tract Acreage, as well as shall set forth its calculation of the density attributable to each. It shall be noted that neither the percentage limitations set forth in subsection 1852.B.4 above nor the underlying Zoning District designation shall serve as a limitation on the siting of any Residential Uses, Office Park Uses and/or Farmstead Uses, provided, however, that the density shall not be modified or adjusted based upon the siting of such uses.

SECTION 1853 MASTER DEVELOPMENT PLAN APPROVAL, ELIGIBILITY

A. Conditional use approval shall be required of the Master Development Plan. There shall be permitted, upon conditional use approval by the Board of Supervisors of an application for a Master Development Plan ("Master Development Plan"), one or more of the following uses:

1. Residential uses, including but not limited to single family detached, single family semi-detached, multiple-family, single-family garden lot development and attached garden lots as described in Section 1854 and subject to the standards therein;

2. Office Park Uses as described in Section 1855 and subject to the standards therein;

3. Farmstead Uses as described in Section 1857 and subject to the restrictions therein; and

4. Any use permitted by the existing underlying Zoning District to which the tract is subject.

B. The Master Development Plan shall be submitted in compliance with the provisions of this Article XVIIIA, particularly Section 1858 below.

C. In addition to an Applicant's obligation to demonstrate through the Conditional Use process those requirements set forth throughout this Article, an Applicant must demonstrate that a Master Development Plan satisfies all of the following criteria:

1. Development pursuant to the Master Development Plan shall be in accordance with the zoning regulations established in Sections 1854, 1855 and 1857, and, to the extent not expressly addressed herein, with the regulations in the underlying zoning districts, provided that the Master Development Plan conditional use approval shall be in lieu of any other requirement for a special exception or other form of use approval otherwise required in an underlying zoning district.

2. Greenway Land. The amount of Greenway Land required for a UDA Development is dependent on whether the Applicant proposes a Primary Residential UDA Development or a Primary Non-Residential UDA Development. With respect to a Primary Residential UDA Development, not less than sixty percent (60%) of the Adjusted Tract Acreage shall be designated and preserved as Greenway Land. With respect to a Primary Non-Residential UDA Developments that provide at least 25% of the Developable UDA Tract Acreage as Farmstead

Use, not less than sixty percent (60%) of the Adjusted Tract Acreage shall be designated and preserved as Greenway Land. With respect to a Primary Non-Residential UDA Development that provides less than 25% of the Developable UDA Tract Acreage as Farmstead Use, no less than eighty percent (80%) of the Adjusted Tract Acreage shall be designated and preserved as Greenway Land. Irrespective of the form of development sought by the Applicant, the Greenway Land shall be designed to link proposed neighborhoods, conserve sensitive environmental and cultural resources (with consideration being given to contiguous wildlife migration corridors) and provide opportunity for ~~active and/or passive~~Low and Medium Intensity R~~-r~~ecreation. The Greenway Land shall be dedicated or conveyed to the Township or retained in private ownership for agricultural uses (being permanently restricted by Easement or Restrictive Covenant Agreement). The Greenway Land requirement in this Article shall supersede and be in lieu of all other Township ordinances requiring the designation of Greenway Land or community facilities (except as incorporated herein).

3. The layout and distribution of Greenway Land shall, to the maximum extent practicable, conserve the features identified in the Township's Greenway Land Stewardship Guide and the Township's Open Space and Recreation Plan (such as scenic viewsheds from existing public roads) and to achieve the goals of the Township's Sustainability Plan. In addition, the Greenway Land shall be in conformity with the Township's objective of conserving an interconnected network of Greenway Land, and shall be in conformity with the purposes set forth in Section 1851.

4. In order to promote unified and harmonious development and to further establish continuity between areas of the UDA designated for Residential Use, Farmstead Use and/or Office Park Use, all proposed buildings and structures (with the exception of existing or proposed Farmstead use buildings or structures) shall conform to the following minimum Architectural Guidelines:

   a. All facades shall be of wood, brick, stone, stucco, split and/or smooth face concrete block, vinyl or composite siding, or a combination thereof. The front facades shall be articulated by the use of color, materials (i.e., stone to stucco, masonry patterns, etc.), and roof line (eaves, gables and mansards, etc.).

   b. Roof material may be wood or asphalt shingles, slate, composite slate or concrete tile. Metal roofing (standing seam-type) is acceptable so long as its color is consistent with the overall palette.

   c. All rooftop mechanical equipment shall be screened by materials architecturally compatible with the building.

   d. At the time of preliminary subdivision and land development plan

submission, the Applicant shall submit, and the Township shall review, the preliminary/conceptual architectural drawings (with materials) demonstrating compliance with these Architectural Guidelines.

D. The Master Development Plan shall comply with the standards and criteria of this Article XVIIIA, and may include some or all of the uses authorized in Sections 1854, 1855 and 1857 below.

E. Once the Master Development Plan is approved, permits may be issued only pursuant to approved Land Development and/or Subdivision Plans consistent with the approved Master Development Plan.

F. The Master Development Plan Tract may be subdivided for separate ownership or lease (or as otherwise required by the MPC or the Township Subdivision Ordinance), but only if the subdivision does not interfere with the development or use of the Master Development Plan Tract in accordance with the approved Master Development Plan.

G. Calculation of the Developable UDA Tract Acreage.

The Developable UDA Tract Acreage shall be calculated as follows:

<u>Primary Residential UDA Development</u>

1. Determine the Total Tract Acreage.
2. Calculate the Adjusted Tract Acreage (per the definition thereof included in Section 202 of the Zoning Ordinance, by subtracting the weighted percentages of environmentally sensitive areas, existing rights of way and existing easements from the Total Tract Acreage).
3. Subtract the required minimum Greenway Land required in this Article (being 60% of the Adjusted Tract Acreage) from the Adjusted Tract Acreage.
4. The result of this calculation is the "Developable UDA Tract Acreage."

<u>Primary Non-Residential UDA Development</u>

1. Determine the Total Tract Acreage.
2. Calculate the Adjusted Tract Acreage (per the definition thereof included in Section 202 of the Zoning Ordinance, by subtracting the weighted percentages of environmentally sensitive areas, existing rights of way and existing easements from the Total Tract Acreage).
3. Subtract the required minimum Greenway Land required in this Article (being 80% of the Adjusted Tract Acreage) from the Adjusted Tract Acreage.
4. The result of this calculation is the "Developable UDA Tract Acreage."

H. Condominium Ownership

If all or a portion of the Master Development Plan Tract is to be owned in a condominium form of ownership, the applicant shall designate for each condominium unit and/or building housing multiple condominium units a designated area contiguous to such units equivalent to the required minimum lot width, minimum lot area, minimum side yard, minimum rear yard, minimum front yard, minimum parking area setback, maximum impervious coverage, maximum lot coverage and maximum building coverage, as if the same were subdivided into separate lots. Such designated area shall not overlap the designated area for such area and bulk limitations of another condominium unit.

I. Environmental

All new residential buildings in a UDA Development shall be certified as "LEED Housing" and all new non-residential buildings shall be certified as "LEED Construction." An applicant may deviate from this requirement upon approval from the Township Board of Supervisors in its discretion if either the LEED certifications referenced above shall no longer be available or should the Applicant be able to establish that it will comply with equivalent or greater standards.

J. Impervious Coverage

A maximum of 50% of the Developable UDA Tract Acreage shall be permitted as impervious coverage.

SECTION 1854 RESIDENTIAL USE

The following residential uses may be approved by the Board of Supervisors, as a component of a Master Development Plan in the UDA Overlay District, subject to the following conditions and other conditions as warranted to secure the purposes of this Article and the public health, safety and welfare.

A. Area: The minimum area of the Master Development Plan devoted to Residential Uses shall be as set forth in Section 1852(B)(4) above.

B. Density. Subject to compliance with the area and bulk requirements of this Article, the applicant shall have the discretion to select one of the following density options to be applicable to the proposed UDA development:

1) Option 1 (Primary Residential UDA Development with Farmstead Use; Primary Non-Residential Development with Farmstead Use): If the Developable UDA Tract Acreage is developed as 75% or less Residential Use, with the remainder of the UDA Tract Acreage to be utilized for Farmstead Use, the permitted residential density shall be 1.40 dwelling units per acre of Developable UDA Tract Acreage. If the applicant dedicates a minimum of 50% of the Greenway Land to the Township, then the permitted residential

density shall be 1.50 dwelling units per acre of Developable UDA Tract Acreage.

2) Option 2 (Primary Residential UDA Development with Office Park/Farmstead Uses): If the Developable UDA Tract Acreage is developed as 75% Residential Use, with the balance of the Developable UDA Tract Acreage being a combination of Office Park Uses and/or Farmstead Uses, then the permitted residential density shall be 1.00 dwelling unit per acre of Developable UDA Tract Acreage. If the Developable UDA Tract Acreage is developed as greater than 75% Residential Use, with the balance of the Developable UDA Tract Acreage being Office Park Uses or a combination of Office Park Uses and/or Farmstead Uses, then the permitted residential density shall be 0.75 dwelling units per acre of Developable UDA Tract Acreage. Irrespective of the percentage of Residential Use provided under this subsection, the applicant shall be permitted an additional .01 dwelling units per acre of Developable UDA Tract Acreage for every 1% of Developable UDA Tract Acreage devoted to Farmstead Use, provided, however, that in no event shall density bonus such result in a density of greater than 1.25 dwelling units per acre of Developable UDA Tract Acreage.

3) Option 3 (Primary Non-Residential UDA Development with Office Park/Farmstead Uses): If the Developable UDA Tract Acreage is developed as less than 75% Residential Use, with the balance of the Developable UDA Tract Acreage being a combination of Office Park and/or Farmstead Uses, then the permitted residential density shall be .60 dwelling units per acre of Developable UDA Tract Acreage.

C. Area/Bulk Regulations.

1. Multiple Family Dwellings (Townhouses or Quadriplexes)

a.	Minimum Lot Area per dwelling unit	N/A
b.	Minimum lot width at building line	20’
c.	Minimum side yard (end building only)	20’; 10’ when abutting parking area or street right of way
d.	Minimum rear yard	30’
e.	Minimum front yard	10’

f.	Minimum Distance between buildings	See 1854C.5.a
g.	Parking area set back from lot line or street ultimate right of way	20' (applies to parking lots and joint parking areas, not to on-lot parking areas associated with individual driveways or garages).
h.	Maximum height	35'
i.	Dedicated street standards	As set forth in the Township Subdivision and Land Development Ordinance (with any relief from such requirements being sought thereunder)
j.	Private street standards	(1) Private Streets shall comply with those standards set forth in the Township Subdivision and Land Development Ordinance (with any relief from such requirements being sought thereunder). (2) Alleys may be permitted, subject to the approval of the Township Board of Supervisors, upon a demonstration that the proposed alleys do not negatively impact the public safety and traffic and pedestrian circulation. Such alleys shall meet the following criteria: (i) Minimum alley width: 12' one directional alley; 18' two directional alley; (ii) Upright curbs shall not be permitted on alleys except where required for drainage purposes.
k.	Maximum Impervious Coverage	50% of the Lot Area for each lot containing Multiple Family building(s). The calculation of impervious coverage for the purposes of this provision shall not include impervious coverage attributable to

		public sidewalks or paved public trails.

2. <u>Single-Family Detached, Semi-Detached or Two Family Dwellings</u>

a.	Minimum Lot Area per dwelling unit	8,000 s.f.
b.	Minimum lot width at building line	75’
c.	Minimum side yard	10’, with minimum building-to-building setback of 30’.
d.	Minimum rear yard	40’
e.	Minimum front yard	35’
f.	Minimum Distance between buildings	N/A
g.	Parking area set back from lot line or street ultimate right of way	N/A
h.	Maximum height	35’
i.	Dedicated street standards	As set forth in the Township Subdivision and Land Development Ordinance (with any relief from such requirements being sought thereunder)
j.	Private street standards	(1) Private Streets shall comply with those standards set forth in the Township Subdivision and Land Development Ordinance (with any relief from such requirements being sought thereunder). (2) Alleys may be permitted, subject to the approval of the Township Board of Supervisors, upon a demonstration that the proposed alleys do not negatively impact the public safety and traffic

		and pedestrian circulation. Such alleys shall meet the following criteria: (i) minimum alley width: 12' one directional alley; 18' two directional alley; (ii) Upright curbs shall not be permitted on alleys except where required for drainage purposes.
	k. Maximum Impervious Coverage	30% of the Lot Area for each single family detached dwelling unit and 50% for each single family semi-detached dwelling unit. The calculation of impervious coverage for the purposes of this provision shall not include impervious coverage attributable to public sidewalks or paved public trails. Lots containing single family detached dwelling units may increase the impervious coverage by 20% (to an aggregate of 50% of the Lot Area, subject to compliance with the criteria set forth Section 605.G.6.
3.	<u>Single-Family Garden Lot</u>	
	a. Minimum Lot Area per dwelling unit	6,000 s.f.
	b. Minimum lot width at building line	55' (40' minimum width at street line)
	c. Minimum side yard	3'
	d. Minimum rear yard	10' (dwelling and garage); 3' (other buildings and structures including fences and sheds).
	e. Minimum front yard	10'
	f. Minimum Distance between buildings	10'

g.	Parking area set back from lot line or street ultimate right of way	N/A
h.	Maximum height	35’
i.	Dedicated street standards	As set forth in the Township Subdivision and Land Development Ordinance (with any relief from such requirements being sought thereunder)
j.	Private street standards	(1) Private Streets shall comply with those standards set forth in the Township Subdivision and Land Development Ordinance (with any relief from such requirements being sought thereunder). (2) Alleys may be permitted, subject to the approval of the Township Board of Supervisors, upon a demonstration that the proposed alleys do not negatively impact the public safety and traffic and pedestrian circulation. Such alleys shall meet the following criteria: (i) minimum alley width: 12’ one directional alley; 18’ two directional alley (ii) Upright curbs shall not be permitted on alleys except where required for drainage purposes.
k. Maximum Impervious Coverage		30% of the Lot Area for each Single Family Garden Lot. The calculation of impervious coverage for the purposes of this provision shall not include impervious coverage attributable to public sidewalks or paved public trails. Lots containing single family detached dwelling units may increase the impervious coverage

by 20% (to an aggregate of 50% of the Lot Area, subject to compliance with the criteria set forth Section 605.G.6.

4. Additional Area/Bulk Regulations.

a. The minimum horizontal distance between groups of townhouses and attached garden lots shall be:

(1) One and one-half times the average height of the two groups of such buildings for front or rear walls facing front or rear walls;

(2) Twenty (20) feet for front or rear walls facing side walls; and

(3) Twenty (20) feet for side walls facing side walls.

b. Access shall be provided in the front of each dwelling. Parking may be provided on the lot, as carports or garages, as an integral part of the dwelling, or as a joint parking facility for a group of dwellings with such deed restrictions as are necessary to determine ownership and maintenance of parking facilities and methods of assigning charges for snow removal and repair.

c. The minimum setback of any townhouse or multi-family building abutting a parking area or its access way shall be not less than ten (10) feet.

d. Single-Family Garden Lot Development.

(1) Within the three (3) foot minimum side yard in Single-Family Garden Lot Development, no structures other than the following shall be permitted: HVAC equipment, upper level building overhang not to exceed 25 square feet, chimney projections, columns, trellises, fences or garden walls (and in the case of a fence or wall, only where a Garden Lot dwelling wall which faces the adjacent dwelling is recessed in conjunction with a patio or deck), and any accessory structures deemed appropriate by the Township.

(2) The owner of a Single-Family Garden Lot may construct a dwelling, fence, wall, garage or other structure within ten (10) feet of a lot line (a "Garden Lot Structure") in accordance with the township building permit procedure (except as otherwise permitted in this Ordinance) only if:

(a) The lot on which the Garden Lot Structure is constructed benefits from an easement over the adjacent lot to enable the owner to perform maintenance or repairs to such Garden Lot Structure, which easement shall obligate the party exercising its rights thereunder to restore the land disturbed by such exercise;

(b) Within the three (3) foot minimum side yard, the owner of the Garden Lot Structure shall be permitted to plant and maintain grass; and

(c) The Declarant, under the Declaration and any homeowners' association created pursuant thereto, shall likewise benefit from the easements described in clauses 2(a) and (b) above.

For the purposes of clause (b) above, a window in a Garden Lot Structure shall not be deemed to be "facing" an adjacent dwelling unless the wall in which such window is installed is parallel to either: (a) the outside wall on the adjacent dwelling which is less than twenty (20) feet away from the Garden Lot Structure; or (b) the Privacy Fence between the Garden Lot Structure and the adjacent dwelling.

(3) In the case where the driveway to the garage is from the alley, then the garage entrance doors must be set back at least 20' from the edge of the alley cartway. In the case of reverse frontage lots, each lot shall provide a rear yard setback of 40' to the Building Setback Line. Garages, parking spaces and access alleys may be located within the setback area where adequate landscaping and berming are provided and access to the lots is restricted to the interior street or rear alley.

5. Parking

a. Minimum Parking Requirements. All buildings and other structures within the residential portion of the Master Development Plan shall be provided with a minimum of two (2) parking spaces per dwelling unit, exclusive of garage spaces and on-street parking.

b. Shared Parking. One or more parking lots may be designed to service a group of semi-detached, attached, or multi-family residential units so long as the total number of such parking spaces is no less than two and one-half (2-1/2) spaces per dwelling unit served thereby and each dwelling unit served thereby has convenient access to the associated parking.

c. Paving. All required parking areas and all access drives shall have impervious surface.

d. Parking Within Front Yard. Required parking shall be permitted within required front or side yards unless prohibited by other requirements of this Ordinance.

e. On-Street Parking. On-street parking and parking in alleys may be prohibited or restricted by the Township Board of Supervisors, as the Township deems appropriate for public safety, traffic circulation and/or pedestrian circulation purposes. Parking shall be limited to one side of the street only, unless the Applicant demonstrates to the satisfaction of the Board of Supervisors that parking on both sides of the street can be accommodated in a safe and efficient manner.

SECTION 1855 OFFICE PARK USE

The following Office Park Uses may be approved by the Board of Supervisors as a component of a Master Development Plan subject to compliance with the following regulations.

A. Office Park Use Regulations

1. The following uses shall be permitted in the areas of the UDA designated on the Master Development Plan for Office Park Uses:

a. Offices or office building for administrative, executive and professional activity, and similar activities involving the performance or rendering of professional services, such as financial institution, mortician, the sale of real estate and business office including the showing of samples, sale promotion and demonstration of equipment, provided, however, that no merchandise shall be warehoused on the premises for sale, exchange or delivery thereon, and further provided that nothing herein preclude sales or manufacturer's representatives from arranging for the sale of merchandise manufactured, fabricated or warehoused at, or delivered to, locations outside of the UDA.

b. Hotel and/or conference center;

c. Restaurant, cafeteria or Low to Medium Intensity R~~r~~ecreational facilities, all of which shall be designed for the comfort and convenience of employees and all of which shall not be offered for use by the general public;

d. Places of worship, Churches and Religious Institutions, being further subject to compliance with Zoning Ordinance Section 2210;

e. Public uses, structures or buildings owned, operated or subsidized by the Township, a Municipal Authority organized by the Township, an Authority of which the Township is a member, or the County, including libraries;

f. Educational uses, being further subject to compliance with Zoning Ordinance Section 2210;

g. Low to Medium Intensity Recreational facilities containing amenities such as a golf course, swimming pool, spa, indoor track, weight-lifting equipment, handball courts and facilities typical of a YMCA facility;

h. Day care centers accessory to principal uses;

i. Accessory uses, structures or buildings, provided such are clearly incidental to the principal use.

B. Office Park Area, Density, Bulk, and Parking Regulations

1. Height. The height of any building shall not exceed 35 feet.

2. Area/Bulk Standards. An Office Park shall comply with the following area and bulk standards:

a.	Minimum Lot Area	2 acres
b.	Minimum Lot Width	150'
c.	Minimum Building Setback When Abutting a Non-residential Use	15'
d.	Minimum Building Setback When Abutting a Residential Use	40'
e.	Minimum Building Setback From Street Right of Way	10'
f.	Minimum Parking/Service Setback	30'*
g.	Maximum Impervious Coverage	50%
h.	Maximum Building Size	75,000 square feet**

*This requirement may be waived when shared parking between separately owned, multiple uses are contemplated so long as the shared parking and circulation is located adjacent to a shared common property line, established pursuant to a shared parking agreement that is subject to the approval of the Township. In addition, appropriate declarations of cross easement for the benefit of each use and lot for the purposes of parking, access, surface and sub-surface utilities and storm water management shall be required, executed and recorded

with the Chester County Recorder of Deeds.

** An Applicant can obtain a waiver from this maximum building size limitation from the Township Board of Supervisors, in its discretion, subject to the Applicant establishing to the satisfaction of the Board of Supervisors that the increased building size is necessary to meet the purposes of this Article, as noted in Section 1851.

3. Parking. The plan shall meet the provisions of Section 2102 of this Ordinance (Design Standards), except that for Office Park Uses, the minimum shall be three (3) spaces for every one thousand (1,000) square feet of gross leasable floor area and the parking spaces for each vehicle shall be at least 9 feet by 18 ½ feet in size. Provided, however, that it shall be the applicant's burden, as part of the Master Development Plan conditional use procedure, to present clear and convincing evidence of the actual parking needs to be generated by an Office Park; the Board of Supervisors shall have the authority to reduce these parking requirements based upon evidence submitted by the applicant, and/or evidence submitted by other parties to the conditional use proceeding (including any evidence presented by the Township's traffic consultant). The Board shall also have the authority to designate a portion of the parking to be reserved parking, not to be constructed immediately upon development of the Office Park.

C. Design Standards. In addition to the design standards set forth throughout this Article, Office Park Uses shall comply with the design standards:

1. Roofs. All buildings within the Office Park Use shall have an appearance of pitched roofs and shall be designed in a manner consistent with the UDA Architectural Guidelines provided in Section 1853.C.4.

2. Golf Courses within the Office Park Use.

A golf course area may be counted toward 30% of the minimum required Greenway Land area. The balance of any golf course area shall be counted toward the Office Park Use. Such golf course areas to be treated as Greenway Land may be comprised of tee boxes, fairways, managed roughs and greens, but shall not include cart paths, golf clubhouses or accessory buildings thereto. Such golf courses shall comply with all requirements of Section 2232 of the Zoning Ordinance and the entirety of a golf course area shall be placed under a conservation easement (to which the Township shall be a third party beneficiary or party), subject to the approval of the Township Board of Supervisors, restricting the same against further land development or further subdivision.

SECTION 1856 RESERVED.

SECTION 1857 FARMSTEAD USE IN UDA

A portion of the Master Development Plan Tract, constituting a minimum of thirty percent (30%) of the Adjusted Tract Acreage, shall be designated as a farmstead agricultural operation. This minimum required Farmstead Use may be reduced only upon waiver by the Township Board of Supervisors, in its discretion. Only Passive Agricultural Operations uses shall be permitted on a farmstead, excepting that tree nurseries and sod farms shall not be permitted. The farmstead shall be subject to a Declaration of Restrictive Covenants, to which the Township shall be a party, which shall limit the uses of the farmstead in perpetuity to agricultural or forestry uses (provided that this covenant shall not require active agricultural or forestry uses of the farmstead and provided that such shall be subject to the timber harvesting provisions of this Zoning Ordinance), not to be further subdivided or developed, except for (i) agricultural accessory buildings and/or farm buildings and one (1) single-family residence as the main house and not more than one (1) additional residence as a farmstead tenant house or (ii) sewage facilities. The Declaration shall be recorded in the Chester County Recorder of Deeds Office.

A. The farmstead, as so restricted, shall qualify as Greenway Land in meeting the minimum Greenway Land requirements of Section 1853. If the farmstead has already been conserved or restricted from further development prior to submission of a conditional use application under this Article, the conserved or restricted area shall not be counted toward the minimum required Greenway Land.

B. The maximum total building coverage permitted on an area of a property designated for a Farmstead Use shall be 1.5% of the area designated and delineated for Farmstead Use and the total impervious coverage shall be a maximum of 2.5% of the area designated and delineated for Farmstead Use (excluding access driveways, public sidewalks and paved, public trails).

SECTION 1858 CONTENT OF APPLICATION FOR APPROVAL OF MASTER DEVELOPMENT PLAN

Applications for adoption of a UDA and approval of the Master Development Plan shall meet all procedural requirements for conditional use approval as required by the MPC and the Zoning Ordinance of West Vincent Township, and shall include the submission of a Master Development Plan and accompanying support data for the Master Development Plan Tract, as follows:

A. **Master Development Plan**

The Master Development Plan is a conceptual, feasibility analysis of the manner in which the UDA Ordinance will be implemented on the Master Development Plan Tract. The base site plan for the Master Development Plan shall be drawn at a scale of not less than one (1) inch equals two hundred feet (200') and shall contain information sufficient to assess the impact of future development of the tract, including, but not limited to, the following:

1. The boundaries of each of the sub-districts within the entire tract, including, but not limited to:

   a. A conceptual depiction of the location and proposed use in each sub-district; and

   b. Total building area being proposed, represented by the total square footage of office and commercial buildings and total residential dwellings.

2. The general vehicular and non-vehicular circulation pattern for the entire tract, including points of access to the tract, and the location, dimensions and rights-of-way of the major road network that will link sub-districts.

3. The source of and general methods by which water shall be supplied and sewage shall be treated and disposed.

4. The location and proposed use and disposition to be made of greenway land and other common areas and facilities, including the proposed schedule for the dedication and/or imposition of restrictions upon the greenway land in accordance with Section 1853.

B. <u>Natural Features Analysis</u>

In order to determine which specific areas of the tract are suitable for development and which areas should be preserved in their natural state, an analysis of natural features shall be required. The following considerations must be included in the analysis and site planning responsive to these findings:

1. **<u>Topography</u>**. An analysis of the terrain of the tract before construction including mapping of elevation and delineation of slope areas according to the following categories: 0-8%, 8-15%, 15-25%, and over 25% slope.

2. **<u>Drainage</u>**. An analysis of natural drainage patterns and water resources including streams, natural drainage swales, ponds or lakes, woodlands and marsh areas, floodplain areas, permanent and seasonal high water table areas shall be included. Natural drainage features such as lakes, ponds, and streams shall be preserved and incorporated into final design of the development wherever possible and desirable. Where adequate surface drainage is not possible by grading alone, a supplementary drainage system shall be required.

3. **<u>Geology</u>**. An analysis of the characteristics of rock formations underlying the site.

4. **<u>Soils</u>**. An analysis of soil types present on the site including delineation of prime agricultural soils, aquifer recharge soils, unstable soils, soils most susceptible to erosion, and soils suitable for development. The analysis of soils shall be based

on the County Soil Survey of the Soil Conservation Service.

5. **Vegetation**. An analysis of tree and plant cover on the site shall be required. The location of trees and other plant cover should be considered when planning greenway land, location of buildings, underground services, walks and paths, paved areas and finished grade levels.

C. **Community Impact Analysis**

An analysis of the potential effects and impacts of the Unified Development upon the following community facilities will be required:

1. Emergency services and fire protection;

2. Solid waste disposal;

3. Recreation;

4. Transportation and surrounding roadway systems;

5. School facilities and school district budget;

6. Water supply;

7. Sewage disposal;

8. Public utilities;

9. Township revenues and expenses.

Specific contents and procedures for preparing the required impact analyses shall be in accordance with the West Vincent Township Subdivision and Land Development Ordinance.

D. **Additional Information**

The following additional information shall accompany the Master Development Plan and be made part of the application:

1. A narrative describing how the proposed application complies with each of the purpose statements under Section 1851.

2. A narrative generally describing proposed covenants, restrictions and development standards for the Unified Development.

3. A narrative description of existing zoning and land uses on, and adjacent to, the

tract.

4. An inventory of historical resources and existing greenway land and recreation areas on the tract.

5. A conceptual development plan with a scale of not less than 1"=200' showing such elements as schematic groupings of buildings and structures (including a schedule of gross floor areas and heights); location and schematic layout of proposed landscaped areas; schematic provision of storm water management facilities accompanied by a written analysis and conclusions as to anticipated methods (prepared by a professional engineer). These elements shall be indicated in sufficient detail to serve as a firm commitment by the applicant with regard to the future development of the tract and for the Board of Supervisors and the Planning Commission to evaluate the effect of the Master Development Plan on the health, safety and general welfare of the Township. A fixed and dimensional layout showing exact building locations, shapes, dimensions, landscape plans and sub-district requirements, such as is required for land development approval, shall not be required for Master Development Plan approval.

SECTION 1859 PROCEDURES

The following procedures shall apply to the designation of a UDA District:

A. Application for Conditional Use Approval

The Conditional Use Application shall be submitted to the Board of Supervisors together with such fee and such forms as may be prescribed by the Board, which shall, within thirty (30) days of submission of a complete application, refer the application to the County and Township Planning Commissions as required by Article XXIII. Not later than sixty (60) days after submission of the application, plans and supporting information, the Board shall hold a public hearing to consider the application, pursuant to public notice and posting of the Tract as required by the MPC for conditional use approval . The Board, within forty-five (45) days following the conclusion of the last public hearing, shall, by written notice to the applicant, grant or deny approval to the Conditional Use Application.

B. Conditional Use Review of Master Development Plan Application

The Conditional Use Review of the Master Development Plan Application shall comply with the procedures set forth in Zoning Ordinance Section 2711.

C. Criteria For Master Development Plan Application Review

In addition to the criteria set forth in Zoning Ordinance Section 2711, the following criteria shall be considered by the Board of Supervisors when evaluating Master Development Plan Applications submitted under the provisions of this Article XVIIIA:

1. The natural environments of the tract, with particular reference to preservation of streams, woodlands, Pennsylvania Natural Diversity Index Sites, woodlands and slopes in excess of twenty-five percent (25%), protection against soil erosion and water contamination, and provision for flood and surface water run off control.

2. Location of the underlying Zoning Districts, infrastructure and Greenway Land shall take into account the following:

    a. Suitability with respect to topography and drainage.

    b. Compatibility with surrounding land use.

    c. Preservation of significant natural features and vegetation.

    d. Preservation of significant visual resources.

3. Consideration of traffic improvements designed to alleviate potential vehicular traffic congestion resulting from implementation of the Master Development Plan, including any off-site improvements demonstrated to be required as a result of the UDA development.

4. Provision for the ownership, maintenance and use of the proposed Greenway Land which will secure proper maintenance and preservation thereof for Greenway Land purposes.

5. Preservation of historic sites and structures.

6. Determination of suitability with respect to each of the purpose statements under Section 1851.

D. **Authority to Attach Reasonable Conditions to Approval**

In approving the Master Development Plan Application, the Board of Supervisors may attach such reasonable conditions and safeguards, in addition to those expressed in this Article, as it may deem necessary to protect the health, safety and welfare of the Township residents.

E. **Submission of Subdivision and Land Development Plan**

The developer, or any successor to the developer, for all or any portion of the Unified Development, shall comply with the West Vincent Subdivision and Land Development Ordinance to the extent that Ordinance is not inconsistent with the approved Master

Development Plan for the Unified Development. Conditional use approval of the Master Development Plan Application by the Board of Supervisors will be in lieu of any other zoning or use approval otherwise required with respect to uses approved as a part of the Master Development Plan Application.

F. **Building Permits**

The Zoning Officer shall not issue any building permits for any improvements within the UDA District until the Greenway Land is restricted, committed in a manner satisfactory to the Township, or offered for dedication or conveyance as provided in the Master Development Plan Application and as required by Section 1853.D.1.

G. **Vested Right to Proceed**

The applicant, or any successor to the applicant, for all or any portion of the Unified Development, shall have a vested right to proceed according to the Master Development Plan Application, and no subsequent change or amendment to the zoning, subdivision and land development ordinance, or other governing ordinance or regulation, shall be applied to affect adversely the right of the applicant, or any successor, to commence or complete any aspect of the approved Master Development Plan Application, or materially increase the amount of site improvements or the projected cost of construction of buildings and site improvements, for a period of ten (10) years from the date of conditional use approval of the Master Development Plan Application.

H. **Amendment of Master Development Plan Application**

1. Once the Master Development Plan is approved, permits may be issued only pursuant approved Land Development Plans which are consistent with the approved Master Development Plan.

2. The Board of Supervisors may permit amendment of the Master Development Plan upon application for amendment by an applicant representing the entirety of, or any portion of, the Unified Development by following the procedures and criteria outlined in subsections A and B of Section 1859.

ARTICLE XIX

DESIGN STANDARDS FOR SITE PLANNING AND GREENWAY LANDS WITHIN RESIDENTIAL DEVELOPMENTS

SECTION 1901 PURPOSES

The design standards established under this Ordinance have been established to support the natural resource conservation objectives of the Township Comprehensive Plan and its Open Space and Recreation Plan, while accommodating new growth and development. The purposes of these standards are:

A. To allow for flexibility in lot design which directs buildings, site disturbance, and activities to the most suitable locations with respect to the natural conditions of a tract;

B. To protect unique natural features of the Township including aquifers, water bodies, floodplains, wetlands, woodlands, and steep slope areas from disturbances;

C. To minimize visual impact upon the scenic rural character of the Township by fitting new construction harmoniously into the natural landscape; and

D. To provide an opportunity for creative, varied, environmentally sensitive, and economical development, permitting a range of lot areas, building densities, and housing sizes, and to promote continued diversity of age and income in the community.

SECTION 1902 USES AND IMPROVEMENTS ON GREENWAY LANDS

Subject to other relevant provisions of this Ordinance, the following uses and improvements shall be permitted on greenway lands:

A. Conservation of open land in its natural state, including but not limited to woodland, fallow field, and managed meadow.

B. Agriculture and horticulture uses, including raising crops or livestock; and aquaculture; including residences and associated buildings that are specifically needed to support an active, viable agricultural or horticultural operation. Specifically excluded are intensive agriculture, wholesale nurseries and commercial livestock operations involving swine or poultry.

C. Pastureland for horses, excluding commercial hack stable operations. Unroofed equestrian facilities and structures, including training and exercise facilities, shall be permitted but may not occupy more than half of the minimum required greenway land. Roofed equestrian facilities and structures shall not, in the aggregate, occupy more than twenty-five (25) percent of the minimum required greenway land.

D. Silviculture, in keeping with established standards for selective harvesting and sustained-yield forestry.

E. Neighborhood greenway land uses such as village greens, commons, picnic areas, community gardens, trails per Section 616 of the Township Subdivision and Land Development Ordinance, and similar ~~low-impact~~ ~~passive~~Low to Medium Intensity R~~r~~ecreational uses specifically excluding High Intensity motorized off-road vehicles, rifle ranges, and other uses similar in character and potential impact as determined by the Board.

F. Active, Medium Intensity R- ~~non-commercial~~ ~~r~~ecreation areas, such as playgrounds, playing fields, courts, and bikeways, provided such areas do not occupy more than half of the minimum required greenway land. Playing fields, playgrounds, and courts shall not be located within 100 feet of abutting properties, except for developments in districts that permit mixed uses, where this setback may be reduced at the discretion of the Board of Supervisors. Parking facilities for the same shall also be permitted, provided that they generally be gravel-surfaced, unlighted, properly drained, provide safe ingress and egress, and contain adequate parking.

G. Water supply and sewage disposal systems, and stormwater "best management practices" (BMPs) facilities; excluding lagoons, structures, and access areas; provided such permitted facilities combined do not occupy more than twenty-five percent (25%) of the required greenway land. Sewage disposal facilities alone shall occupy no more than 10% of greenway land.

H. Easements for drainage, emergency access, sewer or water lines, or other public purposes.

I. Underground utility rights-of-way. Above-ground utility and street rights-of-way may traverse greenway areas but shall not count toward the minimum required greenway land.

SECTION 1903 GENERAL DESIGN STANDARDS FOR GREENWAYS IN ALL NEW RESIDENTIAL DEVELOPMENTS

A. Greenway Lands shall be laid out in general accordance with the Township's Conservation Area Map to ensure that an interconnected network of greenway land will be provided. The required Greenway Land shall include of Primary Conservation Areas and Secondary Conservation Areas. Primary Conservation Areas comprise environmentally sensitive areas such as floodplains, submerged lands, wetlands, and slopes over 25 percent. Secondary Conservation Areas include special features such as precautionary slopes (15-25%), seasonal high water table soils, woodlands, visual resources, and other features which do not create severe limitations for development but which conservation of is desirable for purposes of providing an interconnected system of greenway land and recreation.

B. **Minimum Required Greenway Land**: The minimum percentage of land to be

designated as permanent greenway, in all subdivisions in the RC, R-3, and R-2 zoning districts, shall be as set forth in the applicable Zoning District, per an applicant's designated Tier.

.C. **Location of Greenway Lands**:

1. Greenway Lands in Tier I developments may be contained within large estate lots or may be set aside as undivided land with common rights of usage among the subdivision residents, or different parts of it may be designated in each of these ways. Up to 5,000 sq. ft. per dwelling unit may be subject to the Township's public land dedication requirement in accordance with subsection E below.

2. In Tier II subdivisions, the required greenway land comprises all of the primary conservation areas within the total tract, plus any land that is subject to the Township's required public land dedication.

3. In Tier III and, Tier IV subdivisions, the greenway land shall comprise a minimum of the applicable percentage of the "Adjusted Tract Acreage" respectively, plus all of the primary conservation areas within the tract. The Greenway Land may be owned and maintained by the Township, a homeowners' association, land trust, another conservation organization recognized by the Township, or by a private individual (typically as part of the original farmhouse). Except when used for active agriculture, less than 50% of the land composing the Greenway Land shall be available for the common use and passive enjoyment of the subdivision residents. Resident access to Greenway Land used for active agriculture is at the discretion of the Board of Supervisors. These ownership options may be combined so that different parts of the Greenway Land may be owned by different entities.

   Up to 5,000 sq. ft. per dwelling unit may be required by the Board of Supervisors to be dedicated for public use in accordance with Section 1903.E below. Such dedicated land would comprise part of the minimum greenway requirement and would not be in addition to it.

4. Greenway land within Tier III, and Tier IV subdivisions shall generally remain undivided. Alternatively, up to fifty percent (50%) of the greenway land may be included within one or more large conservancy lots at the discretion of the Board of Supervisors, with the remainder (not less than 30%) deeded to a homeowners' association, land trust, or the Township. See Sections 702 and 703 of the Township's Subdivision and Land Development Ordinance for greenway design criteria. In determining of the amount of Greenway Land which may be included in the conservancy lots of a given subdivision application, the Board of Supervisors shall consider, among other things, the effect that such conservancy lots have on the location and interconnected nature of the balance of the Greenway Land proposed and the reduction in the ability to utilize greenway lands as buffer areas to reduce the impact that the proposed development has on adjacent parcels of land. Neither the building envelope nor the impervious coverage on

conservancy lots shall be considered as Greenway Land.

In situations not involving "conservancy lots" of ten (10) acres or more, waivers to the minimum standard for undivided greenway land in Tier III subdivisions and minimum standard for undivided greenway land in Tier IV subdivisions may be granted by the Board of Supervisors to enable applicants to provide a greater variety of larger lot sizes within their proposed subdivisions. Under this waiver provision, such larger lots may consume up to 20% of the undivided Greenway Land that is normally required. Any such proposed reduction in the undivided Greenway Land shall not compromise the integrity of that land from an environmental, functional, or visual standpoint. In order to safeguard these values, those parts of the enlarged house lots that would have ordinarily been included in the undivided Greenway Land (based on the locational criteria for Greenway Lands in this Ordinance and in the Subdivision and Land Development Ordinance) shall be protected through permanent conservation easements prohibiting construction and land management practices inconsistent with conservation purposes. For example, tree cutting shall generally be prohibited and existing fields or meadows shall be managed as such. Meadow mowing shall be permitted only between October and March, after wildlife have left their nests and after wildflower seed has been set). Because of the potential of streams, brooks and creeks as corridors for neighborhood paths and community trail linkages, lot lines shall not be allowed to extend to within 100 feet of their banks.

5. Buffers for Adjacent Public Parks or Nature Preserves: Where the proposed development adjoins public parkland (township, county, state, or federal), or nature preserves owned by any governmental agency or private conservation organization, a greenway buffer at least one-hundred-fifty (150) feet deep shall be provided within the development along its common boundary with such lands, within which no new structures shall be constructed, nor shall any clearing of trees or understory growth be permitted (except as may be necessary for trail construction or the removal of invasive plant and tree species). Where this buffer is unwooded, the Board may require vegetative screening to be planted, or that it be managed to encourage natural forest succession through "no-mow" policies and the periodic removal of invasive alien plant and tree species.

D. **Permanent Greenway Protection through Conservation Easements**:

In Tiers I, II, III and IV subdivisions, the Greenway Land that is required to be reserved and created through the subdivision process shall be subject to permanent conservation easements prohibiting future development. (For example, the clearing of woodland habitat shall generally be prohibited, except as necessary to create trails, ~~active~~ Low to Medium Intensity R~~r~~ecreation facilities, and to install subsurface septic disposal systems or spray irrigation facilities. The determination of necessity shall lie with the Board of Supervisors. A list of permitted and conditional uses of greenway lands is contained in Sections 1902 above.)

E. **Land Set-Asides for Public Recreational Use and the "Fee-in-Lieu" Alternative**:

The standards contained in Section 615C of the Township Subdivision and Land Development Ordinance shall apply to new subdivisions proposed for review and approval by the Township.

SECTION 1904 SPECIFIC DESIGN STANDARDS FOR GREENWAY PLANNING IN RESIDENTIAL SUBDIVISIONS

A. The greenway land in residential subdivisions shall be identified and laid out according to the five-step design process described in Section 403F of the Township's Subdivision and Land Development Ordinance, beginning with identification of both Primary Conservation Areas and Secondary Conservation Areas. The Subdivision and Land Development Ordinance contains both design standards and a design process for greenway lands, and those regulations shall apply to residential subdivisions.

B. Greenway lands shall contain only those structures relating to the designated purpose for which the land area has been reserved (see also Section 1902 above).

C. Where common greenway land is designated as separate, non-contiguous parcels, parcels constituting part of the minimum required greenway land shall consist of not less than three (3) acres in area, nor shall they generally have a length-to-width ratio less than 4:1, provided, however, that the Board of Supervisors may waive the foregoing size and ratio requirements for neighborhood greens, playing fields, or trail links, where such Greenway Lands meet the purposes set forth in Section 1901 hereof.

D. Greenway land shall be directly accessible to the largest practicable number of lots within the development to provide direct views and safe and convenient pedestrian access to the greenway land from all lots not adjoining such areas shall be provided.

E. Greenway land shall be located in a manner which preserves and protects watercourses, floodplains, delineated wetlands, and slopes in excess of twenty-five percent (25%).

F. When greenway land borders individual lots within a subdivision, the greenway land shall be marked where it meets the corners of the residential lots with permanent cement markers. In addition, the greenway land shall be clearly delineated by a fence, hedgerow, other vegetative buffer, trail or other visible demarcation from such lots.

G. Greenway land not used for agriculture or ~~active~~ recreation shall be planted and maintained, in order of preference, as woodland or meadows following the guidelines of the Greenway Lands Stewardship Guide.

SECTION 1905 GREENWAY OWNERSHIP AND MAINTENANCE STANDARDS

A. In general, greenway land in any subdivision may be owned by a homeowners' association, the Township, a land trust, another conservation organization recognized by the Township, or by a similar entity. Such land may also remain privately owned in connection with conservancy lots subject to permanent conservation easement restrictions. In developments with twenty-five (25) or more dwelling units, a maximum of fifty percent (50%) of the required greenway land may remain in private ownership, while a minimum of fifty percent (50%) of the required greenway land shall be in common or public ownership.

B. **Greenway Ownership Standards**

Common greenway land within a development shall be owned, administered and maintained by any of the following methods, either individually or in combination, and subject to approval by the Board of Supervisors:

1. **Ownership by the Township**

a. The Township shall have the first and last offer of dedication of common greenway land in the event said land is to be conveyed. Dedication shall take the form of a fee simple ownership. The Township may, but shall not be required, to accept common greenway land provided:

(1) There is no cost of acquisition; and

(2) The Township has access to such lands.

b. Where the Township accepts dedication of greenway land that contains improvements, the Board of Supervisors may require the posting of financial security to ensure structural integrity of said improvements as well as the functioning of said improvements for a term not to exceed eighteen (18) months from the date of acceptance of dedication. The amount of financial security shall not exceed fifteen percent (15%) of the actual cost of installation of said improvements.

2. **Ownership by Homeowners' Associations**

a. The greenway land and associated facilities may be held in common ownership by a homeowners' association. The association shall be formed and operated under the following provisions:

(1) The developer shall provide a description of the association including its bylaws and methods for maintaining the greenway land.

(2) The association shall be organized by the developer and operating with financial subsidization by the developer, before the sale of any lots within the development.

(3) Any sale or transfer of a lot or lots within a development covered by a homeowners' association shall contain a disclosure to the buyer at the time of agreement of sale and on the property deed indicating the existence of a homeowners' association, including any declaration of covenants and restrictions, by-laws, and rules and regulations.

(4) Membership in the association is mandatory for all purchasers of homes therein and their successors. The conditions and timing of transferring control of the association from developer to homeowners shall be identified.

(5) The association shall be responsible for maintenance, insurance and taxes on common greenway land, enforceable by liens placed by the homeowners' association. Maintenance obligations may be enforced by the Township, which may place liens, including on member properties, to recover its costs. Any governmental body with jurisdiction in the area where the development is located may place liens on the owners of the greenway land to collect unpaid taxes.

(6) The members of the association shall share equitably the costs of maintaining and developing such greenway land. Shares shall be defined within the association bylaws. Association dues shall be structured to provide for both annual operating costs and to cover projected long-range costs relating to the repair of any capital facilities (which shall be deposited in a sinking fund reserved for just such purposes).

(7) In the event of a proposed transfer, within the methods here permitted, of greenway land by the homeowners' association, or of the assumption of maintenance of such land by the Township, notice of such action shall be given to all property owners within the development.

(8) The association shall have or hire adequate staff to administer common facilities and properly and continually maintain the common greenway land.

3. **Ownership by Condominium Associations**

In order to facilitate public matters such as the collection of taxes on greenway land and associated facilities, such land and facilities shall be controlled through the use of condominium agreements, approved by the Board. Such agreement shall be in conformance with the Uniform Condominium Act of 1980. All common greenway land shall be held as "common element".

4. **Ownership by Individuals**

Greenway land may be individually owned within a development provided that the remainder of each lot meets the minimum area and bulk requirements of the district and such greenway land is subject to a permanent conservation easement ensuring the purposes of Section 1901 are achieved. Any proposed uses within the greenway land shall be subject to the approval of the Board of Supervisors.

C. **Public Access and Conservation Easements**

1. Public Access:

Where greenway land is owned by an entity other than the Township, the Township may, but shall not be required to, accept easements for public use of any portion or portions of common greenway land, title of which is to remain in ownership by condominium or homeowners' association, provided:

a There is no cost of acquisition; and

b. The terms of such easement are satisfactory to the Township in all respects including, but not limited to, the existence of a satisfactory maintenance agreement for the Township's benefit with the developer, condominium or homeowner's association.

2. **Conservation Easements with a Private Conservation Organization**

With the permission of the Township, an owner, including the Township, may grant easements to a private, nonprofit organization recognized by the Township, among whose purpose it is to conserve greenway land and/or natural resources, provided that:

a. The organization is acceptable to the Board, and is a bona fide conservation organization with perpetual existence;

b. The conveyance contains appropriate provision for proper reverter or retransfer in event that organization becomes unwilling or unable to continue carrying out its functions; and

c. The terms of such easement are satisfactory to the Township in all

respects including, but not limited to, the existence of the developer and the organization.

3. **Township as Easement Holder**

The Township may elect, but shall not be required to, be designated and serve as the easement holder for any portion or portions of greenway land which become the subject of an easement under this Ordinance or may hold such easement jointly with a private conservation organization or another governmental entity provided:

a. A satisfactory maintenance agreement is reached between the developer and the Township.

b. The existence of the trusteeship shall be recorded against all individual lots and property owners.

D. **Greenway Maintenance Standards**

Unless otherwise agreed to by the Board of Supervisors, the cost and responsibility of maintaining common facilities and greenway land shall be borne by the property owner, condominium association, homeowners' association, or conservation organization.

1. A narrative describing ownership, use and maintenance responsibilities shall be submitted for all common and public improvements, utilities and greenway lands at the time of preliminary subdivision plan submission. A Maintenance and Operations Plan shall be submitted, detailing the kinds of tasks that will need to be undertaken on a regular basis to control invasive species and to promote a varied habitat for plant and wildlife, the various responsibilities for those maintenance tasks, and the entities that will perform those tasks in both the short term and over the longer term. Such Maintenance and Operations Plan shall be in accordance with the then-current Land Stewardship Handbook Greenway Lands Stewardship Guide, and shall include concomitant budget to ensure adequate maintenance of the greenway land. Such budget shall be subject to review and approval by the Township on an annual basis. Any changes to the Maintenance and Operations Plan shall be approved by the Board of Supervisors.

2. In the event that the entity established to maintain the greenway lands and the common facilities, or any successor thereto, shall at any time after establishment of a development containing greenway land fail to maintain such land in reasonable order and condition in accordance with the development plan, the Township may serve written notice upon the owner of record, setting forth the manner in which the owner of record has failed to maintain the greenway land in reasonable condition.

3. Failure to adequately maintain the greenway land in reasonable order and

condition constitutes a violation of this Ordinance. The Board is hereby authorized to give notice, by personal service or by United States mail, to the owner or occupant, as the case may be, of any violation, directing the owner to remedy the same within thirty (30) days.

4. If the owner fails to remedy, the Township may assume responsibility for maintenance, in which case any escrow funds may be forfeited and any permits may be revoked or suspended. The Township may enter the premises and take corrective action. The costs of such corrective action shall be charged to the property owner and may include administrative and legal costs and penalties.

5. Should any bill or bills for maintenance of greenway land by the Township be unpaid by November 1 of each year, a late fee of fifteen percent (15%) shall be added to such bills and a lien shall be filed against the premises in the same manner as other municipal claims.

ARTICLE XX

SIGNS

SECTION 2001 PURPOSE

In addition to the general goals listed in the statements of Purpose (Section 103) and Community Development Objectives (Section 104), it is the purpose of this section to:

A. Promote the safety, comfort, and well-being of the users of streets, roads, and highways in the Township;

B. Reduce distractions and obstructions from signs which would adversely affect traffic safety and to alleviate hazards caused by signs projecting over or encroaching upon public ways;

C. Discourage excessive visual competition in signage and ensure that signs aid orientation and adequately identify uses and activities to the public; and

D. Preserve or enhance the rural and historic character of the Township by requiring new and replacement signage which is:

1. Creative and distinctive;

2. Compatible with the surroundings;

3. Appropriate to the type of activity to which it pertains;

4. Expressive of the identity of individual proprietors or of the community as a whole; and

5. Appropriately sized in its context, so as to be easily readable.

SECTION 2002 DEFINITIONS

In addition to the definitions contained in Article II, the following words and phrases as used in this Article shall have the meanings indicated below:

Artisan Sign. Temporary advertising signs of workmen or businesses performing services at or alterations to a building or premises.

"Back-Lit" Illuminated Sign. A sign designed to produce artificial light indirectly through transparent or translucent material from a source of light or luminous tubes within such sign.

Bulletin Board or Directory Sign. A permanent sign with movable letters, words or numerals, indicating the names of persons associated with or events conducted upon or products or services offered upon the premises upon which such a sign is maintained.

Business Sign. A sign directing attention to a business, commodity, or service conducted, sold or offered upon the same premises as those upon which the sign is maintained.

Development Sign. A temporary sign indicating that a site or premises is in the process of being subdivided and developed for the construction of dwellings or other buildings.

Directional Sign. A sign conveying instructions with respect to the premises on which it is maintained, such as the entrance and exit of a parking area, a warning sign, a danger sign and similar information signs.

Directional Signs, Off-Site. Non-illuminated signs used to direct persons to civic or service clubs, churches, schools, non-profit organizations or other public or quasi-public sites or facilities.

Electronic Sign. An "electronic sign" is defined as a sign capable of displaying text, graphics, symbols, or images that can be electronically or mechanically changed by remote or automatic means through the use of intermittent lights, including, but not limited to, light emitting diodes (LEDs), liquid crystal display, or plasma image display, which directs attention to a business, price, activity, product, commodity, service, entertainment or communication.

Flashing Signs. Any illuminated sign which the artificial light is not maintained stationary and/or constant in intensity at all times when such sign is in use and which exhibits changes in light, color, direction, or animation including, but not limited to, moving, rotating, flashing, oscillating, shuttered or other similar sign. Illuminated signs which indicate the date, time, and temperature will not be considered flashing signs.

Freestanding Sign. A detached sign which shall include any sign, uprights or braces placed upon or in the ground and not attached to any building, wall, or fence. This does not include portable or trailer type signs.

Historical Marker Sign. A marker or tablet commemorating a historical site or event and erected by the Pennsylvania Historical and Museum Commission or other authorized historical society or commission.

Home Occupation Sign. Signs which identify or advertise home occupations.

Identification Sign. A sign located on the premises, other than a bulletin board or nameplate sign, indicating the name of a development, the name or address of a building, or the name of the management thereof.

Illuminated Sign. A non-flashing or non-twinkling sign which has characters, letters, figures, designs or outlines illuminated by direct or indirect electric lighting or luminous tubes as

part of the sign.

Nameplate Sign. A sign which designates the name and address of an occupant or group of occupants.

Official Traffic Sign. Signs erected by the Commonwealth of Pennsylvania Department of Transportation or the Township of West Vincent which are designed to regulate traffic, describe road conditions, or supply directions.

Outdoor Advertising Billboards. A sign which directs attention to a business, commodity, service or entertainment not conducted, sold or offered upon the premises where such sign is located.

Portable Sign. A sign capable of being readily moved or relocated, including moveable signs mounted on a chassis and wheels, or supported by legs.

Professional Signs. Signs which indicate the profession of a doctor of medicine, veterinarian, dentist, teacher, artist, architect, musician, lawyer, district justice, or practitioner of similar character.

Projecting Sign. A display sign which is attached directly to any building, wall, or other structure and which extends more than twelve (12) inches from the face of the wall.

Real Estate Sign. A temporary sign indicating the sale, rental or lease of the premises on which the sign is located.

Roof Sign. A sign which is located above, or projects above, the lowest point of the eaves or the top of the parapet wall of any building, or which is painted on or fastened to a roof.

Sign. See Section 202.

Sign Area or Size. See Section 202.

Temporary Sign. A sign notifying of or advertising a special event on the premises, such as festivals, concerts or exhibits, or the sale of farm products, being displayed for not more than thirty (30) days in duration.

Trespassing Signs. Any sign indicating the private nature of property, a road, or driveway, or a sign restricting or prohibiting hunting, fishing, or some other activity.

Wall Signs. Any sign erected against the wall of any building, or displayed on windows or doors, or displayed with the exposed face thereof in a plane parallel to the face of said wall, window or door and which sign is mounted at a distance measured perpendicular to said wall not greater than twelve (12) inches.

SECTION 2003 SIGNS IN RESIDENTIAL DISTRICTS

The following types of signs shall be permitted in any residential district, provided that the signs relate to a use permitted in the district and comply with all requirements herein specified.

A. Official Traffic Signs.

B. Home Occupation, Professional or Nameplate Signs, provided that:

1. The size of any such sign shall not exceed two (2) square feet.

2. Not more than one (1) such sign shall be erected for each permitted use or dwelling unit.

C. Identification Signs for subdivisions, Planned Residential Developments, multi-family developments, mobile home parks, farms or estates, schools, churches and other permitted uses, provided that:

1. The size of any such sign shall not exceed eighteen (18) square feet.

2. Not more than one (1) such sign shall be placed at each vehicular entrance to a public road.

3. Within each mobile home park, no more than two (2) signs indicating the office and the location of supportive facilities, each of which shall not exceed three (3) square feet in size.

4. Such signs shall be in accordance with a sign plan submitted and approved per the Township subdivision and land development plan review process. If not part of or applicable to a sign plan, such signs shall require Board of Supervisors approval prior to issuance of a sign permit. Identification signs for farms and estates shall be exempt from this sign plan and approval requirement.

5. Such signs shall comply with the following standards:

a. All signs shall be located outside the road right-of-way,

b. Signs shall be constructed of natural materials (e.g. - wood, native stone, etc.),

c. Where practical, signs shall be connected to existing or new hedgerows, fences, stone walls, or other perimeter landscaping or fencing to create a unified and consistent development design, and

d. Such signs shall be maintained by the property owner or homeowners' association, where applicable.

D. Real Estate Signs, provided that:

1. The size of any sign shall not exceed six (6) square feet.

2. Not more than one (1) such sign shall be placed on the premises unless such premises fronts on more than one (1) street or road, in which case one (1) such sign may be placed on each road frontage.

3. All such signs shall be removed within thirty (30) days of the sale or rental of the premises.

E. Development Signs, provided that:

1. The area of such sign shall not exceed twenty-four (24) square feet.

2. Not more than one (1) such sign shall be erected at each entrance to a public road for developments under construction. In the case of development prior to construction, not more than one (1) such sign shall be placed on the premises unless such premises fronts on more than one (1) street or road, in which case one (1) such sign may be placed on each road frontage.

3. All such signs shall be removed upon completion of construction or active work by the developer.

4. Off-site directional signs shall be prohibited.

F. Trespassing Signs, provided that the size of any such sign not exceed two (2) square feet.

G. Artisan Signs, provided that:

1. Such signs shall be erected only on the premises where such work is being performed.

2. Such signs may be erected only with the written permission of the property owner.

3. The size of any such sign shall not exceed twelve (12) square feet.

4. Not more than one (1) such sign per contractor shall be placed on the premises.

5. Such signs shall be removed upon completion of active work.

H. Bulletin Board Signs or Directory Signs, provided that the sign area does not exceed twelve (12) square feet.

I. Temporary Signs, provided that:

1. The size of such sign, except at the discretion of the Board of Supervisors, shall not exceed sixteen (16) square feet.

2. The sign shall be removed immediately upon completion of the special event, but in no event later than thirty (30) days after issuance of a permit as required by Section 2008 of this Ordinance.

J. Business Signs advertising the sale of farm products, provided the size of such sign shall not exceed twelve (12) square feet.

K. Yard or garage sale signs not exceeding four (4) square feet in area, and provided they are removed within twenty four (24) hours of the completion of the sale.

L. Public utility identification signs relating to the identification, operation or protection of any public utility or essential service.

M. Directional Signs for conditional uses and uses by special exception, provided that each such sign shall not exceed two (2) square feet in area.

N. Historical or memorial markers or tablets, provided that:

1. The size of such sign shall not exceed ten (10) square feet.

2. Not more than one (1) such sign shall be placed on the premises unless such premises fronts on more than one (1) road or street, in which case one (1) such sign may be placed on each road frontage.

O. "Back-lit" illuminated signs shall be prohibited.

SECTION 2004 SIGNS IN COMMERCIAL, INDUSTRIAL AND MUNICIPAL DISTRICTS

The following types of signs shall be permitted in the PC/LI Planned Commercial/Limited Industrial, LVCC Ludwigs Village Center Commercial and M Municipal districts, provided that the signs comply with all requirements herein specified:

A. Any sign permitted in residential districts which relates to a use permitted in the Planned Commercial/Limited Industrial, Ludwigs Village Center Commercial, or Municipal districts.

B. Real Estate Signs, provided that:

1. The size of any such sign shall not exceed thirty-two (32) square feet per side.

2. Not more than one (1) such sign shall be placed on the premises unless such premises fronts on more than one (1) road, in which case one (1) such sign may be placed on each road frontage.

3. All such signs shall be removed within thirty (30) days of the sale or rental of the premises.

C. Business Signs, provided that:

1. A sign or signs may be erected in accordance with one (1) of the following:

a. One (1) freestanding sign up to thirty-two (32) square feet per side, with a maximum height of ten (10) feet; plus one (1) of the following:

(1) One (1) wall sign mounted flush on the wall up to eight (8) square feet; or

(2) One (1) wall sign when part of the architectural design of the building and consisting of individual letters or symbols not to exceed fifteen percent (15%) of the wall area, but not to exceed sixty-four (64) square feet in area; or

(3) In the case of commercial or industrial development with more than one (1) entity or use on the same parcel or within the same building, one (1) shared freestanding sign may be permitted containing not more than four (4) square feet per use, with a maximum height of eighteen (18) feet. These dimensions may be reasonably modified at the discretion of the Board of Supervisors. No additional freestanding signs shall be permitted."

b. One (1) projecting sign not to exceed ten (10) square feet in area and projecting not more than six (6) feet from the wall, plus one (1) of the following:

(1) One (1) wall sign mounted flush on the wall up to eight (8) square feet; or

(2) One (1) wall sign when part of the architectural design of the building and consisting of individual letters or symbols not to exceed fifteen percent (15%) of the wall area, but not to exceed sixty-four (64) square feet in area; or

(3) One (1) window sign consisting of individual letters or symbols not to exceed thirty percent (30%) of the total glass area of the building front.

2. Wall signs which are part of the architectural design of a building and consisting of individual letters or symbols shall be restricted to an area not more than sixty-four (64) square feet in area or fifteen percent (15%) of the wall area, including windows and doors, of the wall upon which such sign is affixed or attached, whichever is less, and such signs shall not protrude above the structural wall of which it is a part.

3. In the case of a commercial or industrial development with more than one (1) entity or use on the same parcel or within the same building, one (1) shared freestanding sign may be permitted containing not more than four (4) square feet per use, with a maximum height of eighteen (18) feet. These dimensions may be reasonably modified at the discretion of the Board of Supervisors. No additional freestanding signs shall be permitted.

D. Directional Signs, provided that each such sign shall not exceed four (4) square feet in area.

E. "Back-lit" illuminated signs shall be prohibited.

F. Temporary Signs, provided that:

1. The size of such sign, except at the discretion of the Board of Supervisors, shall not exceed sixteen (16) square feet per side.

2. The sign shall be removed immediately upon completion of the special event, but in no event later than thirty (30) days after issuance of a permit as required by Section 2008 of this Ordinance.

SECTION 2005 <u>SIGNS IN BIRCHRUNVILLE VILLAGE DISTRICT</u>

The following types of signs shall be permitted in the BV Birchrunville Village district, provided that the signs comply with all requirements herein specified:

A. Any sign permitted in residential districts which relates to a use permitted in the Birchrunville Village district.

B. Business Signs, provided that:

1. Not more than one (1) sign shall be permitted for each business.

2. The maximum sign area for each sign shall not exceed sixteen (16) square feet per side.

3. Freestanding signs shall not exceed a height of seven (7) feet from the ground

level to the top of the sign and shall not exceed a height of nine (9) feet to the top of the sign support.

4. Projecting signs shall not exceed six (6) square feet in area, with a maximum projection from a building wall of six (6) feet.

5. Wall signs which are part of the architectural design of a building shall be restricted to an area not more than fifteen percent (15%) of the wall area, including windows and doors, of the wall upon which such sign is affixed or attached, and such signs shall not protrude above the structural wall of which it is a part.

6. In the case of a commercial development with more than one (1) business or use on the same parcel or within the same building, one (1) shared freestanding sign shall be permitted containing not more than sixteen (16) square feet. No individual freestanding signs shall be permitted.

C. Directional Signs, provided that each such sign shall not exceed two (2) square feet in area.

D. "Back-lit" illuminated signs shall be prohibited.

SECTION 2006 GENERAL REGULATIONS

The following regulations shall apply to all districts, except to the extent of any inconsistency with the regulations set forth in Sections 2003, 2004, or 2005, in which case, the regulations in Sections 2003, 2004, or 2005 shall apply:

A. No sign shall be erected within any street right-of-way, except official traffic signs and similar regulatory notices or historical markers of a duly constituted governmental body.

B. No sign having a distracting effect on motorists on adjacent highways shall be permitted, including flashing signs and those which move, oscillate, or rotate, and those which contain reflective elements which flutter or sparkle and convey the impression of movement.

C. No sign shall be erected so as to obstruct free and clear vision of any intersection, driveway, parking lot entrance or exit, or traffic control device.

D. No sign shall be erected which uses an artificial light or reflecting device which may be mistaken for a traffic signal or which contains red, green or amber illumination.

E. No sign shall be erected or maintained so as to prevent free ingress and egress from any door, window, or fire escape.

F. No sign shall be erected which emits smoke, visible vapors or particles, sound or odor.

G. No sign shall be erected containing information which implies that a property may be used for any purpose not permitted under the provisions of this Ordinance.

H. No Business Sign shall be located nearer to a residence or a residential district line than permitted for buildings on the lot. If located nearer than fifty (50) feet and facing into a residence or a residential district, it shall be designed so as not to shine or reflect light upon such residence or district.

I. No sign shall be illuminated except by concealed indirect lighting. Any illumination of signs in any district shall be downward facing (i.e., from an external light source above the sign) and shall be so shielded that the source of light not be visible from any point off the lot on which the sign being illuminated is erected or from any adjacent vehicular access or street, and so that only the sign is illuminated thereby. In accordance with Section 2108(D)(8), no uplit signs (i.e., signs illuminated from a light source below the sign) shall be permitted.

J. Projecting, freestanding, or wall signs shall have a minimum clearance of ten (10) feet from the finished grade of any sidewalk or fourteen and one-half (14 1/2) feet above any parking area or drive. Wall signs mounted flush to a building may be located less than ten (10) feet from the finished grade of any sidewalk or fourteen and one-half (14 1/2) feet above any parking area or drive.

K. No roof signs shall be permitted, and no part of any sign shall extend above the vertical building face or wall, such as the eaves line or the top of a parapet.

L. All signs shall be constructed of durable materials and kept in good condition and repair, safe from hazards, nuisances and collapse. When any sign becomes dilapidated, structurally unsafe or endangers the public safety, or the safety of a building or premises, the Township shall give written notice to the owner of the sign or the owner of the premises on which the sign is located that such sign be made safe or removed within thirty (30) days. Should the remedy not occur within this time-frame, the Township shall remove the sign at the expense of the owner.

M. If a use ceases for a period of six (6) months, signs advertising the ceased business, or businesses, must be removed by the owner of the property or the owner of the sign. Such signs may be removed by the Township at the expense of the owner if not removed within thirty (30) days of written notice to the owner.

N. All signs shall be made a harmonious part of the architectural design and character of the buildings located on the same lot and of the district in which the sign is located.

O. All signs shall be securely mounted or fastened to the building upon which they are erected or, if freestanding, must be securely and safely installed in the ground.

P. No sign, except removable political signs and temporary removable yard or garage sale

signs, and trespassing signs, shall be placed on any tree, utility pole, or upon natural features.

Q. Outdoor Advertising Billboards may be permitted in the PC/LI Planned Commercial/ Limited Industrial District only as a special exception when authorized by the Zoning Hearing Board, subject to the standards of Section 2807 of this Ordinance and the following additional requirements:

1. No such sign shall exceed thirty two (32) square feet in area.

2. Only one (1) such sign shall be erected on any one property.

3. No two structures containing an outdoor advertising billboard shall be spaced less than three hundred (300) feet apart.

4. Only one (1) such sign shall be erected for any one business establishment or advertiser.

5. No such sign shall exceed six (6) feet in height measured from original ground level prior to construction to the top of such sign.

6. The business, commodity, service, or entertainment for which such sign directs attention shall be located within West Vincent Township.

7. Written permission from the property owner on whose property the sign is located is required and a copy of such written permission shall be filed with the Township.

8. Pennsylvania Department of Transportation and/or Township sign permit is required where necessary.

R. Off-Site Directional Signs shall be permitted in all districts, provided that the signs comply with the following requirements:

1. Such signs shall indicate only the name of the facility, organization or site and the direction or approximate distance to the facility.

2. Such signs shall not exceed three (3) square feet in area.

3. Only one (1) such sign shall be erected prior to each intersection turning movement necessary to reach such facility.

4. No more than four (4) such signs shall be erected in the Township for each facility, unless otherwise approved by the Board of Supervisors.

5. Written permission from the property owner is required.

6. Temporary off-site directional signs directing persons to temporary exhibits or events, the sale of farm products (including, but not limited to, produce and Christmas trees), and signs erected in conjunction with a political election shall be subject to the following requirements:

   a. No such sign exceed twelve (12) square feet in area.

   b. Signs shall be removed within two (2) weeks after the date of the event or election.

   c. No such sign shall be posted earlier than two (2) weeks prior to the occurrence of the event to which it relates, with the exception of political signs and signs advertising the sale of farm products which shall be posted not earlier than one (1) month prior to the event or season.

   d. No permit shall be issued for the erection of such signs until a deposit shall be made with the Zoning Officer in accordance with a fee schedule adopted by the Board of Supervisors to guarantee removal within the time prescribed. Failure to comply shall result in the forfeiture of the deposit.

S. Banner signs shall be permitted only when erected for fifteen (15) days or less.

T. **Prohibited Signs**

1. Flashing, rotating, or revolving signs, with the exception of barberpoles.

2. Any sign suspended between poles and illuminated by a series of lights.

3. Any banner sign or sign of any other type across a public road or street or on any private property, except for such signs which are approved by the Board of Supervisors to be of general benefit to the municipality or for public convenience, necessity, or welfare.

4. Any sign suspended between poles which is either a pennant which blows in the wind or a spinner which spins in the wind.

5. Electronic signs.

6. Signs which contain, include, or are illuminated by any flashing, intermittent, or moving light or lights, except where permitted those giving public service information such as time, date, temperature, weather, or similar information.

U. **Design Guidelines**

Although design and architectural style of signs are not specifically restricted, signs should observe the design guidelines contained in Appendix B of this Ordinance in order to maintain consistency with the surroundings and to ensure compatibility with the traditional rural character of the Township.

V. **Sign Plan and Schedule**

As part of any subdivision or land development plan as defined by the Township Subdivision and Land Development Ordinance, a sign plan and schedule shall be submitted and approved by the Board of Supervisors prior to final plan approval. If a sign plan or schedule has been revised after final plan approval or a sign is proposed which was not included as part of a sign plan or schedule, a new or revised sign plan and schedule shall be submitted to the Township and approved by the Zoning Officer prior to issuance of a sign permit.

SECTION 2007 SIGN CALCULATIONS

A. **Double-Faced Signs**

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

B. **Distances**

All distances provided for in this Article shall be measured from the nearest edge of the sign or sign structure.

C. **Window Signs**

Any sign which is painted or mounted onto a window, or which is hung directly inside the window, shall not exceed thirty percent (30%) of the window area in which it is displayed. Permanent signs hung inside windows shall be made of clear materials with lettering painted or affixed to them.

D. **Freestanding Signs**.

The height of freestanding signs shall be measured from the ground level to the topmost portion of the sign structure.

SECTION 2008 SIGN PERMITS, INSPECTION AND FEES

A. **Permits**

A sign permit shall be required for all signs except those declared exempt in subsection E below. Such signs shall be subject to annual inspection, unless otherwise provided. All illuminated signs shall be in accordance with the National Electrical Code. Applications for sign permits shall be filed in triplicate and on forms furnished by the Township, and shall be accompanied by detailed plans and specifications and such other information deemed necessary by the Board of Supervisors to determine the location, details of construction, and illumination of such sign. All applications for sign permits shall be accompanied by the property owner's written consent if the property owner is not the owner of the sign.

B. **Annual Inspection**

All signs for which a permit is required may be subject to annual inspection by the Board of Supervisors. The fees for annual inspection shall be as established by resolution by the Board of Supervisors, and a certificate of inspection issued upon payment of the same.

C. **Temporary Sign Permits**

A temporary sign permit may be reissued for not more than one (1) successive three (3) month period. Display of temporary signs for more than three (3) months will require conversion to permanent sign status or shall be removed by the owner or applicant. The site or building on which the sign was erected shall be restored to its original condition upon removal of the sign.

D. **Permit Fees**

No permit to erect a sign shall be issued until the appropriate fee has been paid to the Township in such amount as the Board of Supervisors shall establish by resolution.

E. **Exempt Signs**

No permit shall be required before erecting any of the following signs, provided they conform to all other provisions established in this Article.

1. Official traffic signs;

2. Public utility or service identification signs;

3. Trespassing signs;

4. Artisan signs;

5. Real estate signs six (6) square feet or less;

6. Historic or memorial markers;

7. Temporary yard or garage sale signs;

8. Home occupation, professional, or nameplate signs;

9. Directional signs;

10. Business signs advertising the sale of farm products, except off-site directional signs, which shall comply with the permit requirements established in Section 2006R.6.d;

11. Identification signs for farms or estates.

ARTICLE XXI

DESIGN STANDARDS

SECTION 2101 APPLICABILITY

The following standards shall apply to uses as indicated within the various zoning districts created by this Ordinance or amendments thereto.

SECTION 2102 PARKING

No building or structure shall hereafter be constructed, enlarged or modified and no use or activity shall be conducted or expanded unless provision is made on the same or adjacent lot for off-street parking facilities, either within a structure or in the open and with proper and safe access from a street, to adequately serve the uses within the district according to the provisions of this Section.

A. **Location**

1. All parking spaces shall be on the same lot as the principal buildings except when permitted by the Board of Supervisors.

2. The parking spaces required in Subsection F may be located elsewhere than on the same lot when authorized by the Board subject to the following conditions:

   a. The owners of two or more establishments shall submit with their application for special exception a site plan showing joint use, agreement and location of a common off-street parking area;

   b. Some portion of the common off-street parking area shall lie within two hundred (200) feet of an entrance regularly used by patrons into the buildings served thereby; and

   c. The total number of parking spaces provided equals or exceeds the sum of the individual requirements.

3. In any commercial or industrial district, no parking, loading or service area shall be located within required front yard setback areas (i.e., between street right-of-way and building setback line). Any parking, loading or service area located between the required building setback line and any principal building shall be screened by a vegetative buffer or berm per Section 2106B of this Ordinance.

4. For lots two (2) acres or less in size and in cases where site topography and conditions permit, garages should be oriented toward the garage on the adjacent lot.

B. **Size**

1. Parking spaces for each vehicle associated with commercial uses and spaces delineated for visitor use shall be at least ten (10) feet by twenty (20) feet in size unless they comply with the dimensions included in the diagram depicted at Chart P-1, which follows. Parking spaces for each vehicle associated with office or employee use, and all other uses, shall be at least the dimensions included in the diagram depicted at Chart P-1, which follows. Parking spaces shall have a paved surface, except for parking spaces serving single-family detached dwellings, which may be an improved all-weather surface, providing safe and convenient access in all seasons.

2. The required parking area shall be measured exclusive of interior drives or maneuvering areas.

3. In the design of parking lots, the minimum required stall depth, stall width, and aisle width shall be as shown on the Parking Lot Dimensions diagram depicted at Chart P-1, which follows.

C. **Access**

1. Interior drives shall be clearly marked by adequate painting, marking, curbing and signs so that operators of vehicles intending to patronize such parking areas shall not impede traffic as a result of any confusion as to location of entrances and exits and manner of reaching them.

2. Parking lots of over twenty (20) vehicles shall be divided by permanent raised curbing and/or planting strips so that access lanes are clearly defined, and so that moving traffic will be confined to designated access lanes.

3. Driveways shall be so constructed as to permit vehicles to turn around on the lot, so as to eliminate the necessity of backing either on or off the lot.

4. Outdoor parking or service areas for uses open to the public and the approaches thereto, shall be paved according to Township specifications, and shall be graded, properly drained and maintained in a good condition.

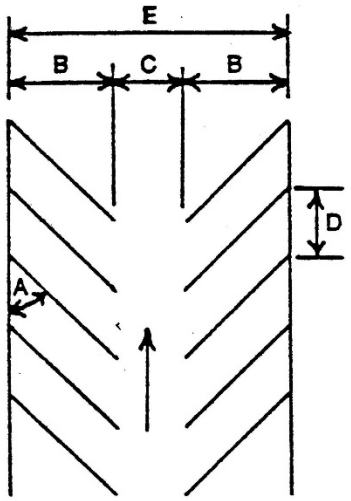
D. **Design**

1. Any parking for non-residential uses consisting of five (5) or more vehicles on a lot which abuts a residential district or a lot for residential purposes, whether single-family or multi-family, shall be screened from the adjacent property by an effective screen the entire length of the parking lot, according to the requirements of Section 2106B.

2. Parking areas shall be landscaped in accordance with Section 2106A.

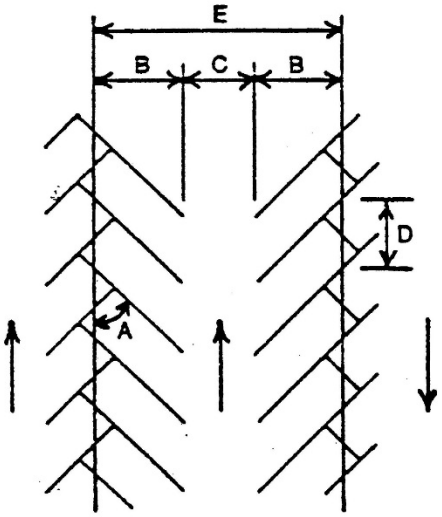
CHART P-1: PARKING LOT DIMENSIONS

I. Single Unit Layout



A. Angle	B. Stall Length	C. Aisle	D. Stall Width	E. Total Width
90	19 ft.	24 ft.	9 ft.	62 ft.
60	20 ft.	18 ft.	10 ft.	58 ft.
45	21 ft.	13 ft.	11 ft.	55 ft.

II. Overlapping Units



A. Angle	B. Stall Length	C. Aisle	D. Stall Width	E. Total Width
90	19 ft.	24 ft.	9 ft.	62 ft.
60	18½ ft.	18 ft.	10 ft.	55 ft.
45	16½ ft.	13 ft.	11 ft.	46 ft.

3. Parking spaces shall be clearly delineated by suitable markings. Short-term visitors' parking spaces shall be differentiated from long-term employee spaces by suitable markings.

4. **Handicapped Parking**. The following shall apply to Commercial and Industrial Districts and other applicable uses, unless superseded or preempted by the Americans with Disabilities Act of 1990, as amended:

   a. If the total required number of parking spaces exceeds twenty (20), a minimum of one (1) percent of the total number of parking spaces but not less than two (2) parking spaces shall be designated for physically handicapped persons.

      Said spaces shall be most accessible and approximate to the building or buildings which the parking spaces shall serve.

   b. Each space or group of spaces shall be identified with a clearly visible sign displaying the international symbol of access.

   c. Each space shall be twelve (12) feet wide to allow room for persons in wheelchairs or on braces or crutches to get in and out of either side of an automobile onto level, paved surface suitable for wheeling and walking.

   d. Where possible, such spaces shall be located so that persons in wheelchairs or using braces or crutches are not compelled to wheel or walk behind parked cars.

   e. Where applicable, curb ramps shall be provided to permit handicapped people access from the parking lot to the sidewalk or building entrance.

5. **Shopping Cart Return Centers**. Uses which make available shopping carts for customers, including but not limited to supermarkets, hardware stores, toy stores, and office supply stores shall designate and reserve areas for the return and collection of carts at the rate of one (1) center per every twenty (20) parking spaces. Centers shall be at least two hundred (200) square feet in size.

E. **Use**

Required off-street parking facilities shall be reserved and used for automobile parking only, with no sales, storage, repair work, dismantling or servicing of any kind other than emergency service. In residential districts, the parking of one (1) commercial vehicle, if less than thirty (30) feet in length or 26,000 pounds gross vehicle weight, is permitted if needed by the property owner or tenant for his livelihood for a business not conducted on the premises; and one (1) motor home, travel trailer or recreational vehicle is permitted to be stored or parked outside only and is not to be used for sleeping, recreational or living

purposes at any time or in any form.

F. **Requirements**

There shall be sufficient parking spaces provided for each use so that there is a minimum of one (1) space for each employee working on the largest shift plus additional parking spaces to be provided by the application of the appropriate formula for each use as listed in this subsection. The Board of Supervisors may authorize a reduction in the number of off-street parking spaces or permit areas to be designated as reserve parking or ride sharing areas in cases where the applicant can justify or demonstrate the reduction and still provide adequate facilities. The number of required parking spaces may be increased based on the intensity of the use, with the burden of proof on the applicant. In the case of mixed uses, the total number of required parking spaces shall be the sum of the required spaces for the various uses computed separately, unless through a shared parking analysis approved by the Township that a reduction in the number of parking spaces is warranted. Minimum off-street parking requirements shall be as follows:

1. Dwelling. Three (3) parking spaces for each dwelling unit. The number of parking spaces may be reduced for multi-family units and residential units when accessory to commercial uses as follows:

Dwelling Unit Size	**Number of Parking Spaces**
One (1) bedroom	1.0
Two (2) bedrooms	2.0
Three (3) or more bedrooms	3.0

2. Golf course. Six (6) parking spaces for each tee.

3. Golf driving range. One (1) parking space per tee.

4. Miniature golf. Two (2) parking spaces per hole.

5. Public park/recreation area; private club for hunting, horseback riding, tennis or other racquet sports; or other outdoor recreational use. Variable, depending upon proposed intensity of use, and subject to approval of the Board of Supervisors.

6. Private clubs and lodges. One (1) parking space for each one hundred (100) square feet of floor area available to members or patrons.

7. Private swimming clubs. One (1) parking space for every four (4) persons of total capacity.

8. Elementary school. One (1) parking space for every twenty (20) students.

9. High schools. One (1) space per five (5) students and one (1) space per employee.

10. All other schools. One (1) parking space for each ten (10) students, plus one (1) parking space for each ten (10) fixed seats or one hundred (100) square feet of floor area in the auditorium or gymnasium, whichever is greater.

11. Private preschool, child nursery, day care, or kindergarten. One (1) parking space for each ten (10) students, plus one (1) parking space for each employee.

12. Business, professional, governmental, financial and/or institutional offices. One (1) parking space for each three hundred (300) square feet of floor area.

13. Medical and dental offices and clinics. Six (6) parking spaces per practitioner.

14. Research, engineering, or testing laboratories or facilities. Sufficient parking to accommodate visitors and salespersons, subject to approval of the Board of Supervisors.

15. Wholesale sales, storage or distribution. One (1) parking space for each one thousand (1,000) square feet of sales and storage area.

16. Retail stores, art and antique shops. One (1) parking space for each five hundred (500) square feet of customer service and sales area.

17. Convenience stores, food stores and pharmacies. One (1) parking space for every two hundred (200) square feet of floor area devoted to sales.

18. Eating/drinking establishment. One (1) parking space for every two (2) seats.

19. Drive-in stand. Two (2) parking spaces for every fifty (50) square feet of floor area.

20. Department/variety stores. One (1) parking space for every five hundred (500) square feet of floor area devoted to sales.

21. Personal service establishment. One (1) parking space for every one hundred (100) square feet of service area.

22. Hotels and motels. One (1) parking space for each guest room or unit.

23. Gasoline service station. One (1) parking space for every two (2) pumps, in addition to storage spaces. In no case shall the spaces for permitted motor vehicles be less than five (5).

24. Automobile sales and service or automobile repair shop. Two (2) parking spaces for each two hundred (200) square feet of floor area devoted to sales, repairs, or service facilities, in addition to display and storage spaces.

25. Church, theater, entertainment and ~~commercial~~ High Intensity R~~r~~ecreational establishments. One (1) parking space for each four (4) seats, one (1) parking space for each 500 square feet devoted to a theater, entertainment or recreational use, whichever is greater.

26. Mortuaries, funeral homes, and undertaking establishments. One (1) parking space for each one hundred (100) square feet of floor area devoted to assembly room purposes.

27. Hospital, nursing or convalescent home. One parking space for each three (3) beds for patient use, plus an additional parking space for each employee and service provider working the largest shift with additional parking spaces as required for shift changes.

28. Life-care community. One (1) parking space for each dwelling unit, plus an additional parking space for each three (3) beds for patient use, plus an additional parking space for each employee and service provider working the primary shift with additional as required for shift changes.

29. Bowling alley. Three (3) parking spaces for each alley.

30. Manufacturing, printing or publishing, and other industrial establishments. One (1) parking space for each five hundred (500) square feet of floor area.

31. Self-service laundry. One (1) parking space for each three (3) washing machines.

32. Group homes. One (1) parking space per supervisor or employee and one (1) space per five (5) residents.

G. **Special Exception or Conditional Use**

For any use permitted by special exception or conditional use, it shall be the burden of the applicant to present evidence of the parking needs of the proposed use. The Zoning Hearing Board, in granting a special exception, or the Board of Supervisors, in granting conditional use approval, may attach specific parking requirements, which may be equivalent to, greater than, or less than the requirements set forth in this Section.

H. **Shared Parking**

A shared parking study shall be supplied by an applicant when an application is made for subdivision or land development in the PC/LI, LVCC, BV, RM and VCR zoning districts.

1. **Application of Shared Parking**

Applicants for a subdivision or for land development approval of a parcel as set forth above shall examine the feasibility of using shared parking arrangements.

The applicant shall have a shared parking study prepared by a competent traffic engineering firm and shall submit the study to the Township for review.

Factors to be considered in evaluating the desirability of implementing parking arrangements should include operating hours, seasonal/daily peaks in parking demand, the site's orientation, location of access driveways, transit service, accessibility to other nearby parking areas, pedestrian connections, distance to parking area, availability of parking spaces, and cooperation of adjacent owners.

2. **Calculation of Parking Spaces Required with Shared Parking**

The minimum number of shared parking spaces for a mixed use development or where shared parking strategies are proposed shall be determined by a study prepared by the applicant following the procedures of the Urban Land Institute Shared Parking Report, ITE Shared Parking Guidelines, or other professionally recognized procedures. A formal shared parking study may be waived by the Board of Supervisors for small developments where the applicant has established to the Board's satisfaction that its impact is expected to be minimal.

3. **Easement Agreements Between Sharing Property Owners**

If a privately owned parking facility is to serve two or more separate properties, a legal agreement between property owners guaranteeing access to, use, maintenance and management of designated spaces is required. Such agreement shall be submitted to the Township for review and approval. The Board of Supervisors may require that the property owners record the agreement as an easement with the Chester County Recorder of Deeds.

4. **Shared Parking Plan**

A shared parking plan shall be submitted when the shared parking study determines that the number of parking spaces which would otherwise be required under the applicable ordinances can be reduced by 10% or more by the application of shared parking to the parcel or parcels.

Where a shared parking plan is submitted, it shall include:

a. Site plan of parking spaces intended for shared parking and their proximity to land uses that they serve.

b. A signage plan that directs drivers to the most convenient parking areas for each particular use or group of uses (if such distinctions can be made).

c. A pedestrian circulation plan that shows connections and walkways between parking area and land uses. These paths should be as direct and short as possible consistent with pedestrian safety.

d. A safety and security plan that addresses lighting and maintenance of the parking areas.

e. A drawing identifying a location which shall be held in reserve and treated as greenway lands for future parking needs on the parcel should changes in the tenant/occupant mix on the parcel or other circumstances reduce the effectiveness of shared parking among the parcels. This area shall not be counted toward any required Greenway Land.

5. **Adoption of a Shared Parking Plan**

The Board of Supervisors may condition the grant of subdivision or land development approval upon compliance by the applicant with a Shared Parking Plan acceptable to the Board of Supervisors.

6. **Modification of a Shared Parking Plan**

The owner of a property where parking has been provided pursuant to a Shared Parking Plan may request the Board of Supervisors to approve a revision to that shared parking plan if the tenants/occupants of buildings on the involved parcels change such that a new Shared Parking Study shows an increase by 10% or more for parking spaces on the parcel. The Board may, it its sole discretion, grant or deny such request based upon its analysis of the parking needs of the site, the availability of parking on neighboring parcels or on the streets, and such other factors as it deems relevant. The request may only be granted if the affected parcel(s) have a reserved parking location as set forth in Section 8E above and only to the extent that the additional required parking spaces which can be placed in that reserve area.

7. **Reserve Area**

The number of parking spaces to be constructed pursuant to a Shared Parking Plan may be less than the number required under the Zoning Ordinance pursuant to a Shared Parking Plan only where the following conditions are met:

a. The land development plan submitted by the applicant shall identify an area which, if necessary, could be used to meeting the parking requirements of the Zoning Ordinance without the use of shared parking (the "parking reserve area"). That area shall be set aside for possible future use as parking if necessary. The Board of Supervisors may, upon application of the property owner and for good cause shown, allow such area to be converted to parking;

b. In no event shall the authorized portion of the required parking area that is not to

be constructed but reserved for possible future use be counted towards satisfying any greenway requirements which must be met under the terms of this ordinance;

c. The parking reserve area shall be designed so that, if required, it will be easy to convert the area into parking;

d. Stormwater management plans proposed for the affected land development shall be prepared on the assumption that the parking reserve areas will be part of the impervious coverage; and

e. The parking reserve area shall be landscaped according to the approved plan under the applicable provisions of the Zoning Ordinance and the Subdivision and Land Development Ordinance.

SECTION 2103 ACCESS AND HIGHWAY FRONTAGE

In order to minimize traffic congestion and control street access in the interest of public safety, and encourage the appropriate development of street or highway frontage, the following shall apply:

A. No parking lot or area for off-street parking or for the storage or movement of motor vehicles shall abut directly on a public street or highway right-of-way unless separated from the street or highway by a raised curb, barrier planting strip, wall or other effective barrier against unrestricted traffic flow, except for necessary driveways or accessways. Each parking lot or area shall have not more than two (2) access points to any one public street or highway for each four hundred (400) feet of frontage. Where practical, access to parking areas shall be provided by a common service driveway or local access road onto a collector or arterial street or highway.

B. Accessways or driveways which open upon any Township right-of-way shall be located and maintained and street intersections maintained in such a manner that a clear sight distance is obtained in both directions according to the following standards:

Posted Speed of Through or Uncontrolled Street or Public Road (MPH)	**Minimum Sight Distance (in feet)***
20	200
25	250
30	300
35	350
40	400
45	450
50	500
55	550

*Measured ten (10) feet from the edge of the cartway of the public street, or in the case of an intersection, the through or uncontrolled street.

Accessways or driveways which open upon any state right-of-way shall be located and maintained in such a manner to comply with the Pennsylvania Department of Transportation standards and regulations.

C. Every building and lot shall have access to a public street or an approved private street. Unless clearly impractical, all residential lots shall have direct access only to a local access street.

D. Where lots are created having frontage on existing collector or arterial roads within the Township, as identified in the West Vincent Township Comprehensive Plan, any proposed street pattern shall provide direct access or reverse frontage access to local access streets within the subdivision or development rather than direct access onto the collector or arterial road. All such lots shall be provided with a minimum yard area of one hundred (100) feet from the street line of any arterial road, and fifty (50) feet from the street line of any collector road.

E. Where a lot is created between two parallel roads, access from both roads shall be prohibited unless it can be demonstrated that two accesses are desirable for safety or circulation purposes.

F. No more than four (4) lots shall front on the turn-around area of a cul-de-sac street. Unless clearly impractical, all lot lines shall radiate from the center of the turnaround.

G. No driveway shall be situated less than 10 feet from a side or rear property line, except (i) on lots where common driveways are constructed, or (ii) for multiple family dwelling unit types as set forth herein below. For multiple family dwelling unit types, this setback may be reduced or eliminated at the discretion of the Board of Supervisors. For all other dwelling unit types, this setback may be reduced at the discretion of the Board of Supervisors, up to zero (0) feet, if it can be demonstrated that:

1. All grading for the driveway will occur on the same lot;

2. Existing trees, treelines, hedgerows, or tree masses will be preserved;

3. Adequate width does not exist within the accessway to accommodate the required setbacks and minimum driveway width; and

4. Minimal or no effect will occur to neighboring properties.

H. All driveways, aisles, maneuvering spaces, vehicular service areas or spaces between or about buildings, other than those relating to a dwelling, shall be adequately illuminated according to Section 2108 of this Ordinance.

I. In the case of a shopping center, industrial park, professional office park or similar groupings of buildings constructed as part of an integrated plan, and in any other use where practicable, the following additional requirements shall apply:

1. All parking, loading or service areas used by motor vehicles shall be located entirely within the lot lines of the property.

2. All accessways shall be designed to conform to Township specifications for local access roads.

3. All buildings shall front upon a marginal access street, common parking lot or similar access, and not directly upon a public street or highway.

J. All accessways or driveways from lots to a Township street shall be located a minimum distance from an intersection, based on the road classification system of the intersecting street as identified in the Comprehensive Plan:

1.	Local Access Street	50 feet
2.	Collector Street	75 feet
3.	Arterial Street	150 feet

Distances shall be measured from the edge of the cartway, not from the turning radius or centerline.

Accessways from lots to a state road or street shall be located a minimum distance from an intersection, based on standards and regulations of the Pennsylvania Department of Transportation.

K. All streets, whether public or private, shall have street name signs erected and maintained in accordance with Section 611.I of the Township Subdivision and Land Development Ordinance.

SECTION 2104 INTERIOR CIRCULATION AND EMERGENCY ACCESS

A. Interior drives shall be designed to prevent blockage of vehicles entering or leaving the site, and shall be clearly marked by signs, curbing, or lines. Drives may be one-way or two-way. Areas designed for loading and unloading, refuse collection, fuel delivery, and other service vehicles, shall be separate and arranged so as to prevent blocking or interfering with accessways, the use of automobile parking facilities or pedestrian ways, and shall have adequate turn-around surface so egress to the street is in a forward direction.

B. No part of any multi-family residential (including PRD), institutional, commercial, or industrial building shall be located more than one hundred fifty (150) feet from a duly dedicated, improved and accessible fire lane easement as defined herein nor more than

six hundred (600) feet from a duly dedicated, accessible and improved public or private street.

C. Fire lane easements shall have minimum unobstructed right-of-way width of forty (40) feet, and there shall be constructed within this right-of-way an all-weather and well drained surfaced cartway with a minimum width of twenty (20) feet. The extension of fire lane easements shall begin from one or more existing and improved public streets.

D. Fire lane easements which curve, turn or change directions shall have a minimum radius of fifty-five (55) feet of pavement. Fire lane easements containing reverse curves shall have a minimum centerline tangent length of fifty (50) feet between curves.

E. Dead-end fire lane easements shall be terminated with an unobstructed vehicular turn-around or cul-de-sac with a right-of-way radius of forty-five (45) feet and shall have a minimum surfaced radius of thirty-five (35) feet. Dead end fire lane easements shall have a maximum length of five hundred (500) feet. The location of fire lane easements shall conform to plans for 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 firemen or other emergency services.

F. Fire lane easements may be paved or constructed of a stabilized base with sod cover, porous pavement, or other alternate material. Construction details shall be subject to the approval of the Board of Supervisors, upon consultation with the Township Engineer.

G. The Board of Supervisors, upon written application from an applicant, may grant a waiver from the requirements of this Section, where the applicant establishes to the satisfaction of the Board of Supervisors that:

1. The property is of such a size, configuration or character (i.e., considering the topography, slopes, soils or other protected natural features of the property) that strict compliance with this Section would be difficult or impossible; and

2. The application has been reviewed by the Fire Chief of the fire department with jurisdiction over the property, who has determined that the applicant has proposed a fire lane and other fire protection measures that is as least as protective of the public health, welfare and safety as would have been the case with strict compliance with this Section.

SECTION 2105 <u>LOADING AND UNLOADING</u>

In connection with any building or structure which is erected or substantially altered and which requires the receipt or distribution of materials or merchandise by trucks or similar vehicles, there shall be provided a sufficient number of off-street loading and unloading berths not less than the minimum requirements specified in this Section:

A. **Location**

All required loading areas shall be located on the same lot as the use to be served, and no portion of the vehicle shall project into any traffic lane. No loading area for vehicles of more than two-ton capacity shall be located closer than one hundred (100) feet from any residential district. No permitted or required loading area shall be located within fifty (50) feet of a property line unless the lot is less than two hundred (200) feet wide, in which case such setback may be reduced to not less than twenty-five (25) feet at the discretion of the Board of Supervisors.

No loading facilities shall be constructed within any required yard areas. Loading facilities shall be located either on the side or rear of the building and properly screened.

B. **Size**

A required off-street loading area shall be at least fifteen (15) feet in width by at least sixty (60) feet in length, exclusive of the aisle and maneuvering space, and shall have vertical clearance of at least sixteen (16) feet.

C. **Access**

Each required off-street loading area shall be designed with appropriate means of vehicular access to an interior drive in a manner which will least interfere with traffic movements, and shall be subject to the approval of the Township. Such access shall have paved surfaces to provide safe and convenient access during all seasons.

D. **Surfacing**

All outside off-street loading areas shall be improved according to the standards of the Township Subdivision and Land Development Ordinance.

E. **Repair and Service**

No storage of any kind, nor motor vehicle repair work of any kind, except emergency work, shall be permitted within any required loading area.

F. **Space Allowed**

Space allowed to any off-street loading berth shall not, while so allocated, be used to satisfy the space requirements of any off-street parking facilities or portions thereof. Required off-street parking spaces shall not be used for loading and unloading purposes except during hours when business operations are suspended.

G. **Hours of Operation**

Where the use requiring loading and unloading activities is located adjacent to a residential use or district, the hours of operation for loading or unloading activities shall be prohibited between the hours of 9:00 p.m. and 6:00 a.m.

H. **Number**

At least one (1) loading space shall be required for each use or building involving the receipt or distribution of materials or merchandise by trucks or similar vehicles. There shall be at least one loading space for each three (3) trucks serving the facility on an average day or a suitable alternative applicable to the proposed use so long as no vehicles are parked on any streets and the alternative is approved by the Board of Supervisors. For the uses here listed, loading spaces shall be provided as specified:

Use	Floor Area	Required Spaces
Business and Professional Office	First 10,000 sq. ft.	1
	Next 40,000 sq. ft.	1
	Each additional 50,000 sq. ft. or fraction thereof	1
Food Stores and Department Stores	First 5,000 sq. ft.	1
	Next 5,000 sq. ft.	1
	Each additional 20,000 sq. ft. or fraction thereof	1
Manufacturing	First 3,000 sq. ft.	1
	Next 7,000 sq. ft.	1
	Each additional 20,000 sq. ft. or fraction thereof	1
Wholesale	First 2,000 sq. ft.	1
	Next 8,000 sq. ft.	1
	Each additional 10,000 sq. ft. or fraction thereof	1

SECTION 2106 LANDSCAPING AND SCREENING

A. **Landscaping**

1. Any part or portion of a site which is not used for buildings or other structures, loading and parking spaces and aisles, sidewalks and designated storage areas shall be planted and maintained with landscaping. The applicant is encouraged to select native plant species and water conserving plants (see Appendix C), and to limit turf lawn areas.

2. Except for single-family and two-family dwellings, any part or portion of a site which is not used for buildings or other structures, loading and parking spaces and aisles, sidewalks and designated storage areas shall be landscaped according to an overall plan, prepared and approved as part of the Development Plan. A replacement program for non-surviving plants should be included.

3. All mechanical equipment not enclosed in a structure shall be fully and completely screened 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.

4. Landscaping within any parking area which provides more than ten (10) parking spaces shall be subject to the following provisions:

   a. Off-street parking areas shall be landscaped to reduce wind and air turbulence, heat and noise, and the glare of automobile lights; to reduce the level of carbon dioxide; to provide shade; to improve stormwater drainage problems; to replenish the groundwater table; and to provide for a more attractive setting.

   b. The interior of each parking lot shall have at least two (2) two-inch (2") caliper deciduous shade tree for every five (5) parking spaces, if there are no existing shade trees to satisfy this requirement. Shrubs and other plant materials shall be used to complement the trees at a ratio of two shrubs for each tree. Shrubs shall be a minimum of twenty-four inches (24") in height. These requirements shall be in addition to those required as an effective screen per Section 2106B. of this Ordinance.

   c. The landscaping and planting areas shall be reasonably dispersed throughout the parking lot, except where there are more than twenty (20) spaces in which the following shall apply:

      (1) Landscaped areas at least ten (10) feet wide shall be provided around the periphery of parking areas. Such areas shall, at a minimum, extend the full length and width of the parking areas, except for necessary accessways, to prevent the encroachment of moving vehicles into parking areas.

      (2) Landscaped islands between every ten (10) parking spaces or at the end of each parking row, whichever is less, shall be provided and

shall be the length of the parking spaces in the row and at least ten (10) feet in width.

(3) There shall be a planting strip incorporated for every four (4) rows of parking spaces. Such planting strip shall run parallel to parking rows and shall have a minimum width of ten (10) feet if double loaded or seven (7) feet if single loaded.

5. Existing plant material and trees with a caliper of six (6) inches or more shall be preserved wherever possible during construction. Such existing plants may be credited toward the amount of required plantings.

6. Any development proposing the creation of a public or private road(s) shall provide shade trees along its entire length. The design of such landscaping shall be as follows:

a. All shade trees shall be a minimum caliper of two inches (2") from good nursery stock when planted. Species selected shall be indigenous to the area and shall have deep root systems.

b. Shade trees shall be selected and planted so that at maturity they will provide adequate shade during the summer along the public or private road.

c. Shade trees shall be planted between the cartway edge and the right-of-way line, as long as clear sight distances at intersections are not obstructed. Existing trees with a caliper of six (6) inches or more and located between the cartway and the right-of-way line shall be preserved wherever possible and used in the shade tree calculation.

d. Shade trees shall be planted with their centers a maximum of fifty (50) feet apart along each side of the street. This requirement may be modified or the separation distance increased if, at the discretion of the Board of Supervisors, an alternate layout or design, such as clustering of the street trees, achieves a more desirable landscaping plan and is consistent with the total number of trees required herein.

e. Where applicable, the provisions of Section 611J of the Township Subdivision and Land Development Ordinance shall apply.

f. In developments where sidewalks or walking paths are proposed to be constructed between the cartway and right-of-way line, shade trees shall be planted within a median or grass planning strip at least six (6) feet wide.

B. **Screening**

1. **General Applicability**

All persons undertaking any of the following activities shall comply with the standards and procedures established herein:

a. Building construction:

(1) All non-residential buildings, excluding agricultural buildings and buildings accessory to single-family residential uses.

(2) All residential subdivisions or developments containing average lot sizes of one (1) acre or less.

(3) All multi-family residential buildings.

(4) All buildings, including residential buildings and buildings accessory to residential uses, if located within the French Creek Scenic River Corridor as identified in Section 2206 of this Ordinance.

(5) Any accessory building or structure located in the front yard.

b. Any loading or storage area, for equipment and materials, which exceeds 8,000 square feet.

c. Construction of any of the following structures or facilities when it exceeds 4,000 square feet in ground coverage:

(1) Public utility facilities and structures.

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

(3) Stormwater management basins and related facilities.

d. Earthmoving and grading areas exceeding one acre, excluding those areas associated with on-lot site preparation for single-family and two-family residential lots, and further excluding agricultural operations.

e. Any loading or storage areas, or construction per paragraph c. above, regardless of size, within the French Creek Scenic River Corridor as identified in Section 2206 of this Ordinance.

2. **Mitigation of Visual Impacts**

a. Consistent with the landscaping and screening plan developed under Section 2106C, below, the applicant shall plant trees and shrubs and make other landscape improvements (e.g. - berms, fences), as necessary to mitigate the visual impacts which his proposed actions will have on his property, adjoining properties, and the Township in general.

b. In demonstrating compliance with this Section the applicant shall follow the "Minimum Plant Guidelines" (Section 2106B.3) and "Landscape Design Guidelines" (Section 2106B.4) set forth below. Where the proposed landscape improvements do not conform to these guidelines, the applicant shall undertake other design measures (site planning, architectural, landscape architectural, or visual resource protection per Section 2110 of this Ordinance) or demonstrate that existing conditions are present which, in the judgment of the Board of Supervisors, achieve comparable results or which render the guidelines unnecessary or inappropriate.

3. **Minimum Planting Guidelines**

Improvement	**Deciduous**		**Evergreen**	
Conditions	**Trees**	**Shrubs**	**Trees**	**Shrubs**
Per 1000 sq. ft. gross building area	1	2	1	2
Per 100 linear ft. of existing road frontage, with:				
hidden view	*	*	*	*
filtered view	*	*	*	5
unobstructed view	1	5	1	5
Per 100 linear ft. of property boundary along adjoining residential or institutional properties or districts, with:				
hidden view	*	*	*	*
filtered view	*	*	2	5
unobstructed view	*	*	3	10

a. Asterisk (*) indicates additional plantings at the applicant's discretion.

b. Minimum sizes of plantings should be: (a) deciduous trees - 3 inches caliper; (b) evergreen trees - 6 feet height; and (c) shrubs - 12 inches height.

c. Views from public road frontages and property boundaries refers to views of the proposed improvements as they would exist without any additional plantings. The proposed additional plantings for road frontages would achieve a more highly filtered view; those for property boundaries would achieve a hidden view.

d. In the case of public roads with existing filtered views of the proposed improvements, plants are indicated to be evergreen shrubs; deciduous shrubs may be substituted by the applicant if acceptable to the Township.

e. Fractions of plants calculated from the guidelines should be rounded up to the nearest whole number.

f. The number of plants required is the total of all columns.

g. Because of the many benefits of native plants (price, longevity, wildlife habitat, etc.), the applicant is urged to conform to the minimum planting guidelines through the use of native trees and shrubs, as listed in Appendix C and in the West Vincent Township Greenway Lands Stewardship Guide, dated December 2005, as amended from time to time.

h. Species selected by the applicant should reflect the following considerations:

(1) Existing site conditions and their suitabilities for the plant materials based upon the site's geology, hydrology, soils and microclimate.

(2) Specific functional objectives of the plantings, which may include but not necessarily be limited to visual screening, noise abatement, energy conservation, wildlife habitats, and aesthetic values.

(3) Maintenance and replacement considerations such as hardiness, resistance to insects and disease, longevity, and availability and cost of plant materials.

(4) Water conservation.

i. For the purposes of promoting disease resistance, water conservation,

minimum maintenance, diverse natural plant associations, and long-term stability of plantings, the applicant is encouraged to choose those combination of species which may be expected to be found together under more or less natural conditions on sites comparable to those where the trees and shrubs are to be planted. Native tree and shrub associations found in this area [different landscapes] are presented in Appendix C.

4. **Landscaping Design Guidelines**

a. Based on the total number of plantings required in Section 2106B.3, Minimum Planting Guidelines, plantings should be provided in arrangements and locations which best mitigate the adverse impacts of the applicant's proposed site disturbance actions.

b. Planting areas should be selected and designed to reflect natural landscape characteristics existing prior to site disturbances, as well as those environmental conditions to be created following site disturbance by the applicant.

c. The locations, dimensions, and spacing of required plantings should be adequate for their proper growth and maintenance, taking into account the sizes of such plantings at maturity and their present and future environmental requirements, such as moisture and sunlight.

d. Vegetative screening shall incorporate earthen mounds or berms, wherever possible, to improve sound as well as visual buffering, and shall be broken at points of vehicular or pedestrian access.

e. No plantings shall be placed with their center closer than five (5) feet from the side or rear property lines of the tract.

f. All existing trees within the required planting strip above three (3) inches in caliper and/or eight (8) feet in height shall be preserved wherever possible.

g. Screening shall be designed so as to not obstruct sight distances at intersections.

h. No plantings, except required street trees, shall be placed within the right-of-way of any roads or streets.

i. To promote water conservation and groundwater recharge, lawn turf areas should be limited.

j. Where existing vegetated stream buffers do not exist or are inadequate, plantings shall be placed along streams, ponds, and other watercourses in

accordance with the design guidelines of Section 2307 of this Ordinance.

C. **Landscaping and Screening Plan**

In accordance with Section 2106A and 2106B above, the applicant shall submit a plan that includes provisions for landscaping and screening, visual impact mitigation, and long-term maintenance, as follows:

1. Depiction on the property base maps of mitigation measures proposed by the applicant, including number and placement of plantings, and of other landscape or design improvements as specified in this Section.

2. Delineation of view of the applicant's property as it would be developed, as seen from adjoining properties used or zoned for residential or institutional purposes, and from existing adjoining public roads. Such views shall be classified according to whether views of the applicant's proposed improvements would be hidden, filtered, or unobstructed. With respect to adjoining roads, such views shall be based upon the viewer's location at the far edge of the road cartway the opposite edge of which directly abuts the property. With respect to adjoining properties, the viewer's location shall be along the lines established by the minimum front, side, and rear yard distances as required by existing zoning for those properties.

3. A delineation of views of the applicant's property as they would be seen at the time the applicant's mitigation improvements are in place.

4. Documentation showing the extent to which the landscape planting and screening design measures conform to the guidelines of this Section and the visual resource protection provisions contained in Section 2110 of this Ordinance. Where they do not conform, the applicant shall demonstrate one or more of the following:

    a. That the other mitigation measures chosen will produce comparable or superior results;

    b. That, through design excellence in site planning, landscape architecture, and/or architecture, the guidelines are unnecessary or inappropriate;

    c. That the need to mitigate in accordance with the guidelines constitutes an unreasonable or unnecessary financial burden

5. Sufficient information to demonstrate that maintenance standards in Section 2106D will be complied with.

6. The plan shall be subject to review and approval by the Board of Supervisors upon the recommendation of the Planning Commission.

7. The plan shall be prepared by a landscape architect certified by the American Society of Landscape Architects or a related profession.

D. **Site Maintenance**

1. All landscape improvements to be provided in accordance with this Section, shall be installed and maintained by accepted practices as recognized by the American Society of Landscape Architects. Planting and maintenance of vegetation shall include, as appropriate, but not necessarily be limited to, provisions for: surface mulch, guy-wires and stakes, irrigation, fertilization, insect and disease control, and pruning.

2. Landscaping and vegetative screens shall be perpetually maintained by the landowner. Any plant material which does not survive shall be replaced within six (6) months.

E. **Additional Screening Requirements**

1. Water towers, storage tanks, processing equipment, fans, skylights, cooling towers, vents, and any other structures or equipment which rise above the roof line shall be architecturally compatible or effectively shielded from view from any public or private dedicated street by an architecturally sound method which shall be approved, in writing, by the Township before construction or erection of said structures or equipment.

2. In addition to meeting applicable standards of this Section, certain uses permitted under terms of this ordinance shall be required to comply with specific screening requirements necessitated by the nature of the use as shall be reasonably imposed by the Board of Supervisors. In such cases, compliance with those standards shall be in addition to meeting the applicable standards of this Section; where standards appear to be in conflict, compliance shall be with the more stringent requirement.

F. **Fences**

1. All fences shall be located within the property being fenced, except for those fences owned and maintained jointly by adjacent property owners, in which case the fence(s) may be located on the shared property line.

2. No fence shall be located within any public road right-of-way or obstruct the clear sight distance at street or driveway intersections.

3. Any fence over six (6) feet in height will require a zoning/building permit per Section 2704 of this Ordinance.

4. Fences should be constructed of natural materials and be compatible with neighboring properties, existing vegetation and screening, and historic features.

SECTION 2107 STORAGE

A. Outdoor storage shall be completely screened from view of any adjacent residential use. Screening shall consist of evergreen plantings, architectural screen, or approved safety fence.

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

C. Outside storage of raw materials and/or finished products shall be permitted only within the buildable area of the lot behind the front Building Setback Line of the principal building, and shall not exceed twenty (20) feet in height.

D. All organic refuse, unless composted, or garbage shall be stored in tight, vermin-proof containers. In multiple family, commercial and industrial developments, garbage storage shall be centralized to expedite collection and enclosed on three sides by an architectural screen or plantings.

E. Flammable or explosive liquids, solids or gases stored in bulk above the ground shall be stored in compliance with all applicable Federal and State laws and regulations. A list of such liquids, solids, or gases stored on site shall be supplied to the appropriate fire companies serving the Township.

F. In all residential districts, no unregistered or uninspected vehicle, machinery, trailer, mobile home, boat or other similar items shall be stored outside within any required yard or setback area. In addition, no more than two (2) such items shall be stored outside at any one time on a single property.

G. No structure, land or water shall be used or developed, and no structure shall be located, extended, converted or structurally altered unless the applicant takes all reasonable measures to minimize the impacts of the underground storage of heating oil, gasoline, chemical solutions or other substances which, if released, would constitute pollutants to groundwater. If warranted, as determined by the Township, the applicant may be required to place tank(s) in a concrete vault, install other impervious liners, and/or install monitoring devices. The applicant shall also demonstrate compliance with all applicable regulations of the U.S. Environmental Protection Agency; Pennsylvania Department of Environmental Protection; and the Pennsylvania State Police, Fire Marshall Division, including notification and registration requirements.

SECTION 2108 LIGHTING

A. **Applicability**

Lighting facilities shall be required for uses proposed to operate during hours of darkness where there is public assembly and traverse, including, but not limited to, the following:

commercial, industrial, recreational and institutional uses, and sign, architectural and landscape lighting applications. The Board of Supervisors may require lighting to be incorporated for other uses, applications and locations or may restrict lighting in any of the above uses or applications when there are health, safety and/or welfare issues. All lighting facilities shall have underground wiring. The glare-control requirements herein contained shall apply to lighting in all uses, applications and locations.

B. **Lighting Plan**

For subdivision and land development applications, conditional use, special exception and building permit applications where site lighting is required by this Ordinance or are otherwise required by the Township or is proposed by the Applicant, a lighting plan shall be submitted to the Township with the relevant application. The lighting plan shall contain the following:

1. A plan or plans of the site, complete with all structures, parking spaces, building entrances, traffic areas (both vehicular and pedestrian), vegetation (both existing and proposed) that might interfere with lighting, and adjacent uses and parcels that might be adversely impacted by the lighting. The lighting plan shall contain a layout of all proposed fixtures by location, orientating, aiming direction, mounting height and type. The plan shall include, in addition to existing and proposed lighting area lighting, all other exterior lighting including, but not limited to, architectural, building entrance, landscape, flag and sign lighting.

2. A 10 foot by 10 foot illuminance grid (point-by-point) plot of maintained horizontal footcandles overlaid on the site plan, plotted out to 0.0 footcandles, that demonstrates compliance with the light trespass, illuminance and uniformity requirements as set forth in this Ordinance or otherwise required by the Township. If the scale of the plan makes the 10 foot by 10 foot grid plot illegible in the sole discretion of the Township, a larger grid spacing may be permitted by the Township.

3. The maintenance (light-loss) factors, IES candela file nomenclature, lamp-lumen ratings and specific lamp manufacturer's lamp ordering nomenclature, used in calculating the presented illuminance levels.

4. Description of the proposed equipment, including fixture catalog cuts, photometrics, glare reduction devices, lamps, on/off control devices, mounting heights, pole foundation details and mounting methods.

5. When landscaping plans are involved, they shall contain the lighting fixture locations and shall demonstrate that the site lighting and landscaping have been coordinated to minimize conflict between vegetation and intended light distribution, both initially and at vegetation maturity.

6. When requested by the Township, Applicant shall also submit a visual-impact plan that demonstrates that appropriate steps have been taken to mitigate the potential

consequences of on-site and off-site glare and to retain the intended character of the Township. The plan may require the inclusion of initial vertical footcandle values at specific off-site venues such as the bedroom windows of adjacent residential uses.

All plans shall contain the following notes:

1. Post-approval alterations to lighting plans or intended substitutions for approved lighting equipment shall be submitted to the Township for review and approval prior to installation.

2. The Township reserves the right to conduct post-installation inspections to verify compliance with the approved lighting plan, and if applicable, to require remedial action by the applicant.

C. **Illumination Levels**

1. Outdoor lighting facilities listed below, where lighting is required by the Township or proposed by Applicant, shall have illumination levels within the following range of footcandle values and average to minimum uniformity ratios (U.Ratio):

		Maintained Horizontal Illuminance Recommendations (Footcandles)		
		Minimum	**Average**	**U. Ratio**
a.	Community shopping parking areas	0.6	2.4	4:1
b.	Fast food facilities parking	0.9	3.6	4:1
c.	Office parking	0.6	2.4	4:1
d.	Hospital parking	0.6	2.4	4:1
e.	Multiple family parking	0.6	2.4	4:1
f.	Institutional parking	0.6	1.2	2:1
g.	Street intersections			
	(1) Arterial	0.4	1.2	3:1

	(2) Collector	0.3	1.2	4:1
	(3) Local	0.2	0.8	4:1
h.	Neighborhood shopping parking	0.2	0.8	4:1
i.	Multiple family common areas	0.2	0.8	4:1
j.	Educational facility parking	0.2	0.8	4:1
k.	Church parking	0.2	0.8	4:1
l.	Industrial parking	0.2	0.8	4:1
m.	Pedestrian walkways	0.2	0.4	2:1
n.	Building Entrances Public and Employee		0.5	

2. Other outdoor lighting uses shall not exceed the following maximum footcandle levels:

a.	Floodlit buildings	5.0
b.	Service/Gas Stations	
	(1) Driveways	2.0
	(2) Pump islands	20.0 (Max. 30)
	(3) Service areas	5.0
c.	Retail sales area	10.0
d.	Automobile sales area	20.0

Illumination levels for uses or activities not listed above may be established at the discretion of the Board of Supervisors upon recommendation of the Township Engineer.

D. **Design Standards**

1. All exterior lights and illuminated signs shall be designed, located, installed and directed in such a manner so as to prevent objectionable light at and glare across the property lines and disability glare at any location on or off the property. The "Maintained Horizontal Illuminance Recommendations" established in subsection

C above shall be observed.

2. All parking area lighting shall be "full cut-off" type fixtures and shall be installed in a horizontal position (aimed straight down) as designed

3. Adjacent to residential property or districts, no light source shall result in a measurement of more than 0.1 footcandles at the property line.

4. All lighting sources, except street lights, shall be completely shielded from any public right-of-way.

5. Illuminated signs, where permitted, shall be shielded in accordance with Section 2006.I.

6. Lights mounted on poles shall be a maximum of sixteen (16) feet in height for residential or decorative lighting. For commercial, industrial, institutional lighting, when full cutoff fixtures are used, the mounting height shall not exceed (20) feet.

7. For canopies, where they are permitted, and soffits, lighting shall be recessed entirely within the canopy or soffit or entirely shielded or hooded to the full extent such lighting protrudes below the canopy or soffit.

8. Uplighting is prohibited. Externally lit signs, display, building and aesthetic lighting must be lit from the top and shine downward. The lighting must be shielded to prevent direct glare and/or light trespass. The lighting must also be, as much as physically possible, contained to the target area.

9. All building lighting for security or aesthetics shall be full cut-off or a fully-shielded type, not allowing any upward distribution of light. Floodlighting is not permitted except at the sole discretion of the Board of Supervisors. Wallpack type fixtures shall be fully shielded.

10. All lighting, except lighting required for safety/security but including display, aesthetic, parking and sign lighting, shall be required to be turned off by 11:00 P.M. or one-half (1/2) hour after the close of business, whichever is later, leaving only the necessary lighting for site security. When Applicant proposes safety/security lighting after such time, it shall not be in excess of either 25% of the light fixtures of 25% of the light levels during normal business hours, whichever is less.

11. Temporary lighting, except for short-term seasonal lighting installed for thirty (30) days or less, shall comply with the provisions of this Ordinance. Temporary lighting that does not comply with the provisions of this Ordinance shall be permitted by Conditional Use only in accordance with the standards contained in Section 2711 of this Ordinance.

E. **Installation Responsibilities**

Where required by this Ordinance, the applicant shall install or cause to be installed all lighting fixtures. Fixtures shall be at the expense of the applicant, and shall be in accordance with a lighting plan prepared by the applicant and approved by the Board of Supervisors.

For street lighting within residential developments, that is to be dedicated to the Township, the applicant shall be responsible for all costs involved in the lighting of streets and street intersections, where required, from the date the first dwelling is occupied until the date the street is accepted for dedication.

F. **Residential and Agricultural Lighting**

Lighting facilities on agricultural properties shall be permitted under the following conditions:

1. No lighting shall be permitted which shines directly onto adjacent properties or any public right-of-way.

2. Where post-top lighting is used along walkways or driveways, the cumulative wattage shall not exceed 50 incandescent watts cumulative per fixture.

3. No lighting shall be installed which is higher than thirty-five (35) feet or equal to the building height of the principal dwelling located on the lot, whichever is less.

4. Security lighting designed to illuminate yard areas or any lighting higher than six (6) feet in height should be installed so as not to operate between the hours of 10:00 p.m. and 7:00 a.m. or should be installed with motion detectors.

G. **Residential Lighting**

Lighting facilities on individual single-family and other residential lots to illuminate private walkways, driveways, parking areas, patios, tennis courts, swimming pools, or other areas shall be permitted under the following conditions:

1. No lighting shall be permitted which shines directly onto adjacent properties or any public right-of-way.

2. Indirect lighting and short post lighting along walkways or driveways shall not exceed 50 incandescent watts cumulative per fixture.

3. Any lamp of 500 lumens or less shall not be subject to the full cutoff requirements so long as it is not operated between the hours of 10:00 P.M. and 7:00 A.M.

4. Security lighting designed to illuminate yard areas or any lighting higher than six (6) feet in height should be installed so as not to operate between the hours of 10:00 p.m. and 7:00 a.m. unless controlled be motion detectors.

H. **Lighting of Outdoor Recreational Facilities**

Where outdoor recreational facilities are permitted in this Ordinance, lighting of these facilities to allow their use during hours of darkness shall be permitted only as a conditional use. Where lighting is permitted by the Board, the lighting facilities shall comply with the following requirements:

1. Lighting shall be accomplished only through the use of "cutoff" fixtures or as otherwise approved by the Board when sufficient evidence has been provided in the form of a visual impact study that demonstrates satisfactory compliance with the glare, light trespass and light pollution control requirements of this Ordinance.

2. Except as otherwise permitted by the Board, sporting events shall be timed so that all area lighting in the sports facility, exclusive of that required for spectator safety, is extinguished by 10:00 p.m., regardless of such occurrences as extra innings or overtimes.

3. Golf driving ranges, golf courses, motor speedways and trap shooting facilities, or similar uses shall not be artificially illuminated and shall not be permitted to operate in the Township during hours of darkness.

4. The illumination levels shall not exceed the applicable IESNA Recommended Practices.

I. **Installation**

Poles supporting lighting fixtures for the illumination of parking areas and located directly behind parking spaces, where they could be hit by snow plows, shall be placed a minimum of five (5) feet outside paved area, or protected on concrete pedestals at least thirty (30) inches high above the pavement, or suitably protected by other Township-approved means.

J. **Nonconforming Lighting**

Any lighting fixture or lighting installation existing on the effective date of this Ordinance, or subsequent amendment thereto, that does not conform with the requirements of this Ordinance, shall be considered as a lawful nonconformity. A nonconforming lighting fixture or lighting installation shall be made to conform with the applicable requirements of this Ordinance when:

1. It is deemed by the Township, at its sole discretion, to create a safety hazard,

2. It is replaced, abandoned or relocated, or

3. There is a change in use; or

4. Minor corrective action is deemed appropriate by the Township in its sole discretion, to bring the fixture or installation into conformance with the requirements of this Ordinance. Minor corrective action shall be defined as having a cost not to exceed 25% of the cost of the replacement of the fixture or installation.

SECTION 2109 VILLAGE DESIGN STANDARDS

A. General Development Standards

Site planning and design for all developments in the RM Residential Mix, BV Birchrunville Village, VCR Village Center Residential, and LVCC Ludwigs Village Center Commercial Districts in the Township shall comply with the following general standards and requirements. Compliance shall be demonstrated through the use of narrative text and visual aides, including but not limited to photographs and architectural renderings.

1. All development shall be designed in accordance with the site planning criteria contained in Section 2110 of this Ordinance.

2. The landscape shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal. Any grade changes shall be in keeping with the general appearance of neighboring developed areas. The orientation of individual building sites shall be such as to maintain maximum natural topography and vegetative cover. Topography, tree cover, and natural drainageways shall be treated as fixed determinations of road and lot configuration, rather than as elements that can be changed to follow a preferred development scheme.

3. Streets and paved areas shall be designed and located in such a manner as to maintain and preserve natural topography, cover, significant landmarks, and trees; to minimize cut and fill; and to preserve and enhance views and vistas on or off the subject parcel.

4. Proposed development shall be related harmoniously to the terrain and to the use, scale, and architecture of existing buildings in the vicinity that have functional or visual relationship to the proposed buildings. Proposed buildings shall be related to their surroundings.

5. The color, size, height, lighting, and landscaping of appurtenant signs and structures shall be evaluated for compatibility with the local architecture and the

maintenance of views and vistas of natural landscapes, recognized historic sites, parks, and landscaping.

6. The removal or disruption of architectural elements, historic structures or settings shall be minimized insofar as practicable, whether these exist on the site or on adjacent properties.

7. Principal buildings, accessory buildings, parking areas, landscaped spaces, and pedestrian circulation shall be designed to reflect the physical characteristics and relationships found in traditional villages in Chester County, such as Birchrunville and Kimberton. Buildings should front or parallel the road, with parking visually screened at the rear, side, or interior of the lot. In commercial districts, display windows and signs may face the street as well as the interior parking areas.

8. When multiple uses are allowed and are being planned on the same parcel, opportunities to design semi-enclosed spaces such as courtyards shall be encouraged. Relationships among proposed buildings shall be carefully considered (as well as those with nearby existing buildings) so as to harmonize together in small groupings. A landscaped sidewalk system shall connect all buildings with each other and with the parking areas.

9. Water and Sewer Service - All developments shall submit information as required by the Board of Supervisors verifying that adequate and safe water and sewer disposal facilities are available to service the proposed development without causing adverse environmental damage or negatively affecting adjacent property owners.

B. **Design Elements**

1. New developments shall be an extension of the overall village development pattern, rather than stand in contrast to it.

2. New designs shall consist of small, functional neighborhood segments, rather than a single, large suburban theme.

3. New developments shall reflect the unordered, historical growth of the village and avoid the cookie-cutter sameness of many new residential subdivisions.

4. Any opportunities for a strong central focus should be studied and developed. These central places are generally a key to establishing community identity.

5. Provisions shall be made for walking as opposed to vehicular connections. Pedestrian walkways shall connect with adjacent parcels, uses, or walkway systems.

6. The streetscape of new developments shall be designed in detail to avoid

repetitious setbacks, driveways, elevations, and landscaping.

7. New developments shall reflect careful study of the physical diversity of the existing village in regard to the mixture of housing types, mixture of housing styles, and mixture of lot sizes and shapes.

C. **Architectural Standards**

Although architectural style is not specifically restricted, building design should observe the following minimum design criteria and those illustrated in Appendix B in order to blend new development with its surroundings and to ensure compatibility with the traditional rural character of the Township.

1. New construction throughout the village shall be compatible with surrounding properties in terms of formal characteristics such as height, massing, roof shapes, directional expression, proportion and scale, sense of entry, placement on the lot, and window proportions.

2. New construction surrounded by existing historic buildings shall be harmonious in building height and exterior materials with those of adjacent properties.

3. Rhythms of building spacing should be maintained.

4. Fronts of buildings shall face the street. Where this is not achievable due to other constraints, architectural treatments shall be employed to achieve the same effect.

5. Porches shall be linear in appearance.

6. Windows and doors are to be symmetrical and proportional to wall space.

7. Window type and materials are to be compatible with the front facade and the historic and architectural character of the buildings.

8. Larger buildings shall avoid long uninterrupted surfaces on walls and roofs.

9. All exterior materials should be consistent with the range of traditional materials of historic buildings in the Township, and are generally to be natural in appearance. Preference is to be given to wood, wood siding, stone, and stucco.

10. Exterior colors shall be compatible with the village character and/or typical of the period from which the architectural style was developed. In a development consisting of multiple buildings, colors and exterior surfaces shall be varied, while still meeting the requirements of this section.

11. Mechanical systems shall be installed in locations where they will be visually unobtrusive.

12. Trash receptacles and dumpsters should be located at the rear or side of the site or building and must be screened.

13. Small trash receptacles, benches, and other park and street furniture shall be of materials and design compatible with the architecture of the village.

14. Where feasible, roof pitches should have slopes of 10/12 to 12/12. Hipped roofs are also encouraged, with pitches of at least 6/12. Both gable and hipped roofs should provide overhanging eaves on all sides that extend a minimum of twelve (12) inches beyond the building wall.

15. Principal facades of wood-framed buildings should be emphasized through special features and details such as cornices, framing boards around windows and doors, and corner-boards. Stylistic trim using cornices, scroll work, and similar architectural features is encouraged if compatible with surrounding architecture.

D. **Street Standards and Access**

1. Street widths and alignments should be carefully scaled to neighborhood size and be patterned after the character of existing village streets.

2. Road and street patterns shall be designed in a hierarchial, generally rectilinear pattern with geometrical variation as required by traffic safety, environmental considerations, and design limitations. The hierarchy of village roads may include as appropriate: collector roads, local streets, and alleys. Village streets should terminate at other roads and streets; cul-de-sacs are discouraged.

3. Streets shall be designed to:

   a. Parallel and preserve existing fence lines, tree lines, hedgerows, and stone walls;

   b. Minimize alteration to natural site features;

   c. Secure the view to prominent natural views and vistas;

   d. Minimize the area devoted to motor vehicle travel;

   e. Promote pedestrian movement so that it is generally more convenient and pleasant to walk short distances than to drive; and

   f. Promote the creation of vista terminations.

4. Village roads/streets and parking areas are to be designed as the main "public rooms" of the development and should be designed to accommodate pedestrian,

bicycle, and vehicular movement and parking; entryway into private residences; and social space. Consequently, these roads and streets should be designed as a set of parallel zones:

a. A zone of moving vehicles

b. A buffer area of street trees and landscaping

c. A pedestrian movement and meeting zone

d. A privacy zone adjacent to residential buildings

5. To define the road and street space, buildings facing each other across the right-of-way should generally be placed no more than three or four times their height apart, and should usually be placed much closer, while spatial definition should be reinforced with the regular planting of street trees chosen to develop an overhead leaf canopy.

E. **Parking and Access**

1. Parking should generally be located along the side or rear of buildings, or within interior courts. No off-street parking shall be permitted in front yards.

2. Curb cuts and driveways off streets fronting developments may be designed as the primary form of parking access, but otherwise access for off-street parking shall be achieved by means of alleys, off-street vehicular connections between adjacent parking areas, and side streets, where feasible. Access for commercial off-street parking shall also be achieved by common/shared parking facilities.

3. Off-street parking areas and garages shall not be located at the vista termination of roads and streets, and should be designed to have a low visibility. The visual dominance of large garage doors should be minimized by offset from direct view and/or architectural means whenever possible.

4. Where on-street parking is provided, the following standards shall apply:

a. Minimum cartway widths shall be at least thirty-six (36) feet.

b. Street trees shall be planted in accordance with Section 2106A.6. of this Ordinance.

c. All parking spaces shall be parallel to the street or curb line. No diagonal or perpendicular parking shall be permitted.

5. Access road and street widths and alignments should be carefully scaled to neighborhood size and be patterned after the character of the existing village.

6. Access roads and streets should terminate at parking areas or at other roads and streets, cul-de-sacs are discouraged.

SECTION 2110 VISUAL RESOURCE PROTECTION STANDARDS

Site planning for all development in the Township, including layout of lots and streets, and location of greenway land, where applicable, shall be made in order to protect visual resources as identified on the Visual Resources map in the Township Open Space and Recreation Plan and on the site analysis plan required as part of the plan submission by the Township Subdivision and Land Development Ordinance.

A. Lots shall be laid out adhering to the guidelines contained herein to the greatest extent possible, to achieve the following objectives (listed in order of priority, recognizing that some may conflict with others on any given site):

1. On the most suitable soils for sub-surface wastewater disposal systems where individual on-lot systems are to be used;

2. On the least fertile soils for agricultural uses (soils other than Class I and II), and in a manner which maximizes the usable area remaining for such agricultural use;

3. Within any woodland contained on the parcel (insofar as the maximum amount of clearing is limited to the house site and any paved areas), or along the far edges of the open fields adjacent to any woodland; and

4. Existing structures shall be subject to an architectural and structural review to determine the feasibility of converting or reusing the structures within the design of the proposed development.

B. Through the use of narrative text and visual aids, including but not limited to photographs and architectural renderings, the applicant shall demonstrate the ability to comply with the following visual characteristics when viewed from adjacent pre-existing streets as identified on the Visual Resources map in the Township Open Space and Recreation Plan:

1. Structures shall be grouped or clustered so that they are viewed as singular objects in the context of an overall landscape;

2. Structures located near pre-existing public streets shall address or face the street where practical, unless another orientation is more desirable due to topographic features, solar access, or visual resources;

3. Building placement shall appear to be irregular, with varying setbacks and spacing;

4. Prominent aspects of the historical landscape, such as ridgelines, stone walls, large trees, tree masses, historic structures, and other significant visual resources shall be maintained;

5. Newly introduced landscape elements, including streets, structures, fences and landscaping, shall be placed so as not to conflict or contradict the topography or lay of the land and shall minimize the prominence of new features;

6. Placement of newly introduced elements identified above shall avoid prominent ridgelines and vista points located on the site; and

7. Proposed structures shall consider the following architectural considerations based on the historical context of surrounding structures to comply with the above requirements for visual resource protection:

   a. Building material and architectural detailing;

   b. Roof shape and pitch;

   c. Building proportion and scale;

   d. Building massing; and

   e. Building placement and orientation.

8. Newly introduced elements within visually significant landscapes shall be screened in accordance with Section 2106B of this Ordinance.

9. New buildings and structures shall be set back a minimum of fifty (50) feet from the crest of any ridge area as depicted on the Visual Resources Map of the Township Open Space and Recreation Plan, unless vegetation or other natural features exist to visually screen the proposed building or structure. Such vegetation or other natural features shall not be removed or destroyed.

ARTICLE XXII

GENERAL REGULATIONS

SECTION 2201 ACCESSORY BUILDINGS, ACCESSORY STRUCTURES, AND ACCESSORY DWELLING UNITS

A. **Front Yard Regulations for Accessory Buildings and Structures**

Accessory buildings and structures (excluding accessory dwelling units and accessory agricultural buildings and structures) may be located within the front yard so long as the total ground floor area or building footprint is no greater than the total ground floor area or building footprint of the principal building on the lot. The minimum front yard setback of the accessory building or structure shall be no less than the following:

	Minimum Setback from Ultimate Right-of-Way Of Existing Road/Street	Minimum Setback from Ultimate Right-of-Way of New Road/Street
RC District		
Tier I Subdivision	150 feet	100 feet
Tier II Subdivision	150 feet	100 feet
Tier III Subdivision	75 feet	50 feet
Tier IV Subdivision	75 feet	40 feet
R-3 District		
Tier I Subdivision	125 feet	100 feet
Tier II Subdivision	125 feet	100 feet
Tier III Subdivision	75 feet	40 feet
Tier IV Subdivision	75 feet	30 feet
R-2 District		
Tier I Subdivision	125 feet	100 feet
Tier II Subdivision	125 feet	100 feet
Tier III Subdivision	75 feet	30 feet
Tier IV Subdivision	75 feet	20 feet

Accessory buildings and structures (excluding accessory dwelling units and accessory agricultural buildings and structures) may be located less than the above distances from the ultimate right-of-way of existing roads or streets only under the following conditions:

1. In no case shall accessory buildings or structures be situated less than the required minimum yard setback area allowed from the ultimate right-of-way of new or existing roads or streets for principal buildings or structures in the applicable district and design option.

2. Accessory buildings and structures shall be screened according to Section 2106.B of this Ordinance.

Accessory agricultural buildings and structures may be located within the front yard, but in no case shall the minimum front yard for the accessory building or structure be less than the distance allowed from the ultimate right-of-way of roads or streets for principal buildings or structures in the applicable district and design option.

An accessory dwelling unit may be located in the front yard only when the accessory dwelling unit is situated within an existing building (existing as of the date of the enactment of this Ordinance) that is being converted into an accessory dwelling unit or where the accessory dwelling unit will be set back a minimum of 350 feet from the front property line of the parcel. Otherwise, accessory dwelling units must be located in the side yards, at least fifteen (15) feet behind the front façade of the primary dwelling unit, or located in the rear yard.

B. **Side Yard and Rear Yard Setbacks for Accessory Buildings and Structures Over 500 Sq. Ft.**

Side and rear yard setbacks for accessory buildings and structures larger than 500 square feet shall be the same as those for principal buildings.

C. **Side Yard Setbacks for Accessory Buildings and Structures Under 500 Sq. Ft.**

RC and R-3 Districts	
Tier I Subdivision	5 feet
Tier II Subdivision	5 feet
Tier III Subdivision	5 feet
Tier IV Subdivision	5 feet
R-2 District	
Tier I Subdivision	10 feet
Tier II Subdivision	10 feet
Tier III Subdivision	5 feet
Tier IV Subdivision	5 feet

D. **Rear Yard Setbacks for Accessory Buildings and Structures Under 500 Sq. Ft.**

RC, R-3, and R-2 Districts	
Tier I Subdivision	10 feet
Tier II Subdivision	10 feet
Tier III Subdivision	5 feet
Tier IV Subdivision	5 feet

E. **Accessory Dwellings**

Where accessory dwellings, including but not limited to accessory apartments, carriage houses, tenant houses, or other accessory dwelling unit types, are permitted, the following provisions shall apply:

1. All accessory dwelling units shall be designed to harmonize with vernacular rural buildings in the Township's historic landscape.

2. Except as specifically provided in this Section, a maximum of one (1) accessory dwelling unit shall be permitted on any lot that is less than twenty-five (25) acres, provided that all performance standards of this Ordinance are met. Except as specifically provided in this Section, there shall be permitted, a maximum of two (2) accessory dwelling units shall be permitted on any building lot containing twenty-five (25) or more acres, provided all performance standards of this Ordinance are met. An accessory apartment within a principal dwelling and the conversion of an existing barn into accessory apartment shall be allowed on any size parcel.

3. Unless otherwise specified in this Ordinance, the habitable floor area of the accessory dwelling units shall not exceed 1800 sq. ft.

4. The off-street parking requirements of this Ordinance shall apply to each accessory dwelling unit.

5. All sewage disposal and water system connections shall be approved by the Chester County Health Department prior to the issuance of a building permit.

6. Separate cooking and lavatory facilities shall be provided for each accessory dwelling unit.

7. All accessory dwelling units shall comply with the Township Building Code.

8. For accessory dwelling units detached and freestanding from the principal dwelling, the following additional requirements shall apply:

   a. Accessory dwelling units shall be set back a minimum of ten (10) feet from the principal dwelling.

   b. The owner(s) of the parcel must reside in one of the dwelling units on the parcel.

   c. The accessory dwelling unit shall use the same driveway as the primary dwelling unit, unless the Board determines, in its sole discretion, that better planning will be achieved through the use of a separate, additional driveway due to the unique characteristics of the property.

9. The following additional accessory dwelling types are permitted on all parcels (regardless of size), provided that the following additional requirements shall apply to specific accessory dwelling unit types:

   a. **Accessory Apartment within the Principal Dwelling**

(1) Only one (1) accessory apartment shall be permitted per single-family dwelling.

(2) The maximum size shall not exceed twenty-five percent (25%) of the total habitable floor area of the principal dwelling.

(3) Accessory apartments shall contain individual entrances.

(4) Required parking spaces shall be incorporated into existing facilities so as to avoid the creation of a second parking area on the lot.

b. **Accessory Apartments in Existing Barns**

(1) For existing barns (i.e., those in existence as of the date of the enactment of this Ordinance), there shall be no impervious coverage limitation for such accessory apartments, provided that the impervious coverage of the existing barn does not increase beyond 1,000 square feet due to the inclusion of the accessory apartment.

(2) Additional apartments up to four (4) in number may be allowed by conditional use in existing barns.

c. Accessory Dwelling Units in Historic Resources

(1) Accessory dwelling units shall be permitted in Historic Resources, in compliance with Zoning Ordinance Section 2407, irrespective of any minimum lot size, maximum impervious coverage or maximum habitable floor area requirements set forth in this Section 2201 (provided that the impervious coverage of the Historic Resource is not increased beyond 1,000 square feet due to the conversion of the Historic Resource to an accessory dwelling unit).

10. The following additional accessory dwelling types are permitted on all parcels of five (5) acres or less, provided that the following requirements shall apply to specific accessory dwelling unit types:

a. **Accessory Dwelling in a Free Standing Building Existing as of the Date of Adoption of this Ordinance (on parcels of five (5) acres or less)**

(1) Such dwellings shall be located in the side or rear yard areas only

(2) Such accessory dwellings shall have a maximum impervious coverage of one thousand (1,000) square feet. To the extent that the footprint of an existing freestanding building is (or must be)

expanded in order to accommodate a proposed accessory dwelling unit, the same shall be subject to the regulations set forth below at Section 2201.E.11. Units shall have a maximum height of twenty-five (25) feet or two story equivalent (whichever is lesser), unless the unit is placed in an existing building (in which case the height of the existing building may not be increased).

(3) Required parking spaces shall be incorporated into existing facilities so as to avoid the creation of a second parking area on the lot.

(4) Accessory dwellings in such existing freestanding buildings may be owned in a condominium form of ownership, in conformance with state law, and sold as a condominium to a third party, subject to the applicant obtaining any necessary approvals pursuant to the West Vincent Township Subdivision and Land Development Ordinance.

b. **Accessory Dwelling in a Free Standing Buildings Not Existing as of the Date of Adoption of this Ordinance (on parcels of five (5) acres or less)**

(1) Accessory dwellings shall not be permitted in free standing buildings not in existence as of the date of the adoption of this Ordinance (on parcels of five (5) acres or less in area).

11. For parcels in excess of five (5) acres, the following additional accessory dwelling types are permitted provided that the following requirements shall apply to specific accessory dwelling unit types:

a. **Accessory Dwelling in a Free Standing Building**

(1) Such dwellings shall be located in the side or rear yard areas only.

(2) The buildings in which such dwellings are located shall have a maximum impervious coverage of 1,000 square feet,. In the event that there is an attached garage servicing the building in which the accessory dwelling unit is situated, the impervious coverage of the accessory dwelling unit building and the attached garage shall have an aggregated maximum impervious coverage of 1,600 square feet. In the event that the accessory dwelling unit is on the second floor of a garage and the habitable floor area of the accessory dwelling unit is greater than, or coterminous with, the floor area devoted to use as a garage, a free standing building housing an accessory dwelling unit may have a maximum impervious coverage of 1,000 square feet. Units shall have a maximum height of twenty-five (25) feet or two-story equivalent (whichever is lesser) unless the unit is placed in an existing building (in which case the height of the existing building may not be increased).

(3) Required parking spaces shall be incorporated into existing facilities so as to avoid the creation of a second parking area on the lot.

(4) Accessory dwellings in freestanding buildings may be owned in a condominium form of ownership, in conformance with state law, and sold as a condominium to a third party, subject to the applicant obtaining any necessary approvals pursuant to the West Vincent Township Subdivision and Land Development Ordinance.

12. **Tenant Houses**

Where a property is an active agricultural operation and has 50 or more contiguous acres, one tenant house may be allowed by conditional use for every 25 acres for tenancy by workers for the agricultural operation or for family members of the owner of the parcel. If there is a request for more than one tenant house on a property, multifamily units will be encouraged. Each tenant house shall have a maximum impervious coverage of 2,500 square feet.

SECTION 2202 ALTERNATIVE ENERGY SOURCES

The construction, erection, or placement of structures designed to utilize alternative energy sources including, but not limited to, windmills, solar collectors and systems, and geothermal heat pumps shall be permitted as accessory uses under the following conditions:

A. **Wind Energy Facilities (Windmill Farms)**

1. This subsection shall apply to all Wind Energy Facilities proposed to be constructed after the effective date of the Ordinance, except that this section is not intended to apply to the use or construction of stand-alone Wind Turbines as an accessory use and accessory structure use for residential or agricultural use, as regulated below.

2. Wind Energy Facilities constructed prior to the effective date of this Ordinance shall not be required to meet the requirements of this Section; Provided that any physical modification to an existing Wind Energy Facility that materially alters the size, type and number of Wind Turbines or other equipment shall require conditional use approval under this Section.

3. A Wind Energy Facility is permitted only by conditional use in all Zoning Districts. In order to obtain conditional use approval for a Wind Energy Facility, the applicant must establish compliance with all criteria set forth in this Section, together with those provisions set forth Section 2711. No Wind Energy Facility, or addition of a Wind Turbine to an existing Wind Energy Facility, shall be

constructed or located within the Township unless a conditional use has been granted to the Wind Energy Facility Owner or Operator, approving construction of the facility under this Section by the Township Board of Supervisors.

Any physical modification to an existing and permitted Wind Energy Facility that alters the size, type and number of Wind Turbines or other equipment shall require conditional use approval under this Ordinance. Like-kind replacements of equal or lesser size and number shall not require a permit modification.

a) Conditional Use Application

Among other things, the conditional use application shall contain the following, which the Applicant bears the burden of establishing during such conditional use proceedings:

1) A narrative describing the proposed Wind Energy Facility, including an overview of the project; the project location; the approximate generating capacity of the Wind Energy Facility; the approximate number, representative types and height or range of heights of Wind Turbines to be constructed, including their generating capacity, dimensions and respective manufacturers, and a description of ancillary facilities.

2) An affidavit or similar evidence of agreement between the property owner and the Wind Energy Facility Owner or Operator demonstrating that the Facility Owner or Operator has the permission of the property owner to apply for necessary permits for construction and operation of the Wind Energy Facility.

3) An identification of the properties on which the proposed Wind Energy Facility will be located, and the properties adjacent to where the Wind Energy Facility will be located.

4) A site plan, showing the planned location of each Wind Turbine, property lines, setback lines, access road and turnout locations, substation(s), electrical cabling from the Wind Energy Facility to the substation(s), ancillary equipment, buildings, and structures, including permanent meteorological towers, associated transmission lines, and layout of all structures within the geographical boundaries of any applicable setback.

5) Documents related to decommissioning.

6) Other relevant studies, reports, certifications and approvals as may be reasonably requested by the Township to ensure compliance with this Section.

7) Design and Installation. In applying for conditional use relief, the Applicant shall demonstrate that the design of the Wind Energy Facility shall conform to standards set forth below, together with applicable industry standards, including those of the American National Standards Institute. The Applicant shall submit certificates of design compliance obtained by the equipment manufacturers from Underwriters Laboratories, Det Norske Veritas, Germanishcer Llloyd Wind Energies, or other similar certifying organizations.

b) Standards and Restrictions for Wind Energy Facilities

1. Uniform Construction Code. To the extent applicable, the Wind Energy Facility shall comply with the Pennsylvania Uniform Construction Code, 34 Pa. Code §§403.1 – 403.142, as amended from time to time.

2. Controls and Brakes. All Wind Energy Facilities shall be equipped with a redundant braking system. This braking system shall include both aerodynamic overspeed controls (including variable pitch, tip, and other similar systems) and mechanical brakes. Mechanical brakes shall be operated in a fail-safe mode. Stall regulation shall not be considered a sufficient braking system for overspeed protection.

3. Electrical Components. All electrical components of the Wind Energy Facility shall conform to relevant and applicable local, state and national codes, and relevant and applicable international standards.

4. Visual Appearance. Wind Turbines shall be a non-obtrusive color such as white, off-white or gray.

5. Lighting. Wind Energy Facilities shall not be artificially lighted, except to the extent required by the Federal Aviation Administration or other applicable authority that regulates air safety.

6. Wind Turbines shall not display advertising, except for reasonable identification of the turbine manufacturer, Facility Owner and Operator.

7. On-site transmission and power lines between Wind Turbines shall

be placed underground.

8. Warnings. A clearly visible warning sign concerning the voltage dangers associated with the Wind Energy Facility must be placed at the base of all pad-mounted transformers and substations. Visible, reflective, colored objects, such as flags, reflectors, or tape shall be placed on the anchor points of guy wires and along the guy wires up to a height of ten feet from the ground.

9. Climb Prevention/Locks. Wind Turbines shall not be climbable up to fifteen (15) feet above ground surface. All access doors to Wind Turbines and electrical equipment shall be locked or fenced to prevent entry by non-authorized persons.

10. Setbacks

    a. Wind Turbines shall be set back from the nearest Occupied Building (being defined as a residence, school, hospital, church, public library or other building used for public gathering that is occupied or in use when the permit application is submitted) a distance not less than the normal setback requirements for that zoning classification or 1.1 times the Turbine Height, whichever is greater. The setback distance shall be measured from the center of the Wind Turbine base to the nearest point on the foundation of the Occupied Building.

    b. Wind Turbines shall be set back from the nearest Occupied Building located on an adjoining property a distance of not less than five (5) times the Hub Height, as measured from the center of the Wind Turbine base to the nearest point on the foundation of the Occupied Building.

    c. Property lines: All Wind Turbines shall be set back from the nearest property line a distance of not less than the normal setback requirements for that zoning classification or 1.1 times the Turbine Height, whichever is greater. The setback distance shall be measured to the center of the Wind Turbine base.

    d. Public Roads: All Wind Turbines shall be set back from the nearest public road a distance of not less than 1.1 times the Turbine Height, as measured from the right-of-way line of the nearest public road to the center of the Wind Turbine base.

e. Waiver of Setbacks. The Township may grant a waiver of the setback provisions set forth in Section 8.01(a) and (b) if the Applicant can establish that the imposition of the setback constitutes an undue hardship and if all affected Non-participating Landowners execute a written waiver with respect to such setbacks, in form and substance satisfactory to the Township. Inter alia, the written waiver shall notify the Non-participating Landowner(s) of the setback required by this Ordinance, describe how the proposed Wind Energy Facility is not in compliance, and state that consent is granted for the Wind Energy Facility to not be setback as required by this Ordinance.

Any such waiver shall be recorded in the Recorder of Deeds Office for the County where the property is located. The waiver shall describe the properties benefited and burdened, and advise all subsequent purchasers of the burdened property that the waiver of setback shall run with the land and may forever burden the subject property.

11. Use of Public Roads. The Applicant shall identify all Township roads to be used within the Township to transport equipment and parts for construction, operation or maintenance of the Wind Energy Facility. The Township Engineer or a qualified third party engineer hired by the Township and paid for by the Applicant, shall document road conditions prior to construction. The engineer shall document road conditions again thirty (30) days after construction is complete or as weather permits. The Township may bond the road in compliance with state law or state regulations. Any road damage caused by the Applicant or its contractors shall be promptly repaired at the Applicant's expense. The Applicant shall demonstrate that it has appropriate financial assurance to ensure the prompt repair of damaged roads and shall post financial security with the Township for such purpose.

12. Local Emergency Services. The Applicant shall provide a copy of the project summary and site plan to local emergency services, including paid or volunteer Fire Department(s). Upon request, the Applicant shall cooperate with emergency services to develop and coordinate implementation of an emergency response plan for the Wind Energy Facility.

13. Noise and Shadow Flicker. Audible sound from a Wind Energy Facility shall not exceed fifty-five (55) dBA, as measured at the exterior of any Occupied Building on a Non-participating

Landowner's property. Methods for measuring and reporting acoustic emissions from Wind Turbines and the Wind Energy Facility shall be equal to or exceed the minimum standards for precision described in AWEA Standard 2.1 - 1989 titled Procedures for the Measurement and Reporting of Acoustic Emissions from Wind Turbine Generation Systems Volume I: First Tier.

The Facility Owner and Operator shall make reasonable efforts to minimize shadow flicker to any Occupied Building on a Non-participating Landowner's property.

14. Waiver of Noise and Shadow Flicker Provisions. The Township Board of Supervisors may grant a waiver of the noise and shadow flicker provisions of this Ordinance, upon the applicant submitting a signed, written waiver of such rights of all neighboring property owners within 500 feet of the boundary of the property, in form and substance satisfactory to the Township. The written waiver shall notify the property owner(s) of the sound or flicker limits in this Ordinance, describe the impact on the property owner(s), and state that the consent is granted for the Wind Energy Facility to not comply with the sound or flicker limit in this Ordinance. Any such waiver shall be recorded in the Recorder of Deeds Office of Chester County. The waiver shall describe the properties benefited and burdened, and advise all subsequent purchasers of the burdened property that the waiver of sound or flicker limit shall run with the land and may forever burden the subject property.

15. Signal Interference. The Applicant shall make reasonable efforts to avoid any disruption or loss of radio, telephone, television or similar signals, and shall mitigate any harm caused by the Wind Energy Facility.

16. Liability Insurance. The Applicant shall maintained a current general liability policy covering bodily injury and property damage with limits of at least $1 million per occurrence and $1 million in the aggregate. Certificates shall be made available to the Township upon request.

17. Decommissioning. The Facility Owner and Operator shall, at its expense, complete decommissioning of the Wind Energy Facility, or individual Wind Turbines, within twelve (12) months after the end of the useful life of the Facility or individual Wind Turbines. The Wind Energy Facility or individual Wind Turbines will presume to be at the end of its useful life if no electricity is generated for a continuous period of twelve (12) months.

Decommissioning shall include removal of Wind Turbines, buildings, cabling, electrical components, roads, foundations to a depth of 36 inches, and any other associated facilities.

Disturbed earth shall be graded and re-seeded, unless the landowner requests in writing that the access roads or other land surface areas not be restored.

The applicant shall provide to the Township, for its review and approval, an estimate of the total cost of decommissioning ("Decommissioning Costs"), without regard to salvage value of the equipment, and the cost of decommissioning net salvage value of the equipment ("Net Decommissioning Costs"). Said estimates shall be submitted to the Township after the first year of operation and every fifth year thereafter.

The Facility Owner or Operator shall post and maintain financial security in an amount to cover Decommissioning Funds in an amount equal to Net Decommissioning Costs; Provided, that, at no point shall Decommissioning Funds be less than twenty five percent (25%) of Decommissioning Costs. The Decommissioning Funds shall be posted and maintained with a bonding company or Federal or Commonwealth chartered lending institution chosen by the Facility Owner or Operator and Participating Landowner posting the financial security, provided that the bonding company or lending institution is authorized to conduct such business within the Commonwealth and is approved by the Township.

Decommissioning Funds may be in the form of a performance bond, surety bond, letter of credit, corporate guarantee or other form of financial assurance as may be acceptable to the Township.

If the Facility Owner or Operator fails to complete decommissioning within the period prescribed by Paragraph 16.01, then the Participating Landowner shall have six (6) months to complete decommissioning.

If neither the Facility Owner or Operator, nor the Participating Landowner complete decommissioning within the periods prescribed by Paragraphs 16.01 and 16.07, then the Township may take such measures as necessary to complete decommissioning. The entry into and submission of evidence of a Participating Landowner agreement to the Township shall constitute agreement and consent of the parties to the agreement, their respective heirs, successors and assigns that the Township may take such action as necessary to implement the decommissioning plan.

The escrow agent shall release the Decommissioning Funds when the Facility Owner or Operator has demonstrated and the Township concurs that decommissioning has been satisfactorily completed, or upon written approval of the Township in order to implement the decommissioning plan.

18. Public Inquiries and Complaints. The Facility Owner and Operator shall maintain a phone number and notify the Township of a responsible person for the public to contact with inquiries and complaints throughout the life of the project. Such individual shall have the authority to act on behalf of the Facility Owner and Operator.

    The Facility Owner and Operator shall make reasonable efforts to respond to the public's inquiries and complaints.

B. **Geothermal Heat Pumps**

The installation and use of geothermal heat pumps may be permitted as a conditional use by the Board of Supervisors per Section 2711 of this Ordinance and the following additional requirements:

1. No geothermal heat pump shall be installed or used without a building permit first being issued by the Township.

2. All geothermal heat pump systems shall comply with the Township Well Ordinance and other applicable county, Delaware River Basin Commission, state, or federal regulations.

3. As part of the conditional use application, the Township must receive a report on the yield of the supply and recharge of the groundwater system as part of the heat pump installation. Yield must be adequate to meet the demands of the manufacturer's specifications for the equipment and all other water needs for the uses on the lot without interfering with the water supplies of adjacent properties. The Board of Supervisors may require such consultants or engineers evaluation as they deem advisable to submit a recommendation to the Board. Such

recommendation must be satisfactory to the Board prior to conditional use approval. The costs of such reports and review shall be borne by the applicant.

4. The discharge or effluent from a geothermal heat pump system must be returned to the groundwater through a recharge well, and the system so maintained that there is no outflow to the surface of the ground or any surface waters.

5. Any recharge well must be located at least one hundred (100) feet from any subsurface septic or sewage disposal system. Well caps shall conform to the Chester County Health Department regulations.

6. Nothing except heat may be added to or subtracted from the water being reinjected after having been pumped through the cooler or heater. Sediment filters are allowed.

7. No change in any system design or in the capacity for water utilization for which approval has been granted may be made without prior approval by the Zoning Officer with consultation with the Township Engineer/ Hydrogeologist.

"Closed-loop" systems in which groundwater is not extracted shall be exempt from the conditional use requirements of this subsection if, in the opinion of the Township Engineer, such system will not adversely affect the quantity or quality of the area groundwater or surface water. Such systems shall comply with subparagraphs 1 and 2 above.

C. **Solar Collectors and Systems**

Any device, structure or system which is used primarily to transform solar energy into thermal, chemical, or energy, including any space or structural components specifically designed to retain heat derived from solar energy, photosynthetic process, energy storage facility and components for the distribution of transformed energy shall comply with the Township Building Code and the UCC Uniform Construction Code, as revised, and the following additional provisions:

1. Solar collectors or systems as a separate structure shall be excluded from the calculation of maximum lot coverage.

2. Solar collectors or systems mounted or installed on buildings or structures shall not exceed the height limitations for the district in which it is located.

D. **Stand-Alone Windmills as an Accessory Use**

1) Purpose: It is the purpose of this regulation to promote the safe, effective and efficient use of stand-alone wind energy systems installed to reduce the on-site consumption of utility supplied electricity.

2) Findings: West Vincent Township finds that wind energy is an abundant, renewable, and nonpolluting energy resource and that its conversion to electricity will reduce our dependence on nonrenewable energy resources and decrease the air and water pollution that results from the use of conventional energy sources. Stand-alone wind energy systems will also enhance the reliability and power quality of the power grid, reduce peak power demands, and help diversify the State's energy supply portfolio. Small wind systems also make the electricity supply market more competitive by promoting customer choice. Therefore, the Township finds that it is necessary to standardize and streamline the proper issuance of building permits for stand-alone wind energy systems so that this clean, renewable energy resource can be utilized in a cost-effective and timely manner.

3) Permitted Use: Stand-alone wind energy systems shall be a permitted accessory use in all Zoning Districts, subject to certain requirements as set forth in this section. Stand-alone Wind energy systems with a rated capacity of greater than 100 kW shall only be permitted as accessory uses to non-residential uses, noting that such uses shall be limited to use for on-site energy consumption and which shall be subject to compliance with the requirements in subsection 4 below.

4) General Requirements:

a. Turbine Height Limitation: For property sizes less than one (1) acre, the turbine height shall be limited to fifty (50) ft. For property sizes of one (1) acre or more, there is no limitation on turbine height, except as imposed by FAA regulations.

b. Wind Turbines: Only stand-alone wind energy systems approved under a small wind certification program recognized by the American Wind Energy Association are permitted. The Applicant shall submit certificates of design compliance obtained by the equipment manufacturers from Underwriters Laboratories, Det Norske Veritas, Germanishcer Lloyd Wind Energies, or other similar certifying organizations. The stand-alone wind energy system must conform to industry standards, including those of the American National Standards Institute.

c. Compliance with Uniform Construction Code: To the extent applicable, stand-alone wind energy systems shall comply with the Pennsylvania Uniform Construction Code, Act 45 of 1999, as amended, and the regulations adopted by the Pennsylvania Department of Labor and Industry. Building permit applications for stand-alone wind energy systems shall be accompanied by standard drawings of the wind turbine structure, including the tower, base, and footings. Applicant must submit an engineering analysis of the tower showing compliance with the Uniform Construction Code certified by a licensed professional engineer.

d. Wind Turbines shall not be directly affixed to an existing building unless the applicant submits certification from an engineer as to the structural capacity of the building to handle such turbines.

e. Controls and Braking: All stand-alone wind energy systems shall be equipped with a redundant braking system, including aerodynamic overspeed controls (including variable pitch, tip and other similar systems) and mechanical brakes. Mechanical brakes shall be operated in a fail-safe mode. Stall regulation shall not be considered a sufficient braking system for overspeed protection.

f. Power Failure: If a stand-alone wind energy system is connected to the grid of a electric utility, the stand-alone wind energy system must incorporate controls to automatically cease any transmission of electricity from the stand-alone wind energy system to the electric utility grid in the event of a power failure. The approval of such controls must be obtained from the public electric utility provider to which the stand-alone wind energy system is connected.

g. Compliance with FAA Regulations: Stand-alone wind energy systems must comply with applicable FAA regulations, including any necessary approvals for installations close to airports.

h. Electrical Components: All electrical components of the stand-alone wind energy system shall conform to the relevant and applicable local, state and national codes, and relevant and applicable international standards. Particularly, building permit applications for stand-alone wind energy systems shall be accompanied by a line drawing of the electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the National Electrical Code.

i. Utility Notification: No stand-alone wind energy system shall be installed until evidence has been given that the utility company has been informed of the customer's intent to install an interconnected customer-owned generator and that such utility has approved the same. Off-grid systems shall be exempt from this requirement.

j. Inclement Weather: All stand-alone wind energy systems shall be designed to lower or as a tilt down system in the event of inclement weather.

k. Visual Appearance; Lighting; Powerlines.

1) Wind Turbines shall be painted a non-reflective, non-obtrusive color.

2) Wind Turbines shall not be artificially lighted, except to the extent required by the FAA or other applicable authority.

3) Wind Turbines shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the wind turbine.

4) On-site transmission and power lines shall, to the maximum extent possible, be placed underground. Electrical controls and control wiring and power-lines shall be wireless or not above ground except where wind farm collector wiring is brought together for connection to the transmission or distribution network, adjacent to that network.

5) A clearly visible warning sign concerning voltage shall be placed at the base of all pad-mounted transformers and substations for Wind Turbines.

6) Visible, reflective colored objects, such as flags, reflectors, or tape, shall be placed on the anchor points of guy wires and along the guy wires up to a height of ten (10) feet.

l. Setbacks. The following setbacks and separation requirements shall apply:

1) Property lines: Each stand-alone wind energy system shall be set back from the nearest property line a distance no less than 1.1 times the Turbine Height.

2) Public Roads: Each stand-alone wind energy system shall be set back from the nearest public road a distance no less than 1.1 times the Turbine Height, with the nearest public road being determined at the nearest boundary of the underlying right-of-way for such public road.

3) Communication and electrical lines: Each stand-alone wind energy system shall be set back from the nearest above-ground public electric power line or telephone line a distance no less than 1.1 times its Turbine Height, determined from the existing power line or telephone line.

4) There are no setback requirements between wind turbines and other buildings or structures within an individual's property, provided that building and yard setbacks from adjacent properties are met (as are set forth in the Area, Yard and Height Regulations applicable to each Zoning District). The owner shall accept liability for any damage caused by the stand-alone wind energy system.

m. Noise. Noise due to stand-alone wind energy systems shall not exceed the sound decibel limitations set forth in the Section 2202(A) above for any period of time, when measured at the property line.

n. Minimum Ground Clearance. The blade tip of any Wind Turbine rotor shall, at its lowest point, have ground clearance of no less than fifteen (15) feet.

o. Signal Interference. The applicant shall minimize or mitigate any interference with electro-magnetic communications, such as radio, telephone or television signals caused by any stand-alone wind energy system.

p. Safety.

1) All wiring between stand-alone wind energy systems, wind turbines and the facilities served thereby shall be underground.

2) Climb Prevention/Locks. Wind Turbines shall not be climbable up to fifteen (15) feet above ground surface. All access to stand-alone wind energy systems, including wind turbines and the associated electrical equipment, shall be locked or fenced, as appropriate, to prevent entry by unauthorized persons.

q. Insurance. The landowner on whose property a stand-alone wind energy system is proposed shall provide the Township with proof of insurance sufficient to cover any personal injury and/or property damage to adjacent property owners or others caused by installation or result of installation. Yearly proof of insurance must be submitted to the Township.

r. Decommissioning; Removal.

1. Should any of the following events occur, the landowner shall be responsible to decommission and remove the stand-alone wind energy system:

a) if the landowner has ceased use or operation of the system for a period of greater than six (6) months, and, after notice from the Township of the same, the landowner has failed to certify its intent to re-commence and to re-commence its use or operation of the system within thirty (30) days of receipt of such notice from the Township;

b) if the Township, through its Zoning Officer or Codes Enforcement Officer, as applicable and appropriate, determines that they system is not compliant with the requirements of this

Ordinance and/or the permit approving the construction of the same; or

c) if the system poses a threat to the public health, safety or welfare, which threat is not remedied by the landowner upon notice and within the time period prescribed by the Township;

2. In the event that the system poses an immediate threat to the public health, safety or welfare, the Township is authorized to take appropriate steps to decommission the stand-alone wind energy system and/or to abate the immediate threat, the costs of which shall be borne by the landowner or, if the landowner refuses to remit payment for the same, may be imposed as a lien against the property;

3. Decommissioning shall include removal of Wind Turbines, buildings, cabling, electrical components, roads, foundations to a depth of thirty-six (36) inches, and any other associated facilities.

4. Disturbed earth shall be graded and re-seeded, unless the landowner requests in writing that the access roads or other land surface areas not be restored.

5. In the event that the landowner does not complete the decommissioning within six (6) months of the occurrence of any of the events set forth in paragraph 1 above, the Township may decommission the system, the costs of which shall be borne by the landowner or, if the landowner refuses to remit payment for the same, may be imposed as a lien against the property.

6. The issuance of any building permit for construction of a stand-alone wind energy system shall be conditioned upon the landowner, on behalf of itself, its heirs, successors and assigns, agreeing to the Township's entry onto the property to take such action as necessary to remedy an immediate threat to the public health, safety or welfare, or to decommission any system as provided for herein.

SECTION 2203 <u>BUILDING HEIGHT EXCEPTION</u>

The maximum building height limitations established by this Ordinance may be exceeded by one (1) foot for each foot of depth added to each side yard beyond the minimum requirement to a maximum of 5 feet. Height restrictions established by this Ordinance shall not apply to silos for agricultural use, church steeples, spires, chimneys, flagpoles, towers and antennas, bulkheads, tanks and other necessary mechanical appurtenances, windmills, and other similar structures built above the roof and not devoted to human occupancy, provided the minimum setback for such structures from any lot line is a distance equal to or greater than the proposed height.

SECTION 2204 CONVERSION OF DWELLINGS

The following provisions shall apply to the conversion of a single family dwelling to a two-family or multiple-family dwelling, where permitted by this Ordinance:

A. The following minimum habitable floor area requirements shall be met:

Type of Unit Created by Conversion	Minimum Habitable Floor Area (Sq. Ft.)
Efficiency	500
1 Bedroom	600
2 Bedroom	750
3 Bedroom	900

B. The minimum lot area, yard and building area requirements for the district in which the dwelling is located shall apply to each dwelling unit. The applicable requirements shall not be reduced.

C. There shall be no exterior alteration of the building, except as may be necessary for reasons of safety; fire escapes and outside stairways shall, where practical, be located to the side or rear of the building.

D. The off-street parking requirements of this Ordinance shall apply to each proposed dwelling unit.

E. The Zoning Hearing Board shall specify the maximum number of families permitted to occupy a particular building.

F. The resulting dwelling units shall comply with the Township Building Code and with the following:

1. Sewer and water service, as approved by the Chester County Health Department;

2. Protective firewalls between units along all party walls;

3. Individual entrances;

4. Individual cooking and lavatory facilities.

G. The applicant shall submit to the Zoning Hearing Board the following data:

1. A copy of the floor plan of the proposed conversion;

2. Lot layout plan identifying parking and other improvements;

3. A permit from the Chester County Health Department which demonstrates that adequate sewage disposal and water supply facilities are available or can be provided for the projected number of residents.

H. Resulting dwelling units shall comply with the Township Building Code and the Pennsylvania Department of Labor and Industry standards where applicable.

I. The conversion shall be authorized only for dwellings with relatively little economic usefulness as a single-family dwelling, or for any other arrangement or use within the intent and purpose of this Ordinance.

SECTION 2205 COMMERCIAL FILM/VIDEO PRODUCTION

Use of a property as a location for a commercial film/video production shall be permitted as an accessory residential use or accessory use subject to the following conditions:

A. Use of any property for commercial filming/video production shall not exceed a total of twelve (12) days per calendar year. Such time period shall commence on the date of any pre-production (i.e., the date on which improvements or site preparation for the production occurs). The twelve (12) day time period shall be comprised of only those days of pre-production and those days on which actual production is being conducted. The use of a property as a location for commercial film/video production may exceed twelve (12) days per calendar year if approved by the Board of Supervisors.

B. A temporary zoning/use permit per Section 2707E shall be required for each production. The Township may require the applicant to submit proof of adequate insurance for the production, and may require the posting of financial security to secure against any potential damage to Township roads, land or utilities that could result from the production. Applicants must give the Township thirty (30) days' notice in advance of the start of production if any of the following are required:

1. An on-site crew size of more than thirty-five (35);
2. Four (4) or more equipment trucks;
3. More than three (3) consecutive days of production;
4. Any road closures; or
5. Police to be at the location.

Applicants for all other productions must give the Township seven (7) days notice in advance of the start of production.

C. In addition to a description of items B.1 through B.5 above, the applicant's notice shall include the following:

1. Name, address, phone number and contact person of the company.

2. Type of production (e.g. - feature film, commercial, TV program, etc.).

3. Duration of the production, including number of days involved, start date and end date, and estimate of shooting hours with start times and end time for each day.

D. All parking and storage of vehicles and production equipment shall be confined to the subject property or nearby properties with the consent of those property owners. On-street parking or storage may be permitted if the applicant obtains Township approval of a parking plan in advance of the start of production (establishing the adequacy of on-street parking after consideration of the parking needs of other nearby uses).

E. Any signs to direct crew members to the location: shall be placed within the public right-of-way; shall be no larger than three (3) square feet in area; and shall be removed within one (1) hour following completion of the production.

F. Noise levels shall not exceed those established in Section 2213E.

G. Any lights used may only be aimed and directed within the subject property so as to avoid light trespass on adjacent properties. Flags, scrims, or cutters shall be used and placed, if necessary, to block any light from spilling onto any adjacent properties.

H. Cast and crew members shall follow the Code of Conduct as established by the Greater Philadelphia Film Office.

I. Outdoor activities, including loading and unloading, shall occur only between the hours of 7:00 a.m. and 10:00 p.m.

J. The applicant shall pay all costs to the Township associated with police services requested by the applicant.

K. Filming or videotaping for journalistic purposes and filming or videotaping of private events, such as weddings, graduations, etc., are exempt from the conditions of this Section.

SECTION 2206 FRENCH CREEK SCENIC RIVER CORRIDOR

Because of the historical, environmental and cultural nature of the French Creek watershed and its free-flowing, relatively high-quality waters, the French Creek and certain tributaries were designated components of the Pennsylvania Scenic Rivers Program on April 29, 1982 by the French Creek Scenic Rivers Act (Act No. 97). To implement Act 97 and to manage and protect the aesthetic, ecological and cultural values of the French Creek, the following standards shall apply to designated stream segments of the French Creek watershed in West Vincent Township as defined herein, in addition to the applicable district, floodplain conservation and steep-slope conservation regulations of this Ordinance:

A. **Designated Stream Segments**

The following waterway segments within or adjacent to West Vincent Township are designated as scenic components of the Pennsylvania Scenic Rivers System under the French Creek Scenic River Act (Act No. 97) and are included in Appendix G of this Ordinance:

	Stream Name	**Segment Limits**
1.	French Creek	Entire length of East Vincent-West Vincent Township line.
2.	Beaver Run	Fairview Road and Rt. 100 (East Nantmeal Township) to French Creek.
3.	West Branch Birch Run (Rock Run)	Shady Lane Road to Birch Run.
4.	Birch Run	Headwaters to French Creek.

B. **Scenic River Corridor Delineation**

For the purpose of this Section, the French Creek Scenic River Corridor shall be delineated as an area five-hundred (500) feet from the centerline of the designated stream segments identified in paragraph A above or as the area from the centerline to the ridgeline adjacent to such stream segments, whichever is less.

C. **Design Standards**

1. **Tier III and Tier IV Design Options**

Unless clearly impractical, it is recommended that any new development in the French Creek Scenic River Corridor which meets the eligibility requirements of the applicable zoning district consider utilizing the Tier III or Tier IV design options of such district.

2. **Ridgeline Setback**

New buildings and structures shall be set back a minimum of fifty (50) feet from the edge or crest of any ridge or topographic divide in the French Creek Scenic River Corridor, as defined by USGS topographic quadrangle maps or field survey. This setback requirement may be reduced or eliminated at the discretion of the Board of Supervisors if existing vegetation or other natural features screen any new construction from view from any designated stream segment. Such vegetation or other natural features shall not be removed or destroyed.

3. **Maximum Clearing of Lots**

The maximum area of a lot permitted to be cleared of existing vegetation and trees for building purposes shall be determined by the lot coverage requirements of the district in which the lot is located. Clearing shall be prohibited within the stream buffer as required by Section 2307 of this Ordinance, or within one hundred (100) feet of any designated stream segment, whichever is greater.

4. **Timber Harvest**

Where permitted by this Ordinance and the Township Subdivision and Land Development Ordinance, timber harvest in the French Creek Scenic River Corridor shall be by selective cut method and in accordance with Pennsylvania Department of Forestry standards. Clear-cutting and/or the utilization of logging roads or skid trails on slopes of fifteen percent (15%) and above shall be prohibited. On slopes of less than fifteen percent (15%) clear-cutting may be permitted for wildlife management, reforestation to a more desirable commercial tree type, removal of diseased trees, or clearing land for agricultural purposes. Clear-cutting shall be prohibited within one hundred (100) feet of any designated stream segment, except for safety or access purposes.

5. **Screening**

Any new building or structure within the French Creek Scenic River Corridor shall be screened from view from any designated stream segment by vegetative screen according to the screening requirements of Section 2106B. The screen shall provide a year-round, fifty percent (50%) visual screen. Species used as part of a vegetative screen shall be selected based on their ability to provide the required screening within ten (10) years of planting. If no existing vegetative screening exists along the designated stream segment, the screening required herein is encouraged to be planted in accordance with the stream buffer standards of Section 2307 of this Ordinance.

6. **Access**

In addition to the requirements of this Ordinance and the Township Subdivision and Land Development Ordinance, any new road, street, or bridge within the French Creek Scenic River Corridor shall be located, designed, and constructed according to the "Guidelines to Improve the Aesthetic Quality of Roads in Pennsylvania," prepared by the Pennsylvania Departments of Transportation and Environmental Protection, June 1978.

7. **Grading and Earthmoving**

No grading or earthmoving shall be permitted which alters or changes any natural ridgeline within the French Creek Scenic River Corridor.

8. **Sludge Disposal**

The disposal of sludge generated from public or community sewage disposal systems shall be prohibited within the French Creek Scenic River Corridor.

SECTION 2207 GASOLINE SERVICE STATIONS

Gasoline service stations, where permitted by this Ordinance, shall be subject to the following supplemental regulations:

A. Gasoline pumps or other service appliance installed in connection with any service station may be placed within the required front yard, but in no case closer than twenty-five (25) feet of any street right-of-way line.

B. The Board of Supervisors may require screening to be provided in front of gasoline pumps per Section 2106.B of this Ordinance.

C. A service station must have adequate fire extinguishers, ample no-smoking signs posted, and any other safeguards deemed necessary for the public safety. A permit shall be obtained from the State Police Fire Marshall.

D. Underground storage tanks shall comply with all applicable regulations of the U.S. Environmental Protection Agency and the Pennsylvania Department of Environmental Protection, including notification and registration requirements. If warranted, as determined by the Township, the applicant may be required to place tanks in a concrete vault, install other impervious liners, and/or install monitoring devices.

E. The gas pricing portion of any signs erected shall not be used to calculate the maximum sign area permitted by Article XX of this Ordinance.

SECTION 2208 GROUP HOMES

Group homes, as defined in Section 202 of this Ordinance, shall be permitted in any residential district of West Vincent Township under the following conditions:

A. In the case of group homes within the RC, R-3 or R-2 districts the minimum lot size shall be determined by the maximum density permitted in the Tier IV design option.

B. All group homes shall comply with applicable Federal Fair Housing Act and state licensing requirements, as amended.

C. Group homes shall not be construed to include any other institutional uses as separately defined and regulated by state licensing requirements.

D. The construction of any new group home or the conversion/alteration of an existing dwelling into a group home shall require a building permit and a certificate of occupancy in compliance with applicable sections of Article XXVII of this Ordinance and the Township building code.

SECTION 2209 HOME OCCUPATIONS

Where home occupations are permitted, the following provisions shall apply:

A. **Permitted Uses**

1. In ~~residential~~ all districts, ~~all~~ any dwelling unit~~s~~ may be used for a home occupation listed in paragraph 3 below. A no impact home based business is permitted in all zoning districts and in all types of residential units except to the extent that such is a restricted or prohibited in any deed restriction, covenant, agreement restricting the use of the land, master deed, bylaw, or other document applicable to a common interest ownership community.

2. Prior to the use of any dwelling or accessory building for a home occupation, all applicable zoning or use permits, building permits, and certificates of occupancy shall be obtained per Article XXVII of this Ordinance.

3. The following are permitted home occupations in all types of dwelling units provided they do not violate any of the provisions of paragraph C below:

   a. Insurance or real estate salesperson;

   b. Medical professionals, including, but not limited to psychologists, psychiatrists, dentists, doctors, chiropractors, acupuncturists or massage therapists;

   c. Manufacturer's or sales representative;

   d. Dressmaking, sewing, and tailoring;

   e. Telephone answering or secretarial;

   f. Teacher or tutor, limited to four students at a time;

   g. Architect, engineer, community planner or consultant;

   h. Painting, photography, sculpting or writing;

   i. Home crafts, such as model making, rug weaving, woodworking, and cabinet making;

j. Home cooking and preserving;

k. Computer services, such as programming, graphics, website development, or word processing;

l. Lawyer, attorney at law;

m. Professional, management, business, or financial consultant; or

o. Video and film editing.

4. The following uses are permitted as home occupations in single family dwelling units only, provided that they do not violate any of the provisions of paragraph C below:

a. Family day care, limited to a maximum of six (6) children and in compliance with all applicable governmental regulations;

b. Dancing studios, limited to a maximum of four (4) students at one time.

B. **Prohibited Uses**

The following are prohibited as home occupations:

1. Animal hospitals;

2. Mortuaries;

3. Nursery schools;

4. Private clubs;

5. Repair shops;

6. Restaurants;

7. Automobile repair or paint shops.

C. **Standards**

1. The home occupation shall occupy no more than fifty percent (50%) of the habitable floor area of either the dwelling unit or an accessory building; provided, however, that the total maximum habitable floor area of such home occupation shall be limited to a maximum of 2,000 square feet.

2. The use shall be carried on within a dwelling or accessory building by one or more occupants of such principal dwelling unit, except that there shall be no more than one (1) additional employee at any one time. The number of additional employees may be increased as a conditional use when authorized by the Board of Supervisors, subject to the standards established herein and the standards of Section 2711 of this Ordinance.

3. A minimum of two (2) off-street parking spaces shall be provided in addition to the required number for a residence in accordance with Section 2102 of this Ordinance.

4. The exterior of the residence or accessory structure shall have an appearance no different than if there were no home occupation conducted inside.

5. No storage or display of goods, manufacturing, repairing or other mechanical work performed in connection with such home occupation shall be permitted in open areas.

6. No interior display of goods shall be visible from the outside.

7. The use shall not emit noise, odors, vibration, light, or smoke which is noticeable at or beyond the property line.

8. No home occupation shall be permitted that creates a hazard to persons or property, results in electrical interference, or becomes a nuisance.

D. Any proposed home occupation that is neither specifically permitted by paragraph A nor specifically prohibited by paragraph B above shall be considered a special exception when permitted by the Zoning Hearing Board, subject to the provisions of paragraph C above and Section 2807 of this Ordinance.

SECTION 2210 <u>Educational, Medical, Nursing or Convalescent Homes, Religious and Other Similar Uses Permitted by Special Exception:</u>

Educational, medical or religious uses, including (but not limited to) hospitals, animal hospitals, nursing homes, convalescent homes, educational institutions (such as schools), religious institutions or other similar institutional uses where permitted by special exception within the PC/LI and R-2 districts shall be subject to the provisions of Section 2807 of this Ordinance and the following supplemental regulations:

A. The minimum tract size shall be ten (10) acres.

B. The intensity of use shall not exceed the following:

District	Number of Beds per Acre* Maximum
R-2	4
PC/LI	4

* Including patient beds and on-site living accommodations for staff persons.

C. Not less than thirty percent (30%) of the total tract area shall be designated as and used exclusively for greenway land. The location, design and layout of the greenway land shall be in accordance with Article XIX of this Ordinance.

D. There shall be a minimum setback of one hundred (100) feet around the entire perimeter of the tract in which no buildings shall be situated and in which screening per Section 2106B of this Ordinance shall be located.

E. The tract of land on which the use is conducted shall, in its entirety, be owned and operated as a single or common management and maintenance unit.

F. The proposed use shall obtain all applicable state and/or federal permits, licenses, and certificates of need.

G. The tract of land on which the use is conducted shall have direct access and frontage on an arterial or collector road as identified by the West Vincent Township Comprehensive Plan.

SECTION 2211 INTERIOR LOTS

An interior lot is a lot which only have access to a road either by an easement or right-of-way, where such condition was not directly or indirectly created by the landowner, ("landlocked") or which has limited frontage on a street which serves solely for access to such interior lands (flag lots), shall be permitted only under the following conditions:

A. The lot must be connected to a road or street by a fee simple accessway or access easement at least thirty (30) feet wide and a maximum of forty (40) feet wide, which accessway or easement area shall be in addition to the minimum gross lot area for the district in which the lot is located.

B. No interior lot shall be formed within two hundred (200) feet of the turn-around of a cul-de-sac street, street intersection, or existing driveway. This minimum separation distance may be reduced at the discretion of the Board of Supervisors if it can demonstrated to the satisfaction of the Board that adequate clear sight distances per Section 2103B can be achieved.

C. A minimum of four (4) road frontage lots shall be located between interior lot

accessways.

D. Interior lots are prohibited along collector and arterial roads as identified in the West Vincent Township Comprehensive Plan.

SECTION 2212 LIFE CARE COMMUNITIES

Where permitted as a conditional use in the R-2 Residential District, the RM Residential Mix District and the VCR Village Center Residential District, life care communities shall comply with Section 2711 of this Ordinance and the following additional provisions:

A. The life care community and accessory facilities shall be designed and used to serve its residents and their guests only.

B. The life care community shall be planned, developed, and operated according to a unified plan under the direction of a single owner or agent for the owner, having full responsibility for and control over all facets of the housing, assisted living and nursing operations.

C. The life care community shall be owned by a single owner.

D. The minimum tract size for a life care community shall be twenty-five (25) contiguous acres not separated by a road, road right-of-way, other right-of-way, or other easement.

E. The maximum gross density within a life care community shall not exceed the following:

R-2 District	Three (3) dwelling units per Adjusted Tract Acreage
RM District	Ten (10) dwelling units per Adjusted Tract Acreage
VCR District	Five (5) dwelling units per Adjusted Tract Acreage

For the purposes of this section, four (4) beds for patient, resident and/or staff person use provided within a skilled nursing facility within the life care community shall be deemed the equivalent of one (1) dwelling unit. Such density calculation for skilled nursing beds shall not apply to assisted living units.

F. The life care community may provide individual dwelling units in any combination of single or multiple-family dwellings and shall include a community center in which an auditorium, activity rooms, craft rooms, library, lounges, or similar Low to Medium Intensity R~~r~~ecreational facilities for members of the life care community shall be included. Additional facilities provided as part of the life care community shall include:

1. Common dining facilities proximate to the dwelling units, such that the residents of life care community will be able to easily access the common dining facilities, but in no case shall be greater than 250 feet from the furthest residential dwelling unit. The access routes for the community dining facilities shall not require the

residents of the life care community to traverse a public right of way. Such dining facilities shall be of sufficient combined size to serve all members of the life care community;

2. Assisted living, skilled nursing with dementia care and convalescent facilities;

3. Office and retail service facilities designed and adequate to serve only the members of the life care community, including but not necessarily limited to any of the following: doctor's offices, pharmacy, gift shop, coffee shop, bank, barber or beauty shop.

G. A minimum of fifty percent (50%) of the total tract area shall be designated as and used exclusively for greenway land. Ownership, location, design and layout, and maintenance of greenway land shall be in accordance with the requirements of Section 1808 and Article XIX of this Ordinance.

H. A minimum setback of one hundred (100) feet from all tract boundaries in which no structures shall be located may be required at the discretion of the Board of Supervisors. The screening provisions of Section 2106B of this Ordinance shall be incorporated within setback areas.

SECTION 2213 PERFORMANCE STANDARDS

The standards established in this section are designed to prevent dangerous or objectionable hazards or conditions which would be adverse to the health, safety and welfare of the residents of the Township. The following standards shall apply to all uses in all districts in the Township:

A. Air Quality

There shall be no emission of smoke, ash, dust, fumes, vapors, gases, or other matter toxic, corrosive, or noxious into the air which violates the Pennsylvania Air Pollution Control Laws, including the standards set forth in Chapter 123 (Standards for Contaminants) and Chapter 131 (Ambient Air Quality Standards), Article III, Title 25, Pennsylvania Department of Environmental Protection, Rules and Regulations.

No user shall operate or maintain or be permitted to operate or maintain any equipment, installation or device which by reason of its operation or maintenance will discharge contaminants to the air in excess of the limits prescribed herein unless he shall install and maintain in conjunction therewith such control as will prevent the emission into the open air of any air contaminant in a quantity that will violate any provision of this Ordinance.

B. Fire and Explosive Hazards

All activities and all storage of flammable and explosive material shall be provided with adequate safety devices against the hazard of fire and explosion, and adequate fire-

fighting and fire-suppression equipment and devices as detailed and specified by the laws of the Commonwealth of Pennsylvania. All buildings and structures and activities within such buildings and structures shall conform to the Building Code, the Fire Prevention Code, and other applicable Township Ordinances. Any explosive material shall conform to the requirements of Chapter 211, Title 25, Rules and Regulations, Pennsylvania Department of Environmental Protection, for Storing, Handling and Use of Explosives. A list of such liquids, solids, or gases stored on site shall be supplied to the appropriate fire companies serving the Township.

C. **Glare and Heat**

No direct or sky-reflected glare, whether from floodlights or high temperature processes such as combustion or welding or otherwise, so as to be visible at the lot line shall be permitted. These regulations shall not apply to signs or floodlighting of parking areas otherwise permitted by this Ordinance. There shall be no emission or transmission of heat or heated air so as to be discernible at the lot line.

D. **Liquid and Solid Waste**

There shall be no discharge at any point into any public or private sewerage system, or watercourse or into the ground, of any materials in such a way or such a nature, as will contaminate or otherwise cause the emission of hazardous materials in violation of the laws of West Vincent Township and the Commonwealth of Pennsylvania, and specifically Chapters 73, 75, 95 and 97, Title 25 Pennsylvania Department of Environmental Protection, Rules and Regulations. A list of such liquids, solids, or gases stored on site shall be supplied to the appropriate fire companies serving the Township.

E. **Noise**

No person shall operate or cause to be operated on private or public property any source of continuous sound (any sound which is static, fluctuating or intermittent with a recurrence greater than one time in any 15 second interval) in such a manner as to create a sound level which exceeds the limits set forth in the following table when measured at or within the property boundary of the receiving land use.

Receiving Land Use Category	**Time**	**Sound Level Limit (dBA)**
Residential, public space, greenway land, agricultural or institutional	7:00 a.m.-7:00 p.m.	60
	7:00 p.m.-7:00 a.m. plus Sundays and legal holidays	50
Commercial or business	7:00 a.m.-10:00 p.m.	65
	10:00 p.m.-7:00 a.m. plus Sundays and legal	60

	holidays	
Industrial	At all times	70

1. For any source of sound which emits a pure tone, the maximum sound level limits set forth in the above table shall be reduced by 5 dBA. For any source of sound which emits an impulsive sound (a sound of short duration, with an abrupt onset and rapid decay and/or an occurrence of not more than one time in any 15 second interval) the excursions of sound pressure level shall not exceed 20 dBA over the ambient sound level, regardless of the time of day or night or receiving land use, using the "fast" meter characteristics of a Type II meter meeting the ANSI specifications S14-1971.

2. The maximum permissible sound levels as listed in the previous table shall not apply to any of the following noise sources:

    a. The emission of sound for the purpose of alerting persons to the existence of an emergency or associated practice drills.

    b. Emergency work to provide electricity, water, or other public utilities when public health or safety are involved.

    c. Domestic power tools.

    d. Excavation and construction operations carried on during normal business hours (i.e. - 7:00 a.m. to 5:00 p.m.).

    e. Agriculture.

    f. Public celebrations, specifically authorized by the Board of Supervisors.

3. Motor vehicle operations shall not exceed the noise levels established in Chapter 157 of Title 67 of the Pennsylvania Code of Regulations, Subchapter B, Established Sound Levels.

F. **Odors**

No uses except agricultural operations shall emit odorous gases or other odorous matter in such quantities to be offensive at any point on or beyond its lot lines. The guide for determining such quantities of offensive odors shall be the fifty (50) percent response level of Table 1 (Odor Thresholds in Air), "Research on Chemical Odors: Part I - Odor Thresholds for 53 Commercial Chemicals," October, 1968, Manufacturing Chemists Association, Inc., Washington, D.C.

G. **Vibration**

No vibration shall be produced which is transmitted through the ground and is discernible without the aid of instruments at or at any point beyond the lot lines.

H. **Radioactivity or Electrical Disturbances**

Any activities which generate electromagnetic radiation shall comply with applicable Federal Communications Commission regulations and shall not adversely affect the operation of equipment belonging to someone other than the creator of the disturbance. If any use, including storage and possession, is proposed which incorporates the use of radioactive material, equipment or supplies, such use shall be in strict conformity with applicable Nuclear Regulatory Commission regulations and Pennsylvania Department of Environmental Protection rules and regulations.

I. **Public Health and Safety**

No use shall create any other objectionable condition in an adjoining area which will endanger public health and safety or be detrimental to the proper use of the surrounding area.

SECTION 2214 PERSONAL USE OR PRIVATE USE AIRPORTS

Where permitted by Conditional Use in the RC Rural Conservation District, personal use or private use airports shall comply with the requirements of Section 2711 of this Ordinance and the following additional standards:

A. The proposed airport shall be constructed, operated and maintained in accordance with the published rules and regulations of the Federal Aviation Administration (FAA), Pennsylvania Bureau of Aviation and the National Fire Protection Association governing minimum safety standards and the use and licensing of airports.

B. Each application for an airport shall include:

1. A copy of the Federal Aviation Administration Form 7480-1, "Notice of Landing Area Proposal."

2. A copy of a letter of "No Objections" from the FAA.

3. A copy of State of Pennsylvania Application for Approval of Landing Area Site and the letter of site approval from the Bureau of Aviation.

4. An aerial photograph or drawing of a scale no less than one (1) inch equals four hundred (400) feet indicating the approach and departure routes, the location of all residences, schools, churches, hospitals and areas used for the open assembly of people as well as other noise-sensitive areas within a radius of one-half (1/2)

mile of the proposed airport site.

5. A statement of property ownership or authorization of the owner for the property proposed to be used as an airport.

6. A description of the purpose for which the airport is being established and a schedule of proposed activities including:

   a. Number of monthly operations;

   b. Hours of operation;

   c. Support activities such as storage, maintenance and refueling.

7. A site plan which shall contain the following information in addition to requirements of the Township Subdivision and Land Development Ordinance:

   a. The location, nature and height of proposed security fences, berms, landscaping and other security and noise attenuation structures.

   b. The location and type of fire-fighting equipment and materials.

   c. The location and type of fuel storage facilities.

   d. The location of all existing and proposed buildings.

   e. The location of airport take-off and landing areas, parking areas, and the method of surface preparations or stabilization.

   f. The location of airport take-off and landing areas, parking areas, and the method of surface preparations or stabilization.

8. Approval of the local fire company for the installation and location of fire fighting equipment and materials, and the installation, location and method of use for refueling equipment and procedures.

C. All runways, take-off, and landing areas shall be designed, constructed, and maintained in accordance with applicable Federal Aviation Administration standards and regulations; provided, however, in the case of helicopters the Total Tract Area of the take-off and landing areas shall consist of not less than one (1) acre of unimproved, and unobstructed level area.

D. The hours of operation of any personal use or private use airport shall be restricted to daylight hours.

E. Personal use or private use airports shall be screened in accordance with the requirements

of Section 2106B of this Ordinance.

SECTION 2215 PIPELINE SETBACK

New residential buildings used for human habitation, inground swimming pools and all buildings for commercial, industrial, or institutional use shall be set back a minimum of fifty (50) feet from any existing or proposed pipeline right-of-way within which is or shall be transported a flammable or explosive material, either existing or proposed. Other buildings including garden sheds, detached garages and turn-out sheds shall not be located within any pipeline right-of-way. No activity or grading within the pipeline right-of-way or setback area shall create depressions or areas in which flammable or explosive materials may collect or accumulate.

SECTION 2216 PONDS

The construction of any new ponds, excluding stormwater retention/recharge facilities, or the expansion or maintenance of existing ponds (including the alteration of any embankment or dredging activities) shall be permitted subject to the following standards:

A. Construction shall not commence without a permit first being issued by the Township.

B. Conditional use approval per Section 2711 of this Ordinance shall be required if any pond exceeds any one of the following standards:

1. **New Pond Construction**

   a. One hundred (100) acres or more of contributing drainage area,

   b. One (1) acre foot or more of water, or

   c. Berm or dam height of five (5) feet or more, measured at the upstream or uphill toe of the berm or dam.

2. **Existing Pond Expansion or Enlargement**

   a. Expansion or enlargement when the existing area plus the expansion or enlargement meets or exceeds the thresholds contained in paragraph B.1 above, or

   b. Expansion or enlargement in which either the surface area or berm/height of the pond is increased by twenty-five (25) percent or more.

C. In addition to the general permit requirements contained in Article XXVII and the conditional use standards of Section 2711, the following additional information shall be

submitted with the application:

1. Identification, location, and capacity of the source existing or proposed to service the pond, including information demonstrating compliance with the provisions of the Township Well Ordinance, where applicable.

2. Identification, location, and capacity of the outlet structure or feature into which the overflow, emergency spillway, and/or outlet structure of the pond is intended to be directed.

3. A structural and hydraulic engineering study or plan indicating details of the proposed pond construction, including, but not limited to, embankment construction/compaction, riser/barrel outfall capacity, anti-seep techniques, freeboard and emergency spillway specifications.

4. A maintenance and inspection plan or agreement specifying techniques to be employed to guarantee the routine inspection, maintenance, and repair of the pond and all of its components so as to protect the health, safety, and general welfare of Township residents. The plan shall address such issues as potential collapse of dam/berm, flooding, affect on quantity and quality of neighboring water supplies, damage to dam/berm from animals and rodents.

D. The following shall be received prior to approval of any conditional use or building permit:

1. Review and approval from the County Conservation District.

2. Applicable permits from the Department of Environmental Protection and/or U.S. Army Corps of Engineers.

3. Review and approval from the Township Engineer.

4. Road occupancy permit from the Pennsylvania Department of Transportation or the Township if the project affects any drainage facilities within the right-of-way of a State or Township road.

E. Use of any new source to service the pond shall comply with the provisions of the Township Well Ordinance, where applicable.

F. In addition to the applicable conditional use application and building permit fees, the applicant shall also reimburse the Township for any and all appropriate legal and engineering costs incurred as part of the review and inspection process.

SECTION 2217 PROJECTIONS INTO REQUIRED YARD AREAS

All required yard areas shall be unobstructed except as follows:

A. An arbor, open trellis, flagpole, unroofed steps and terraces, even if located within the front yard.

B. Accessory buildings or structures, provided such a projection shall be no closer than the setback required for accessory buildings or structures in the district in which the lot is located.

C. Roofed terraces, patios, canopies, or awnings attached to the building and not included in the area calculation of a building may project into any yard a maximum of fifteen (15) feet, provided such a projection into a side or rear yard shall be no closer than the setback required for accessory structures or buildings in the district in which the lot is located.

D. Alternative energy system components in accordance with the provisions of Section 2202 of this Ordinance.

E. Towers and antennas in accordance with the provisions of Section 2224 of this Ordinance.

SECTION 2218 RIDGELINE SETBACK

New buildings and structures shall be set back a minimum of one hundred (100) feet from the crest of any Ridgeline as defined herein, unless vegetation or other natural features exist to visually screen the proposed building or structure. Such vegetation or other natural features shall not be removed or destroyed.

SECTION 2219 SALE OF FARM PRODUCTS AND OUTDOOR DISPLAY OF MERCHANDISE

A. Where the display and sale of farm products are permitted, they shall be designated as an accessory use incidental to an agricultural activity. These include pick-your-own sales, CSAs, Christmas tree sales, farm tours, farm stores and stands, and shall comply with the following conditions:

1. A minimum of fifty percent (50%) of all farm products shall be grown and produced on the property on which they are offered for sale.

2. Sale of farm products shall be conducted from a portable stand, dismantled at the end of the growing season, or from a permanent accessory building under the following conditions:

a. Such building shall be located at least one hundred (100) feet from the

right-of-way line of any street.

b. Parking spaces shall be provided outside the right-of-way of any public road at a rate of one (1) parking space for every one hundred (100) square feet of sales space, but in no case shall less than three (3) spaces be provided.

c. The floor area devoted to sales shall not exceed one thousand (1000) square feet.

3. The area devoted to the display and sale of farm products shall comprise no more than 1/2 acre of the farm property.

B. Except when held in a designated Agricultural Village Community, as defined in Section 2229, farm entertainments to be held for more than one (1) day, such as corn mazes, hayrides, haunted houses, and other events intended to attract large numbers of visitors to the farm at any one time period, shall be permitted as a conditional use, subject to the Applicant establishing:

1. The hours of operation of the event shall be subject to the approval of the Board of Supervisors, but shall generally be between the hours of 10:00 a.m. and 9:00 p.m.

2. The Applicant shall submit an access and circulation plan for review and approval by the Township, which shall be designed to ensure adequate access for emergency vehicles.

3. The Applicant shall provide a description of the parking accommodations for the event, which must be suitable to provide parking for the estimated number of vehicles.

4. The Applicant shall provide the Township with the name, address and telephone number of an emergency contact person for the event.

5. The Applicant shall provide a description of the provisions for sanitary facilities.

6. The Applicant shall provide a description of any sound-amplification equipment that will be used at the event, if any, noting that the Applicant shall comply with all noise provisions set forth in the Township Zoning Ordinance and any other applicable Township Ordinances.

7. The Applicant shall provide a description of any alcoholic beverages that will be sold at the event, noting that Applicant shall provide the Township with evidence that it has obtained all required County, State or other outside agency approvals for such (e.g., approval from the Pennsylvania

Liquor Control Board to serve alcoholic beverages).

h. The Applicant shall provide a description of the security and/or other crowd control measures that will be employed at the event, as required by the Board of Supervisors in its reasonable discretion.

i. The Applicant shall bear the burden of establishing that all of the above-referenced provisions have been established, such that the special event will not cause any threat to the public health, safety and welfare.

C. In the PC/LI Planned Commercial/Limited Industrial District and the LVCC Ludwigs Village Center Commercial District, the outdoor display and sale of merchandise shall be permitted as an accessory use provided that such display does not extend more than fifteen (15) feet from the building front and does not interfere with the safe and efficient flow of pedestrian or vehicular traffic. The sale of merchandise shall include, but is not limited to, the sale of used automobiles, motorcycles, vehicles, boats, machinery, equipment and other commercial goods. However, the sale of more than one (1) used automobile, used motorcycle, used vehicle, used boat, used piece of machinery or used piece of equipment will not be considered as an accessory use, and is instead only permitted as a conditional use under Section 1102 of this Ordinance.

SECTION 2220 STANDARDS FOR RAISING ANIMALS

The raising, breeding or boarding of animals for commercial purposes or as a residential accessory use shall, where permitted, comply with the following standards:

A. **Commercial Boarding Stables**

In districts where commercial stables are permitted as a conditional use, the following minimum space requirements for horses shall apply:

Pasture - 1 acre per horse, 2 acres per horse if pasture is located within woodlands

Stalls (inside dimensions)

Tie stall - 9 ft. x 4 1/2 ft.
Standard box stall - 12 ft. x 12 ft.
Stallion and brood mare stalls - 14 ft. x 14 ft.

Loose housing (shed area in square feet)

Foal	100
Yearling	120
Mature horse	150

B. **Residential Accessory Uses**

The raising, breeding, or boarding of animals as a residential accessory use shall be permitted only under the following conditions:

1. Dogs and/or cats under six (6) months old may be kept as pets.

2. Dogs and/or cats over six (6) months old may be kept as pets, provided that any outside shelter or exercise area is enclosed and located in the rear yard area. For lots under two (2) acres in size, a maximum of four (4) dogs and/or four (4) cats (in the aggregate) are allowed, with one (1) additional dog or cat allowed for each full acre up to a maximum of twelve, up to a maximum of twelve (12) dogs or twelve (12) cats.

3. Maintaining a horse or horses for private, noncommercial recreational use only for the residents of a single-family home with a minimum lot size of two (2) acres for the first horse and one (1) acre for each additional horse.

43. Poultry or fowl may be kept, provided that any outside shelter or fenced-in area must be located behind the front façade of the principal dwelling.

C. **Setback Requirements**

Unless otherwise specifically preempted by State law: Buildings or structures used for the housing of animals or for the storage of animal wastes or other odor- or dust-producing substances, excluding exercise/training rings and turn-out sheds/shelters involving no storage of animal wastes, shall be located a minimum of one hundred (100) feet from any property line and two hundred (200) feet from any dwelling other than that of the owner. Permanent animal waste piles shall be located a minimum of two hundred (200) feet from any property line. Temporary animal waste piles may be stored within this setback for the purpose of land application, provided that they are removed within fifteen (15) days. These setback requirements may be reduced for buildings or structures used for the housing of animals, but not for those for the storage of animal wastes or other odor- or dust-producing substances, at the discretion of the Board of Supervisors if it can be proven by the applicant that topography, screening, or other features will reduce the affect of odors, visual intrusions, or other impacts on adjoining property owners.

D. Lots shall be graded so that animal wastes are confined to the lots on which they originate or are stored.

E. The design and construction of animal waste storage facilities shall be in accordance with Soil Conservation Service standards and approved by the County Conservation District.

F. All grazing and pasture areas shall be fenced.

SECTION 2221 STRIPPING OF TOPSOIL OR SOD: EXCAVATION OF CLAY, SAND, GRAVEL, OR ROCK

The stripping of topsoil or sod and the excavation of clay, sand, gravel, rock or other minerals shall be permitted only if conducted in accordance with applicable regulations set forth by the Pennsylvania Department of Environmental Protection and/or any other governmental agency, the provisions of the Township Subdivision and Land Development Ordinance, and the following additional conditions:

A. **Stripping Topsoil or Sod**

Topsoil or sod may be removed only under the following conditions:

1. As part of the construction, alteration, or grading of a street, building, parking area, or utility improvements, provided the least amount of disturbance occurs.

2. In connection with normal lawn preparation and maintenance on the lot from which topsoil or sod is removed.

3. In connection with agricultural operations, provided that a minimum of six (6) inches of topsoil remains and that areas where topsoil is removed are reseeded with an appropriate ground cover within six (6) months. Topsoil shall refer to the "A" horizon of a soil profile.

4. Conservation measures shall be incorporated to prevent any increase in erosion or stormwater run-off during or after stripping operations than occurred prior to the commencement of the activity.

B. **Excavation of Clay, Sand, Gravel, Rock or Other Minerals**

The excavation or extraction of clay, sand, gravel, rock or other minerals shall be permitted only under the following conditions:

1. As part of the construction of a building or the construction or alteration of a street.

2. The surface of the lot shall not be graded to a level below that of adjoining streets.

3. Excavation shall not be conducted in a way which will leave loose boulders exposed.

4. A minimum of three (3) inches of topsoil shall cover disturbed areas and be reseeded with an appropriate groundcover within one (1) year.
5. Provision is made by the applicant for restoration of natural groundcover and control of erosion.

6. A final grading plan be submitted to the Township.

SECTION 2222 SWIMMING POOLS AND SWIMMING CLUBS

A. Private Swimming Pools

Private swimming pools where permitted by this Ordinance shall comply with the following conditions and requirements:

1. Every swimming pool area or the entire property on which it is located shall be completely enclosed by a fence or wall so as to prevent uncontrolled access. Said barrier shall not be less than four (4) feet in height; constructed with no openings, holes, or gaps, except gates, larger than four (4) inches in any dimension; and shall be maintained in good condition. A dwelling, accessory building, or other structure may be used as part of such enclosure.

2. All gates and doors opening through such enclosure shall be equipped with a self-closing and self-latching device for keeping such gate or door securely closed and latched at all times when not in use.

3. A swimming pool and its accessory structures, including any walks or paved areas adjacent thereto, shall not be located in any required setback areas.

4. Swimming pools shall be located so as to provide a minimum vertical clearance from overhead utility or electrical lines of twenty (20) feet.

B. Private Swimming Clubs

Private swimming clubs where permitted in this Ordinance shall comply with the applicable standards of the Pennsylvania Department of Environmental Protection (Chapter 193, Rules and Regulations) and the Chester County Health Department.

SECTION 2223 TIMBER HARVESTING/LOGGING

Timber harvesting or logging on any lot or parcel within the Township shall be by selective cut method and in accordance with Pennsylvania Department of Forestry standards and applicable permit requirements. Clear-cutting and/or the utilization of logging roads or skid trails on slopes of fifteen percent (15%) and above shall be prohibited. On slopes of less than fifteen percent (15%) clear-cutting may be permitted for wildlife management, reforestation to a more desirable commercial tree type, removal of diseased trees, or clearing land for agricultural purposes. Clear-cutting shall be prohibited within one hundred (100) feet of any stream or as determined by Section 2307 of this Ordinance, whichever distance is greater, except for safety or access purposes.

SECTION 2224 COMMUNICATIONS TOWERS, EQUIPMENT BUILDINGS AND ANTENNAS

The construction, use and maintenance of communications towers, equipment buildings and antennas as defined by and permitted in the applicable zoning districts of this Ordinance shall be permitted under the following conditions:

A. **Communications Antennas and Communications Equipment Buildings**

1. Building mounted communications antennas shall not be located on any single-family dwelling or two-family dwelling.

2. Omnidirectional or whip communications antennas shall not exceed twenty (20) feet in height and seven (7) inches in diameter.

3. Directional or panel communications antennas shall not exceed five (5) feet in height and three (3) feet in width.

4. Any applicant proposing communications antennas to be mounted on a building or other structure shall submit the following information with the building permit application:

   a. Evidence from a Pennsylvania registered professional engineer certifying that the proposed installation will not exceed the structural capacity of the building or other structure, considering wind and other loads associated with the antenna location.

   b. Detailed construction and elevation drawings indicating how the antennas will be mounted on the building or structure for review by the Building Inspector for compliance with the Township Building Code.

   c. Evidence of agreements and/or easements necessary to provide access to the building or structure on which the antennas are to be mounted so that installation and maintenance of the antennas and communications equipment building can be accomplished.

5. Communications antennas shall comply with all applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.

6. Communications antennas shall not cause radio frequency interference with other communications facilities located in the Township.

7. Communications equipment buildings shall not exceed two hundred fifty (250) square feet in floor area.

8. Communications equipment buildings shall be subject to the height and setback requirements of the applicable zoning district for accessory structures.

9. The owner and/or operator of communications antennas shall be licensed by the Federal Communications Commission to operate such antennas.

10. Communications equipment buildings shall be screened in accordance with the provisions of Section 2106B of this Ordinance.

11. Communications equipment buildings shall be prohibited within the French Creek Scenic River Corridor, as identified by Section 2206 of this Ordinance.

12. Where permitted, communications equipment buildings located within visual resource areas as identified by Visual Resources Map of the Township Greenway land and Recreation Plan or a National Register Historic District shall be aesthetically and architecturally compatible with its surrounding environment. The use of materials such as wood, stucco, or stone is required for such buildings, which shall be designed to architecturally match structures within the neighborhood. In no case will metal exteriors be allowed for communications equipment buildings within these areas.

B. **Communications Towers**

1. The applicant shall demonstrate that it is licensed by the Federal Communications Commission to operate a communications tower, if applicable, and communications antennas.

2. The applicant shall demonstrate that the proposed communications tower and communications antennas proposed to be mounted thereon comply with all applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.

3. Communications tower shall comply with all applicable Federal Aviation Administration, Commonwealth Bureau of Aviation, and applicable provisions of Section 2214 of this Ordinance.

4. Any applicant proposing construction of a new communications tower shall demonstrate that a good faith effort has been made to obtain permission to mount the communications antennas on an existing building, structure, or communications tower. A good faith effort shall require that all owners of potentially suitable structures within one-quarter (1/4) mile radius of the proposed communications tower site be contacted and that one (1) or more of the following reasons for not selecting such structure apply:

   a. The proposed antennas and related equipment would exceed the structural

capacity of the existing structure and its reinforcement cannot be accomplished at a reasonable cost.

b. The proposed antennas and related equipment would cause radio frequency interference with other existing equipment within or mounted on the existing structure and the interference cannot be prevented at a reasonable cost.

c. Such existing structures do not have adequate location, space, access or height to accommodate the proposed equipment or to allow it to perform its intended function.

d. Addition of the proposed antennas and related equipment would result in electromagnetic radiation from such structure exceeding applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.

e. A commercially reasonable agreement could not be reached with the owners of such structure.

5. Access shall be provided to the communications tower and communications equipment building by means of a public street or easement to a public street. The easement shall be a minimum of twenty (20) feet in width and shall be improved to a width of at least ten (10) feet with a dust-free, all-weather surface for its entire length.

6. A communications tower may be located on a lot occupied by other principal structures and may occupy a leased area within a lot as long as the total lot meets the minimum lot size requirements for the applicable zoning district.

7. Recording of a plat for subdivision or land development shall not be required for a lease parcel on which a communications tower is proposed to be constructed, provided the communications equipment building is unmanned.

8. In all zoning districts in which communications towers are permitted, the maximum height of any communications tower shall be one hundred and fifty (150) feet. The applicant shall demonstrate that the proposed height of the communications tower is the minimum height necessary to perform it function.

9. The foundation and base of any communications tower shall be set back from any property line (not lease line) at least one (1) foot for each one (1) foot of height.

10. The foundation and base of any communications tower shall be landscaped so as to screen the foundation, base, and communications equipment building from abutting properties in accordance with Section 2106B of this Ordinance.

11. The applicant shall submit the following as part of any applicable conditional use, special exception, and/or building permit application:

    a. Certification from a Pennsylvania registered professional engineer that the proposed communications tower will be designed and constructed in accordance with the current Structural Standards for Steel Antenna Towers and Antenna Supporting Structures, published by the Electrical Industrial Association/ Telecommunications Industry Association and applicable requirements of the Township Building Code.

    b. A copy of its current Federal Communications Commission license; the name, address and emergency telephone number for the operator of the communications tower; and 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 communications tower and communications antennas.

12. All guy wires associated with a guyed communications tower shall be clearly marked so as to be visible at all times and shall be located within a fenced enclosure.

13. The site of a communications tower shall be secured by a fence with a maximum height of eight (8) feet to limit accessibility by the general public.

14. One off-street parking space shall be provided within the fenced area.

15. No signs or lights shall be mounted on a communications tower, except as may be required by the Federal Communications Commission, Federal Aviation Administration or other governmental agency which has jurisdiction.

16. Communications towers shall be protected and maintained in accordance with the requirements of the Township Building Code.

17. Communications towers within the French Creek Scenic River Corridor, as identified by Section 2206 of this Ordinance, shall be prohibited.

18. Where permitted, communications towers within visual resource areas, as identified on the Visual Resources Map of the Township Open Space and Recreation Plan, or within National Register Historic Districts shall be of such design and treated with an architectural material so that they are camouflaged to either resemble a tree, farm silo, or similar feature.

19. If a communications tower remains unused for a period of twelve (12) consecutive months, the owner or operator shall dismantle and remove the communications tower within six (6) months of the expiration of such twelve (12)

month period.

20. Any tower or antenna deemed to be hazardous and unrepairable by the Township Engineer must be dismantled at the owner's expense within sixty (60) days of notice thereof by the Zoning Officer. If the owner fails to comply within the above period, the Township may contract to have the tower or antenna dismantled and shall bill the owner for such expense plus a twenty-percent (20%) penalty payable within thirty (30) days of the billing date. All dismantled parts shall remain on the owner's property or be disposed of properly.

C. Structural changes or conversion of single-use towers or antennas to multi-use purposes shall be considered a new use if the change involves the mounting or placement of any new equipment.

D. Increasing the height of any tower or antenna which will terminate over thirty-five (35) feet from ground level shall be treated as a completely new use and all procedures pertaining to new towers or antennas shall be followed.

SECTION 2225 TRAILS

Existing trails shall be preserved in accordance with the provisions of Section 616 of the Township Subdivision and Land Development Ordinance.

SECTION 2226 VISIBILITY AT INTERSECTIONS

The following shall apply to all zoning districts:

A. On any lot, no wall, fence or other obstruction shall be erected, allowed or maintained, and no hedge, tree, shrub or other vegetation shall be planted or exist within any road right-of-way or which obscures the view of approaching traffic.

B. Clear sight triangles shall be maintained at all street intersections. Within such triangles, no object which obscures vision above a height of three and one-half (3.5) feet and below a height of ten (10) feet shall be permitted. Heights shall be measured from the centerline grade of the street intersection. Such triangles shall be established of a distance from the curb line or edge of pavement of the intersecting street according to the following street functions:

1. Distances for collector and arterial roads shall be in conformance with PennDOT standards, but shall in no case be less than four hundred (400) feet in each direction along the collector or arterial road.

2. Distances for local access streets, except single access streets, shall be based on the posted speed limit of the local access street per Section 2103 of this Ordinance

but no less than two hundred fifty (250) feet in each direction along the local access street.

3. Distances for single access streets shall be no less than one hundred fifty (150) feet along the single access street.

4. Where an intersection is controlled by a stop sign or traffic signal, the clear sight distance shall be measured from a point in the center of the controlled or lesser street ten (10) feet back from the curb line or edge of pavement of the uncontrolled or through street.

SECTION 2227 WELL ORDINANCE REQUIREMENTS

The use and development of all properties in the Township shall comply with the terms of the West Vincent Township Well Ordinance (Ordinance No. 97-78, as amended), the terms of which are hereby incorporated by reference.

SECTION 2228 YARD SALES

Yard or garage sales shall be permitted as an accessory residential use under the following conditions:

A. The number of sales shall not exceed two (2) per year for each single-family or two-family dwelling, or two (2) per year for each multi-family development, with each sale limited to two consecutive days.

B. All items offered for sale shall be the original property of the person(s) conducting the sale. No retail or wholesale merchandise purchased for resale shall be permitted.

C. A minimum of three (3) parking spaces shall be provided outside the right-of-way of any public road or street.

D. Signs advertising yard or garage sales shall comply with the provisions of Article XX of this Ordinance.

SECTION 2229 AGRICULTURAL VILLAGE COMMUNITY

An Agricultural Village Community (AVC) may be permitted in the R-2 Residential District as a conditional use when authorized by the Board of Supervisors subject to the standards established herein and the applicable standards of Section 2711 of this Ordinance:

A. The AVC shall be planned, developed, and operated according to a unified plan under the

direction of a single owner or agent for the owner. As part of the conditional use application, a plan shall be submitted depicting the building types and general layout of the AVC.

B. The minimum tract size for an AVC shall be three hundred (300) contiguous acres.

C. The maximum density within an AVC shall not exceed two (2) acres per dwelling unit based on the adjusted tract acreage. Four (4) beds for patient, resident and/or staff person use provided within a medical facility within the AVC shall be deemed the equivalent of one (1) dwelling unit. Five (5) unrelated individuals housed within the AVC shall be deemed the equivalent of one (1) dwelling unit.

D. The AVC may provide individual dwelling units in any combination of single or multi-family units. The AVC shall also include a community center or other facilities such as administrative offices, auditorium, meeting and activity rooms, arts and craft rooms, cooking and dining facilities, library, lounges, or similar Low to Medium Intensity R~~r~~ecreational, vocational, therapeutic, administrative and educational facilities when available for use by residents, support staff and guests of the AVC.

E. The additional facilities listed below may be provided as part of the AVC when provided in support of and subordinate to the AVC:

1. Medical facilities, including rehabilitation, nursing and convalescent facilities primarily for residents;

2. Retail shops designed primarily to serve the residents and support staff, but also open to the general public; including coffee shop, barber or beauty shop, doctor's office, pharmacy, gift shop, or similar service shops.

F. A minimum of eighty percent (80%) of the adjusted tract acreage shall be designated as and used exclusively for agricultural use or greenway land. Ownership, location, design and layout, and maintenance of the agricultural land or greenway land shall be in accordance with the requirements of Section 1808 and Article XIX of this Ordinance.

G. A minimum setback of one hundred (100) feet from any new buildings over 500 square feet to all tract boundaries in which no buildings shall be located may be required at the discretion of the Board of Supervisors. The screening requirements of Section 2106B of this Ordinance shall be incorporated within setback areas.

SECTION 2230 TRACTS SUBJECT TO MULTIPLE ZONING DISTRICTS

As a Conditional Use and in order to create larger greenway areas, and/or to preserve special areas/features of a tract or tracts of land located in more than one (1) of the R2, R3, RC and VCR Zoning Districts, the property owner may develop the subject tract or tracts of land (hereinafter "unified subject tract") as a unitary development in accordance with the following conditions:

1. The maximum number of dwelling units permitted on the unified subject tract shall be the sum of the maximum number of dwelling units permitted for the separate parts of the subject tract in accordance with the zoning district applicable to each separate part.

2. Development of the unified subject tract shall not exceed the other area and bulk requirement standards for the lesser or least restrictive zoning district; that is, the zoning district that imposes the lesser or least standards.

3. The unified subject tract of land shall have a minimum of 10 acres in each zoning district applicable to the subject tract and must be comprised of contiguous parcels of land that may be separated by an existing road, unless the use proposed is one for which the separation of a tract by a road is explicitly prohibited by the Zoning Ordinance.

4. The burden of proof shall be on the applicant to demonstrate, through the submission of comparative plan analyses, studies and such other relevant information requested by the Board at the conditional use hearing, that larger contiguous tracts of greenway and/or "special areas/features" will result as a consequence of the unified zone and that, where applicable, there shall be permanent greenway protection through conservation easements as provided for in Section 1903D of this Ordinance.

The procedural provisions of West Vincent Township Zoning Ordinance Section 2711B (B) are incorporated herein by reference, except as otherwise expressly provided this Section. All other provisions of Section 2711 shall not apply to an application for approval under this Section. An applicant seeking conditional use conditional use approval under Section 2230, however, is not required to establish that it complies with the provisions of Section 2711(C) unless the applicant is seeking additional conditional use relief under another provision of the Zoning Ordinance which explicitly incorporates Section 2711.

Additionally, an applicant who seeks approval solely under the provisions of the West Vincent Township Zoning Ordinance Section 2230, and who does so in concert with a subdivision and/or land development plan application for the unified subject tract, need not obtain approval under this Section prior to preliminary subdivision and/or land development plan approval, anything in Section 2711 or Section 2711(B)(8) to the contrary notwithstanding. Should an applicant elect to file an application under Section 2230 after having received preliminary subdivision and/or land development plan approval, it shall be understood that securing Section 2230 conditional use approval shall be a condition of any such preliminary plan approval, and that no final subdivision and/or land development plan approval may be granted absent approval by the Board of Supervisors under the provisions of Section 2230.

SECTION 2231 <u>TREE PROTECTION</u>

A. PURPOSE AND DESIGNATION.

In addition to those trees qualifying as Specimen Trees pursuant to Section 202, Specimen Trees are individual trees determined by a registered landscape architect to be of special quality as well as those trees that generally fall within the parameters of the table below. The examples of Specimen Trees included in the following table are intended to provide general guidelines and examples of what constitutes a Specimen Tree and is not considered wholly inclusive. In addition to those trees listed in the chart below, the shape and location of a tree, in addition to site as noted in the table below may contribute to a tree being deemed a Specimen Tree. Specimen Trees shall be protected in accordance with the standards set forth in this Section.

Specimen Trees

Species	**Min. Size** (dbh)	**Species**	**Min. Size** (dbh)	**Species**	**Min. Size** (dbh)
Apple	24”	Locust	30”	Sassafras	20”
Ash	32”	Maple	32”	Spruce	30”
Beech	32”			Sycamore	36”
Cherry	24”	Oak	32”	Tulip Poplar	36”
Elm	30”	Osage Orange	20”	Walnut	30”
Hemlock	30”	Pine	30”	Hickory	32”

B. **Protection of Specimen Trees**

Except for timber harvesting performed pursuant to Zoning Ordinance Section 2223, Specimen Trees shall not be removed from any lot or tract which is the subject of a subdivision or land development application except where the land owner demonstrates to the satisfaction of the Township Board of Supervisors that such removal is essential to eliminate a hazardous condition(s) or there is a demonstrable financial hardship if the tree is not removed. Removal of Specimen Trees shall be minimized. When removed, Specimen Trees shall be replaced as per this Ordinance.

C. **Tree Replacement**

1. Tree Replacement Standards

The cutting of old, damaged, or diseased specimen trees which present a hazard to an existing structure is exempt from the tree replacement requirement. Otherwise, any landowner who removes or causes to have removed, a Specimen Tree shall replace the Specimen Tree pursuant to the following standards:

a) When required, the replacement of trees shall occur on the same lot or tract where disturbance occurs, except as may otherwise be permitted in

subsection (c) below, and shall occur as prescribed in the following Tree Replacement Schedule:

(1) Replacement of trees shall be a minimum of 3" caliper

(2) The number of replacement trees shall be determined by dividing the dbh of the specimen tree to be replaced by 6 (rounding up)

b) Replacement trees shall be of nursery grade quality, balled and burlapped.

c) Where replacement trees are required but not suitable for the particular site prescribed due to the size of the site or other limitations, the trees shall be used for planting on public lands as directed by the Board of Supervisors. Such alternative sites shall be as approved by the Township.

d) The type of replacement trees shall be the same species as removed from the site unless otherwise approved by the Township.

e) Newly planted replacement trees shall be monitored for a period of one (1) year to ensure the health of the trees. If a replacement tree(s) dies or is dying within the one (1) year period, the landowner shall replace the dead or dying tree(s) at no cost to the Township.

D. **Tree Protection Zone**

A tree protection zone is an area radial to the trunk of a tree in which no construction activity shall occur. The tree protection zone for trees to be maintained on a parcel where construction is to occur shall be fifteen (15) feet from the trunk of the tree to be retained or the distance from the trunk to the dripline, whichever is greater.

SECTION 2232. GOLF COURSES

Golf Courses shall comply with the following:

a. Golf courses may include tee boxes, fairways, managed roughs, greens, cart paths, accessory buildings less than 10,000 square feet in area (subject to all area and bulk requirements of the applicable Zoning District), and practice facilities (but excluding a commercial driving range).

b. Neither the golf course nor any component thereof shall be utilized after sunset or before sunrise. The golf course shall not be lit for nighttime use, nor shall any golf clubhouse be utilized in any residential zoning district for restaurant service, receptions or commercial uses other than for incidental food service and incidental merchandise sales to the patrons of

the golf course.

c. Golf courses shall be certified, operated and continuously maintained under the Audubon Gold Signature Sanctuary Program as administered by Audubon International (hereinafter "Audubon Gold Program"). As a component of the Audubon Gold Program, the applicant shall submit an environmental monitoring plan to the Board of Supervisors for their review and approval, which shall comply with the following standards:

(1) Elements addressed by the Audubon Gold Program shall include, but are not limited to, surface water and water courses, ground water quantity and quality, air quality, light pollution and noise levels.

(2) The scope of the Audubon Gold Program shall include the entire area on which the golf course is located and any water course or ground water source which may, in the judgment of the Natural Resource Manager approved by Audubon International, be affected by construction and operation of the golf course.

(3) Baseline monitoring shall be conducted for four seasonal periods prior to the start of construction pursuant to the Audubon Gold Program. Seasonal baseline monitoring shall continue if the start of construction extends beyond the four seasonal periods.

(4) A defined level of environmental impact at which some corrective action is required shall be established for each element in accordance with the Audubon Gold Program.

(5) Seasonal monitoring shall be conducted by a Natural Resource Manager approved by Audubon International and the Township for the entire period during which the golf course is constructed and operated and evidence of compliance with the Audubon Gold Program shall be sent to the Township.

In the event that Applicant is unable to attain or retain certification under the Audubon Gold Signature Sanctuary Program, or in the event that Audubon International ceases to promulgate rules and regulations governing continued certification under the Audubon Gold Signature Program, Applicant shall be subject to the jurisdiction of the Township Board of Supervisors for compliance with an equivalent program that is selected or established by the Township in its reasonable discretion.

d. Golf Cart Paths. All golf cart paths shall be constructed to a minimum of four (4) feet in width and shall not exceed a maximum of twelve (12) feet in width. Golf cart paths shall comply with the standards for driveways as

set forth in the Township Subdivision and Land Development Ordinance, except that golf cart paths may be constructed by conditional use on precautionary or prohibitive slopes, by conditional use, upon establishing compliance with Article XVII (considering golf cart paths as streets or roads).

e. Nine (9) hole golf courses shall not be permitted. The minimum permitted size of a golf course shall be eighteen (18) holes, which must be a minimum of 150 acres in area.

f. All golf courses shall be designed such that errant golf balls shall not intrude onto neighboring properties or roadways.

ARTICLE XXIII

WATER RESOURCE PROTECTION OVERLAY DISTRICT

SECTION 2301 FINDINGS OF FACT

A. Section 603(b) of the Pennsylvania Municipalities Planning Code (Act 247), as amended, allows zoning ordinances to permit, prohibit, regulate, restrict and determine uses of land, watercourses and other bodies of water; and protection and preservation of natural resources.

B. Section 603(d) of the Pennsylvania Municipalities Planning Code (Act 247), as amended, allows zoning provisions which regulate the siting, density, and design of residential, commercial, industrial, and other developments in order to assure the availability of reliable, safe and adequate water supplies to support the intended land uses within the capacity of available water resources.

C. West Vincent Township is a unique hydrological entity in that a significant portion of Township residents rely on the groundwater supply as their sole source of potable water.

D. The aquifers used for the water supply are mainly water table or semi-confined aquifers which are recharged or replenished primarily from rainfall.

E. Water recharge to the water table aquifer occurs throughout West Vincent Township; however, the areas identified as Water Resource Protection Areas have the greatest potential for recharge due to favorable soil, vegetative, and hydrogeologic conditions.

F. Continued development in the recharge areas will decrease the recharge capability because fewer natural areas will be available to absorb rainfall and will increase the volume and speed of surface water runoff, which in turn will increase the amount of water lost to streams and to evapotranspiration.

G. The natural vegetation and soil associations within the Water Resource Protection Area provide superior filtration of waters recharging the water table aquifers, therefore reducing the amounts of natural and man-made contaminants reaching the groundwater supply.

H. Uncontrolled drainage or uncontrolled alteration of the natural environment through the construction of roads, fill of land, grading, or excavation will adversely affect the relationship between surface waters and the recharging of groundwater.

I. While certain types of development will have no adverse effects on the beneficial aspects of the Water Resource Protection Area, or may actually enhance positive qualities, uncontrolled development will cause substantial destruction of the potential abilities of this area to sustain adequate and quality water supplies for the current and future residents of West Vincent Township.

J. Uncontrolled development in Water Resource Protection Areas may seriously impair both the water quantity and quality available from Township aquifers. Such a situation could ultimately lead to water shortages and water quality problems. These problems would result in the disruption of public and private activities, burdensome public expenditures for importing and/or treating water supplies, potential injury to persons, and loss of the enjoyment of property, all of which adversely affect the public health, safety, and general welfare.

SECTION 2302 STATEMENT OF PURPOSE

It is the purpose of this section to promote the public health, safety, and general welfare and to minimize those losses described in Section 2301 above by establishing provisions designed to:

A. Protect the water resources of West Vincent Township.

B. Prevent development or use of land in the Water Resource Protection Area in a manner tending to affect adversely the quality or quantity of water recharged to aquifers.

C. To minimize adverse effects on the natural balance of soils, vegetation, natural drainage, and subsurface features which contribute to beneficial filtering of contaminants and recharge of waters to aquifers.

D. To regulate or prevent the erection of structures or location of uses in Water Resource Protection Areas which may have a substantial adverse effect on water quality by virtue of the creation, handling, or disposal of potentially harmful substances.

SECTION 2303 PROTECTION STANDARDS

To meet the purposes and goals of this section, the regulations contained herein shall apply to any applicable activity, development, or improvement within the Water Resource Protection Area. Where two or more natural features overlap, the restriction on the feature with the higher protection standard shall be used. The standards contained herein shall be minimum standards to be met and maintained. Standards established by other Township ordinances or by State and Federal rules and regulations shall apply where those standards are more restrictive than the standards set forth herein. All applicable use regulations, minimum lot areas, area and bulk regulations as set forth for base zoning districts in this Ordinance shall be also be met.

SECTION 2304 WATER RESOURCE PROTECTION AREA

A. **Definition**

The Water Resource Protection Area coincides with local and regional recharge areas and areas susceptible to ground and surface water contamination and includes all of the following areas:

1. The areas designated on the Water Resource Protection Area map of this Ordinance as susceptible to surface water contamination. These areas include those designated as local recharge/discharge areas, and which overlap with the following:

   a. Areas within the Steep Slope Conservation District as defined in Article XVII of this Ordinance, or

   b. Those areas designated as high water-table soils. Such areas typically include the following soil types:

      Bowansville silt loam (Bo)
      Chewacla (Ch)
      Congaree silt loam (Ch)
      Croton silt loam (Cr)
      Glenville silt loam (Gn)
      Glenville very stony silt loam (Gs)
      Montalto channery silt loam (Mo)
      Montalto very stony silt loam (Mr)
      Readington silt loam (Rd)
      Rowland silt loam (Ro)
      Wehadkee silt loam (We)
      Worsham silt loam (Wo)
      Worsham very stony silt loam (Ws); and

2. The areas designated on the Water Resources Protection Area map of this Ordinance as susceptible to groundwater contamination, including but not limited to the following:

   a. The areas designated as shallow soils or soils too permeable. Such soils typically include the following soil types:

      Brandywine loam (Br)
      Brandywine very stony loam (Bs)
      Chester very stony silt loam (Cg)
      Glenelg very stony silt loam (Gm)
      Manor very stony loam (Mm)
      Neshaminy very stony silt loam (Ns)
      Penn shaly silt loam (Pe)

Penn silt loam (Pm)
Penn very stony silt loam (Pn)
Penn and Lansdale sandy loams (Pt); and

b. The areas designated in subsection 1.b above.

3. The areas designated on the Water Resources Protection Area map of this Ordinance as fault zone and fracture trace areas; or

4. The areas designated on the Water Resources Protection Area map of this Ordinance, as a regional aquifer and an area more susceptible to well interference, and which includes the Stockton sandstone geologic formation.

B. **Interpretation**

1. In reviewing all applications for compliance with the provisions of this Section, the Township shall make its review on the basis of Water Resources Protection Area boundaries as described in Section 2304A above.

2. Where interpretation is needed as to the exact location of the boundaries of the district, as for example, where there appears to be a conflict between a mapped boundary and actual field conditions, an initial determination of the exact boundary of the Water Resources Protection Area shall be made by the Township Engineer or Hydrogeologist.

3. Any party seeking such a determination may submit a soil and/or geological study of the area in question, or other pertinent documentation for consideration. The Township Engineer shall make a written report of the results of his initial determination, a copy of which shall be provided to the Planning Commission and the Board of Supervisors.

4. Any party aggrieved by any such determination of the Township Engineer may appeal to the Zoning Hearing Board. The person contesting the location of the district boundary shall have the burden of proof in case of any such appeal.

C. **Applicability**

1. Regulations pertaining to the Water Resources Protection Area in this Section shall constitute an overlay on the otherwise applicable zoning districts as delineated on the Township Zoning Map. Should such regulations be declared not applicable for any tract of land for any reason by the Board of Supervisors or the Zoning Hearing Board, the zoning provisions applicable to such tract shall be the district in which it is located, as shown on the Township Zoning Map, without consideration of this Section.

2. No structure, land, or water shall be used or developed, and no structure shall be

located, extended, converted, or structurally altered without full compliance with the standards and procedures as set forth in this Section.

3. In the Water Resources Protection Area, alteration and development of the land may be hazardous with respect to the contamination of ground and surface waters. Within the limitations of the information available at the time of review of individual applications, the Township shall attempt to make reasonable judgments as to the applicant's compliance with the standards of subsection F below. Under no circumstances shall West Vincent Township or any officer or employee of the Township assume any liability for any interested party's reliance upon the regulations of this Section or any decisions made by the Township in the administration of such regulations.

D. **Use Regulations**

1. If permitted by the underlying zoning district, the following uses may be permitted in the Water Resources Protection Area only as a conditional use when authorized by the Board of Supervisors, subject to the standards of Section 2711 of this Ordinance and any additional standards contained in the Section:

   a. Aboveground storage tanks

   b. Stormwater detention facilities

   c. Sanitary sewer lines, utilities or pipelines, other than sanitary sewer lines, utilities or pipelines that are proposed to be located within an existing public road right of way or other public right of way. Further, for sanitary sewer lines, utilities or public lines proposed to be located within a proposed public road right of way, or other proposed public right of way, as designated on a submitted preliminary subdivision or land development plan, the conditional use provisions of this Section shall not apply. Rather, the applicant shall be required to demonstrate compliance with those procedures and standards set forth in Zoning Ordinance Section 2304(E) as are determined to be applicable by the Township Engineer in its sole discretion, as part of the preliminary subdivision and/or land development application process or as a condition precedent to receiving a permit for the installation of the improvements in the public road right of way or other proposed right of way, and further provided that the proposed public road right of way or other proposed public right of way becomes an actual public road right of way or an actual other public right of way;

   d. Water withdrawals of 10,000 gallons per day or more

2. If permitted by the underlying zoning district, the following uses may be permitted in the Water Resources Protection Area only as a special exception when authorized by the Zoning Hearing Board, subject to the standards of Section

2807 of this Ordinance and any additional standards contained in this Section:

a. Industrial, commercial, and manufacturing facilities associated with the following Standard Industrial Codes (SIC), if applicable (see Appendix D)

	Use	SIC code
(1)	Communications equipment manufacturer	366
(2)	Electric and electronic equipment manufacturer	367
(3)	Fabricated metal products	344
(4)	Metalworking machinery	354
(5)	Miscellaneous machinery	359
(6)	Plastic materials and synthetics	282
(7)	Plastics, synthetic resins, and nonvulcanized elastomers	2821
(8)	Blast furnaces, steelworks, rolling mills	3312
(9)	Trucking terminals or fleet vehicles	4231
(10)	Printing, publishing & allied industries	27, 731
(11)	Public utilities	481, 491, 492
(12)	Sawmills & planning	2421
(13)	Stone, clay & glass products	32
(14)	Auto repair	7538
(15)	Gasoline service stations	554
(16)	Local & interurban passenger transit	41
(17)	New and used car dealer's	n.a.

(18)	Welders	7692
(19)	Dry cleaning	7216
(20)	Special construction trades Plumbing, heating, air conditioning	 1711
	Painting, paper hanging, decorating	1721
	Plastering, drywall, acoustical insulation	1742
	Carpentry	1751
	Flooring	1752
	Roofing and sheet metal Wrecking and demolition	1761 1795
	Other special construction Trades	1799
(21)	Swimming pool cleaning & maintenance	7399
(22)	Medical facilities	8071
(23)	Veterinary services	0742
(24)	Schools	821
(25)	Furniture & fixtures, manufacture & repair	2512, 7641
(26)	Funeral services and crematories	7261
(27)	Government offices	919
(28)	Home heating oil	5183
(29)	Photo processing laboratory	7333, 7395

(30)	Residential developments containing multi-family dwellings	6513
(31)	Pharmacies	591
(32)	Hardware stores	525
(33)	Carpet stores	5713
(34)	Construction materials	521
(35)	Car washes	7542
(36)	Beauty shops	723
(37)	Barber shops	724
(38)	Sports shops	5941
(39)	Hobby shops	5945
(40)	Country clubs	7997
(41)	Bowling alleys	7933

(b) Any use or facility which stores, transports, processes, or disposes of hazardous material.

(c) The below ground storage of heating oil, gasoline, chemical solutions, or other hazardous substances which, if released, would constitute pollutants to ground or surface waters.

(d) Road salt stockpiles

(e) Golf courses

(f). Quarries and mining operations

(g) Cemeteries

(h) Junk or salvage yards

E. **Procedures**

Where permitted in subsection D above, all uses within the Water Resources Protection Area shall comply with the following procedures, in addition to those applicable to the use regulations:

1. All applications submitted to the Township shall contain the following information: (At least twelve [12] copies of the application shall be submitted.)

    a. A map, at a scale no smaller than 1" = 100' indicating the location of the property and all proposed improvements thereon and their geographic relationship to the Township's Water Resources Protection Area as described in Section 2304A above.

    b. For areas proposed for grading, construction of buildings and other improvements, the applicant shall submit information for such areas, indicating the presence of any of the following geologic features:

        (1) Depressions;

        (2) Fissures, lineaments, faults or air photo fracture traces;

        (3) Lakes or ponds occurring after rainfall events;

        (4) Outcrops of bedrock and subsurface geology;

        (5) Seasonal high water tables;

        (6) Sinkholes;

        (7) Soil mottling, as defined by a soil scientist;

        (8) Springs;

        (9) Surface drainage entering subsurface features;

        (10) Steep slope areas:

            (a) 15-25% slope

            (b) over 25% slope

        (11) Erodible soils; and

        (12) Natural swales or drainage areas, drainage lines or boundaries.

        Such information may be based upon field surveys and/or published data,

but in either case shall be supported by an explanation of its source including the qualifications of the individuals directly responsible for preparing such information.

c. A map indicating existing and proposed drainage conditions, the locations of existing private and public wells on adjoining properties.

d. An Environmental Assessment Report demonstrating the impact of the proposed development or application on the water quality and quantity of the Water Resources Protection Area, and compliance with the standards contained in subsection F below. The format and contents of the Environmental Assessment Report shall be as follows:

(1) **Statement of Purpose**. This section shall indicate those standards in subsection F below being addressed in the report and whether the applicant is attempting to demonstrate compliance or justify non-compliance with those standards.

(2) **Description of Existing Conditions**. This section shall present a description of existing characteristics of the property with respect to geology, topography, ground and surface water hydrology, soils, vegetation, and existing improvements and uses.

(3) **Description of the Proposed Action**. This section shall describe the proposed action including: types, locations and phasing of proposed site disturbances and construction, as well as proposed future ownership and maintenance of the property and the proposed improvements. Plans describing the proposed action may either be included within or accompany the Environmental Assessment Report.

(4) The potential impacts of the proposed activity on area ground and surface water supplies, including impacts to water quality and quantity. Evidence shall be provided that the activity or use will not adversely affect ground or surface water supplies by directly contributing to pollution, or by increasing the long-term susceptibility of the water resources to potential pollutants.

(5) **Proposed Measures to Control Potential Adverse Environmental Impacts**. This section shall describe all measures proposed by the applicant to control or mitigate all adverse impacts which may occur as a result of the proposed action, including structural and non-structural devices and methods.

(6) The location of any monitoring stations, which may be strategically located so as to evaluate and observe the presence of

any potential pollutants, at points on the surface and subsurface, based on knowledge of flow systems. The location of any required monitoring stations shall be determined by the Township Hydrogeologist and/or the Township Engineer. It shall be the responsibility of the applicant to obtain and secure all rights and pay any cost which may be related to the selection of the location of the monitoring stations.

(7) **List and Qualifications of Preparers**. The names, addresses, telephone numbers, and qualifications of persons directly responsible for preparing the Environmental Assessment Report shall be provided.

(8) **Appendices**. Any additional information which the applicant wishes to provide may be included in one or more appendices to the report.

2. The Township Engineer or Hydrogeologist shall review the information provided by the applicant as required above and may conduct a site inspection of the property, having notified the applicant at least five (5) days in advance. The Township Engineer shall submit a report, presenting his/her findings with respect to the applicant's compliance with each standard in subsection F below, for which one of the following opinions shall be rendered:

a. "Compliance". The application complies with the standard.

b. "Compliance with Additional Conditions". The application would comply with the standard if certain additional conditions were met by the applicant.

c. "Non-Compliance". The application does not comply with standard.

d. "Non-Determination". A determination of compliance cannot be made on the basis of information provided by the applicant.

A copy of the Township Engineer's report shall also be forwarded to the applicant. Should that report contain findings of "non-compliance" or "non-determination", the applicant shall be permitted to submit additional information in an attempt to address the Township Engineer's report or a written request for an extension to the applicable review time period. All additional information must be received by the Township no later than twenty (20) days prior to the date by which the Township is scheduled to formally act upon the application. Should the applicant fail to submit additional information within the applicable time period or a written request for extension thereof, if necessary, all findings of "non-determination" shall be acted upon by the Township in the same manner as findings of "non-compliance."

3. Should the Township find that an applicant may create a significant risk to the public health, safety, or welfare, in spite of taking all reasonable actions to minimize such risks, or should the Township determine that the applicant had not taken all reasonable actions to minimize such risks, the Township may deny the application.

F. **Design Standards**

In addition to the use regulations of subsection D above, the following specific design standards shall apply to the appropriate use permitted in the Water Resources Protection Area:

1. **Aboveground Storage Tanks**

The following design standards apply to the construction of new aboveground storage tanks of 250 gallons or more of hazardous materials, excluding farm and municipal tanks holding motor fuel of 1,100 gallons or less and heating oil or propane tanks used for cooking or heating:

a. The design and construction of aboveground storage tanks shall be in accordance with applicable federal and state regulations.

b. Aboveground storage tanks shall be provided containment facilities meeting the following design requirements:

(1) The containment device shall be large enough to contain 100 percent (100%) of the volume of the tank, in cases where a single tank is used to store, handle, use, or produce a hazardous material. In cases where multiple tanks are used, the containment device shall be large enough to contain 100 percent (100%) of the volume of the largest tank.

(2) All containment devices shall be constructed of materials of sufficient thickness, density, and composition to prevent structural weakening of the containment device as a result of contact with any hazardous material and shall be capable of containing any accidental release for at least a period sufficient to allow detection and removal of the material. Provisions shall be made for monitoring, testing, and immediate removal of accumulated stormwater run-off or precipitation.

c. The design of the tank shall meet applicable technical standards for the specific type and class of tank as set forth in the Underwriters Laboratory Standards No. 142 by the American Petroleum Institute (API), by the American Water Works Association (AWWA), or by the Society of

Mechanical Engineers (ASME). The tanks shall be fabricated, tested, and installed in accordance with the appropriate codes and standards applicable to the material to be stored therein.

d. The tank shall be designed with monitoring standards consistent with the manufacturer's specifications.

e. The tank shall be tested prior to use and inspected periodically during use and as required by federal and state codes and standards.

2. **Industrial, Commercial, and Manufacturing Facilities**

The following design standards shall apply to the construction of new industrial, commercial, and manufacturing facilities:

a. Facilities which store, process, dispose, transport or convey, and/or contain hazardous materials shall be designed in such a manner to prevent discharges of hazardous materials to the environment and meet applicable regulatory requirements (e.g. - Occupational Safety and Health Agency (OSHA) standards, Building and Fire Codes, National Institute of Occupational Safety and Health (NIOSA) standards, EPA and DEP requirements, etc.).

b. Hazardous materials storage areas shall be fireproof containment structures capable of containing 100 percent (100%) of the volume of the largest storage container.

c. No on-site floor drains shall be permitted.

d. Outside storage of hazardous materials in drums shall not be permitted.

e. Dry material storage areas shall not be permitted.

f. On-site disposal of hazardous materials shall not be permitted.

3. **Underground Storage Tanks**

The following design standards shall apply to the construction of new underground storage tanks storing more than 110 gallons of hazardous materials, excluding heating oil tanks of 3000 gallons or less used by homes or businesses:

a. The design and construction of underground storage facilities shall be in accordance with applicable federal and state requirements, including, but not limited to, the Pennsylvania Underground Storage Act; Pennsylvania Storage Tank and Spill Prevention Act; and the rules and regulations of PA DEP and the Pennsylvania State Police, Fire Marshall Division.

b. The tank shall be constructed of fiberglass-reinforced plastic, coated and cathodically protected steel, or fiberglass-reinforced plastic composite.

c. The tank and associated tank piping shall provide for secondary containment for release-detection purposes, which may include double-walled tanks and piping, a concrete vault in which the tank and piping is placed, an impermeable liner in the excavation zone in which the tank and piping is placed, and/or installation of monitoring devices.

d. The tank shall be equipped with spill and overfill prevention equipment and a leak detection system.

e. The tank must be installed by a PA DEP certified installer.

SECTION 2305 WETLANDS

A. **Wetlands.** Wetlands shall not be altered, regraded, developed, filled, piped, diverted, or built upon except that driveways, roads and utilities may cross wetlands where design approval is obtained from the Township, the Pennsylvania Department of Environmental Protection, and the U.S. Army Corps of Engineers and where no other practical alternative is available.

B. **Wetlands Margin.** Unless a greater distance is required by state and/or federal regulations, the wetlands margin shall extend one hundred (100) feet from a delineated wetlands boundary, the limits of any hydric soils, or the distance delineated in Section 2307, whichever is greater. No more than twenty percent (20%) of a wetland margin area shall be altered, regraded, filled or built upon (noting that such limitation does not permit the alteration, re-grading, filling of or building upon a wetland area, and noting further that the permitted encroachment into a wetland margin area shall be measured independent of any other noncontiguous wetland margin areas on a property). The Planning Commission may recommend a reduction of the wetlands margin or to the maximum percentage of disturbance to the Board of Supervisors if, upon review, it determines that such a reduction is justified due to existing topographic or physical conditions or to specific circumstances related to the location or quality of the wetland in question.

C. **Wetlands Delineation.** Hydric soils and the National Wetlands Inventory maps shall be used in determining the presence and location of wetlands, unless as required by the Board of Supervisors upon recommendation of the Planning Commission, or by the Township Subdivision and Land Development Ordinance, wetlands boundaries shall be delineated through an on-site assessment which shall be conducted by a professional soil scientist, biologist, botanist, or others of demonstrated qualifications. Such a person shall certify that the methods used correctly reflect currently accepted technical concepts, including the presence of wetlands vegetation, hydric soils and/or hydrologic indicators.

The study shall be submitted with sufficient detail to allow for a thorough review by the Township. The study must be approved by the Board of Supervisors on the recommendation of the Township Engineer.

D. **Federal and State Regulations.** In addition to the requirements of paragraphs A and B above for proposed uses, activities or improvements which would entail the regrading or placement of fill in wetlands, the applicant shall provide the Township with proof that the Pennsylvania Department of Environmental Protection and the U.S. Army Corps of Engineers have been contacted to determine the applicability of state and federal wetland regulations for areas delineated as wetlands.

SECTION 2306 HIGH GROUNDWATER AREAS

A. Use Regulations

Notwithstanding any of the provisions of the base zoning district; Section 2304 above; and applicable provisions of Article XVI, Flood Plain Conservation District, of this Ordinance; any of the following activities or uses may be permitted on soils having high water tables, as defined in Section 202 of this Ordinance, only as a conditional use when authorized by the Board of Supervisors, subject to the standards established herein and the standards of Section 2711 of this Ordinance:

1. Any construction or improvements.

2. Dams, impounding basins, and culverts approved by the Pennsylvania Department of Environmental Protection.

3. Changes in grade by cut or fill, provided that the cross sectional area of any flood plain is not changed, surface water run-off is not increased, and water surface elevation of the 100 year storm is not increased by more than one (1) foot at any point.

4. Impervious parking surfaces and driveways accessory to any permitted principal use outside of the Flood Plain Conservation District, provided that the improvements are established at least two (2) feet above the high groundwater elevation and are constructed according to sound engineering practices.

B. Application Procedures

The conditional use application shall contain the following information:

1. A plan which accurately locates the construction proposed with respect to the district limits, stream channels, and existing flood plain limits.

2. Such plan shall also include contours, location and elevations of any existing or

proposed streets, on-site and adjacent water supplies and sewage systems, soil types, and proposed floodproofing or waterproofing measures.

3. A document certified by a registered professional engineer or architect that adequate precautions have been taken with respect to the design of any structure and the plans for the development of the site to either prevent entirely or minimize to the greatest extent possible the occurrence of any problems or damage caused by flooding, runoff, groundwater, unstable soils, etc. The following list includes some of the factors or considerations to be included:

   a. Anchorage of structure and foundations;

   b. Installation of watertight doors, bulkheads, etc.;

   c. Reinforcement of walls to resist water pressure;

   d. Use of paints, membranes, mortars, etc., to reduce seepage of water through walls;

   e. Addition of mass to structures to resist flotation;

   f. Installation of pumps to lower water levels in structures;

   g. Construction of water supply and sewage treatment systems to prevent the entrance of ground or floodwaters;

   h. Pumping facilities for subsurface drainage systems for buildings to relieve external foundation wall and basement floor pressures.

4. A copy of all plans to be considered by the Township shall be submitted to the Chester County Soil Conservation Service for review and comment at least thirty (30) days prior to the conditional use hearing. The recommendations of the Soil Conservation Service shall be considered for incorporation into the plan to provide for protection against predictable hazards.

C. **Design Standards**

Prior to the issuance of a building permit for any permitted use or approved conditional use within the High Groundwater Area, the following procedures and requirements shall apply:

1. Proof of the limits of soils having high or seasonally high water tables rendered by a field-delineated high groundwater study acceptable to the Township Engineer, shall be prepared and submitted with the building permit application.

2. Any building shall be designed and constructed with the following design

standards:

a. No basement or cellar;

b. Lowest finished floor elevation at least two (2) feet above the high water table elevation;

c. Positive footing and foundation drainage systems piped to a suitable storm water management system approved by the Township Engineer;

d. Properly engineered footings taking into account the bearing capacity of the soil and construction methods acceptable to the Township Engineer; and

e. Any other special conditions and construction methods deemed necessary by the Township Engineer in response to specific conditions of the site.

SECTION 2307 STREAM BUFFERS

In addition to the erosion and sedimentation control requirements contained in the Pennsylvania Department of Environmental Protection's "Special Protection Waters Implementation Handbook," Publication #1455, the following buffers shall apply to all new non-agricultural activities or projects resulting in earth disturbance within any High Quality or Exceptional Value watershed of West Vincent Township as defined by Pennsylvania Department of Environmental Protection rules and regulations, including Chapter 93:

A. On level terrain, a minimum one hundred and fifty (150) foot vegetated buffer strip shall be provided on each side of all wetlands, special protection streams, and around all lakes or ponds designated as High Quality or Exceptional Value waters. No buildings, swimming pools, structures resulting in impervious coverage or sewage utilities shall be permitted within the vegetated buffer.

B. Four (4) feet of additional buffer shall be provided for every one (1) percent increase in slope.

C. For all new developments with land disturbance of greater than one acre, the stream buffers shall be undisturbed or reforested to 60% canopy cover with native trees for 150 feet on both sides of the stream (measured from the top of bank).

SECTION 2308 FILL AND LAND GRADING ACTIVITIES

The following activities shall be prohibited in the Township:

A. The use of fill containing any material which would represent a potential contamination

hazard to ground or surface waters. Materials shall include, but not be limited to, wastes identified as hazardous by the Pennsylvania Department of Environmental Protection or the U.S. Environmental Protection Agency.

B. Land grading or construction of buildings or other site improvements which would directly or indirectly diminish the flow of natural springs.

SECTION 2309 EROSION AND SEDIMENTATION CONTROL PLAN STORMWATER MANAGEMENT PLAN RELATED TO BUILDING CONSTRUCTION

Any grading, earthmoving, or land disturbance activity occurring in the Township shall comply with the following procedures:

A. Where individual on-lot land disturbance activities have been addressed, approved, and noted as such in an applicant's Erosion and Sedimentation Control Plan and Stormwater Management Plan related to a subdivision or land development, applications for building permits for each individual lot shall reference such approval. In these cases, it shall not be necessary for the applicant to resubmit an Erosion and Sedimentation Control Plan and Stormwater Management Plan concurrent with applications for building permits, provided the proposed grading of the lot and the locations of houses, driveways, and stormwater management facilities of any type are not changed.

B. In all other cases, or in cases where an applicant in paragraph A. above wishes to alter grading, building locations, or the on-lot stormwater management system, the applicant shall submit a revised Erosion and Sedimentation Control Plan and Stormwater Management Plan. These plans shall accompany the application for a building permit and shall demonstrate that all land disturbance activities related to the building construction shall comply with the performance standards in Section 610 of the Township Subdivision and Land Development Ordinance and any other applicable provisions of this Ordinance.

C. The Township may require that the Erosion and Sedimentation Control Plan and the Stormwater Management Plan contain all of the information mandated by Section 403I.3 and 403I.4, respectively, of the Township Subdivision and Land Development Ordinance The applicant and/or his engineer shall confer with the Township prior to the preparation of an Erosion and Sedimentation Control Plan and Stormwater Management Plan to determine the scope and detail of the submission.

D. The applicant's Erosion and Sediment Control Plan and Stormwater Management Plan shall be reviewed by the Township Engineer or Code Enforcement Officer, who shall submit a report thereon to the applicant and the Zoning Officer.

E. Where revisions to the plans are necessary in order to meet the performance standards set forth in the Township Subdivision and Land Development Ordinance, the applicant shall discuss the contents of the report with the Township. All necessary revisions shall be

effected and submitted to the Township Engineer or Code Enforcement Officer.

F. The Township Engineer or Code Enforcement Officer shall review the revisions and issue a supplementary report to the applicant and the Zoning Officer, recommending approval or disapproval of the plans.

G. If the final Erosion and Sedimentation Control Plan or Stormwater Management Plan is not in compliance with the performance standards set forth in the Township Subdivision and Land Development Ordinance, failure to so comply may be considered grounds for denial of the building permit.

H. Approval of a building permit shall constitute approval of the accompanying Erosion and Sedimentation Control Plan and Stormwater Management Plan; these approvals may be concurrent.

ARTICLE XXIV

HISTORIC PRESERVATION OVERLAY DISTRICT

SECTION 2401 INTENDED PURPOSES

A. To promote the general welfare by protecting the integrity of the historic resources of West Vincent Township.

B. To establish a clear process by which proposed changes affecting historic resources are reviewed by the West Vincent Township Historical Commission, or where a Historic Commission has not been appointed the Environmental Advisory Council acting as the Historic Commission (hereinafter the "Historic Commission", and the Board of Supervisors.

C. To mitigate the negative effects of proposed changes on historic resources.

D. To encourage the continued use of historic resources and facilitate their appropriate reuse.

E. To tailor protective measures to those clearly delineated historic resources in West Vincent worthy of preservation.

F. To encourage the preservation of historic settings and landscapes.

G. To discourage the unnecessary demolition of historic resources.

SECTION 2402 GENERAL PROVISIONS

A. **Compliance**. Any change or demolition, as defined and listed in this Article, to a historic resource shown on the Historic Resources Map and included in Appendix E shall occur only in full compliance with the terms of this Article and other applicable regulations.

B. **Historic Overlay Concept**. The Historic Resources Map, the requirements and opportunities contained in this Section shall supersede the otherwise applicable requirements of the underlying Zoning District.

1. For any property shown on the Historic Resources Map, the requirements and opportunities contained in this Article shall supersede the otherwise applicable requirements of the underlying Zoning District.

2. Should the Historic Resources Map be revised as a result of a 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.

C. **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 2403 HISTORIC RESOURCES MAP

A. **Classifications**. The Historic Resources Map delineates four classifications of the historic resources in West Vincent Township, which are defined as follows:

1. **Class I**

   a. Certified historic structures and sites listed on the National Register of Historic Places;

   b. Contributing resources, i.e., buildings, sites, structures, and objects, and objects filed as such with the National Register of Historic Places;

   c. Buildings, sites, structures, objects, and districts which have received a Determination of Eligibility (DOE) and have been determined to be eligible for the National Register of Historic Places.

2. **Class II**

   Buildings, sites, structures, objects, and districts appropriately documented on the Historic Resources Map and Inventory prepared by the Historical Commission and approved by the Board of Supervisors, having high historic, architectural or archeological value, determined by the Township to be potentially eligible for the National Register of Historic Places. ~~not meeting National Register criteria, but determined to be of high historical or architectural value to West Vincent Township and appropriately documented to that effect by the Historical Commission.~~

3. **Class III**

   Buildings, sites, structures, objects, and districts included in the historic resources inventory of the West Vincent Township Historical Commission as medium value.

4. **Class IV**

   Sites and resources identified as low value or no historic significance to West Vincent Township and all other sites listed on the Township Historic Site Inventory.

B. **Revisions**. The Historic Resources Map may be revised from time to time by legislative action of the Board of Supervisors.

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 West Vincent Township Historical Commission.

2. The owner(s) of any property(ies) which are the subject of any such proposed administrative action shall be given written notice of the Historical Commission's recommendation to the Board of Supervisors at least ten (10) days prior to the public hearing.

C. **Official List**. The West Vincent Township Historical Commission shall maintain an updated list of resources shown on the Historic Resources Map and their respective classifications.

SECTION 2404 DEMOLITION OF HISTORIC RESOURCES

A. **Demolition Permit**. No Class I, II or III historic resource shall be demolished, in whole or in part, including the indiscriminate removal or stripping of any significant exterior architectural features, unless a permit is obtained from the Zoning Officer of West Vincent Township in accordance with the procedures and requirements of this Section and other applicable standards and procedures of the Township Building and Fire Codes.

B. **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 a Class I, II, or III historic resource, the Zoning Officer will advise the Applicant that he must comply with the following procedures and requirements, as applicable.

C. **Application Requirements for Historic Resources**. In addition to applicable requirements under the Township Building and Fire Codes, an Applicant seeking a permit to demolish a historic resource shall provide the following with regard to that historic resource:

1. Owner of record;

2. Classification of Historic Resources Map;

3. Site plan showing all buildings and structures on the property;

4. Recent photographs of the resource proposed for demolition;

5. Method of demolition; and

6. Future uses of the site and of the materials from the demolished resource, including a proposed site plan for development after the demolition.

D. Promptly upon the filing of an application for demolition, a notice shall be forwarded to all property owners within five hundred (500) feet of the property line by certified mail, return receipt requested. This notice shall include the tax parcel number on which the resource is located, the name of the resource if one exists, and the scheduled meeting date at which the Historical Commission will review and accept public comment on the application.

E. **Review by the West Vincent Township Historical Commission**. The Zoning Officer shall notify the Historical Commission of the application for demolition within five (5) days of acceptance of a properly completed application, including the necessary filing fee. Within forty-five (45) days of the date of application, at its regular or a special meeting, the Historical Commission, or a subcommittee thereof, shall consider the application for demolition. The applicant shall be notified of the meeting and encouraged to present written and photographic evidence or testimony pertaining to the demolition. In reviewing the application, the Historical Commission shall take into account:

1. The effect of demolition on the historical significance and architectural integrity of neighboring historic resources;

2. Feasibility of adaptively reusing the resource proposed for demolition;

3. All conceivable alternatives to demolition of the resource, including relocation of the structure;

4. Any expert testimony, such as, but not limited to, a certified engineering report regarding the structural stability of the resource, that would indicate threats to public safety;

5. The archaeological potential of the site; and

6. Cogent public comment regarding the resource or surrounding historic resources which may be impacted by the proposed demolition.

F. **Initial Recommendation of the Historical Commission**.

1. The Commission may recommend immediate approval of the permit and may so advise the Zoning Officer.

2. Alternatively, the Commission may elect to use the following time periods to provide adequate opportunity for documentation of the resource as set forth in paragraph I. below, preparation of a Financial Analysis as set forth in paragraph J. below, or dialogue with the Applicant on alternatives to demolition.

a. Class III historic resources - A maximum of 45 days from the date of application.

b. Class II historic resources - A maximum of 60 days from the date of application.

c. Class I historic resources - A maximum of 90 days from the date of the application.

3. At the end of the period stipulated in subsection F.2. above, or sooner by mutual consent, the Commission can recommend approval of the demolition permit. The Zoning Officer then is authorized to issue the permit in accordance with the Building and Fire Codes.

G. **Recommended Denial of Class I, II and III Demolitions**. Upon or prior to the expiration of the time period imposed for a particular historic resource, the Commission may recommend denial of the application. In such cases, the Committee shall make a written report to the Board of Supervisors setting forth reasons for its recommendation and the evidence considered.

H. **Final Decision on Class I, II and III Demolitions**. Within thirty (30) days of receipt of the Commission report, the Board of Supervisors will consider the Commission's recommendation for denial of the application for demolition at a public meeting. Property owners within 500 feet of the property line of the historic resource will be given a minimum of ten (10) days' notice of the meeting by regular mail by the Applicant. The Supervisors will consider any evidence, reports, or testimony from interested parties and will render a decision either to deny or 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.

I. **Documentation**. Prior to the issuance of a demolition permit, the Commission may require the Applicant to provide documentation of the resource proposed for demolition. Such documentation may include photographs, floor plans, measured drawings, archeological survey, and any other comparable form of documentation stipulated by the Commission.

J. **Demolition by Neglect**. No Class I, II or III historic resources shall be demolished by neglect, unless it can demonstrated by the landowner that an economic hardship exists. 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 and fenced off and the utilities turned off for safety.

K. Any reasonable costs incurred by the Commission to review plans or studies, including fees for any consultants specifically retained for this purpose, shall be reimbursed to the Township by the Applicant.

L. **Enforcement**.

1. **Fines and Penalties**. Any person who violated the requirements of this Section shall be subject to the fines and penalties imposed under this Ordinance, as well as those fines and penalties imposed under the Township Building and Fire Codes.

2. The Board of Supervisor's may issue Orders to preserve Class I, II or III historic resources from further deterioration.

3. The Board of Supervisors shall withhold issuing any building permits for a minimum of one year for a property which, at the date of enactment of this Ordinance, was occupied by a Class I, II or III historic resource which subsequently was demolished in violation of this Section.

SECTION 2405 RELOCATION OF HISTORIC RESOURCES

Relocation should be considered as the least favored alternative for preservation of a historic resource, but preferable to demolition. In the case of a building permit application for the proposed relocation of a historic building or structure, the Historical Commission shall review the application and forward a recommendation to the Zoning Officer based on the following considerations:

A. Whether or not the proposed relocation will have a detrimental effect on the long term structural integrity of the building or structure;

B. Whether or not the proposed relocation will have a detrimental effect on the historic, architectural, or archaeological aspects of the other buildings, structures, or sites adjacent to the resource. Assessment of the archaeological impact shall be made in conjunction with the archaeologist from the Bureau for Historic Preservation of the Pennsylvania Historical and Museum Commission.

C. Whether or not the proposed relocation will provide an environment that will be a compatible cultural landscape, that is, one harmonious with the historic and/or architectural aspects of the building or structure; and

D. Whether or not the proposed relocation will further the achievement of the purposes described in Section 2401 above.

SECTION 2406 ARCHAEOLOGICAL RESOURCES AND CEMETERIES

Any activities, including but not limited to those requiring the completion and submission of sewage planning modules, new construction, excavation, and new roads or driveways, which may affect archaeological resources or cemeteries shall be required to identify any known

resources or to determine any potential resources. A Phase I Archaeological Study shall not be required as long as the applicant agrees in writing to conduct such a study if actual resources are discovered during the activity.

The destruction or demolition of any cemeteries shall be prohibited. Any activities which may affect a cemetery shall provide provisions for protection and preservation in the form of deed restrictions and/or easements.

SECTION 2407 SPECIAL USE PROVISIONS

The Township recognizes that among its resources are unique historic features which require special techniques or incentives to achieve the preservation of both the historic buildings and the surrounding cultural and contextual landscape. Many historic properties may also have sizable outbuildings which cannot be used under the strict interpretation of the current zoning code. Accordingly, the following techniques are to encourage the reuse and preservation of these identified resources by sensitive modification and innovative designs:

A. Conversion of a Class I, II or III Single Family Dwelling

For a Class I, II or III historic resource property which was originally designed and used as a single family dwelling, an applicant may present a plan which retains the existing structure and allows for its reuse by conversion of the existing structure into a multi-family dwelling. The plan shall be in accordance with the following standards:

1. The minimum lot area required by the base zoning district for each dwelling unit may be reduced if authorized as conditional use by the Board of Supervisors, subject to the standards contained in Section 2711 of this Ordinance and the following supplemental standards:

Number of Bedrooms	Density Factor*
1	.33
2	.67
3 or more	1.00

* Multiplier to be applied to the minimum gross lot area requirement for the district in which the property is located.

2. All other applicable provisions of Section 2204 of this Ordinance shall apply.

3. The applicant must show that the property is no longer feasible or desirable as a single family dwelling. Documentation may include:

   a. existing and proposed floorplans,

b. a current real estate appraisal,

c. proof of any attempt to sell the structure as a single family dwelling,

d. a structural report on the current condition of the structure and its ability to be converted into a multi-family structure.

B. **Conversion/Reuse of a Class I, II or III Historic Resource as an Accessory Dwelling Unit**

Application may be made for the conversion of historic structures into an accessory dwelling unit in accordance with the following standards:

1. The minimum lot area required by the base zoning district may be reduced if authorized as a conditional use by the Board of Supervisors, subject to the standards contained in Section 2201 and 2711 of this Ordinance.

2. All other provisions of Section 2201 of this Ordinance shall apply.

C. **Bed and Breakfast Uses**

Where permitted by the base zoning district, historic resources may be used as a B~~b~~ed and B~~b~~reakfast facility in accordance with the following standards:

1. No more than four (4) guest rooms for a maximum of eight (8) guests shall be permitted.

2. One (1) improved off-street parking space per guest bedroom shall be provided.

D. **Home Occupations**

Where permitted by the base zoning district, historic resources may be used for a home occupation in accordance with Section 2209 of this Ordinance, except that the maximum habitable floor area of a dwelling unit occupied by the home occupation in accordance with Section 2209C.1 may be increased to thirty percent (30%).

E. **Historic Resources within Village Center Residential District or Rt. 100 Overlay District**

Any historic resource located within the Village Center Residential District or the Rt. 100 Overlay District may be converted or used for any use permitted within the Ludwigs Village Center Commercial District if authorized as a conditional use by the Board of Supervisors, subject to the standards contained in Section 2711 of this Ordinance and the additional standards of this section.

F. **Density Bonus**

In addition to the maximum number of lots or dwelling units permitted on any tract by the base zoning district provisions, an applicant may be permitted one (1) additional lot or dwelling unit for each historic resource renovated or adaptively reused if authorized as a conditional use by the Board of Supervisors, subject to the standards contained in Section 2711 of this Ordinance and the additional standards of this section. This density bonus may be implemented by reducing the amount of any required greenway land by up to 10%, reducing the minimum lot area and bulk requirements by up to 10%, or by a combination of these approaches, at the discretion of the Board of Supervisors.

G. **General Provisions**

In addition to the standards contained within the specific special uses listed above, all special uses permitted in this section shall comply the following general standards:

1. Any additions, renovations, rehabilitation, or improvements to the building shall be in substantial compliance with the rehabilitation standards contained in Section 2409 of this Ordinance.

2. Any additions to the historic resource shall occur only on the rear facades of the building, or side facades where they will not cause a major disruption to the original architectural design or historic character. Authentic period material and colors shall be used on all facades and any portion of the historic structure or addition thereof visible from any existing or proposed public right-of-way. Appropriate substitute colors, design, or material may occur only upon the approval of the Board of Supervisors after written recommendation of the Historical Commission.

3. All plans for conversions shall be reviewed by the Historical Commission, which shall submit a recommendation to the Board of Supervisors.

SECTION 2408 LANDSCAPING AND SCREENING

The goal of this section is to protect the integrity of the historic setting and context of historic resources in the Township and significant vegetation or visual resources associated with the site. Accordingly:

A. Whenever a Class I, II or III historic resource is located within a tract proposed for subdivision or land development, conditional use, special exception or variance, a landscape plan for the tract shall be required by the Board of Supervisors or Zoning Hearing Board in accordance with the standards contained in Section 2106C of this Ordinance. The plan shall be submitted to the Historical Commission for review and comment based on the general purposes and objectives of this Article.

B. Applicable historic resources (Class I, II and III) shall be protected from any new

detached building through a minimum setback of one hundred fifty (150) feet from the historic resource. This minimum setback requirement may be reduced at the discretion of the Board of Supervisors if it can be demonstrated to the satisfaction of the Board of Supervisors that the historic resource can be adequately protected through existing or proposed landscaping, topography, architectural controls, or other features. Additions to historic resources shall be consistent with the architectural features of the resource where practical.

C. The applicant shall demonstrate preservation of sufficient landscaped or buffer area surrounding historic structures to retain the integrity of the historical landscape setting. The applicant shall also demonstrate mitigation of any impacts to the historical landscape setting through plans showing the introduction of vegetation or other screening in harmony with such landscape setting and through retention of view lines which visually link historic structures to their landscape setting.

D. The plan shall be prepared by a registered landscape architect and shall strive to minimize the impact of the proposed development on the resource through screening, buffering, building locations and orientations, and plant material selection. It shall show all pertinent information, including the location, sizes, and species of all individual trees and shrubs to be removed, planted, or preserved.

E. Visually significant landscapes and visual accents as defined and delineated on the Visual Resources map of the Township Greenway land and Recreation Plan shall be preserved.

F. Provisions of this section shall not be construed to conflict with or override any of the provisions of the Township Subdivision and Land Development Ordinance. When there is a conflict, the more restrictive of the provisions shall be adhered to.

SECTION 2409 STANDARDS FOR REHABILITATION

A. Any proposed rehabilitation, alteration, or enlargement of a Class I, II or III historic resource should be in substantial compliance with the Secretary of the U.S. Department of the Interior's Standards for Rehabilitation, as reproduced below.

1. Every reasonable effort should be made to provide a compatible use for a property which requires minimal alteration of the building, structure, or site and its environment, or to use a property for its originally intended purpose.

2. The distinguishing original qualities or character of a building, structure, or site and its environment should not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.

3. All buildings, structures, and sites shall be recognized as products of their own time. Alterations that have no historical basis and which seek to create an earlier

appearance should be discouraged.

4. Changes which may have taken place in the course of time are evidence of the history and development of a building, structure, or site and its environment. These changes may have acquired historic significance in their own right, and this significance should be recognized and respected.

5. Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure, or site should be treated with sensitivity.

6. Deteriorated architectural features should be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, color, texture, and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications of features, substantiated by historic, physical, or pictorial evidence rather than on conjectural designs or the availability of difference architectural elements from other buildings or structures.

7. The surface cleaning of structures should be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the historic building materials should not be undertaken.

8. Every reasonable effort should be made to protect and preserve archeological resources affected by, or adjacent to any project.

9. Contemporary design for alterations and additions to existing properties should not be discouraged when such alterations and additions do not destroy significant historical, architectural or cultural material, and such design is compatible with the size, scale, color, material, and character of the property, neighborhood or environment.

10. New additions or alterations to structures should be done in such a manner that if such alterations and additions were to be removed in the future, the essential form and integrity of the structure would be unimpaired.

B. **Compliance**. Determinations of compliance with these standards shall be made by written report of the Historical Commission, using the Secretary's Guidelines for Rehabilitating Historic Buildings to apply the Standards to each project.

SECTION 2410 HISTORIC RESOURCE IMPACT STUDY

A. **Applicability**. A Historic Resource Impact Study, or any applicable portions thereof, may be required, unless waived or modified, by the Board of Supervisors or Zoning Hearing Board when any of the following are proposed.

1. Subdivision or land development plans which will lead to the new construction of buildings, structures, roads, driveways, parking areas, etc. located within five hundred (500) feet of the exterior walls of a Class I, II or Class III historic resource.

2. Subdivision or land development plans which propose adaptive reuse or demolition of a Class I, II or Class III historic resource.

3. General bridge or road construction or substantial repair passing within five hundred (500) feet of the exterior walls of a Class I, II or Class III historic resource.

B. The Historic Resource Impact Study shall be prepared by a qualified professional in historic preservation, historical architecture, planning, or related disciplines and presented by the Applicant or his agent for discussion at a meeting of the Historical Commission.

C. **Historical Commission**. The Historic Resource Impact Study will be reviewed by the Historical Commission. The Commission shall set forth its evaluation and recommendations in a written report.

ARTICLE XXV

TRANSFERABLE DEVELOPMENT RIGHTS OVERLAY DISTRICT

SECTION 2501 PURPOSE

This Article establishes an equitable method for the preservation of designated areas and resources in West Vincent Township through the establishment of a Transferable Development Rights (TDR) program. The TDR program provides an opportunity to landowners in designated areas to preserve land through the option of selling some or all of the development rights associated with their land in lieu of development and an opportunity to certain other landowners in areas of the municipality designated suitable for development with the option of increasing the density of development of their land with the acquisition of such development rights.

It is the specific purpose of West Vincent Township to implement the provisions of the Municipalities Planning Code, Section 604, to:

A. Manage growth by providing incentives to designated portions of the Township for concentrated development through the establishment of receiving zones where development rights purchased through the TDR program may supplement development rights established by the base zoning;

B. Permanently preserve resources considered important to the Township, including agricultural lands, prime agricultural soils, environmentally sensitive resources, open lands, and visual resources through the establishment of designated sending zones by which development rights may be sold in lieu of development;

C. Provide an equitable method to compensate landowners in the designated sending zones who voluntarily forbear from developing land in the Township;

D. Maintain the historical community character and land use pattern of the Township; and

E. Effectively achieve the goals and objectives identified in the Township Comprehensive Plan and the Township Greenway land and Recreation Plan.

SECTION 2502 LEGISLATIVE INTENT AND RECOGNITION

A. **Authority**. The Transferable Development Rights program is established in accordance with Section 605(4) of the Pennsylvania Municipalities Planning Code, Act 1968, P.L. 805, Act 247, as reenacted and amended. By authority of this Act, development rights shall be a separate estate in land and declared severable and separately conveyable from the estate in fee simple.

B. **Concept Recognition**. The Township Board of Supervisors hereby recognizes the severability and transferability of development rights from certain lands within the

Township to be transferred and used in accordance with the provision herein. The TDR program is recognized as a voluntary agreement under the terms of this Article between a willing buyer and a willing seller and shall be governed by the following principles:

1. Lands designated for preservation shall be designated as "sending zones". The seller receives compensation from the sale of his development rights in exchange for retaining the land in agriculture or greenway land through a permanent deed restriction.

2. Lands designated for additional, compacted development shall be designated as "receiving zones". The buyer is permitted to use Transferable Development Rights to increase the density of his development within receiving zones.

3. The number of development rights shall be established by this Article.

4. The price of development rights will be determined by the willing buyer and the willing seller under fair market conditions.

SECTION 2503 ESTABLISHMENT OF DEVELOPMENT RIGHTS WITHIN SENDING ZONES

A. **Eligibility**. Transferable Development Rights are recognized and established for any tract of land within the Township.

B. **Net TDR Tract Area Calculation**. The net TDR tract area from which development rights are determined shall be defined as the Adjusted Tract Acreage and subtracting the following additional areas:

1. All land or portion thereof owned by or subject to easement against development and in favor of government agencies, utilities, and non-profit conservancies and corporations. Portions of land not subject to such easements may be included in the development rights calculation.

2. Existing dwellings shall be deducted from the total tract area by subtracting the lot size for each dwelling as established by the lot density within the Tier IV design option of the applicable zoning district.

3. To account for lands which would otherwise be devoted to roads and infrastructure improvements had the tract been developed, the net tract area as defined in subsections B.4 and B.1 through B.2 above shall be multiplied by 0.85 to determine the net TDR tract area.

C. **Number of Rights**. The number of Transferable Development Rights to be assigned to an eligible tract of land shall be established by the following procedure:

1. Divide the "net TDR tract area" calculation as established in subsection B above by the lot density within the Tier IV design option for the applicable base zoning district.

2. In order to promote and encourage the TDR program, the following development rights bonus and maximum TDR capacity (i.e. - base density plus density bonus) shall be assigned to each designated sending zone:

Base District	**Base District Allowable Density** +	**Density Bonus under TDR**	= **Max. TDR's Capacity**
RC	0.36 DU/AC	0.12 DU/AC	0.48 DU/AC
R-3	0.36 DU/AC	0.15 DU/AC	0.51 DU/AC
R-2	0.44 DU/AC	0.18 DU/AC	0.62 DU/AC
RM	5.00 DU/AC	1.25 DU/AC	6.25 DU/AC
KV	2.18 DU/AC	0.55 DU/AC	2.73 DU/AC
BV	1.45 DU/AC	0.36 DU/AC	1.81 DU/AC
PC/LI	1.00 DU/AC	0.25 DU/AC	1.25 DU/AC
LVCC	1.45 DU/AC	0.36 DU/AC	1.81 DU/AC
PRD	3.00 DU/AC	0.75 DU/AC	3.75 DU/AC

3. When the computation to determine the total number of development rights in paragraph 2. above results in a fractional number, any fraction of 0.50 or higher shall be equal to one (1) right.

D. **Monitoring of Rights**

1. All subdivision and land development plans within the sending zone received subsequent to the adoption of this Ordinance shall include a notation of the total number of development rights held and the number of rights remaining on each parcel after said subdivision and land development.

2. The Township shall maintain an accurate record of development rights established and transferred for each tract of land within sending zones through an appropriate indexing system and map based on recorded plans. Such system shall key the information to the original tax parcel.

3. The Township shall participate in the transfer process as prescribed in Section 2504.

E. **Right to Develop**. The owner of a tract of land eligible for the Transfer of Development Rights who has not sold such rights has the right to utilize and develop such tract in accordance with all applicable provisions of the Township Zoning Ordinance, Subdivision and Land Development Ordinance and all other applicable Township regulations.

SECTION 2504 SALE OF TRANSFERABLE DEVELOPMENT RIGHTS WITHIN SENDING ZONES

A. **Sale of Rights**. Development rights, as calculated in Section 2503 above, may be conveyed to any person or legal entity, or equitable owner of tracts of land within any designated receiving zone: held for future sale or conveyance; or sold or donated to the Township, the County, a conservancy or land trust.

B. **Deed of Transfer of Development Rights**. The development rights conveyed shall be described in a deed, or agreement in recordable form, designating the owner of the tract of land in the sending zone as the "sender" and the owner or equitable owner in the receiving zone as the "receiver". The agreement(s) necessary to effectuate such conveyance shall be subject to the approval and endorsement of the Township Board of Supervisors, and further shall be recorded with the Chester County Recorder of Deeds. The receiver shall obtain a sample deed or agreement of transfer of development rights from the Township. Said deed or agreement must be endorsed by the Board of Supervisors prior to recording. Prior to approval of any transfer of development rights, the Township Engineer shall certify that the net acreage so restricted is sufficient to meet the requirements of the number of development rights conveyed, as well as that the number of development rights being transferred comports with the requirements of this Ordinance.

C. **Title Report**. The deed or agreement shall be accompanied by a title report and plan showing such detail as may be required by the Township to demonstrate that such lands are free of restrictions prescribed in Section 2503.

D. **Restrictive Covenant Agreement**. Upon the sale, reservation or banking of development rights, the sender shall enter into a restrictive covenant agreement with the Township, which shall be recorded with the Chester County Recorder of Deeds. The covenant agreement shall:

1. Permanently restrict the land from future development of non-agricultural uses, except for conservation, passive or Low Intensity R~~r~~ecreation, and similar Greenway Land uses.

2. Be subject to the approval of the Board of Supervisors, in consultation with the Township Solicitor.

3. Designate the Township as the beneficiary of said agreement, having the ability to enforce the restrictions against present and future owners of the tract or any portion thereof.

4. Require that areas subject to restrictive covenants may not be used in the calculation of lot area or yard requirements under the base zoning district.

5. Permanently establish any development rights which have been retained and which may be utilized by the sending property and further provide that such development rights may not be either increased or decreased despite changes in future zoning for the sending property. The covenant agreement shall contain language evidencing a permanent restriction upon the sending property from future development except in accordance with the specific number of retained development rights established at the time of the execution of the covenant agreement and related deed of transfer.

6. The Township and landowner shall identify by mutual consent the building envelope locations for any retained development rights.

SECTION 2505 DISTRIBUTION AND USE OF DEVELOPMENT RIGHTS IN THE RECEIVING ZONE

A. **Eligibility**. Transferable development rights may be applied to tracts of land within receiving zones, in addition to rights established under the base zoning district. The following eligibility criteria shall apply to receiving zones as defined by this Article:

1. The tract of land shall be no less than the following minimum area:

District	Minimum Tract/ Lot Area
Residential Mix (RM)	10 acres
Planned Residential Development (PRD)	50 acres
Planned Commercial/Limited Industrial (PC/LI)	1 acre
R-3 Residential	10 acres
R-2 Residential	10 acres
Ludwigs Village Center Commercial (LVCC)	2,5000 sq. ft.
Ludwigs Village Center Residential (VCR)	10 acres

2. The tract(s) shall be located within the following zoning districts as indicated on the Transferable Development Rights Overlay District map:

Residential Mix (RM)
Planned Residential Development (PRD)
Planned Commercial/Limited Industrial (PC/LI)
R-3 Residential
R-2 Residential
Village Center Commercial (LVCC)
Village Center Residential (VCR)

B. **Transfer of Rights**. Landowners in receiving zones have the right to build the following for each development right purchased, up to the maximum development capacity of the receiving zone:

1. **Residential Uses**

	Number of Dwelling Units for Each Development Right Purchased in the following Sending Zones								
Receiving Zone District	**RC**	**R-3**	**R-2**	**KV**	**PRD**	**RM**	**BV**	**MHP**	**VCR**
RM	2.5	1.75	1.25	1	1	1	1	1	1
PRD	2.5	1.75	1.25	1	1	1	1	1	1
R-3	2.5	1.75	1.25	1	1	1	1	1	1
R-2	2.5	1.75	1.25	1	1	1	1	1	1
VCR	2.5	1.75	1.25	1	1	1	1	1	1

2. **Non-Residential Uses**

	Additional Floor Area or Maximum Lot Coverage Per Acre, Whichever Is Less	
District	**Additional Square Feet of Floor Area**	**Maximum Lot Coverage**
Planned Commercial/ Limited Industrial	5000	75%/ac.
Village Center Commercial (LVCC)	5000	75%/ac.

	Allowable Use of Second Floor Area in Lieu of Residential Use	
	Use	**Square Feet Of Floor Area In Lieu of Residential**
Ludwigs Village Center Commercial (LVCC)	Office	10,000
	Retail	5,000

3. When the computation to determine the total number of development rights in paragraph 1 above results in a fractional number, any fraction of 0.50 or higher shall be equal to one (1) right.

C. **Maximum Development Capacity**. The maximum development capacity when the developer purchases additional rights in accordance with provisions of this Article shall be as follows:

District	Maximum Gross Density	Maximum Building Coverage	Maximum Lot Coverage
Residential Mix (RM)	6 du/ac	n.a.	n.a.
Planned Residential Development (PRD)	5 du/ac	n.a.	n.a.
Planned Commercial/Limited Industrial	n.a.	60%	75%
R-3 Residential	.5 du/ac	n.a.	n.a.
R-2 Residential	.625 du/ac	n.a.	n.a.
Ludwigs Village Center Commercial (LVCC)	n.a.	60%	75%
Village Center Residential (VCR)	6 du/ac	n.a.	n.a.

D. **Applicable Area and Bulk Requirements**. Applicants using Transferable Development Rights in the R-3 and R-2 residential districts may reduce the amount of required greenway land up to 10%, reduce the minimum lot area and bulk requirements by up to 10%, or by a combination of these approaches, at the discretion of the Board of Supervisors.

SECTION 2506 TRANSFER OF LESS THAN TOTAL RIGHTS FROM A TAX PARCEL

When a landowner wishes to transfer or reserve for future transfer less than the total number of development rights established for his tract of land as identified by a single tax parcel, the landowner may do so, provided that:

A. No residual parcel for which development rights remain shall be created unless in conformance with the applicable base zoning district or "default setting" lot size and dimensional requirements.

B. All subdivision plans for the residual parcel shall include the remaining number of development rights assigned to the unencumbered parcel based on the required base

zoning district or "default setting" lot size and dimensional requirements. The subdivision plan for the residual parcel is not required to be a fully engineered preliminary and/or final plan, as defined by the Township Subdivision and Land Development Ordinance, and may be in the form of a sketch plan only.

C. In determining which resources or portions of a tract of land should be included in the area covered by the restrictive covenant agreement, the landowner shall adhere to following priorities, in descending order of importance:

1. Prime agricultural soils
2. Lands devoted to agricultural uses
3. Historic, cultural, and scenic resources
4. One-hundred year flood plain
5. Alluvial or hydric soil areas, including wetlands
6. Woodlands and slopes in excess of fifteen (15) percent

In areas where more than one (1) resource exists, the areas of multiple resources may, at the sole discretion of the Board of Supervisors, result in a higher priority than areas with a single resource.

D. The Township and landowner shall identify by mutual consent the building envelope locations for any retained development rights.

SECTION 2507 TAXATION OF DEVELOPMENT RIGHTS

Transferable development rights shall be considered real property. Upon sale and transfer, the restrictive covenant agreement and accompanying deed of or agreement respecting transfer of development rights shall be recorded in the Chester County Recorder of Deeds office to effect notification to the Chester County Board of Assessment so that proper reassessment may occur.

SECTION 2508 PUBLIC ACQUISITION

West Vincent Township may purchase development rights and may accept ownership of development rights through transfer by donation. All such development rights shall be either retired or extinguished by the Township or held in a TDR account for future sale to receiving area properties. Any such purchase or donation shall be accompanied by an agreement or deed of transfer of development rights, as prescribed in Section 2504.

ARTICLE XXVI

NONCONFORMING USES, STRUCTURES, LOTS AND SIGNS

The following regulations shall apply to existing uses, structures, buildings, lots, and signs which do not conform to the provisions of this Ordinance or to the provisions of any subsequent amendment thereto.

SECTION 2601 NONCONFORMING USES

Except as provided in this Article, any use existing at the time of the effective date of this Ordinance, or any subsequent amendment thereto, which does not conform with the provisions of this Ordinance or any subsequent amendment shall comply with the below requirements. It shall be the burden of the landowner claiming a nonconforming use, building or structure to establish that the use, building or structure was in existence at such a time so as to render it a nonconformity and that the provisions of this Article are satisfied.

A. **Continuation**

Any nonconforming use of a building or structure or of land existing at the effective date of this Ordinance may be continued, except as otherwise provided herein.

B. **Change of Use**

A nonconforming use may be changed to another nonconforming use of the same character or of a more restricted zoning classification by grant of special exception, only upon determination by the Zoning Hearing Board that the proposed new use will not be more detrimental to the neighborhood and surroundings than is the use it is to replace. In determining relative detriment, the Zoning Hearing Board shall take into consideration, among other things: traffic generation, nuisance characteristics (such as emission of noise, glare, dust, smoke, and odors), fire hazards, and hours and manner of operation. Whenever a nonconforming use has been changed to conforming use, such conforming use shall not thereafter be changed to a nonconforming use.

C. **Extension or Enlargement of Use**

The nonconforming use of a building or of a lot shall not be extended or enlarged, and a building housing any such nonconforming use shall not be enlarged unless the Zoning Hearing Board shall, as a special exception, authorize such extension or enlargement. The Zoning Hearing Board may grant such special exception provided that:

1. It is clear that such extension or enlargement is not materially detrimental to the character of the neighborhood or surrounding area, or to the interests of the Township.

2. The total area devoted to the nonconforming use shall in no case be increased by

more than fifty percent (50%) of the floor area of the building or structure housing such use, or of the area of the lot on which an outdoor use is located, or of the manufacturing or processing capacity of such use. The increase by fifty percent (50%) shall occur only once per nonconforming use. The Zoning Hearing Board shall consider previous increases to determine whether the total cumulative increase is more than fifty percent (50%).

3. Any enlargement shall conform to the area and bulk regulations and design standards of the district in which it is located.

4. The extension or enlargement of a nonconforming use shall be limited to the lot or buildings which were in existence at the effective date of this Ordinance.

D. **Alterations**

A building housing any nonconforming use shall not be structurally altered, except insofar as is required by law to assure the structural safety of the building.

E. **Damage or Destruction**

In reconstructing a building or structure devoted to a nonconforming use, the landowner must obtain a permit. No building or structure devoted to a nonconforming use shall, in the event of destruction or serious damage by fire, flood or similar cause, be reconstructed for the purpose of continuing the nonconforming use if the damage reduces the value of the building or structure by more than seventy-five percent (75%) of its prior market value. A building or structure devoted to a nonconforming use that is destroyed or is damaged in a manner that renders it incapable of continuing the nonconforming use without additional construction or repairs, in a manner other than by fire, flood or other Act of God, or by condemnation, shall not be reconstructed as a nonconforming use.

F. **Abandonment**

Whenever a nonconforming use of land, premises, building or structure, or any part or portion thereof, has been discontinued or left vacant for a period of one (1) year, such discontinuance shall be presumed to constitute an intention to abandon such use, and any subsequent use of the property shall be in conformity with the provisions of this Ordinance, unless the owner shall, by a preponderance of the evidence, overcome the presumption of abandonment. Whenever a nonconforming use of land, premises, building or structure, or any part thereof, has been abandoned for any period of time, the nonconforming use may not be resumed.

G. **Subdivision and Land Development**

Whenever a tract of land on which a nonconforming use is located is proposed for subdivision or land development per the Township Subdivision and Land Development Ordinance, the nonconforming use shall be required to comply with the area and bulk

requirements of this Ordinance.

SECTION 2602 NONCONFORMING BUILDINGS AND STRUCTURES

Except as provided in this Article, any lawful building or structure existing at the time of the effective date of this Ordinance, or any subsequent amendment thereto, which does not conform with the provisions of this Ordinance or any subsequent amendment shall comply with the following:

A. Continuation/Enlargement

Any nonconforming building or structure may be continued, altered or enlarged, provided such alteration or enlargement shall not increase the nonconformity of the building or structure with respect to the setback and coverage (area and bulk) requirements of this Ordinance or any subsequent amendment in effect at the time such alteration or enlargement is proposed. Any enlargement of a nonconforming building or structure which increases the nonconformity of the building or structure with respect to the setback and coverage requirements of this Ordinance or any subsequent amendment in effect at the time such enlargement is proposed 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. The increase by more than fifty percent (50%) shall occur only once per nonconforming building or structure. In considering a special exception when the total floor area will be increased by more than fifty percent (50%), the Zoning Hearing Board may include previous increases in the total floor area even though such increases were less than fifty percent (50%) and did not require a special exception.

. B. Restoration

Any lawful nonconforming building or structure which has been damaged by fire, flood or other causes, may be reconstructed within the limits of the existing foundation and to its former dimensions, provided that such restoration shall begin within one (1) year from the date of damage or destruction and shall be completed within one (1) year thereafter. Evidence of hardship beyond the control of the applicant is necessary to request an extension of time from the Board of Supervisors.

SECTION 2603 NONCONFORMING LOTS

A. Use of Nonconforming Lots Where Yard Requirements Can Be Met

Any nonconforming lot may be used as a matter of right for any conforming use, including the construction of buildings or structures which conform with all applicable yard requirements for the district in which the lot is located.

B. Use of Nonconforming Lots Where Yard Requirements Cannot Be Met

Buildings or other structures may be erected or enlarged on any nonconforming lot, provided that where the nonconformity or other unusual dimensions of the lot prevent compliance with any applicable setback or yard requirements, the construction or enlargement of such buildings or other structures shall first be authorized by the Zoning Hearing Board as a special exception, where:

1. The applicant does not own or control other adjoining property sufficient to enable him to comply with the provisions of this Ordinance, and

2. The lot is of sufficient size to accommodate adequate and safe sewage disposal and water supply systems.

In the case of a lot located within the RC, R-3 or R-2 Residential District, the minimum setback requirements shall be determined by the provisions contained in the Tier IV design option of the applicable district. The required merger of adjoining property under the ownership and control of the applicant may be waived if it can be demonstrated to the satisfaction of the Zoning Hearing Board that the lots in question have not been used or intended as a single or combined lot.

SECTION 2604 NONCONFORMING SIGNS

Any existing nonconforming signs may be continued, subject to the following:

A. **Moving**

No nonconforming sign shall be moved to another position on the building or lot on which it is located, unless permitted by special exception.

B. **Area**

The total area of any nonconforming sign shall not be increased.

C. **Replacement**

No such sign shall be replaced, including a change in the sign message or business being advertised, except when authorized as a special exception by the Zoning Hearing Board.

D. **Improvements**

Such signs may be repainted, repaired or modernized, provided such improvements do not increase the dimensions of the existing nonconforming sign or change the sign message or business being advertised.

E. **Discontinuance**

Whenever any nonconforming use of a building or structure, or land, or of a combination of buildings, structures and land ceases, all signs accessory to such use shall be removed within six (6) months from the date such use terminates.

F. **Expansion**

On parcels or tracts in which nonconforming signs are located, no new or additional signs, even if they conform to the provisions of this Ordinance, shall be erected unless all nonconforming signs on the parcel are removed.

SECTION 2605 SPECIAL EXCEPTION CRITERIA FOR NONCONFORMITIES

In considering a special exception for a nonconforming use, building or structure, or lot, the Zoning Hearing Board shall consider the criteria established in Section 2807 of this Ordinance and the following additional criteria, which shall be the burden of the landowner claiming such nonconformity(-ies) to establish:

A. **Nonconforming Use**

The design standards imposed for uses within the applicable district shall be appropriately applied to the nonconforming use of a lot, building or structure.

B. **Nonconforming Buildings and Structures**

The alteration or expansion of such buildings or structures conforms to the area and bulk requirements of the district in which it is located and shall not impose any hazard to adjoining properties.

C. **Nonconforming Lots**

The proposed use and buildings conform to the permitted use and bulk requirements of the district in which such lot is located.

ARTICLE XXVII

ADMINISTRATION

SECTION 2701 APPLICATION OF REGULATIONS

Hereafter, no land shall be used or occupied, and no building or structure shall be erected, altered, demolished, used or occupied, except in conformity with this Ordinance, and as it may be from time to time amended. Nothing set forth in the Zoning Ordinance shall be construed or interpreted as being inconsistent with any State or Federal law that is preemptive of the Township's zoning authority. To the extent of any inconsistency with a State or Federal law that is preemptive of the Township's zoning authority, the preemptive State or Federal law shall control.

SECTION 2702 ADMINISTRATION

The provisions of this Ordinance shall be administered by the person(s) designated by the Board of Supervisors as the Zoning Officer and the Building Inspector.

SECTION 2703 ZONING OFFICER

The Zoning Officer shall have all the duties and powers conferred by the Zoning Ordinance in addition to those reasonably implied for that purpose. He shall not issue a permit or certificate in connection with any proposed erection, construction, alteration, extension, replacement and/or use of any building, structure, sign and/or land unless it first conforms with the requirements of this Zoning Ordinance and all other ordinances of the Township. The duties of the Zoning Officer shall include:

A. Receive and examine all applications for permits for the erection, construction, alteration, extension, replacement and/or use of any building, structure, sign and/or land in the Township.

B. Issue permits for uses, changes in use, signs, and authorized variances or special exceptions after approval by the Zoning Hearing Board or when directed by a court of competent jurisdiction in accordance with this Ordinance.

C. Record and file all applications for permits, accompanying plans and documents, all permits and certificates issued, reports of inspections, notices, and orders issued. All information shall be matters of public record.

D. Report all violations of this Ordinance to the Board of Supervisors and issue orders to cease and desist to all violators.

E. Maintain an official record of all business and activities associated with the administration of this Ordinance, including complaints of violations of any of the provisions of this Ordinance and of the action taken on each such complaint.

F. Make site inspections as needed to fulfill the duties required by this Ordinance.

G. Maintain an official copy of the Zoning Ordinance and map and all amendments thereto.

H. Upon the request of the Board of Supervisors, Planning Commission, or the Zoning Hearing Board, present such bodies facts, records, and any similar information or specific requests to assist such bodies in reaching decisions.

I. Any other related duties which may be required from time to time by the Board of Supervisors.

SECTION 2704 PERMITS ISSUED BY THE ZONING OFFICER

A. Zoning or Use Permits

A zoning or use permit shall be required prior to the initial use of land or structure, change in the use thereof, or the change in use or extension of a nonconforming use. It shall be unlawful for any person to use land or a structure or change the use thereof without a zoning or use permit duly issued therefore.

B. Application for Zoning or Use Permits

All applications for zoning permits shall be made to the Zoning Officer in writing on such forms furnished by the Township and shall include the following information:

1. Existing and proposed use of the building, structure or lot.

2. Evidence of receiving special exception or variance approvals for the proposed use or change, if applicable.

3. A title report on the property to ascertain the existence of any deed restrictions, covenants, easements, or other restrictions on the use or development of the property.

4. Any additional plans, documents and information as may be required to enable the Zoning Officer to ascertain compliance with this Ordinance.

C. Sign Permits

A sign permit shall be required prior to erection, alteration, or enlargement of any sign,

sign structure or any portion thereof provided that all requirements of Article XX are met.

D. **Application for Sign Permits**

An application for a sign permit shall be made to the Zoning Officer according to the procedures contained in Section 2008 of this Ordinance.

E. **Issuance of Zoning and Sign Permits**

It shall be the duty of the Zoning Officer to either issue or deny issuance of a zoning or sign permit within fifteen (15) days of the filing of a completed application and payment of prescribed fees. The Zoning Officer shall issue a permit only upon his determination that the application is in compliance with the terms of this Ordinance. If the application or plans do not conform to the provisions of this Ordinance, the Zoning Officer shall deny such application in writing to the applicant, stating the reasons therefore.

F. **Building Permits**

A building permit shall be required prior to the erection, alteration, enlargement, or demolition of any building or other structure or portion thereof. It shall be unlawful for any person to commence work for the erection, alteration, enlargement, or demolition of any building or structure or portion thereof until a permit has been duly issued therefore.

G. **Application for Building Permits**

All applications for building permits shall be made to the Zoning Officer in writing on such forms furnished by the Township. An application for building permit shall be accompanied by an approved zoning permit, evidence of subdivision and/or land development approval including any conditions for approval thereof, erosion and sedimentation control plan, stormwater management plan, water and sewer permits, and any additional information as may be required to enable the Zoning Officer to ascertain compliance with the applicable Township codes and ordinances.

H. **Issuance of Building Permits**

1. It shall be the duty of the Zoning Officer to either issue or deny issuance of building permits within the time period prescribed by the applicable provisions of the UCC Uniform Construction Code. He shall issue a permit only upon his determination that the application is in compliance with the Township Zoning Ordinance and other applicable Township codes and ordinances.

2. Prior to the issuance of any building permits on lots or parcels created as part of an approved subdivision or land development plan, any proposed roads providing access to the site shall be improved to at least a gravel/stone surface or the base course completed as required by Section 612A.1 through A.5 of the Township Subdivision and Land Development Ordinance.

3. No building permit shall be issued for any building in any subdivision or land development until the final plans for the said subdivision or land development has been approved and recorded as provided for and until the terms of Section 513A of the Subdivision and Land Development Ordinance have been satisfied.

4. No building permit shall be issued until a copy of the title report to the lot has been submitted to the Township.

5. All markers as required by Section 603 of the Township Subdivision and Land Development Ordinance shall be installed prior to issuance of any building permit for a lot.

6. Where final subdivision or land development approval has been conditioned upon the submission and approval of individual lot grading plans for some or all of the lots, no building permit shall be issued for construction on any such lot until this condition has been complied with.

7. Buildings permits shall expire six (6) months from their date of issuance unless construction has commenced or an extension has been granted by the Board of Supervisors.

SECTION 2705 BUILDING INSPECTOR

The duties of the Building Inspector shall be:

A. To examine all applications for permits to build, alter or demolish to determine compliance with the Township Building Code (UCC Uniform Construction Code) as adopted by the Township.

B. To issue certificates of occupancy after satisfactory inspection of the building or premises is completed subject to changes or approval by the Board of Supervisors.

C. To record and file all applications for permits and certificates and accompanying plans and documents and keep them for public record.

D. To enforce the Township Building Code (UCC Uniform Construction Code) as adopted by the Township.

SECTION 2706 PERMITS ISSUED BY THE BUILDING INSPECTOR

A. **Certificate of Occupancy** - It shall be unlawful for any person to initially occupy any new building, or any building which has undergone alterations, additions, or renovations, until a certificate of occupancy has been duly issued therefore. Such certificates shall also be required for the change in use, tenants or owners, or sale of any non-residential

building or structure, as well as the occupancy of any building for which a building permit is required.

B. **Application for Certificates of Occupancy** - Application for the certificate of occupancy shall be made to the Building Inspector on such forms furnished by the Township.

C. **Issuance of Certificates of Occupancy**

1. A certificate of occupancy for which application has been made shall not be issued until completion of the construction work authorized by the building permit and in the case of a lot created by subdivision, the placement of permanent monuments or pins as required by the Township Subdivision and Land Development Ordinance. Upon notification by the applicant that the construction work has been completed, the Building Inspector shall conduct a final inspection and shall either issue or deny the certificate of occupancy within fifteen (15) days of notification.

2. In the case of a lot or parcel created as part of an approved subdivision plan, no certificate of occupancy permit for any buildings on the lot shall be issued until the following activities have been completed and approved by the Township Engineer:

   a. The placement of applicable monuments or corner pins as required by the Township Subdivision and Land Development Ordinance, and

   b. The paving of any roads necessary to access the property with an all-weather surface (i.e., at least a binder course) in accordance with the standards of Section 612A.6 of the Township Subdivision and Land Development Ordinance.

3. It shall be the duty of the applicant for a building permit to secure the issuance of the required certificate of occupancy, by giving notice of completion as required in paragraph C.l above, notwithstanding the fact that he may be constructing the building, structure, addition, or alteration for the use of another, and further to notify such proposed occupants of the requirements of this section prior to the transfer of ownership or commencement of leasehold of the property.

SECTION 2707 GENERAL PERMIT REQUIREMENTS

The following regulations shall apply to all permit applications:

A. **Conformity**

No permit or certificate shall be issued except in conformity with the regulations of this

Ordinance, and subsequent amendments. Any permits issued on written order of the Zoning Hearing Board or by a court of competent jurisdiction shall be subject to any stipulation contained in that order, and shall comply with the remaining applicable provisions of this Ordinance and other Township codes and ordinances.

B. **Responsibility**

Applications for permits required under this Ordinance may be submitted by an owner or a designated representative, except that the responsibility for obtaining any required permit and compliance with the provisions of this Ordinance shall rest with the property owner.

C. **Additional Evidence**

In all instances in which the Zoning Officer or Building Inspector expresses a reasonable doubt as to the ability of a proposed use or structure to comply with all applicable provisions of this Ordinance, the applicant shall be required to furnish adequate evidence in support of his application. The permit will be denied if such evidence is not presented.

D. **Denial of Permit**

If an application or plans do not conform to the provisions of this Ordinance and other applicable Township codes and ordinances, the Zoning Officer or Building Inspector shall deny such permit and forward such decision in writing to the applicant of his right to appeal to the Zoning Hearing Board per Section 2803A of this Ordinance in the event such application is denied.

E. **Temporary Permits**

1. Upon request of an applicant, a temporary certificate of occupancy may be issued before the entire work covered by the building permit shall have been completed, provided such uncompleted portion or portions may be used and/or occupied safely prior to full completion of the work required without endangering life or public welfare.

2. A temporary zoning or use permit or certificate of occupancy shall be required for such temporary uses as circuses, outdoor concerts, festivals and carnivals, flea markets, temporary religious or other public or quasi-public purposes, and similar temporary uses and/or occupancy. Any tents or canopies used or erected shall be fire retardant. All applications for such temporary uses shall indicate the date of the event; any rain dates; hours of operation; expected number of attendees or participants; type of Township services required (e.g., traffic control, special police, etc.); and verification of county, state, or federal approvals (e.g., Chester County Health Department, Pennsylvania Department of Labor and Industry).

3. Such temporary permits or certificates shall be for the period of time to be

determined by the Zoning Officer or Building Inspector, but in no case for a period exceeding six (6) months.

F. **Official Application**

No application is considered complete and official until all necessary documents have been filed and all fees have been paid to the Township.

G. **Display of Permits**

A building permit, when issued, shall be displayed conspicuously upon the premises during the entire period of construction. Zoning permits, sign permits, and certificates of occupancy need not be displayed, but shall be maintained on the premises and available for public inspection.

H. **Revocation of Permits**

The Zoning Officer or Building Inspector may revoke a permit or approval issued under the provisions of the Zoning Ordinance in case of any false statement or misrepresentation of fact in the application or on the plans on which the permit or approval was based or for any other cause set forth in the Zoning Ordinance.

I. **Changes**

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

SECTION 2708 ENFORCEMENT

The Zoning Ordinance shall be enforced by the Zoning Officer of the Township. The Building Inspector shall enforce the Township Building Code (UCC Uniform Construction Code) as adopted by the Township. Whenever a violation of this Zoning Ordinance or Township Building Code occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint, stating fully the causes and basis thereof, shall be filed with the Zoning Officer in regard to zoning and sign violations and the Building Inspector in regard to building and occupancy violations. The Zoning Officer or Building Inspector shall record properly such complaint, immediately investigate and take action thereon as directed by the Supervisors and as permitted by this Ordinance, the Township Building Code, and the Second-Class Township Code.

SECTION 2709 SCHEDULE OF FEES

The Board of Supervisors shall establish by resolution a schedule of fees, charges and expenses for permits, appeals to the Zoning Hearing Board, curative amendment hearings and other matters pertaining to the administration of this Ordinance. Said schedule of fees shall be available from the Township Secretary/ Treasurer and Zoning Officer and application for permits or hearings shall be considered incomplete until payment in accordance therewith has been made.

SECTION 2710 MUNICIPAL LIABILITY

The granting of any permit under this Ordinance by the Township Zoning Officer or Building Inspector shall not constitute a guarantee or warranty of any kind by the Township or its officials and employees as to any manner of injury resulting from such use, erection, alteration, or extension, and shall create no liability upon or cause of action against such officials or employees for damages or injury that may occur.

SECTION 2711 CONDITIONAL USES

Where permitted within the district regulations of this Ordinance, conditional uses shall comply with the following procedures:

A. **Application**

An application for conditional use approval shall be accompanied by three (3) copies of the proposed plans showing the size and location of the proposed use, all existing and proposed buildings and all proposed accessory facilities, including roads, access drives, parking areas, and natural features within five hundred (500) feet of the subject property, and all tax parcels and owners' names within five hundred (500) feet of the subject property. In addition, the application shall be accompanied by such information in graphic and/or narrative form, to demonstrate compliance with all applicable standards to be met. Feasibility of water supply, sanitary sewage disposal, and storm drainage control should be demonstrated but need not be fully engineered.

Conditional use approval shall be required for any new uses; new construction; and the addition, enlargement, or change in use or the increase in the level of activity or area of a previously approved conditional use.

As part of the application for conditional use approval, the applicant may be required to provide the following additional information as deemed appropriate by the Township Engineer or Board of Supervisors:

1. Site photos

2. Soils report, and a stormwater management feasibility report

3. Cross sections of streams or floodplains, high water table elevation, topographic profiles

4. Specifications and design for building materials, construction methods, any floodproofing, and building elevations

5. Specifications and design of cut and fill areas, grading, and landscaping

6. A description of utilities, and a water supply and sanitary sewage facilities feasibility report

7. Erosion and sedimentation controls, computation of any increase in flood heights or run-off characteristics

8. Listing of all required federal, state, and local permits required

9. Engineer certified design for foundations, floodproofing, and associated requirements

10. Traffic study, including existing and projected traffic volumes (peak hour and total daily), trip generation for proposed use, and existing and projected levels of service for roads and intersections surrounding the subject property.

B. **Procedure**

1. A conditional use application shall be filed with the Township Secretary/Treasurer on such forms as may be prescribed by the Board of Supervisors, accompanied by the required fee.

2. The Board of Supervisors shall schedule and hold a public hearing on the application within sixty (60) days of filing unless the applicant waives or extends the time limitation in writing or on the record at a public hearing. Public notice shall be given in accordance with Section 2902B or as otherwise required by the Pennsylvania Municipalities Planning Code.

3. At least forty-five (45) days prior to the date of hearing, one (1) copy of the application and supporting material shall be furnished to the Township Planning Commission, and any other agencies or consultants deemed appropriate by the Board of Supervisors, together with a request that such agencies submit recommendations regarding the proposed conditional use. Lack of compliance with this subsection shall not be a basis for failing to hold a hearing as required by the Pennsylvania Municipalities Planning Code, but may be a basis for dismissal of a conditional use application at such hearing.

4. Notice of the conditional use application shall be forwarded by regular mail to the owner and the occupant of every lot within five hundred (500) feet from any lot line of the lot in question, provided that failure to give notice as required by this paragraph shall not invalidate any action taken by the Board of Supervisors.

5. The Board of Supervisors shall render a decision within forty-five (45) days after the public hearing (or last public hearing, if more than one is necessary to fully evaluate the proposal).

6. Notice of the conditional use decision shall be provided pursuant to the Municipalities Planning Code. In addition, the Township Board of Supervisors, an applicant, or any landowner or successor in interest of a property subject to or affected by the conditional use decision may publish notice of the decision, once each week for two successive weeks in a newspaper of general circulation, and the said notice shall contain: the name of the applicant, the street address or location of the subject property, the file number or docket number of the decision (if any), a brief description of the nature of the decision, the date upon which the decision is issued, the address of the Township building where the full text of the decision may be reviewed by members of the public, and a statement that the publication is intended to provide notification of a decision and that any person claiming any right to challenge the validity of the decision must bring a legal action within thirty (30) days of the publication of the second notice and if such notice is published by an entity other than the Township Board of Supervisors, then proof of publication shall be provided to the Township for retention in the Township records, however, failure to comply with the filing of the proof of publication shall not invalidate any notice. Additionally, if conditional use approval is granted by the Board of Supervisors, such decision and its conditions may be recorded with the County Recorder of Deeds office. If recorded, a copy of the deed shall be filed with the Township.

7. In the event of approval, if the applicant fails to obtain the necessary building permits within twelve (12) months of the date of approval, or commence work within an additional six (6) months, it shall be deemed that the applicant has withdrawn or abandoned the application, and all conditional uses, permits, and provisions granted shall be null and void; except that the Board of Supervisors may grant, upon application, an extension.

8. Where the application for conditional use approval is part of a subdivision or land development plan, the conditional use application shall be filed prior to preliminary plan approval. The Township shall not be required to grant any preliminary plan approval until such time that the conditional use application is approved. In the event that the conditional use is granted, the conditional use and any associated conditions attached by the Board of Supervisors shall be noted on the preliminary and final plans.

9. Any appeal must be filed pursuant to the Pennsylvania Municipalities Planning

Code.

C. **Standards for Review of Proposed Conditional Use**

To allow adequate evaluation of any conditional use application by the Board of Supervisors, the applicant shall provide any information necessary to ensure that:

1. The proposed use is consistent with the purposes of the Article wherein it is permitted and is consistent with the overall purpose of the zoning ordinance.

2. The proposed use shall meet all of the specific standards and regulations for eligibility which appear in the section of this Ordinance authorizing the proposed conditional use.

3. The proposed use and its location are consistent with the Comprehensive Plan, the Township Act 537 Sewage Facilities Plan, and the infrastructure required to service the area, including the logical extension of public services and utilities.

4. The use will not adversely affect the health, safety, or general welfare of the Township.

5. The proposed use is consistent with the general nature of surrounding uses and will not conflict with existing uses on neighboring properties, and will be maintained in a manner which will protect the character and property values of the surrounding area.

6. The proposed use will provide for safe and adequate access to roads and public utilities and will not create excessive demands on existing streets, services, utilities, stormwater controls, or adversely affecting surrounding properties or the area in general.

7. Any construction will be accomplished using sound design and engineering principles and will not adversely affect existing uses in the area.

8. The proposed use will incorporate proper landscaping, screening, parking, signage, and buffering in accordance with the applicable provisions of this Ordinance.

9. The standards set forth in Section 2807, for the review of special exception applications, shall be met.

The Board of Supervisors may impose such conditions as it deems necessary to ensure compliance with the above standards including, but not limited to the satisfaction of all the applicable requirements and provisions of the Township Subdivision and Land Development Ordinance, and all other Township codes and ordinances, and other regulatory governmental agencies, and may require any impact statements per Section

403I of the Township Subdivision and Land Development Ordinance.

SECTION 2712 MEDIATION OPTION

A. Parties to proceedings authorized in this Article and Articles XXVIII and XXIX of this Ordinance may utilize mediation as an aid in completing such proceedings. In proceedings before the Zoning Hearing Board, in no case shall the Zoning Hearing Board initiate mediation or participate as mediating party. Mediation shall supplement, not replace, those procedures in this Article and Articles XXVIII and XXIX once they have been formally initiated. Nothing in this Section shall be interpreted as expanding or limiting municipal police powers or as modifying any principles of substantive law.

B. Participation in mediation shall be wholly voluntary. The appropriateness of mediation shall be determined by the particulars of each case and the willingness of the parties to negotiate. Parties selecting the mediation option shall, with assistance from a mediator as appropriate, develop terms and conditions for:

1. Funding mediation. The cost of the mediation shall be shared equally by the parties, unless otherwise agreed.

2. Selecting a mediator who, at a minimum, shall have a working knowledge of municipal zoning and subdivision procedures and demonstrated skills in mediation.

3. Identifying all parties and affording them the opportunity to participate.

4. Completing mediation, including time limits for such completion.

5. Suspending time limits otherwise authorized in the Pennsylvania Municipalities Planning Code, provided there is written consent by the mediating parties, and by an applicant, the Board of Supervisors, or the Zoning Hearing Board if either is not a party to the mediation.

6. Subject to legal restraints, determining whether some or all of the mediation sessions shall be open or closed to the public.

7. Assuring that mediated solutions are in writing and signed by the parties, and become subject to review and approval by the Board of Supervisors or Zoning Hearing Board.

C. No offers or statements made in the mediation sessions, excluding the final written mediated agreement, shall be admissible as evidence in any subsequent judicial or administrative proceedings.

SECTION 2713. REVIEW FEES FOR PROFESSIONAL CONSULTANTS

A. Definitions

1. An "applicant" is an individual or entity that has submitted an application for a conditional use.

2. "Professional consultants" include, but are not limited, architects, attorneys, certified public accountants, engineers, geologists, land surveyors, landscape architects or planners.

3. "Review fees" are all fees of professional consultants that are in connection with an application for a conditional use that is related to, but not directly part of, a subdivision and land development application, which are otherwise recoverable under 53 P.S. § 10503. For example (but not limited to), if conditional use approval is required in order for the applicant to proceed with the applicant's subdivision or land development, then "review fees" as herein defined shall apply. Review fees include all reasonable and necessary charges by the municipality's professional consultants for review and report to the Township that are not otherwise reimbursed to the Township or otherwise imposed on an applicant. The review fees of professional consultants shall not be excessive and shall not include fees charged to the Township that were incurred in the course of an appeal of a decision on a conditional use or special exception application. Such expenses shall be reasonable and in accordance with the ordinary and customary charges charged by the municipality's professional consultant for similar services in the community. In no event shall the fees exceed the rate or cost charged by the professional consultant to the municipality for comparable services when fees are not reimbursed or otherwise imposed on applicants.

B. Purpose

The purpose of this section is to codify the existing state law, which requires applicants to reimburse the Township for review fees of professional consultants incurred in connection with conditional use applications which are submitted in conjunction with, in contemplation of, or related to the submission of a subdivision and/or land development application.

C. Fees

An applicant who submits an application for a conditional use in connection with or related to a pending or future application for subdivision or land development approval shall reimburse all review fees incurred by the Township, and, at the discretion of the Township, shall submit an escrow deposit at the time of the application. The escrow deposit shall be in an amount established by the Township's fee schedule, and shall be processed in the same manner as escrow deposits required under West Vincent Township Subdivision and Land Development Ordinance Section 1202(B). All decisions on

conditional uses shall expressly be conditioned on or shall make provision for the payment of the review fees by the applicant.

D. Procedure

The Township shall submit an itemized bill for the review fees of professional consultants to the applicant, identifying the person performing the services, the date and the time spent for each task. The Township shall also provide applicant with a final itemized bill for review fees subsequent to a final decision on an application for a conditional use. Any review fees incurred subsequent to the decision, including inspections and other work necessary to satisfy the conditions of the approval, shall be charged to the applicant as a supplement to the final itemized bill.

In the event that the applicant disputes such review fees, the applicant shall pay such fees and notify the Township and the professional consultant of the basis of the objections to the bill, in writing, no later than forty-five (45) days after the date of transmittal of the bill to the applicant. The failure of an applicant to dispute a bill within 45 days of its transmittal shall serve as a waiver of the applicant's right to further contest the bill and an applicant shall pay the same.

In the event that the Township's professional consultant and the applicant cannot agree on the amount of review fees that are reasonable and necessary, the applicant and Township shall follow the procedures for dispute resolution set forth in 53 P.S. § 10510(g).

E. Severability

In the event that any provision of this section is declared to be unconstitutional, invalid or illegal by a court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of the section.

ARTICLE XXVIII

ZONING HEARING BOARD

SECTION 2801 MEMBERSHIP AND APPOINTMENT

A. **Appointment**

The membership of the Zoning Hearing Board, hereafter referred to as the "Board", shall be in accordance with Article IX of the Pennsylvania Municipalities Planning Code (53 P.S. 10901 et. seq.), as amended. The membership of the Board shall, upon the determination of the Board of Supervisors, consist of either three (3) or five (5) residents of the Township appointed by resolution by the Board of Supervisors. In the case of a three (3) member Board, each term of office shall be three (3) years and shall be so fixed that the term of office of one member shall expire each year. The terms of office of a five (5) member Board shall be five (5) years and shall be so fixed that the term of office of one member shall expire each year. If a three (3) member Board is changed to a five (5) member Board, the members of the existing Board shall continue in office until their term of office would expire under prior law, while the Board of Supervisors shall appoint two (2) additional members to the Board with terms scheduled to expire in accordance with the provisions for a five (5) member Board.

B. **Vacancies**

The Zoning Hearing Board shall promptly notify the Board of Supervisors of any vacancies which occur. Appointments to fill vacancies shall be only for the duration of the unexpired portion of the term.

C. **Limitation of Responsibilities**

Members of the Zoning Hearing Board shall hold no other office in the Township.

D. **Removal of Members**

Any member of the Zoning Hearing Board may be removed for malfeasance, misfeasance or nonfeasance in office or for other just cause by a majority vote by the Board of Supervisors. Such vote shall not take place until which time 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 within fifteen (15) days of receiving such notice.

SECTION 2802 ORGANIZATION

A. Conduct of the Board

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 three members of the Zoning Hearing Board.

B. Establishment of Procedures

The Zoning Hearing Board may make, alter and rescind rules and forms for its procedure, consistent with ordinances of West Vincent Township and the laws of the Commonwealth. The Zoning Hearing Board shall submit a report of its activities to the Board of Supervisors annually.

SECTION 2803 POWERS

The Zoning Hearing Board shall function in strict accordance with and pursuant to the Municipalities Planning Code and shall have all powers set forth therein, including but not necessarily limited to the following powers:

A. Appeals from the Zoning Officer

The Board shall hear and decide appeals where it is alleged that the Township Zoning Officer has failed to follow prescribed procedures or has misinterpreted or misapplied any provision of a valid ordinance or map of the Township or any valid rule or regulation governing the duties of the Zoning Officer.

B. Special Exception

The Board shall hear and decide requests for special exceptions authorized by this Ordinance in accordance with the standards or criteria set forth below. The Zoning Hearing Board may attach such reasonable conditions and safeguards it may deem necessary, as prescribed in Section 2807, to implement the purposes of the Municipalities Planning Code and this Zoning Ordinance. Approval of special exceptions shall be required prior to the issuance of building permits for any new use; new construction; the addition, enlargement, or change in use or the increase in the level of activity or area of a previously approved special exception under the provisions of this Ordinance.

C. Variances

The Board shall hear requests for variances where it is alleged that the provisions of this Zoning Ordinance create unnecessary hardship on an applicant when applied to a tract of land. In granting a variance, the Zoning Hearing Board may attach such reasonable

conditions and safeguards it may deem necessary as prescribed in Section 2806 to implement the purposes of the Municipalities Planning Code and this Zoning Ordinance.

D. **Validity of the Zoning Ordinance**

The Board shall hear and make findings on challenges to the validity of any provision of this Zoning Ordinance with respect to substantive questions as authorized by Section 910 of the Municipalities Planning Code. Any challenge to the procedural validity of any provision of the Zoning Ordinance shall be filed with the Chester County Court of Common Pleas, pursuant to the Municipalities Planning Code.

SECTION 2804 HEARINGS

The Zoning Hearing Board shall conduct hearings and make decisions in accordance with the following requirements:

A. **Application**

All applications to the Zoning Hearing Board shall be on forms supplied by the Township and shall be accompanied by a plot plan showing the size and location of the proposed use, all existing and proposed buildings and accessory structures/buildings, topographic features, and natural features, including water courses, wetlands, and woodlands. In addition, the application shall be accompanied by such information in graphic and/or narrative form to demonstrate compliance with all applicable standards to be met and reasons for Zoning Hearing Board action.

B. **Notice**

Upon filing a request for a hearing, the Board shall fix a reasonable time and place for public hearings and shall give notice thereof as follows:

1. By publishing a notice thereof pursuant to the Pennsylvania Municipalities Planning Code.

2. By mailing a notice thereof to the applicant, the Zoning Officer, the Township Secretary, each member of the Board of Supervisors, each member of the Planning Commission, Township Solicitor, the Chester County Planning Commission, and to every person or organization who 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 mailing or delivering a notice thereof to the owner, if his residence is known, and the occupant of every lot within five hundred (500) feet from any lot line of

the lot in question, provided that failure to give notice as required by this paragraph shall not invalidate any action taken by the Board.

5. The notice herein required shall state the location of the lot or building and the general nature of the question involved.

C. **Timing**

A hearing shall be held within sixty (60) days from the official application date requesting a hearing. The official application date shall be the date the application is received by the Board.

D. **Parties to the Hearing**

The parties to the hearing shall be the Township, the property owner, any person affected by the application who has made timely appearance of record before the Board, and any other person including civic or community organizations permitted to appear by the Board. The Board shall have the power to require that all persons who wish to be considered parties enter appearances in writing on forms provided by the Board for that purpose.

E. **Powers of the Chairman**

The Chairman or Acting Chairman of the 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 and present evidence and argument 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. It shall be the duty of the Board to issue an order in any case wherein a special exception or a variance is granted.

H. **Record of the Proceedings**

The Board shall keep a stenographic record of the proceedings, and a transcript of the proceedings. Copies of graphic or written material received in evidence shall be made available to any party at cost.

I. **Communications**

The Board shall not communicate, directly, or indirectly, with any party or his representatives in connection with any issue involved except upon notice of any communication, unless the parties are afforded an opportunity to contest the material and shall not inspect the site or its surroundings with any party or his representative unless all parties are given an opportunity to be present.

SECTION 2805 DECISIONS

The Board 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. Each decision shall be accompanied by findings and conclusions together with the reasons for such conclusions. Conclusions based on any provisions of this Ordinance or of any act, rule or regulation shall contain a reference to the provision relied on and their reasons why the conclusion is deemed appropriate in light of the facts found. Where the Board fails to render the decision within the period required by this Section, or fails to hold the required hearing within sixty (60) days from the date of the applicant request for a hearing, the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing or on the record to an extension of time. When a decision has been rendered in favor of the applicant because of the failure of the Board to meet or render a decision as herein above provided, the Township Secretary shall give public notice of said decision within ten (10) days in the same manner as provided in Section 2804B above.

A copy of the final decision, or the findings where no decision is called for, shall be delivered to the applicant personally or mailed to him by certified mail no later than the day following its date. To all other persons who have filed their name and address with the Board no later than the last day of the hearing, the Board shall provide by mail or otherwise, brief notice of the decision or findings and a statement of the place at which the full decision or findings may be examined.

Public notice of the decision may be given pursuant to Section 2711.B.6 above. Additionally, if a decision has been granted in favor of the applicant, such decision and any conditions may be recorded with the property deed at the County Recorder of Deeds office. A copy of the recorded deed shall also be filed with the Township.

When a decision has been rendered in favor of the applicant, it does not relieve the applicant from having to comply with the other requirements of this Ordinance.

SECTION 2806 STANDARDS FOR REVIEW OF VARIANCE REQUESTS

The Zoning Hearing Board may grant a variance based on the provisions of this Ordinance provided the following standards are satisfied where relevant in a given case:

A. **Unique or Irregular Conditions**

Unique physical circumstances or conditions exist, including irregularity, narrowness or shallowness of the lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property. An unnecessary hardship must be created by such conditions, and not the circumstances or conditions generally created by the provisions of the Zoning Ordinance in the district in which the property is located.

B. **Strict Conformity**

Because of the physical circumstances or conditions described in Section 2806A, there is no possibility that the property can be developed in strict conformity with the applicable provisions of the Zoning Ordinance and the authorization of a variance is therefore necessary to enable the reasonable use of the property.

C. **Liability of the Applicant**

Such unnecessary hardship described in Section 2806A has not been created by the applicant, subsequent to the adoption of this Zoning Ordinance, or prior ordinances, and that strict application of the provisions of this Zoning Ordinance would deprive the applicant of the reasonable use of land, structure or building.

D. **Effect of Variance on District**

The variance, if authorized, will not alter the essential character of the applicable zoning district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, including adjacent historic resources, nor be detrimental to the public welfare.

E. **Minimum Variance**

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.

F. **Conditions**

The variance, if authorized, shall be subject to such conditions as will assure that the adjustment of provisions of this Ordinance shall not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zoning district in which the property is situated.

G. **Financial Gain**

In no case shall a variance be granted solely for reasons of additional financial gain on the part of the applicant.

SECTION 2807 STANDARDS FOR REVIEW OF SPECIAL EXCEPTION REQUESTS

The Zoning Hearing Board shall hear and decide all requests for special exception uses as identified within this Ordinance in accordance with the following standards:

A. **Relationship to the Comprehensive Plan**

The size, scope, extent and character of the proposed special exception is consistent with community goals and objectives of the West Vincent Township Comprehensive Plan.

B. **Relationship to the Zoning Ordinance**

The proposed special exception promotes the harmonious and orderly development of the Township and is within the spirit, purpose and intent of this Ordinance, and will not adversely affect the public health, safety and welfare of the Township residents.

C. **Suitability of the Tract**

Consideration of the suitability of the tract including environmental conditions, highway access and availability of sewer and water facilities.

D. **Impact on Existing Neighborhood Character**

The proposed use is consistent with the character and type of development in the area surrounding the location for which the use is proposed and will not substantially impair, alter or detract from the use of surrounding property or of the character of the neighborhood in light of existing uses and zoning classification of the area; the affect on the other properties in the area, including historic resources; the number, extent and scope of nonconforming uses in the area; and the presence or the absence in the neighborhood of conditions or uses which are the same or similar in character to the condition or use for which the applicant seeks approval.

E. **Impact on Circulation**

The proposed use is suitable with respect to traffic patterns and volumes, access, and off-street parking in order to protect the surrounding neighborhood and road system from undue congestion and hazards; and that major street or highway frontage will be developed so as to limit the total number of access points and encourage the frontage of buildings on marginal access roads or on interior service roads.

F. **Community Facilities**

The proposed use is reasonable in terms of the logical, efficient and economic extension

of public services and facilities such as public water, sewers, police and fire protection and public schools or assures adequate provisions for on-site water supply and sewage disposal.

G. **Performance Standards**

Properties adjacent to the proposed special exception are adequately safeguarded with respect to harmonious design of buildings; aesthetics; planting screens; landscaping; hours of operation; lighting; numbers of persons involved; density; accessory activities; noise; sanitation; safety; smoke and air pollution control; noxious, offensive or hazardous elements.

H. **Economic Impact**

The character and type of use proposed will not have a significantly adverse impact on the fiscal condition of the Township and will not detract from the property values of the neighborhood.

SECTION 2808 APPEALS TO COURT

Any person aggrieved by any decisions of the Zoning Hearing Board may appeal to the Court of Common Pleas of Chester County as provided by the Municipalities Planning Code.

SECTION 2809 EXPIRATION OF SPECIAL EXCEPTIONS AND VARIANCES

The validity of a special exception or variance shall not exceed one (1) year from the date of the decision, unless such time is extended by the Zoning Hearing Board. The length of time shall be assigned by the Zoning Hearing Board on a case by case basis. The special exception or variance shall expire and be revoked if the applicant fails to apply for the appropriate approvals (i.e., subdivision or land development plan, conditional use, building permit) within such one (1) year time period, unless extended by the Township.

SECTION 2810 MEDIATION OPTION

Parties to proceedings authorized in this Article may utilize mediation as an aid in completing such proceedings in accordance with the provisions of Section 2712 of this Ordinance.

ARTICLE XXIX

AMENDMENTS

SECTION 2901 POWER OF AMENDMENT

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

SECTION 2902 PROCEDURE

The following procedure shall be observed prior to the adoption of any amendment or change to this Ordinance or Zoning Map:

A. **Public Hearing**

Prior to taking action on the enactment of any amendment, the Board of Supervisors shall hold a public hearing thereon pursuant to public notice. The time and place of public hearings shall be fixed by the Board of Supervisors. Full opportunity to be heard will be given to any resident and all parties of interest attending such hearing.

B. **Public Notice**

The Board of Supervisors shall advertise public hearings by publishing a notice of the time and place such hearings shall occur in a newspaper having general circulation in the Township. Such notice shall not be more than thirty (30) days and not less than seven (7) days before the date fixed for the hearing. Such notice shall be published once each week for two successive weeks. The notice shall include either the full text thereof, or a brief summary setting forth the principal provisions in reasonable detail, and a reference to a place within the Township where copies of the proposed amendment may be examined.

Whenever a change in the Zoning Map is proposed, the Township shall forward by mail notice of such proposed change to the owner and the occupant of every lot affected by such proposed change and of every lot within five hundred (500) feet from the proposed district line, provided that failure to give notice as required by this paragraph shall not invalidate any action taken by the Board.

C. **Planning Commission Referral**

In the case of an amendment other than that prepared by the Township Planning Commission, the Board of Supervisors shall submit such amendment to the Planning Commission at least thirty (30) days prior to the hearing on such proposed amendment to provide the Planning Commission an opportunity to submit recommendations. The recommendations of the Planning Commission shall be submitted in writing to the Board

of Supervisors. The Planning Commission shall consider whether or not the proposed change or amendment would be, in the view of the Commission, consistent with the purposes and objectives of this Ordinance and desirable in furthering the Comprehensive Plan.

D. **County Planning Commission Referral**

The Board of Supervisors or Planning Commission shall submit all amendments to the County Planning Commission at least thirty (30) days prior to the hearing on such proposed amendment for recommendation.

E. **Decision**

The Board of Supervisors shall not take action on the proposed amendment until the Planning Commission and the County Planning Commission recommendations are made. If such recommendations are not received within thirty (30) days from the date the referral to these agencies, the Board of Supervisors may proceed without such recommendations. Decisions regarding amendments shall be acted on by the Board of Supervisors at a public meeting within ninety (90) days after the public hearing. Any amendments shall be incorporated into the official Zoning Ordinance of the Township by reference with the same force and effect as if duly reported therein.

F. **Notice of Ordinance Enactment**

Notice of the enactment of an ordinance may be provided pursuant to the Municipalities Planning Code, although the failure to do so shall not provide a basis for challenge the validity of such ordinance.

SECTION 2903 AMENDMENT BY LANDOWNER PETITION

Whenever the owners of fifty percent (50%) or more of the total area of any zoning district, wherein a change of zoning regulations is sought, shall present to the Board of Supervisors a petition duty signed and acknowledged requesting an amendment, supplement, change, modification or repeal of an of the regulations or restrictions prescribed by this Ordinance for their district, or a change in the Zoning Map including such district or part thereof, it shall be the duty of the Board of Supervisors to hold a public hearing thereon and cause notice thereof to be given in the manner prescribed in Section 2902. Applicants to the Board of Supervisors for the amendment shall, upon the filing of such application, pay the appropriate fees established by the Township for each application to cover the costs of advertising and aforesaid notice. The applicant shall pay the cost of stenographic service and any other expense incurred in connection with such application, provided, however, that if the total of the aforesaid costs and expenses does not exceed the amount provided, any difference shall be refunded to the applicant.

SECTION 2904 PROCEDURE UPON CURATIVE AMENDMENTS

A. A landowner who desires to challenge on substantive grounds the validity of the Zoning Ordinance or Map or any provision thereof, which prohibits or restricts the use or development of land in which he has an interest, may submit a challenge in accordance with 916.1 of the Municipalities Planning Code. The curative amendment and challenge shall be referred to the Township Planning and County Planning Commissions as provided in Section 2902 above and notice of the hearing thereon shall be given as provided in Sections 610 and 916.1 of the Municipalities Planning Code. The hearing shall be conducted in accordance with subsections D through H of Section 2804 of this Ordinance.

B. A landowner who has challenged on substantive grounds the validity of the Township Zoning Ordinance or map under paragraph A above shall not submit any additional substantive challenges involving the same parcel, group of parcels or part thereof until such time as the status of the landowner's original challenge has been finally determined or withdrawn; provided, however, that if after the date of the landowner's original challenge the Township adopts a substantially new or different Zoning Ordinance or zoning map, the landowner may file a second substantive challenge to the new or different Zoning Ordinance or zoning map under paragraph A. above.

SECTION 2905 APPLICABILITY OF ORDINANCE AMENDMENTS

When an application for either a special exception or a conditional use has been filed with either the Zoning Hearing Board or the Board of Supervisors, as relevant, and the subject matter of such application would ultimately constitute either a land development or a subdivision, no change or amendment of the Zoning Ordinance shall affect the decision on such application adversely to the applicant, and the applicant shall be entitled to a decision in accordance with the provisions of the Zoning Ordinance as it stood at the time the application was duly filed. Provided, further, should such an application be approved by either the Zoning Hearing Board or the Board of Supervisors, as relevant, the applicant shall be entitled to proceed with the submission of either land development or subdivision plans within a period of six (6) months or as may be approved by either the Zoning Hearing Board or the Board of Supervisors following the date of such approval in accordance with the provisions of the Zoning Ordinance as it stood at the time the application was duly filed before either the Zoning Hearing Board or the Board of Supervisors, as relevant. If either a land development or subdivision plan is so filed within said period, such plan shall be subject to the provisions of Article V of the Township Subdivision and Land Development Ordinance and Section 508.(4) of the Municipalities Planning Code.

SECTION 2906 MEDIATION OPTION

Parties to proceedings authorized in this Article may utilize mediation as an aid in completing such proceedings in accordance with the provisions of Section 2712 of this Ordinance.

ARTICLE XXX

ENFORCEMENT REMEDIES AND PENALTIES

SECTION 3001 CAUSES OF ACTION

In case any building, structure, landscaping or land is, or is proposed to be, erected, constructed, reconstructed, altered, converted, maintained or used in violation of this Ordinance or any regulations made pursuant thereto, the Zoning Officer or the Board of Supervisors, or any 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 provided by law, may institute any appropriate action or proceeding to prevent, restrain, correct or abate such building, structure, landscaping or land, or to prevent, in or about such premises, any act, conduct, business or use constituting a violation. When any such action is instituted by a landowner or tenant, notice of that action shall be served upon the Township at least thirty (30) days prior to the time the action is begun by serving a copy of the complaint on the Board of Supervisors. No such action may be maintained until such notice has been given to the Board of Supervisors. 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.

SECTION 3002 ENFORCEMENT NOTICE

If it appears to the Township that a violation of this Ordinance has occurred, the Zoning Officer or the Board of Supervisors shall initiate enforcement proceedings by sending an enforcement notice as follows:

A. The enforcement notice shall be sent to the owner of record of the parcel on which the alleged 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.

B. 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 Ordinance.

4. The date before which the steps for compliance must be commenced and the date before which the steps must be completed.

5. That the recipient of the notice has the right to appeal to the Zoning Hearing Board within thirty (30) days of receipt of the enforcement notice.

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 clearly described.

SECTION 3003 <u>ENFORCEMENT REMEDIES</u>

Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this Ordinance shall, upon conviction thereof in a civil enforcement proceeding, pay a judgment of not less than two hundred dollars ($200.00) and not more than five hundred dollars ($500.00) plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation is continued shall constitute a separate violation, unless the District Justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating this Ordinance to have believed that there was no 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 this Ordinance shall be paid over to the Township.